AGENDA
REGULAR MEETING
COUNCIL OF SAN BENITO COUNTY GOVERNMENTS

DATE: Thursday, April 19, 2018
3:00 p.m.

LOCATION: Board of Supervisors Chambers
481 Fourth St., Hollister, CA 95023

DIRECTORS: Chair Jaime De La Cruz, Vice Chair Tony Boch
Directors Anthony Botelho, Jim Gillio, and Ignacio Velazquez
Alternates: San Benito County: Jerry Muenzer;
City of Hollister: Mickie Solorio Luna; City of San Juan Bautista: Jim West
Ex Officio: Caltrans District 5

Persons who wish to address the Board of Directors must complete a Speaker Card and give it to the Clerk prior to addressing the Board. Those
who wish to address the Board on an agenda item will be heard when the Chairperson calls for comments from the audience. Following recognition,
persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the Public
Comment portion of the agenda item will be closed. The Opportunity to address the Board of Directors on items of interest not appearing on the agenda will be provided during Section C. Public Comment.

3:00 P.M. CALL TO ORDER

A. Pledge of Allegiance
B. Verification of Certificate of Posting
C. Public Comment (Opportunity to address the Board on items of interest on a subject matter within the jurisdiction of the Council of Governments and not appearing on the agendas. No action may be taken unless provided by Govt. Code Sec. 54954.2 Speakers are limited to 3 minutes.)
D. Executive Director’s Report
E. Caltrans Report - Gubbins/ Loe
F. Board of Directors’ Reports

CONSENT AGENDA:
(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members
of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)

1. APPROVE Council of Governments Draft Meeting Minutes Dated March 15, 2018 - Gomez

2. RECEIVE Construction Projects Report - Caltrans District 5
3. **RECEIVE** the Draft 2018 Title VI Program and Language Assistance Plan (LAP) for Limited English Proficiency (LEP) Individuals - Lezama

4. **Fiscal Year 2017/2018 Overall Work Program** - Lezama
   a. **APPROVE** Amendment No. 3 to the Fiscal Year 2017/18 Overall Work Program, Supplemented the Rural Transportation Performance Management Study (Attachment 1) and Budget (Attachment 2), and Revising Budget for Work Elements No. 201 and 301; and
   b. **APPROVE** Continuing Cooperative Agreement with the Association of Monterey Bay Area Governments for Reimbursement for Work Related to a Rural Transportation Performance Management Study (Attachment 3) and Authorize the Executive Director to Sign; and
   c. **APPROVE** Amendment No. 2 to the FY 2017/18 Overall Work Program Agreement with the California Department of Transportation (Attachment 4) and Authorize the Executive Director to Sign.

**REGULAR AGENDA:**

5. **RECEIVE** Update on the San Benito Route 156 Improvement Project Status - Gilbert

6. **RECEIVE** Update on the Transportation Safety and Investment Plan (TSIP) and **DIRECT Staff** Regarding Draft Investment Plan Elements - Gilbert


**Adjourn to COG Meeting on May 17, 2018. Agenda Deadline is Tuesday, May 1, 2018 at 12:00 p.m.**
District Director’s Report

A quarterly publication for our transportation partners

Highway 1 Realignment Completed

Caltrans recently completed the $21.3 million Highway 1 Piedras Blancas project, which realigned 2.8 miles of roadway to protect from rising sea levels, storms and coastal erosion in San Luis Obispo County. The project moved Highway 1 up to 4,715 feet inland from its previous alignment and installed parking for trail access at both ends of the new segment. The new facility features widened shoulders near the Hearst San Simeon State Park.

All land west of the realigned highway will become state park land once restoration and mitigation work is completed on the old alignment. Over the next several years, the project will also restore and enhance 12 acres of off-site state park lands to mitigate impacts to natural areas. Caltrans also contributed $1.4 million for State Parks to construct a 3.5-mile new segment of the California Coastal Trail. The pathway will connect the existing network of bluff-top trails north and south of the new roadway with bicycle and pedestrian accessibility.

Highway 1 is a State Scenic Route, National Scenic Byway and All-American Road on the Pacific Coast Bicycle Route. More information: http://www.dot.ca.gov/distocs/projects/slos_piedras_index.htm

Roundabout Benefits

So far, District 5 has implemented three roundabouts on the state highway system in Santa Barbara County and local partners are planning for more throughout the District. Roundabouts are safer, more efficient, less costly and more aesthetically appealing than conventional intersections, according to the Federal Highway Administration. They substantially reduce the types of crashes resulting in injury or loss of life—from 78 to 82 percent compared to conventional stop-controlled and signalized intersections. Safety benefits include reducing the following collision types:

- 37 percent overall
- 75 percent injury
- 90 percent fatality
- 40 percent pedestrian

Caltrans District 5

District Director
Timothy Gubbins

Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability.

Photos Source: FHWA

The likelihood and severity of collisions are reduced as travel speeds are lowered between 15 and 25 mph. The innovative improvement also features a continuous, circular flow of traffic. Motorists yield to other drivers’ only before entering a roundabout; if no other vehicles are present, they continue moving. The mobile traffic helps prevent the incentive to speed up and beat the light as often occurs at more traditional signalized intersections. Roads entering a roundabout are gently curved to direct vehicles into the intersection and travel counterclockwise around the facility.

Continued on back

Please Submit Maintenance Service Requests at the Following Link: http://www.dot.ca.gov/hq/maint/msrsubmit/
Roundabout continued

The curved roads and one-way travel eliminate the possibility for T-bone and head-on collisions. Roundabouts are adaptable to different locations and come in all shapes and sizes, including oval, teardrop, peanut and dog-bone. They feature small, simple, single-lane facilities along with larger and more complex multi-lanes. They are designed to allow pedestrians to cross one direction of traffic at a time on each leg. The fewer conflict points for vehicles and pedestrians—plus slower speeds, well-defined crossings and splitter islands—result in motorists yielding to those on foot.

At roundabouts, bicyclists have the option to either take the lane as a vehicle or pedestrian on the shared use path around the facility. Recent nationwide safety research has not yet noted any substantial problems for bicyclists.

Some studies show these improvements generate significantly less air pollution from vehicles compared to a stop-controlled intersection. They are also more cost-effective with the following benefits: safety, life-cycle, fewer travel delays, reduction of both fuel consumption and greenhouse gas emissions, and less right-of-way requirement on approaching streets. More information:

Transportation Asset Management Plan

The 2018 draft Transportation Asset Management Plan provides a framework for addressing performance gaps, prioritizing actions and instituting business practices streamlining asset management activities. The main goals include strengthening local, regional and state coordination and improving transportation infrastructure management through transparent information. Caltrans produced the living document through extensive statewide public outreach. It will be regularly updated with performance outcomes and consistency with the 2017 State Highway System Management Plan’s 10-year project plan. More information:
http://www.dot.ca.gov/assetmgmt/tam_plan.html

Climate Change Vulnerability

Caltrans recently released its first Climate Change Vulnerability Assessment detailing potential impacts to the state highway system in the San Francisco Bay Area. This is the first of 22 studies planned to cover each Caltrans District. The online report discusses the effects of rising sea levels and higher storm surges, more frequent wildfires, changing precipitation patterns and increasing temperatures. It also provides data to address changes in planning, design, construction, operations and maintenance.

Overall, the assessment seeks to guide future planning processes and investments ensuring the long-term future of the state’s transportation system. District 5’s assessment awaits more elevation data, and is scheduled for release in spring 2019. More information:
http://www.dot.ca.gov/paffairs/pr/2017/pr20170721pr32.html

Planning Grants Produce Sustainable Communities

Caltrans recently awarded the following transportation planning grants in District 5:

Sustainable Communities:

- TAMC – Seaside and Marina Complete Streets Plan, $362k.
- City of Guadalupe – Mobility and Revitalization Plan, $206k.
- City of Watsonville – Complete Streets Plan, $321k.
- Santa Cruz County Health Services Agency – Complete Streets to Schools Plan, $367k.
- AMBAG – Central Coast Highway 1 adaptation strategies, $360k.
- City of Carpinteria – Sea Level Rise Transportation Policy & Infrastructure Adaptation Plan, $221k.
- Santa Ynez Band of Chumash Indians – Transportation Climate Change Vulnerability study, $185k.
- SBCAG – Santa Barbara County Transportation Network Resiliency Assessment, $100k.

SB 1 provided $25 million statewide for 2017-2018 local transportation planning grants

These successful grants were funded through the recently enacted Senate Bill 1, the Road Repair and Accountability Act, for maintaining and integrating the state’s multimodal transportation system. This funding adds to the Sustainable Transportation Planning Grant Program.

Call for Projects

A call for projects is under way for the 2018/2019 Transportation Planning Grants, which include Sustainable Communities ($29.5 million), Strategic Partnerships ($4.3 million) and Adaptation Planning ($7 million). Successful projects directly benefit the multimodal transportation system by improving public health, social equity, the environment and community livability.
Deadline to submit applications to Caltrans is Friday, Feb. 23, 2018. Online applications, guidelines and more information:
http://www.dot.ca.gov/hq/tpp/grants.html
SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
REGULAR MEETING

March 15, 2018, 3:00 P.M.

DRAFT MINUTES

MEMBERS PRESENT:
Chair De La Cruz, Vice-Chair Boch, Director Botelho, Director Gillio, and Director Velazquez
Ex Officio: Caltrans District 5, Aileen Loe

STAFF PRESENT:
Deputy County Counsel, Shirley Murphy; Executive Director, Mary Gilbert; Transportation Planner, Veronica Lezama; Secretary I, Monica Gomez

OTHERS PRESENT:
Clifford Moss, Laura Crotty; Association of Monterey Bay Area Governments, Sean Vienna

CALL TO ORDER:
Chair De La Cruz called the meeting to order at 3:01 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING
Upon a motion duly made by Director Boch, and seconded by Director Botelho, the Directors acknowledged the Certificate of Posting. Vote: 5/0 motion passes.

C. PUBLIC COMMENT:
Chair De La Cruz stated for the record that the COG Board received Joe Thompson’s public comment correspondence dated February 18, 2018 through May 15, 2018. The correspondence was entered into the public record.

D. EXECUTIVE DIRECTOR’S REPORT: Gilbert

Ms. Gilbert asked the Board to pull Item 4 from the Consent Agenda and continue the item to the April meeting.

E. CALTRANS DISTRICT 5 REPORT: Aileen Loe

Aileen Loe, reported that Governor Brown has appointed Laurie Berman to serve as the new Director of the California Department of Transportation (Caltrans). This comes as Director Malcolm Dougherty announced his departure from public service to pursue other opportunities in the private sector. Tim Gubbins is in San Diego as the Interim District 11 Director, and Richard Rosales is the Acting Director for Caltrans District 5.

F. BOARD OF DIRECTORS REPORTS:
Director Botelho requested that Caltrans look into replacing the lighting at the Park & Ride lot located out on Highway 156 and Searle Road.

Ms. Loe stated that Caltrans will look into the issue at the Park & Ride lot and report back.

Director Gillio requested that Caltrans provide an update on the Highway 156 Widening project at a future meeting.

Ms. Gilbert stated that the State Route 156 Improvement project funding is included on the next California Transportation Commission (CTC) staff recommendation for approval for the fiscal year per our Regional Transportation Improvement Program. Staff will agendize the item and coordinate with Caltrans staff to provide a report to the Board at a future meeting.

Director Boch inquired if Caltrans had reconsidered the roundabout at the intersection of Union Road and Highway 156.

Ms. Loe stated that a roundabout was evaluated, but it was determined that it was not suitable for that area because of the volume of traffic that comes off of Union Road, which would cause traffic to back-up onto Highway 156.

Director Botelho asked that Caltrans look into an issue with vendors setting up at the turnout along Highway 156 near Mission Vineyard Road. He stated that it has become a safety concern and asked if it would be possible to place no parking signs in the area.

Ms. Loe stated that she would look into the issue and report back to the Board.

CONSENT AGENDA:

1. APPROVE Council of Governments Draft Meeting Minutes Dated February 15, 2018 – Gomez
2. RECEIVE Construction Projects Report – Caltrans District 5
3. Fiscal Year 2018/2019 Draft Overall Work Program – Lezama
   a. RECEIVE Fiscal Year 2018/2019 Draft Overall Work Program, which Includes Planning Activities to be Performed by the Council of Governments; and
   b. AUTHORIZE Submittal of Fiscal Year 2018/2019 Draft Overall Work Program to the California Department of Transportation for Comment.
4. Fiscal Year 2017/2018 Overall Work Program – Lezama
   a. APPROVE Amendment No. 3 to the Fiscal Year 2017/2018 Overall Work Program, Supplementing the Rural Transportation Performance Management Study Budget (Attachment 1 and 2) and Revising Budget for Work Element No. 201 and 301 (Attachment 2).
   b. APPROVE Amendment No. 3 to the FY 2017/18 Overall Work Program Agreement with the California Department of Transportation (Attachment 3) and Authorize the Executive Director to Sign.
   c. APPROVE Continuing Cooperative Agreement with the Association of Monterey Bay Area Governments for Reimbursement for Work related to a Rural Transportation Performance Management Study (Attachment 4) and Authorize the Executive Director to Sign.

There was no public comment on the Consent Agenda.
Upon a motion duly by made by Director Boch, and seconded by Director Velazquez, the Directors approved Items 1 -3 from the Consent agenda and continued Item 4 to the April meeting. Vote: 5/0 motion passes.

**REGULAR AGENDA**

**TRANSPORTATION ITEMS:**

5. **RECEIVE** Update on Transportation Funding Strategy and Expenditure Plan for a Sales Tax Measure and **SET** Special Meeting Date for April 5, 2018 – Gilbert

Ms. Gilbert reported that staff is working on implementation of work items as directed by the COG Board for development of an expenditure plan for a tax measure to be considered by voters in November 2018. Ms. Gilbert mentioned that there was a good turnout at a stakeholder meeting hosted by staff earlier in the afternoon.

Ms. Gilbert introduced Laura Crotty with CliffordMoss. Ms. Crotty provided a Power-Point presentation on the Pre-Electoral Public Engagement Overview and answered questions from the Board. She also went over the timeline of current work and next steps.

There followed some discussion from the Board. They spoke about having a draft expenditure plan in place to help when going out to speak at stakeholder meetings and with members of the public. There was discussion about being committed and having a unified message that they as the COG Board, as well as their respective City Council’s, and County Board communicate to the public.

Board members thanked stakeholders and other members of the public for their participation and feedback.

**Public Comment:**

**Stephen Rosati**
Hollister

Mr. Rosati stated that we need to move at a quick pace and mitigate any negative comments. He stated that he would like to see if staff can seek input from Carl Guardino, from the California Transportation Commission so that it can somehow be incorporated in the measure. He stated that the Highway 25 project is very controversial and there needs to be clear direction so that they can get the voters to support Highway 25. He stated that our existing yearly funding sources should be out in the open so they know how much money can be allocated to projects. He also said that we need to come up with sources of revenue so that we know how much revenue is available for allocating outside of the normal processing that goes on. He stated that some of the longtime residents may be more open to a measure, if the City becomes really aggressive on addressing the existing City roads that have not been addressed for some time.

Ms. Gilbert stated that staff along with representatives from CliffordMoss will continue to work with the Board and stakeholders, hosting meetings, listening/answering questions from the public to develop a cohesive draft expenditure plan. Ms. Gilbert stated that staff will provide a draft expenditure plan to the Board at the April 19th COG meeting.

Director Gillio stated that it may be a good idea for fellow directors to go back to their respective Board’s at the City’s and County and educate the public on their Traffic Impact Fee’s, current balances, and where the funds are being allocated. This will help provide a better understanding of where the money is going and where there are still some funding shortfalls.
Director Botelho stated that it may also be a good idea to have some of the projects, such as the Highway 25 project, bonded.

The COG Board set special meeting date for April 5, 2018 at 3:00 p.m. at the Board of Supervisors Chambers.

6. **RECEIVE** Update on Senate Bill 1 and Proposition 69 and **DIRECT STAFF** to prepare Resolutions of Support for Consideration in April – Gilbert

Ms. Gilbert provided the Board with an update on the current legislation relating to transportation funding, Senate Bill 1, as well as Proposition 69 which will go before California voters in June 2018.

Ms. Gilbert stated that staff was seeking direction from the COG Board to prepare a resolution in support of Proposition 69, to protect transportation funding, and in opposition of a November 2018 ballot measure that would repeal the new transportation revenues provided by SB 1.

**Public Comment:**

Stephen Rosati
Hollister

Mr. Rosati asked where the past diverted funds are, and how much of the funds have been replaced. He asked if the funds will be replaced if SB 1 goes through, and if Proposition 69 goes through then it will never happen again and they’ll have to look elsewhere to raid funds. He asked if 20 years of funds will be sitting in limbo, and if Prop. 69 will address that. Mr. Rosati stated that there may need to be another resolution to rectify this past funding that’s gone so we can clean it up to date and start with a clean slate. He added that this cancerous stuff needs to stop.

There was no further discussion on the item

There was consensus from the Board to direct staff to prepare Resolutions of support for Senate Bill 1, as well as Proposition 69.

*Upon a motion duly made by Director Velazquez, and seconded by Director Boch, the Directors Unanimously adjourned the COG meeting. The meeting was adjourned at 3:41 p.m. Vote: 5/0 motion passes.*

**ADJOURN TO COG MEETING APRIL 15, 2018 at 3:00 P.M.**
## CONSTRUCTION PROJECTS

<table>
<thead>
<tr>
<th>Project</th>
<th>Location/Post Mile (PM)</th>
<th>Description</th>
<th>Construction Timeline</th>
<th>Construction Cost</th>
<th>Funding Source</th>
<th>Project Manager (Resident Engineer)</th>
<th>Contractor</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Highway 156 Hollister CAPM (1C8404)</td>
<td>Near Hollister, just west of Hudner Lane overhead to the Santa Clara County Line (PM 10.0/18.4)</td>
<td>Pavement preservation</td>
<td>Fall 2016-Spring 2018</td>
<td>$5.6 million</td>
<td>SHOPP</td>
<td>Brandy Rider (DP)</td>
<td>Granite Construction Company, Watsonville, CA</td>
<td>Punch list work is complete. Remaining work is rumble strip modification. Project is scheduled for completion in April 2018, weather permitting.</td>
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## PROJECTS IN DEVELOPMENT

<table>
<thead>
<tr>
<th>Project</th>
<th>Location/Post Mile (PM)</th>
<th>Description</th>
<th>Construction Timeline</th>
<th>Construction Cost</th>
<th>Funding Source</th>
<th>Project Manager</th>
<th>Phase</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Highway 25 Curve Restoration Project (1H810)</td>
<td>On SR 25, near Hollister, just north of San Benito Lateral to south of SR 146 (PM 18.8/19.1)</td>
<td>Curve restoration</td>
<td>Scheduled to start October 2020</td>
<td>$4.3 million</td>
<td>SHOPP</td>
<td>Brandy Rider</td>
<td>PA&amp;ED</td>
<td>Project design and environmental review are ongoing.</td>
</tr>
<tr>
<td>3. Highway 25 Super Elevation Adjustment and Culvert Extension (1C260)</td>
<td>In San Benito County, just North of La Gloria Road (PM 25.9/R26.2)</td>
<td>Curve correction</td>
<td>Scheduled to start Fall 2018</td>
<td>$2.1 million</td>
<td>SHOPP</td>
<td>Brandy Rider</td>
<td>PS&amp;E/ROW</td>
<td>Project design continues with concurrent ROW acquisitions and utility work.</td>
</tr>
<tr>
<td>4. Highway 25 Roadway Safety Improvements (1F430_)</td>
<td>In Hollister, San Benito County, from Sunnyslope/Tres Pinos Road to San Felipe Road (PMR49.9/R52.2)</td>
<td>Route deficiency corrections</td>
<td>Scheduled to start Fall 2018</td>
<td>$6.9 million</td>
<td>SHOPP</td>
<td>Brandy Rider</td>
<td>PS&amp;E/ROW</td>
<td>Project design continues with concurrent ROW acquisitions and utility work.</td>
</tr>
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<td>Project</td>
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<td><strong>5.</strong> Highway 25 Widening Project and Route Adoption Hollister to Gilroy (48540)</td>
<td>Near Hollister and Gilroy on SR 25 in San Benito &amp; Santa Clara counties (PM SBT 25-51.5 to SCL-25-2.6)</td>
<td>Route adoption</td>
<td>N/A</td>
<td>N/A</td>
<td>Local</td>
<td>Brandy Rider</td>
<td>PA&amp;ED</td>
<td>Coordinating required adoption into San Benito/Santa Clara counties &amp; City General Plans. Local agencies are working with Caltrans on the Controlled Access Highway Agreements at this time.</td>
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<tr>
<td><strong>6.</strong> Highway 156 Improvement Project (34490)</td>
<td>On SR 156, in and near San Juan Bautista, from The Alameda to slightly east of Fourth Street near Hollister (PM 3.0/R8.2)</td>
<td>Construct four-lane expressway</td>
<td>Spring 2020 - Summer 2021</td>
<td>$57.4 million</td>
<td>STIP/Local</td>
<td>Brandy Rider</td>
<td>PS&amp;E</td>
<td>Project design continues with 95 percent completion. ROW appraisals in progress. Utility relocation, design coordination under way. Construction planned for Spring of 2020.</td>
</tr>
</tbody>
</table>

ACRONYMS USED IN THIS REPORT:
- PA&ED: Project Approval and Environmental Document
- PS&E: Plans, Specifications, and Estimate
- ROW: Right of way
- SBT: San Benito
- SR: State Route
- SCL: Santa Clara
- SHOPP: Statewide Highway Operation and Protection Program
- STIP: State Transportation Improvement Program
Staff Report

To: Council of Governments
From: Veronica Lezama, Transportation Planner
Date: April 19, 2018
Subject: 2018 Title VI Program and Language Assistance Plan (LAP) for Limited English Proficiency (LEP) Individuals

Recommendation:

RECEIVE the Draft 2018 Title VI Program and Language Assistance Plan (LAP) for Limited English Proficiency (LEP) Individuals.

Summary:

The Council of Governments, as the Regional Transportation Planning Agency (RTPA) and a designated recipient of federal funds, must establish and execute a program to ensure that all operations and activities do not discriminate against minority individuals or communities.

In addition to complying with Title VI, COG also strives to serve all community members in its region, including Limited English Proficient (LEP) individuals. The LEP plan was developed to examine COG’s services so that they can maximize their utility for persons of limited English proficiency.

Financial Considerations:

The Federal Transportation Administration (FTA) allocates funds to the San Benito County region; therefore, COG is required to file a report to the FTA demonstrating its adherence to Title VI of the 1964 Civil Rights Act.

Background:

The Title VI Program was developed to guide the Council of Governments and its administration and management of Title VI-related activities, and the enclosed Plan details how agency meets the requirements as set forth in Federal Transit Administration (FTA) Circular 4702.1B. Specifically, Section 601 under Title VI of the Civil Rights Act of 1964 states the following:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Staff Analysis:

In accordance with FTA regulations, COG is required to update the Title VI policy and Language Assistance Plan (LAP) for Limited English Proficiency (LEP) Individuals Plan documents every three years. COG is committed to a policy of nondiscrimination in the conduct of its business, including its Title VI responsibilities, and to the delivery of equitable and accessible transportation
services. These documents reflect COG’s compliance with non-discriminatory methods and equality through public involvement processes, including the translation of vital documents into Spanish and/or other languages as needed by request.

COG’s Title VI Policy Compliance Report goals are to:

- Ensure that the level and quality of transportation service is provided without regard to race, color, national origin, age, gender, or disability;

- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;

- Promote the full and fair participation of all affected populations in transportation decision making;

- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and

- Ensure meaningful access to programs and activities by persons with limited English proficiency (LEP).

The final 2018 Title VI Program and Language Assistance Plan (LAP) for Limited English Proficiency (LEP) Individuals will be provided to the COG Board at a future meeting for adoption.

Executive Director Review: ________

Counsel Review: N/A

Supporting Attachment(s): 2018 Title VI Program and Language Assistance Plan (LAP) for Limited English Proficiency (LEP) Individuals.
Title VI Report, Draft

Language Assistance Plan (LAP) for Limited English Proficiency (LEP) Individuals
Council of San Benito County Governments
330 Tres Pinos Road, C7 | Hollister, CA 95023 | 831.637.7665
Notice on Alternate Format

To obtain services or copies in an alternate format or language, please contact Veronica Lezama, Transportation Planner, at (831) 637-7665, extension 204, veronica@sanbenitocog.org, or visit the website www.SanBenitoCOG.org.

(Spanish) Para recibir servicios o copias en otro formato o idioma, contacte a Veronica Lezama, Planificadora de Transporte, al (831) 637-7665, extensión 204, veronica@sanbenitocog.org, o visíte el sitio web www.SanBenitoCOG.org.
Title VI Report

Geographic Setting
San Benito County is a rural and agricultural community in the Central Coast Region, south of Silicon Valley. The County has two incorporated cities – Hollister, population 35,000, and San Juan Bautista, population 1,700 – and various unincorporated communities. The north and northwest segments of the County are comprised of urban areas, leaving the southern portion of the County primarily rural. The population in the County was 55,269 according to the 2010 U.S. Census.

Council of Governments Structure
Established in 1973, the Council of San Benito County Governments (Council of Governments) is the regional transportation planning agency representing the County of San Benito, and the Cities of Hollister and San Juan Bautista. The Council of Governments provides a forum for addressing transportation matters of area wide interest and builds consensus on transportation issues facing the region.

Council of Governments Board of Directors
The governing board for Council of Governments is made up of five members. Two members are appointed by the San Benito County Board of Supervisors, two from the City of Hollister and one from the City of San Juan Bautista.

- Jaime De La Cruz, Chair
- Ignacio Velazquez, Vice Chair
- Jim Gillio
- Tony Boch
- Anthony Botelho
- Eileen Loe

San Benito County
Hollister City Council
Hollister City Council
City of San Juan Batista
San Benito County
Caltrans District 5 (Ex-officio)

Council of Governments Board Alternates

- Mickie Solorio Luna
- Andy Moore
- Jerry Muenzer

City of Hollister
City of San Juan Batista
San Benito County

Council of Governments Professional Staff

- Mary Gilbert
- Kathy Postigo
- Veronica Lezama
- Regina Valentine
- Monica Gomez
- Griselda Arevalo
- Chris Thomson

Executive Director
Administrative Services Specialist
Transportation Planner
Transportation Planner
Secretary
Office Assistant
Mechanic
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I. Title VI Policy Statement

The Council of San Benito County Governments (Council of Governments) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, national origin, age, gender, or disability, pursuant to Title VI of the Civil Rights Act of 1964, as amended.

Towards this end, it is Council of Governments’ objective to:

- Ensure that the level of quality of transportation programs, projects and services are provided without regard to race, color, national origin, age, gender, or disability;

- Promote the full and fair participation of all affected populations in transportation decision-making;

- Prevent the denial, reduction, or delay in benefits related programs and activities that benefit minority populations or low income populations; and

- Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

The Executive Director, management, and all employees share the responsibility of carrying out the Council of Governments’ commitment to Title VI compliance. Title VI complaints are investigated through the complaint procedures process.

_________________________________________________  ____________________
Signed: Mary Gilbert, Executive Director                       Date:
II. Title VI Program

Plan Statement

The Title VI Program was developed to guide the Council of San Benito County Governments (Council of Governments) and its administration and management of Title VI-related activities, and details how the agency meets the requirements, as set forth in Federal Transit Administration (FTA) Circular 4702.1B. Specifically, Section 601 under Title VI of the Civil Rights Act of 1964 states the following:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

General Reporting Requirements

Chapter III of FTA Circular 4702.1B addresses the general reporting requirements for recipients and sub-recipients of Federal Transit Administration (FTA) funding to ensure that their activities comply with Department of Transportation (DOT) Title VI regulations. Below are summaries of each requirement and how the Council of Governments’ Title VI Program fulfills that requirement.

A. REQUIREMENT TO PROVIDE TITLE VI ASSURANCES

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT’s Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA.

The Council of Governments submits annual Certifications and Assurances to the California Department of Transportation (Caltrans) and the Federal Transit Administration (FTA).

B. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM

Sub-recipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.

The Council of Governments approves the Title VI Program by resolution and submits it to the California Department of Transportation, Appendix 1.

C. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI

The Title VI Program shall include recipient’s Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI, include a list of locations where the notice is posted.

The Council of Governments has developed a bilingual Title VI Notice to Beneficiaries following the guidelines of Circular FTA C 4702.1B. A copy of the notice is found in this Title VI Program, Page 8.
D. REQUIREMENT TO HAVE TITLE VI COMPLAINT PROCEDURES AND A COMPLAINT FORM

All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient’s website.

The Council of Governments has developed a bilingual Title VI Complaint Procedure form. In this Title VI Program, the agency outlines the Title VI Complaint Procedures and a copy of the Title VI Complaint form in both English and Spanish, page 13.

The complaint procedures and form are available in English and Spanish on the Council of Governments website, www.SanBenitoCOG.org. Individuals who do not have access to the internet may request that the Council of Governments mail them a paper copy of the procedures and form.

E. REQUIREMENT TO RECORD, AND REPORT TRANSPORTATION RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint.

The Council of Governments will maintain a list of all investigations, lawsuits and complaints naming the Council of Governments according to the guidelines of Circular FTA C 4702.1B. A copy of this list is provided in of this Title VI Program, page 17. In addition, the Council of Governments will maintain permanent records of all related documents. The Council of Governments has not received any Title VI complaints of discrimination and therefore does not have any investigations or lawsuits to report; however, the processes are in place in the event that complaints are made.

F. REQUIREMENT TO PROMOTE INCLUSIVE PUBLIC PARTICIPATION

The content and considerations of Title VI, the Executive Order on Limited English Proficiency (LEP), and the DOT LEP Guidance shall be integrated into each recipient’s established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient’s public participation activities).

The Council of Governments’ Public Participation Policy was developed in coordination with the Association of Monterey Bay Area Governments (AMBAG) and is enclosed in this Title VI Program, page 18. The Council of Governments ensures that minority and LEP populations, as with all members of the public, will be empowered to participate in decisions involved with Council of Governments transportation planning and programming activities.
G. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS

Consistent with Title VI of the Civil Rights Act of 1964, DOT’s implementing regulations, and Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP).


H. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.” Recipients that have transportation-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

Enclosed in the Plan is the Council of Governments’ Table Depicting Racial Breakdown of the Membership of Committees and Councils Selected by the Council of Governments, page 32.

I. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST

FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT’s Title VI regulations.

The Council of Governments will fully cooperate with any FTA investigation of discrimination complaints to the extent required by Title VI regulations.

This document was prepared by the Council of Governments and approved by its Board of Directors to comply with Title VI of the Civil Rights Act of 1964, including new provisions detailed in U.S. Department of Transportation’s FTA Circular 4702.1B, “Title VI Requirement and Guidelines for Federal Transit Administration Recipients.”
Title VI Policy

The Council of Governments operates its programs and services ensuring that no person shall be excluded from the equal distribution of its services and amenities based on their race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminator practice under Title VI may file a complaint with the Council of Governments and/or with the Federal Transit Administration (FTA).

Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency.

The Council of Governments developed a notice to the public – informing the public of rights under Title VI. The Title VI Notice to the Public is provided in English and Spanish.

Notice to Beneficiaries

Notifying the Public of Rights Under Title VI
Council of San Benito County Governments

The Council of San Benito County Governments (Council of Governments) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Council of Governments.

For more information on the Council of Governments’ civil rights program, and the procedures to file a complaint, call 831.637.7665, visit our administrative office at 330 Tres Pinos Road, Suite C7 in Hollister, CA, or visit www.SanBenitoCOG.org.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Avenue, SE, Washington DC 20590.

To obtain services or copies in an alternate format or language, please contact Veronica Lezama, Transportation Planner, at (831) 637-7665, extension 204, veronica@sanbenitocog.org, or visit the website www.SanBenitoCOG.org. If information is needed in another language, call 831.637.7665.
Spanish Notice to Beneficiaries
Aviso a Los Beneficiarios

Notificar al público de los derechos bajo el título VI
Concilio de Gobiernos del Condado de San Benito

El Concilio de Gobiernos del Condado de San Benito (COG) opera sus programas y servicios sin respecto a raza, color y origen nacional con arreglo al título VI de la Civil Ley de derechos. Cualquier persona que cree que él o ella ha sido agraviado por cualquier práctica discriminatoria ilegal bajo el título VI puede presentar una queja con la COG

Para obtener más información sobre el programa derechos civiles capaz de industrias y el procedimiento para presentar una queja, llame al 831.637.7665 o visite nuestra oficina administrativa en 330 Tres Pinos Road, Suite C7 en Hollister, CA o visite www.SanBenitoCOG.org.

Un demandante puede presentar una queja directamente con el Federal Transit Administration por archivar una queja con la Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Para recibir servicios o copias en otro formato o idioma, contacte a Veronica Lezama, Planificadora de Transporte, al (831) 637-7665, extensión 204, veronica@sanbenitocog.org, o visite el sitio web www.SanBenitoCOG.org. Si se necesita información en otro idioma, contacte al 831.637.7665.

Location of Title VI Notice Posting
A copy of the Council of Governments’ Title VI Notice to the Public is posted at the following locations:

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council of Governments Administration Office</td>
<td>330 Tres Pinos Road, Suite C7</td>
<td>Hollister</td>
</tr>
</tbody>
</table>

Program information is also provided on the Council of San Benito County Governments’ website at: www.SanBenitoCOG.org. The Local Transportation Authority, which Board and staff is composed of the Council of Governments, posted the Title VI Notice at the Transit Operations Facilities located at 3220 Southside Road in Hollister, at the Jovenes de Antaño Office located at 300 West Street in Hollister and on the County Express website www.SanBenitoCountyExpress.org.
Title VI Complaints and Procedures (Investigations, Complaints, and Lawsuits)

Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency.

Any person who believes that they have been excluded from, denied the benefits of, or been subjected to discrimination may file a written complaint with the Council of San Benito County Governments. Federal and State law requires complaints be filed within one-hundred eighty (180) calendar days of the last alleged incident.

To request additional information on the Council of Governments’ nondiscrimination obligations or to file a Title VI Complaint, please submit your request to:

Council of San Benito County Governments
Attn: Title VI Complaint
330 Tres Pinos Road, Suite C7
Hollister, CA 95023
Tel: 831.637.7665 Fax: 831.636.4160

Complaint Forms can also be obtained at the Council of Governments Office at 330 Tres Pinos Road, Suite C7 in Hollister, CA or online at www SanBenitoCOG.org.

Complaint Process

The Council of Governments will begin an investigation within fifteen (15) working days of receipt of a complaint and will contact the complainant in writing no later than (30) working days after receipt of complaint for additional information, if needed. If the complainant fails to provide the requested information in a timely basis, the Council of Governments may administratively close the complaint.

The Council of Governments will complete the investigation within ninety (90) days of receipt of the complaint. If additional time is needed for investigation, complainant will be contacted. A written investigation report will be prepared by the investigator. This report shall include a summary description of the incident, findings and recommended corrective action.

A closing letter will be provided to the complainant and the respondent or respondent department. Parties will have five (5) working days from receipt of the closing letter to appeal. If neither party appeals, the complaint will be closed. If required, the investigation report will be forwarded to the appropriate federal agency.
Complaint Procedures in Spanish

Procedimiento para Quejas del Título VI

El Título VI de la Ley de Derechos Civiles de 1964 establece que ninguna persona de los Estados Unidos será excluida de participar en cualquier programa o actividad que reciba asistencia financiera federal, ni se le negará los beneficios de dichos programas o actividades, ni será discriminado en ellos, por causa de su raza, color o nacionalidad. El decreto presidencial 12898 aborda la justicia del medio ambiente en las poblaciones de minorías y de bajos ingresos. El decreto presidencial 13166 aborda el tema de los servicios para aquellas personas que tienen conocimientos limitados del idioma inglés.

Toda persona que crea haber sido excluida, que se le negaron los beneficios, o que fue discriminada puede presentar una queja por escrito al Concilio de Gobiernos del Condado de San Benito (COG). La legislación federal y estatal exige que las quejas sean presentadas dentro de los ciento ochenta (180) días calendario del último supuesto incidente.

Para obtener información adicional sobre las obligaciones de no discriminación de COG o para presentar una queja de Título IV, por favor comuníquese con el:

Concilio de Gobiernos del Condado de San Benito
Attn: Queja Título VI
330 Tres Pinos Road, Suite C7
Hollister, CA 95023
Tel: 831.637.7665, Ext. 204 Fax: 831.636.4160

Los formularios de queja también están disponibles en la oficina de COG en 330 Tres Pinos Road, Suite C7 en Hollister, CA o página web de: www.SanBenitoCOG.org.
Complaint Process in Spanish

Proceso de Quejas del Título VI

La agencia COG comenzará una investigación dentro de los quince (15) días hábiles a partir de la recepción de la queja. En caso de que sea necesario solicitar información adicional, la agencia COG se comunicará con el demandante por escrito en un plazo de no más de treinta (30) días hábiles luego de recibir la queja. Si el demandante no proporcionara la información solicitada de forma oportuna, la agencia COG podrá cerrar el caso de forma administrativa.

La agencia COG completará la investigación dentro de los noventa (90) días a partir de la recepción de la queja. En caso de necesitar más tiempo para la investigación, se contactará al demandante. El investigador preparará un informe escrito de la investigación. Este informe deberá incluir un resumen de la descripción del incidente, las conclusiones y las medidas correctivas recomendadas.

Se le enviará una carta que informe que el caso se ha cerrado al demandante y al demandado o departamento demandado. Las partes tendrán cinco (5) días hábiles desde la recepción de la carta de cierre del caso para apelar. En caso de que ninguna de las partes apele, se cerrará el caso. De ser necesario, se enviará el informe de investigación a la agencia federal correspondiente.
### English Title VI Complaint Form

**Section I:**

1. Name:  
2. Address:  
3. Telephone:  
3.a. Secondary Phone:  
4. Email Address:  

5. Accessible Format Requirements?  
   - [ ] Large Print  
   - [ ] Audio Tape  
   - [ ] TDD  
   - [ ] Other  

**Section II:**

6. Are your filing this complaint on your own behalf?  
   - YES*  
   - NO  

*If you answered “yes” to #6, go to Section III. If you answered "no" to #6, go to #7.  

7. What is the name of the person for whom you are filing this complaint?  
   - Name  

8. What is your relationship with this individual:  

9. Please explain why you have filed for a third party:  

10. Please confirm that you have obtained permission of the aggrieved party to file on their behalf.  
    - YES  
    - NO  

**Section III:**

11. I believe the discrimination I experienced was based on *(check all that apply)*:  
    
    - [ ] Race  
    - [ ] Color  
    - [ ] National Origin  

12. Date of alleged discrimination: *(mm/dd/yyyy)*  

13. Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known), as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.
### Section IV:

14. Have you previously filed a Title VI complaint with the Council of San Benito County Governments?  

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

### Section V:

15. Have you filed this complaint with any other Federal, State, or local agency, or with any court?  

[ ] YES* [ ] NO  
If yes, check all that apply:  

- [ ] Federal Agency ____________________________  
- [ ] State Agency ____________________________  
- [ ] Federal Court ____________________________  
- [ ] Local Agency ____________________________  
- [ ] State Court ____________________________  

16. If you answered "yes" to #15, provide information about a contact person at the agency/court where the complaint was filed.  

Name:  
Title:  
Agency:  
Address:  
Telephone:  
Email:  

### Section VI:

Name of Agency complaint is against:  
Contact Person:  
Telephone:  

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date are required below to complete form:  

Signature__________________________________________ Date__________________

Please submit this form in person or mail this form to the address below:  

Council of San Benito County Governments  
Attn: Title VI Complaint  
330 Tres Pinos Road, Suite C7  
Hollister, CA  95023
**Spanish Title VI Complaint Form**

### Parte I:

1. Nombre:  

2. Dirección Residencial:  

3. Teléfono:  

3.a. Otro teléfono:  

4. Dirección de correo electrónico:  

5. ¿Requisitos de formato accesible?  

| [ ] Letra Grande | [ ] Cinta de audio |
| [ ] Dispositivos electrónicos para sordos (TDD) | [ ] Otro |

### Parte II:

6. ¿Está presentando esta queja en su propio nombre?  

| Sí* | No |

*Si usted contestó “sí” a #6, vaya a la Sección III. Si su respuesta es “no” a #6, vaya a #7.

7. ¿Cuál es el nombre de la persona para la cual usted está presentando esta queja?  

Nombre:  

8. ¿Cuál es su relación con esta persona?:  

9. Por favor explique por qué ha presentado por un tercero:

10. Por favor confirme que ha obtenido permiso de la parte agraviada para presentar en su nombre.  

| Sí | No |

### Parte III:

11. Creo que la discriminación que viví fue basada en *(marque todas las que apliquen)*:  

| [ ] Raza | [ ] Color | [ ] Nacionalidad |

12. Fecha del presunto acto de discriminación: *(mm/dd/yyyy)*  

13. Explique lo más claramente posible lo que pasó y por qué cree que fue discriminado. Describa a todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de la persona (s) que lo discriminó (si se conoce), así como los nombres y datos de contacto de testigos. Si se necesita más espacio, por favor utilice el reverso de este formulario.

### Parte IV:
14. ¿Ha presentado anteriormente una queja del Título VI con el Concilio de Gobiernos del Condado de San Benito? Sí | No

**Parte V:**

15. ¿Presentó esta demanda ante otra agencia federal, estatal, local o ante un tribunal?

[ ] Sí*  [ ] No

Si la respuesta es sí, marque todas las que apliquen:

[ ] Agencia Federal ____________________________  [ ] Agencia Estatal ____________________________
[ ] Tribunal Federal ____________________________  [ ] Agencia Local ____________________________
[ ] Tribunal Estatal ____________________________

16. Si usted contestó "sí" a # 15, proporcionar información acerca de una persona de contacto en la agencia / tribunal donde se presentó la queja.

Nombre:

Título:

Agencia:

Dirección:

Teléfono: Dirección de correo electrónico:

**Parte VI:**

Nombre de la Agencia de cual la queja está en contra:

Persona de contacto:

Teléfono:

Puede adjuntar cualquier material escrito o cualquier otra información que usted considere relevante para su queja.

Su firma y fecha son requeridas abajo para completar el formulario:

Firma_______________________________________  Fecha________________

Después de completar la solicitud, por favor, envíe por correo o entréguela en persona a la siguiente dirección:

Concilio de Gobiernos del Condado de San Benito
Attn: Queja Título VI
330 Tres Pinos Road, Suite C7
Hollister, CA 95023
Per FTA Circular 4702.1B, “all recipients are required to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:"

- Active investigations conducted by FTA and entities other than FTA
- Lawsuits; and
- Complaints naming the recipient

Below is the list that will be used for tracking these incidents:

<table>
<thead>
<tr>
<th>Investigations, Lawsuits and Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date (Month, Day, Year)</td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td>Investigations</td>
</tr>
<tr>
<td>Lawsuits</td>
</tr>
<tr>
<td>Complaints</td>
</tr>
</tbody>
</table>

To date, the Council of San Benito County Governments has not been involved in any Title VI investigations, complaints, or lawsuits.
III. Public Participation Plan

Public involvement is a major component of the transportation planning process. The Council of Governments makes a concerted effort to solicit public input from all residents including under-represented groups in many aspects of transportation planning within San Benito County.

The Council of Governments issues the methodologies described in the 2015 Monterey Bay Area Public Participation Plan to guide all public involvement activities to ensure that the community is informed and given a chance to be involved. For a copy of the Monterey Bay Area Public Participation Plan, please visit http://www.ambag.org/. The Monterey Bay Area Public Participation Plan was developed according to the specific demographics of San Benito County as further described below.

Demographics of San Benito County

Population

The 2010 Census reported 55,269 living in San Benito County. In 2015, the Association of Monterey Bay Area Governments (AMBAG) reported 56,445 people living in San Benito County. The population within the San Benito region, 1,390 square miles, is expected to increase by 32 percent between the years 2015 and 2040.

As shown in Figure 3-4, the highest percent growth rate will occur in the unincorporated parts of the County (43%, approx. 7,887 people) followed by the City of Hollister (27%, approx. 9,931 people) and with less growth forecasted for the City of San Juan Bautista (22%, approx. 405 people).
Race & Ethnicity in San Benito County

According to the 2010 United States Census data, of the County’s 55,269 residents, 31,186 identify themselves as Hispanic or Latino, as further illustrated in Figure 4.

The remaining 24,083 San Benito County residents identify themselves as non-Hispanic or Latino. The population by race is further broken down in Figure 4.

Income

There are 16,785 households in San Benito County. The median household income was $65,570, while the Per Capita Income was $26,300. Additionally, 11.3% of the County’s population is considered to be below or at the Federal Poverty Level. Of the total number of households, 646 households do not own a personal vehicle.

<table>
<thead>
<tr>
<th>Population by Ethnicity</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic or Latino</td>
<td>31,186</td>
</tr>
<tr>
<td>Non Hispanic or Latino</td>
<td>24,083</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Population by Race</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>35,181</td>
</tr>
<tr>
<td>African American</td>
<td>483</td>
</tr>
<tr>
<td>Asian</td>
<td>1,443</td>
</tr>
<tr>
<td>American Indian and Alaska Native</td>
<td>895</td>
</tr>
<tr>
<td>Native Hawaiian and Pacific Islander</td>
<td>94</td>
</tr>
<tr>
<td>Other</td>
<td>14,471</td>
</tr>
<tr>
<td>Identified by two or more</td>
<td>2,702</td>
</tr>
</tbody>
</table>

Figure 4 San Benito County Population Data

Source: 2010 U.S. Census
IV. Public Participation Process

Approach to Public Participation

The public participation process should be considered at the earliest stages of any Council of Governments project or program that may impact the surrounding community. As projects vary in time and size, the public participation process may vary for each, as well as the extent of public participation. The following outlines tools and strategies to ensure that public input is invited and all foreseeable impacts to the community are considered.

Outreach Requirements and Activities

The following activities are intended to serve as guidelines for minimum levels of outreach to ensure equal access and opportunity to participate in transportation planning and decision-making. These also provide current strategies for soliciting input and engaging various communities. Below is a list of outreach methods that the Council of Governments currently uses to inform the public:

- Notice for public meetings include flyers posted on social media (e.g. Facebook and Twitter);
- Public Notices are published in the newspaper prior to public meetings or hearings;
- Notice for public meetings are posted on Council of Governments website www.SanBenitoCog.org;
- Notices are posted at the Council of Governments Office and at key community centers (e.g. Library, Gavilan College, Community Center);
- Comments are accepted at public outreach events by email, mail, fax, in person, and by phone to ensure that all populations have the opportunity to participate.
- Council of Governments Board and Committee agendas packets are posted on its website and available for review at the administration office.

Summary of Outreach Efforts

Council of Governments Outreach Efforts Include:

- Conduct public hearings and meetings on the development of the Regional Transportation Plan, which met the public comment period notice requirements;
- Copies of the RTP are available for review at the local library, Council of Governments office, San Benito County Administration Building, City of San Juan Bautista Public Library, as well as on its website;
- Conduct several year round ad-hoc outreach efforts with the Social Services Transportation Advisory Council (SSTAC), Bicycle Pedestrian Advisory Committee (BPAC) and the Technical Advisory Committee (TAC).
- Bilingual public notifications are posted to encourage participation in transportation planning processes, such as the annual unmet transit needs public hearings. In addition, numerous bilingual public workshops related to the transportation projects and planning activities are held by the Council of Governments.

- Residents are encouraged to attend and speak at the Council of Governments meetings on any matter included for discussion on the agenda and/or under general public comment.

- Upon request, members of the public may receive a copy of Board and Committee agendas. All agendas are posted at www.SanBenitoCOG.org, at least one week prior to the meeting.

Outreach Methods to Engage Minority and LEP Populations

Currently, Spanish is the only quantifiable language within Council of Governments service area. The Council of Governments will continue assessing the language needs of residents through its Limited English Proficiency (LEP) Plan. At such time, as another group with limited English proficiency reaches significant mass, the Council of Governments will review this plan and its strategies to engaging with non-English speaking populations. Below are the methods that the Council of Governments is currently using:

- Notices are translated to Spanish and posted alongside English notices at the Council of Governments office, onboard buses, bus stop shelters, on social media and online.

- Public meeting information is posted in English and Spanish on the Council of Governments website.

- The Council of Governments distributes meeting information to community groups and agencies that work with LEP populations, when applicable.

- As identified in its Limited English Proficiency (LEP) Plan, the Council of Governments has three full time staff members to provide language assistance for Spanish language speakers.

- Spanish interpretation is provided at public meetings.

- Bus schedules and all public transit information is translated into Spanish.
V. Language Assistance Plan (LAP) For Limited English Proficiency (LEP) Individuals

While most individuals in the United States read, write, speak and understand English, there are many individuals whose primary language is not English. Individuals who do not speak English as their primary language and possess a limited ability to read, write, speak or understand English are considered by federal law to be limited English proficient, or "LEP." This language unfamiliarity may prevent individuals from accessing services and benefits, and they may be entitled to language assistance with respect to a particular type or service, benefit, or encounter.

The Council of Governments prepared this Language Assistance Plan (LAP) to address its responsibilities as a recipient of federal financial assistance as they relate to the needs of Limited English Proficient (LEP) individuals. The LAP will help identify reasonable steps to provide language assistance for LEP persons who seek meaningful access to the Council of Governments services as required by Executive Order 13166. More specifically, this plan details procedures for identifying a person who may need language assistance, the ways in which assistance may be provided, staff training, how to notify LEP persons that assistance is available, and potential future updates to the plan.

This Language Assistance Plan (LAP) has been prepared in accordance with Title VI of the Civil Rights Act of 1964, Federal Transit Administration Circular 4702.1B dated 10/01/12 October 1, 2012, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

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1 A person with Limited English Proficiency is one who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English.
Language Assistance Plan (LAP) Plan Summary

The Council of Governments has developed the Language Assistance Plan (LAP) to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP) who wish to access services provided by the Council of Governments. The Plan describes how to identify individuals who may need language assistance, methods to provide such assistance, staff training, and how to provide notification to LEP individuals impacted or encountered during the planning and development process. The main objective of this Plan is to ensure that community members throughout the San Benito County region have the opportunity to participate in the transportation planning and decision-making process. The LAP also identifies steps on how to notify Limited English Proficiency (LEP) persons that assistance is available.

In order to prepare this Plan, the Council of Governments undertook the U.S. Department of Transportation (U.S. DOT) four-factor LEP analysis which considers the following factors:

1. **Potential Number of LEP Persons Served** – The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Council of Governments program, activity or service.

2. **Service Contact Frequency of LEP Persons** – The frequency with which LEP persons come in contact with the Council of Governments programs, activities or services.

3. **Significance of Programs to LEP Persons** – The nature and importance of programs, activities or services provided by the Council of Governments to the LEP population.

4. **Available Resources for LEP Assistance** – Available resources to the Council of Governments and overall costs to provide LEP assistance.
A summary of the results of the Council of Governments four-factor analysis is in the following section.

Four - Factor Analysis

1. Potential Number of LEP Persons Served

The Council of Governments used past experiences and consulted to the 2000 U.S. Census to determine the likelihood that the LEP population would use a Council of Governments program or service. Due to the rural population of San Benito County, the smallest geographical area for identification is the use of Census Tracts.

In order to gain a comprehensive understanding of the profile of individuals that may be participating in the transportation planning process, the Council of Governments examines the American Community Survey demographic data for the San Benito County region, which is identified in the table below.

<table>
<thead>
<tr>
<th>San Benito County Census Tract</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>% of Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish</td>
<td>943</td>
<td>432</td>
<td>1,401</td>
<td>1,840</td>
<td>1,756</td>
<td>993</td>
<td>2,060</td>
<td>369</td>
<td>19.04%</td>
</tr>
<tr>
<td>Other Indo-European</td>
<td>21</td>
<td>45</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>68</td>
<td>28</td>
<td>8</td>
<td>0.33%</td>
</tr>
<tr>
<td>Asian and Pacific Island</td>
<td>36</td>
<td>0</td>
<td>13</td>
<td>20</td>
<td>241</td>
<td>51</td>
<td>91</td>
<td>42</td>
<td>0.96%</td>
</tr>
</tbody>
</table>

Number of Individuals That Speak English “Less Than Well” By Census Tract in San Benito County
Source: 2008-2012 American Community Survey 5 Year Estimates

2. Service Contact Frequency of LEP Persons

The LEP population in the San Benito County transportation planning area is diverse; however, the Council of Governments prior experience with LEP individuals has been primarily with Spanish language speakers. This is consistent with the identified majority of LEP individuals as Spanish language speakers above. The Council of Governments has assessed the frequency in which staff have, or could have, contact with LEP persons. This assessment included speaking with the staff regarding their interactions with LEP persons.

In developing long range transportation plans and other transportation planning activities, the Council of Governments gathers public input from a range of minority and low-income residents from community-based organizations. For example, Council of Governments staff has conducted community outreach meetings to provide an overview of the unmet transit needs assessment process and to announce transportation planning developments with LEP populations. Planning materials are often translated into Spanish to actively engage and involve residents who often do not participate in regional government planning activities.

Currently, there are three full time Council of Governments employees that are bilingual in Spanish and English and are available throughout the day during business hours to LEP persons. If Council of
Governments staff is not available to provide translation, an interpreter is used at various public meetings in which a large group of LEP persons are anticipated.

3. Significance of Programs to LEP Persons

As the primary agency responsible for coordinating the regional transportation planning process for the San Benito County region, the Council of Governments must ensure that all segments of the population, including LEP persons, have the opportunity to be involved in the planning process. Evaluating the impact of proposed transportation investments on the underserved and underrepresented community groups is a significant step in developing a comprehensive transportation investment plan. As such, the Council of Governments provides oversight and helps ensure that LEP individuals and other underrepresented persons/groups are not overlooked in the transportation planning process. The Council of Governments develops and assists in coordinating several transportation planning documents including:

- Regional Transportation Plan (RTP);
- Overall Work Program (OWP);
- Bikeway and Pedestrian Master Plan;
- Short Range and Long Range Transit Plan;
- Unmet Transit Needs Identification and Analysis Report
- Public Transit - Human Services Coordination Plan;
- Public Participation Plan; and
- Other technical planning studies and projects, as needed.

These planning documents work in tandem to each other to serve as a program or schedule of short and long range transportation improvements and activities intended to be implemented through a combination of federal, state, regional, and local funding. The Council of Governments is committed to ensuring that planning projects and activities are accessible to all residents within the San Benito County region.

The forecasted plans and development of transportation projects and programs can have a significant impact on the San Benito County community. As a result, Council of Governments staff takes appropriate steps during the planning and public outreach processes of these studies to invite all members of the community in the public participation process, including reaching out to the LEP community. This ensures a variety of input from all stakeholders and community members, and that every effort is taken to make the planning process as inclusive as possible.

4. Available Resources for LEP Assistance

The Council of Governments currently translates its printed materials into Spanish for its LEP population. Basic translation and interpretation is provided by Council of Governments staff. However, more complex professional interpretation or translation services are provided by contracted services. Interpretation services are also provided at various Council of Governments related meetings, workshops, public hearings, etc.
Implementation

The Council of Governments developed its LEP Implementation Plan based upon the issues that were raised during the four-factor Analysis. The LEP Implementation Plan will provide details on how various items will be addressed by the Council of Governments. The Council of Governments will also continue efforts to monitor language assistance needs, and will work with state and local agencies to provide language translation and interpretation services, as needed, and within available funds.

Identifying LEP Individuals Who Need Language Assistance

The Council of Governments will continually monitor the language needs of the LEP individuals and will do the following:

- Continue to monitor the languages and English proficiency encountered by staff;
- For languages other than Spanish, staff will attempt to identify the LEP person’s preferred language using the U.S. Census “I Speak” Language Identification Flashcard (Appendix 2);
- Continue to use data available from the U.S. Census, state, and local demographic data.

Language Assistance Measures

The Council of Governments has oral and written language assistance available to LEP persons on its vehicles, operations and administration offices. Council of Governments staff can respond to LEP Persons inquiries in person, by telephone or in writing. To enhance the available language assistance, the Council of Governments currently will provide the following:

- Work with local social services agencies and organizations to provide services to LEP persons to disseminate information about Council of Governments services;
- Continually identify new agencies or organizations that can assist in disseminating information about Council of Governments services;
- Include a statement in notices regarding the availability of interpreting services at community events, public hearings and Board of Directors meetings with advance notice;
- Post Council of Governments Title VI Policy and Complaint form (English and Spanish) on the agency’s website at: www.SanBenitoCOG.org.
- When an interpreter is needed for a language other than Spanish, in person or on the telephone, staff will attempt to access language assistance from a professional translation service or qualified community volunteers. A list of volunteers will need to be developed.
- All public workshops and hearings are structured to involve citizen participation from all populations, with translation either provided directly by Council of Governments staff (current staff includes two fluent Spanish language speakers) or allowed by a translator brought in to represent the person or group involved.
Translation of Vital Documents and Safe Harbor Provision

According to the 2008-2012 American Community Survey 5 Year Estimates, there are 51,392 people in San Benito County. There were 10,458 individuals that spoke English 'less than very well.' The table below shows the breakdown of the major language groups spoken in San Benito County by Census Tract. As demonstrated in the table on page 29, Spanish is the only language that falls outside of the Safe Harbor Provision of over 5% or 1,000 individuals (whichever is less). The Council of Governments currently provides the following documents in English and Spanish:

- Title VI Notice to the Public, Complaint Procedures, and Complaint Form
- Public notices related to public meetings, hearings and project
- Program and project document flyers are translated.

The table below shows the number of individuals that speak English "less than well."

<table>
<thead>
<tr>
<th>San Benito County Census Tract</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
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<th>6</th>
<th>7</th>
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</tr>
<tr>
<td>Other Indo-European</td>
<td>21</td>
<td>45</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>68</td>
<td>28</td>
<td>8</td>
<td>0.33%</td>
</tr>
<tr>
<td>Asian and Pacific Island</td>
<td>36</td>
<td>0</td>
<td>13</td>
<td>20</td>
<td>241</td>
<td>51</td>
<td>91</td>
<td>42</td>
<td>0.96%</td>
</tr>
<tr>
<td>All Other</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

Number of Individuals That Speak English "Less Than Well" By Census Tract in San Benito County
Source: 2008-2012 American Community Survey 5 Year Estimates

The Council of Governments will continue to monitor the proportions of LEP individuals languages and will translate vital documents in additional languages should additional languages fall outside of the Safe Harbor Provision.

Public Involvement

Should the Council of Governments produce a document that LEP individuals may read or schedule an event that may have LEP individuals in attendance, or may have interest in, the Council of Governments shall have the documents, meeting notices or flyers, printed in an alternate language based on the known LEP populations. Interpreters will be available on an as needed basis.

Notice to LEP Persons

A link to the Council of Governments’ Title VI Procedures and LEP Plan is available on the Council of Governments website at www.SanBenitoCOG.org. Any person or agency with internet access will be able to access and download the Plan from the abovementioned website. Alternatively, any person or agency
may request a copy of the Plan via telephone, fax, mail, or in person and shall be provided a copy of the Plan at no cost. LEP individuals may request copies of the Plan in translation which the Council of Governments will provide, if feasible. El Concilio de Gobiernos traducirá el Plan de Dominio Limitado de Inglés en español, si se factible.

Questions or comments regarding the LEP Plan may be submitted to Council of Governments Title VI Administrator:

Council of San Benito County Governments
Attn: Title VI Administrator
330 Tres Pinos Road, Suite C7
Hollister, CA 95023
Phone: 831.637.7665
Fax: 831.636.4160

Monitoring and Updating the LEP Plan

The Council of Governments reviews and updates its LEP plan every three years. At a minimum, the Plan will be reviewed and updated when new data from the most current U.S. Census is available, or when the concentrations of LEP individuals presence in the Council of Governments service area is observed. Updates may include, but will not be limited to, the following:

- Description of any new concentrations of LEP individuals based on ongoing monitoring of front-line staff interactions with clients;
- Updated analysis of the current LEP population within the service area;
- Assessment of the need for translation services;
- Assessment of the effectiveness and success of current language assistance programs;
- Determine whether financial resources are sufficient to fund language assistance resources;
- Determine whether the Council of Governments has fully complied with the goals of this LEP Plan;
- Determine whether complaints received are an effect of the Council of Governments’ inability to meet the needs of the LEP individuals;
- Update procedures or contact information.

Staff Training

The Council of Governments does not have a formal training program. However, new employees are required to sign an Employee Title VI Education Form (Appendix 3). The Council of Governments administration office currently has three full time Spanish language speaking staff that are able to address Spanish speaking client questions and/or concerns. The Council of Governments strives to schedule its staff so that there is someone who can speak Spanish available during normal business hours. The Council of Governments staff is trained to communicate with Spanish speaking clients in a respectful and professional manner.

In addition, Council of Governments staff provides extensive data and technical assistance to the region’s public transit operators, and to multiple social service agencies that provide transportation services for elderly and disabled populations within the San Benito County region. In addition, the Council of
Governments Social Services Transportation Advisory Council (SSTAC) provides a forum for regional public and private social service transit agencies to collaborate on identifying and addressing the transportation needs of every population group within the region.

The Council of Governments is developing a standard training session for its staff and operations contractors on the following topics:

- How to respond to LEP callers;
- How to respond to correspondence from LEPs;
- How to respond to LEPs in person;
- How to document LEP need;
- How to respond to civil rights complaints.
VI. Non-Elected Committees and Councils

The Council of Governments strives to appoint diverse group of community representatives to its advisory committees.

Council of San Benito County Governments

The Board of Directors is comprised of locally elected officials that were appointed to the Council of San Benito County Governments' Board of Directors from their respective jurisdictions. The Board is comprised of two representatives from the Board of Supervisors, two representatives from the City of Hollister and one representative from the City of San Juan Bautista.

Social Service Transportation Advisory Council (SSTAC)

Per section 99238 of the Transportation Development Act, each transportation planning agency shall provide for the establishment of a social services transportation advisory council for each county, or counties operating under a joint powers agreement, which is not subject to the apportionment restriction established in Section 99232.

The Social Service Transportation Advisory Council (SSTAC) advises the Council of Governments and the Local Transportation Authority on matters related to transportation accessibility for the elderly, the disabled, and persons of limited means. Transit issues that may require the Advisory Council to look into are specialized transportation services, planning, and studies. Members are appointed by the Council of San Benito County Governments Board of Directors.

Bicycle and Pedestrian Advisory Committee (BPAC)

The San Benito County Bicycle and Pedestrian Advisory Committee (BPAC) was established to advise the Council of Governments on bicycle and pedestrian needs and concerns in the San Benito County area. Members are appointed by the Council of San Benito County Governments Board of Directors.

Technical Advisory Committee (TAC)

The Technical Advisory Committee (TAC) was established to provide technical assistance, advice, and recommendations to the Council of Governments on transportation planning studies and related transportation projects. Members consists of staff from local government agencies and are appointed to by the Council of San Benito County Governments Board of Directors.
The table below depicts racial breakdown of non-elected planning boards, advisory councils or committees.

<table>
<thead>
<tr>
<th></th>
<th>Board of Directors</th>
<th>Social Services Transportation Advisory Council</th>
<th>Bicycle &amp; Pedestrian Advisory Committee</th>
<th>Technical Advisory Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black, African American</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Asian</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>White</td>
<td>50%</td>
<td>100%</td>
<td>62.50%</td>
<td>100%</td>
</tr>
<tr>
<td>American Indian, Alaska Native</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Native Hawaiian, Other Pacific Islander</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Hispanic, Latino, Spanish origin*</td>
<td>33%</td>
<td>37.5%</td>
<td>12.50%</td>
<td>20%</td>
</tr>
</tbody>
</table>

*Percentages will not total 100, as people who identify their origin as Hispanic, Latino may be of any race.

**Title VI Facilities Equity Analysis**

Per 49 CFR 21.9(b)(3), the Council of Governments may not select the site or location of facilities with the purpose or effect of excluding persons from, denying the benefits of, or subjecting them to discrimination on the basis of race, color, or national origin. Per 49 CFR 21, (The Public Participation Plan), the location of projects requiring land acquisition and the displacement of persons from their residences and business may not be determined on the basis of race, color, or national origin.

Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, and operations centers. The Council of Governments has not changed locations since 2007. At this time there are no plans for relocation or expansion of our current operations location. At this time, there are no other facilities managed or maintained by the Council of Governments.

For facilities covered by this provision, the Council of San Benito County Governments is required to:

- Complete a Title VI equity analysis during the planning state with regard to where a project is located to ensure the location is selected without regard to race, color, or national origin, and engage in outreach to persons potentially impacted by site of the facilities. The Title VI equity analysis must compare the equity impacts of various site alternatives, and the analysis must occur before the selection of the preferred site.

- Give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group level where appropriate to ensure proper analysis of localized impacts.

- Provide substantial legitimate justification for locating a project in a location that will result in a disparate impact on the basis of race, color, or national origin, and show that there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. In order to show that both tests have been met, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.
Appendix 1: Resolution Adopting the Title VI Program

To be inserted upon approval
Appendix 2: Language Identification Flashcard
Appendix 3: Title VI Employee Education Form

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of the Council of Governments and its affiliates are expected to consider, respect, and observe this policy. Citizen questions or complaints shall be directed to Council of Governments Title VI Coordinator.

I hereby acknowledge receipt of the Council of Governments' Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits or services delivered by the Council of Governments on the basis of race, color, or national origin, as protected by Title VI.

________________________________
Your signature

________________________________
Print your name

________________________________
Date
Staff Report
To: Council of Governments
From: Veronica Lezama, Transportation Planner Telephone: (831) 637-7665, Ext. 205
Date: April 19, 2018
Subject: Fiscal Year 2017/18 Overall Work Program

Recommendation:

a. APPROVE Amendment No. 3 to the Fiscal Year 2017/18 Overall Work Program, Supplementing the Rural Transportation Performance Management Study (Attachment 1) and Budget (Attachment 2), and Revising Budget for Work Elements No. 201 and 301; and

b. APPROVE Continuing Cooperative Agreement with the Association of Monterey Bay Area Governments for Reimbursement for Work related to a Rural Transportation Performance Management Study (Attachment 3) and Authorize the Executive Director to Sign; and

c. APPROVE Amendment No. 2 to the FY 2017/18 Overall Work Program Agreement with the California Department of Transportation (Attachment 4) and Authorize the Executive Director to Sign.

Summary:

As the designated Regional Transportation Planning Agency, the Council of Governments prepares an annual Overall Work Program that identifies the planning work that the agency will perform during the next fiscal year. The document may be amended if changes occur during the current fiscal year to reflect priorities, staffing modifications, new planning grant funds and/or funding changes.

Financial Impact:

The FY 2017/18 Overall Work Program needs to be amended in order to reflect the below-mentioned funding changes.

In September 2017, Caltrans awarded COG and AMBAG Rural Planning Assistance funds in the amount of $49,000 for a Rural Transportation Performance Management Study. The Study was amended into the FY 2017/18 Overall Work Program via amendment no. 1. Recently, Caltrans provided additional funds for the study – prompting amendment no. 3. The Study budget increased from $49,000 to $66,446.45 (Attachment 1 and 2). As part of this amendment, $59,446 will fund the Association of Monterey Bay Area Governments’ work on the Study and $7,000.45 is allocated for COG administration of the Study, which is further outlined in a detailed Continuing Cooperative Agreement (Attachment 3).

Adjustment to Work Elements 201 and 301 to reflect actual work completed are also required as part of this amendment (Attachment 2).
Background:

Previous COG Board actions on the FY 2017/18 Overall Work Program include:

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 15, 2017</td>
<td>Adopted FY 2017/18 Overall Work Program</td>
</tr>
<tr>
<td>September 21, 2017</td>
<td>Amendment No. 1 to the FY 2017/18 Overall Work Program to include Rural Transportation Performance Management Study.</td>
</tr>
<tr>
<td>February 15, 2018</td>
<td>APPROVED Amendment No. 2 to the Fiscal Year 2017/2018 Overall Work Program to include SB1 Road Maintenance and Rehabilitation Account Sustainable Communities Funding for an Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study.</td>
</tr>
</tbody>
</table>

Staff Analysis

The FY 2017/18 Overall Work Program needs to be amended in order to reflect the below-mentioned changes.

The Council of Governments is coordinating with AMBAG to prepare a Rural Transportation Performance Management Study. The Study was added into the FY 2017/18 Overall Work Program on September 21, 2017 via amendment No. 1. Recently, supplemental funds have been made available by Caltrans for the Study, prompting amendment no. 3 to Overall Work Program (Attachments 1 and 2). Since AMBAG is a partner on the development of the Study, a Continuing Cooperative Agreement between AMBAG and COG must also be adopted (Attachment 3).

Furthermore, since Amendment No. 3 will modify the OWP budget, the Overall Work Program Agreement between COG and Caltrans will also require amendment (Attachment 4).

COG updates its financial progress to the OWP on a quarterly basis. During the 2nd quarter, staff has identified a need to update the budgets for two work elements, 201 and 301 (Attachment 2). No new funds are proposed for this revision to work elements 201 and 301.

Executive Director Review: Andrew C. Muratore Counsel Review: Yes

Supporting Attachments:

2. Table II: FY 2017/2018 OWP Financial Summary Table.
3. Association of Monterey Bay Area Governments Continuing Cooperative Agreement between COG and the Association of Monterey Bay Area Governments.
4. Amendment No. 2 to the FY 2017/18 Overall Work Program Agreement with the California Department of Transportation.
Work Element 306: Rural Transportation Performance Management

Lead Agency: Council of Governments

Contact: Veronica Lezama, Transportation Planner

Objective
Transportation Performance Measures (TPM) represents the opportunity to prioritize needs, and align resources for optimizing system performance in a collaborative manner. TPM measures work supports activities such as the Metropolitan Transportation Plan (MTP), Regional Travel Demand Model (RTDM), the Metropolitan Transportation Improvement Program (MTIP), Transit system planning and GIS mapping tool for Public Participation. Data collection, developing infrastructure plan and developing performance measure analysis framework will aid the performance measurement tracking, reporting as identified within MAP-21 and FAST Act.

Previous and Ongoing Work
The Moving Ahead for Progress in the 21st Century (MAP-21) Act and the Fixing America’s Surface Transportation (FAST) Act transformed the Federal-aid highway program by establishing new requirements for performance management. Performance management increases accountability and transparency and provides for a framework to support improved investment decision making through a focus on performance outcomes for key national transportation goals. Under this Work Element staff will help develop for the California Rural Counties Task Force the Transportation Performance Measures (TPM) Framework as required under Fixing America’s Surface Transportation (FAST) Act.

AMBAG propose to select one small/rural county agency, San Benito Council of Governments (COG) as a pilot area to develop the proposed TPM framework. This proposed TPM framework will be built upon the report “California Rural Counties Task Force Performance Monitoring Indicators for Rural and Small Urban Transportation Planning,” developed for California Rural Counties Task Force. TPM measures framework will include but not limited to, motorized and non-motorized safety performance, condition for highways, bridges, transit assets (State of Good Repair), and National Highway System (NHS) performance. NHS performance to include: person-miles traveled, total emission reductions, travel time reliability and traffic congestion.

<table>
<thead>
<tr>
<th>Work Element 306 Funding Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Planning Assistance (RPA)</td>
<td>$66,446.45</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$66,446.45</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Task</th>
<th>Deliverable</th>
<th>Deadline</th>
<th>Responsible Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.</td>
<td>Project Administration</td>
<td>• Progress Reports, meeting agendas and minutes, invoices</td>
<td>June 30, 2018</td>
</tr>
<tr>
<td>6.</td>
<td>Researching, reading, and understanding FAST Act requirements for TPM data needs, analysis and performance measures, targets and reporting.</td>
<td>• Participating in meetings pertaining to TPM; FAST Act implementation</td>
<td>June 30, 2018</td>
</tr>
<tr>
<td></td>
<td>Task Description</td>
<td>Timeframe</td>
<td>Responsible Parties</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>7.</td>
<td>Research and identify TPM measure monitoring indicators to be used for performance measure analysis framework as established under MAP-21 and FAST Act.</td>
<td>June 30, 2018</td>
<td>COG/AMBAG</td>
</tr>
<tr>
<td>8.</td>
<td>Collect and compile SBtCOG test area performance monitoring indicator data (safety, transportation infrastructure, system reliability, congestion, economic vitality, environmental sustainability, and freight movement data) for performance measure analysis framework.</td>
<td>June 30, 2018</td>
<td>COG/AMBAG</td>
</tr>
<tr>
<td>9.</td>
<td>Develop database system for TPM performance measure data.</td>
<td>April 30, 2018</td>
<td>COG/AMBAG</td>
</tr>
<tr>
<td>10.</td>
<td>Coordinate with local, state, federal agencies and key stakeholders for data collection, identifying responsible agencies and coordination for data support and if needed, MOU/agreements.</td>
<td>June 30, 2018</td>
<td>COG/AMBAG</td>
</tr>
<tr>
<td>11.</td>
<td>Hold Kick-off meeting/webinars with involved stakeholders and host or attend meetings on TPM framework.</td>
<td>June 30, 2018</td>
<td>COG/AMBAG</td>
</tr>
<tr>
<td>12.</td>
<td>Provide performance measure information and data for use by government agencies and members of the public.</td>
<td>Quarterly</td>
<td>COG/AMBAG</td>
</tr>
<tr>
<td>13.</td>
<td>Host showcase of GIS framework and maintain database for performance measure analysis and data.</td>
<td>Quarterly</td>
<td>COG/AMBAG</td>
</tr>
<tr>
<td>Work Element</td>
<td>Transp. Development Act Admin.</td>
<td>Program Admin. and Management</td>
<td>Public Participation</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-------------------------------</td>
<td>-------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Funding Source Total</td>
<td>$ 294,000</td>
<td>$ 55,000</td>
<td>$ 396,434</td>
</tr>
</tbody>
</table>
CONTINUING COOPERATIVE AGREEMENT

between

COUNCIL OF SAN BENITO COUNTY GOVERNMENTS

and

ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

THIS AGREEMENT is entered into effective ___, between the ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (hereinafter referred to as AMBAG or Subrecipient) and the COUNCIL OF SAN BENITO COUNTY GOVERNMENTS (hereinafter referred to as COG).

RECITALS

WHEREAS, the Subrecipient is a California public agency created by statute to provide local transportation planning within San Benito County; and

WHEREAS, the Subrecipient is a Subrecipient of State and Federal planning funds programmed in COG's annual Overall Work Program (OWP), administered by and through COG. The COG annual OWP is part of an agreement with the State of California Department of Transportation (State or Caltrans), which includes the Overall Work Program Agreement (OWPA) and Master Fund Transfer Agreement (MFTA). Together, the OWP, the OWPA and MFTA set forth the terms and conditions under which these funds are to be expended by COG and its Subrecipients; and

WHEREAS, COG and the Subrecipient intend to coordinate development of the annual COG OWP, with final OWP approval by COG; and

WHEREAS, COG and the Subrecipient intend to cooperate to ensure the timely development, adoption and implementation of integrated comprehensive regional plans and policies, as set forth by Federal and State requirements; and

WHEREAS, COG and the Subrecipient intend to cooperate to ensure continual satisfactory compliance with applicable Federal and State laws and planning and management guidelines; and

WHEREAS, COG and the Subrecipient intend to ensure their respective cost accounting systems meet Federal and State regional planning fund requirements; and

Page 1 of 13
WHEREAS, COG and the Subrecipient intend to improve accountability of persons carrying out the duties prescribed in this Agreement, and reduce delays associated with the billing process.

NOW THEREFORE, IT IS MUTUALLY AGREED THAT

1. Agreement with the Subrecipient and Amendments. This Agreement constitutes a continual, year-to-year arrangement between the Subrecipient and COG, and may be amended by mutual written agreement.

   a. This Agreement includes the annual "Subrecipient Scope of Work" (Exhibit A), "Subrecipient Budget" (Exhibit B), "Sample Subrecipient Invoice" (Exhibit C) hereinafter referred to as Exhibits A, B, and C respectively, attached hereto and incorporated herein by this reference.

   b. COG's maximum payment obligation to the Subrecipient is limited to those funds identified in Exhibit B.

2. Scope of Subrecipient Responsibilities.

   a. COG shall engage the Subrecipient and the Subrecipient shall be responsible for the complete performance of the work described in Exhibit A, including the grant-funded and in-kind match work, in accordance with the budget constraints described in Exhibit B as reflected in the adopted Overall Work Program.

   b. In accordance with Subpart F of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance), Audits of States, Local Governments, and Non-Profit Organizations and state laws and procedures, the Subrecipient contracts for work identified in Exhibit A under "Consultant Work" are required to be competitively procured consistent with the Caltrans Local Assistance Program Manual, Chapter 10. The Subrecipient must also include the respective COG project manager in selection processes for work identified in Exhibit A.

   c. The Subrecipient’s Project Manager shall coordinate all work described in the Exhibit A with the COG Project Managers identified under each work element listed in Exhibit B. COG shall not be obligated to make payments to the Subrecipient until the Subrecipient’s Project Manager has carried out the applicable responsibilities described herein and in compliance with Sections 6 through 8 of this Agreement.

   d. The Subrecipient shall establish an oversight structure and process at its governing board level. This oversight may be in the form of an existing or new committee, such as an Executive Committee, Budget and Personnel
Committee, Audit Committee or Finance Committee to oversee compliance with the applicable Federal and State regulations cited herein.

3. **Personnel.** The Subrecipient shall hire personnel to perform the work described in Exhibit A, only in the following manner:

   a. **Subrecipient Personnel.** The Subrecipient, upon approval and authorization of its governing body, shall utilize employees with salaries that do not vary on the basis of funds received from COG.

4. **Time of Performance.** The services provided pursuant to this Agreement shall begin upon issuance of a Notice to Proceed by COG to the Subrecipient and shall continue until completion, but not later than June 30 of each year. The Notice to Proceed shall be issued upon receipt of final federal approval of the Overall Work Program.

5. **Materials to be Furnished to the Subrecipient.**

   a. COG shall provide the Subrecipient with a right to use (without charge by COG) information, data, reports, records and maps which are in possession of or readily available to COG, for the purposes of carrying out work under this Agreement. However, COG's proprietary information or otherwise confidential or privileged materials shall not be provided to the Subrecipient, unless authorized by COG's legal counsel, except as provided under the Public Records Act and other state and federal laws.

   b. At the option of COG and if allowable under Federal and State grant requirements, COG may procure equipment, software, or other materials for use by the Subrecipient, only for purposes of carrying out work described under this Agreement. The Subrecipient agrees to comply with all license agreements for software or other materials procured by COG for use by the Subrecipient.

   c. All equipment, software, or other materials provided to the Subrecipient under this Agreement shall remain the property of COG and shall be returned to COG upon project completion.
6. **Invoices and Progress Reports.** In performing the work described in Exhibit A, the Subrecipient may incur only the costs authorized by Exhibit B. Said costs shall comply with Sections 8 and 9 below. The Subrecipient shall submit to COG, not more frequently than every month, but at least quarterly, each requisition for payment (Invoice) accompanied by a narrative progress report with deliverables as identified in Exhibit A.

   a. The Subrecipient shall submit the following relative to an Invoice:

      i. An invoice with supporting documentation, including but not limited to cancelled checks and reports from the accounting system that support the costs claimed, in duplicate, in accordance with the "Sample Subrecipient Invoice", Exhibit C.

      ii. A progress report that, in narrative form, describes progress toward completion of tasks, projects, and products, conformance with project schedules, and reporting of all costs incurred for the work elements contained in Exhibit B; and

      iii. Upon request of COG, additional information or documentation to support the costs contained in the Invoice.

   b. The Subrecipient shall submit an invoice to COG, no later than forty-five (45) days after the close of each quarter, describing progress toward completion of all tasks, projects, and products, conformance with project schedules, and reporting of all costs incurred for the work elements contained in Exhibit B.

   c. In the submittal of invoices the Subrecipient shall include three, double-sided copies of all deliverables to the assigned COG Project Manager, in a commonly used electronic format or hard paper copy, as referenced in Section 9.

   d. Year-end Invoices submitted in the fourth quarter and supporting documentation shall be received by COG on or before July 31st of each fiscal year. Invoices received by COG after July 31st for the preceding fiscal year shall not be paid.

   e. Payment of the Subrecipient’s Invoices is contingent upon receipt by COG of the above documentation provided by the Subrecipient, consistent with Sections 6 though 8. Payment to the Subrecipient is further contingent upon COG's determination, that the performance of the Subrecipient meets federal, state and COG standards. The Subrecipient’s invoices shall be reviewed and submitted for payment by COG within 30 days of receipt. No expenses shall be denied without prior consultation with the Subrecipient and a written explanation detailing the basis for the denial.
f. Deadlines described in Sections 6 b-e may be waived if mutually agreed to by COG and the Subrecipient.

7. Indirect Costs. The Subrecipient shall not be entitled to reimbursement of indirect costs unless a copy of an applicable, approved indirect cost plan has been received by COG prior to submittal of the first Invoice from the Subrecipient.

8. Non-Federal Match. The Subrecipient shall provide the required Cash and/or In-Kind match in accordance with Exhibit B (Cash and/or In-Kind match work), along with Local Match Reports provided in a format consistent with Exhibit C. Local Match Reports may be provided to COG by the Subrecipient and/or local public agency(ies) within the Subrecipient. However, it remains the responsibility of the Subrecipient to ensure COG receives the Cash and/or In-Kind Match Reports and documentation in accordance with the requirements below and the requirements described herein.

   a. Cash Match Reports shall be submitted with invoices approved by the Subrecipient’s Executive Director or his/her designee. Cash Match Reports shall include the name of the Subrecipient, the applicable OWP Work Element, the amount of the match and the non-federal source of the matching funds and a statement that the source of funds are non-federal accompanied by an authorized signature of the Subrecipient providing the match.

   b. In-Kind Match Reports shall be submitted with invoices approved by the Subrecipient’s Executive Director or his/her designee. In-Kind Match Reports shall include the following information: the name of the Subrecipient and/or local public agency within the Subrecipient, applicable OWP number, description of services performed, period of the service performed, employee name, copies of timecards, actual pay rate, total hours worked, fringe benefit rate, indirect cost rate (if the rate is approved as part of an indirect cost plan submitted in accordance with Section 7 above), total cost incurred, and a statement that costs were funded with non-federal local funds accompanied by an authorized signature of the Subrecipient and/or local agency(ies) providing the match. The Subrecipient shall provide additional information or documentation relative to the Match Reports, upon request of COG.


   a. The Subrecipient agrees to be bound by and shall require its Consultants and/or Contractors to comply with the following:

       2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards,
b. Any costs for which the Subrecipient receives payment or credit that is determined by a subsequent audit or other review by either COG, Caltrans or other State or Federal authorities to be unallowable under, but not limited to, 2 CFR Part 200, 48 CFR Chapter 1, Part 31, or 49 CFR, Part 18, shall be repaid by the Subrecipient within thirty (30) days of the Subrecipient receiving notice of final audit findings.

c. All costs charged to this Agreement by the Subrecipient shall be supported by properly executed payrolls showing labor (wage) rates per hour, and if applicable, copies of Internal Revenue Service W-2 or 1099 Forms, or both; time records, including timesheets or time cards signed by the employee and approved by the supervisor; and invoices and vouchers, evidencing in proper detail the nature of the charges. These costs shall comply with the cost principles cited above in paragraph 9 a. of this Agreement.

d. All deliverables published under this agreement shall include the following statement:

"The preparation of the report was financed in part through grants from the United States Department of Transportation (DOT) and facilitated by the Metropolitan Planning Organization, the Council of San Benito County Governments. Additional financial assistance was provided by the California State Department of Transportation."

e. All deliverables produced under this agreement which include the Subrecipient’s logos shall also include the COG logo.

f. The Subrecipient agrees to furnish documentation to COG to support this requirement that its Agreements with a Contractor contain provisions requiring adherence to this Section in its entirety.

10. **Written and Electronic Versions of Work Products and Related Materials.** The Subrecipient shall provide copies of all its deliverables created pursuant to the Scope of Work to COG in an electronic format. Hard copies will also be provided upon COG’s request. Related materials, including any reports, newsletters or other written materials will also be provided in hard copy and/or electronic format, upon COG’s request.

a. Any graphic images accompanying the text of these written materials shall be included, in digitized form, in the electronic version.

b. The electronic versions of all written materials and accompanying graphic images shall, when printed or otherwise displayed, appear in the identical format, location, quality, and state of replicating in which they appear in the hard copy versions.
c. Materials in the electronic version shall be presented to COG in a commonly used electronic format, including the native file.

d. COG shall be free to copyright material developed under this Agreement, to the extent allowable by law. The State and the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and authorize others to use, work products funded under this Agreement for government purpose.

11. Records Retention and Audits.

a. The Subrecipient shall maintain, and shall require that its Contractor maintain, all source documents, books and records connected with their performance of work initiated under this Agreement and each annual COG OWP for a minimum of three (3) years from the date of final payment to the Subrecipient or until audit resolution is achieved for each annual COG OWP, whichever is later, and shall make all supporting information available for inspection and audit by representatives of COG, the State, the Bureau of State Audits, or the Federal Government upon request. Copies will be made and furnished by COG upon request at no cost to COG.

b. The Subrecipient shall establish and maintain, and shall require that its Contractor establish and maintain an accounting system conforming to Generally Accepted Accounting Principles (GAAP) to support Invoices which segregate and accumulate the costs of work elements by line item which clearly identify reimbursable costs and other expenditures by OWP work elements.

c. The Subrecipient agrees to include all costs associated with this Agreement and any amendments thereto to be examined in the annual audit and in the schedule of activities to be examined under a single audit prepared by the Subrecipient in compliance with Office of Management and Budget Circular A-133.

d. The Subrecipient agrees to furnish documentation to COG to support this requirement that its Agreements with a Contractor contain provisions requiring adherence to this Section in its entirety.
12. **Certifications and Assurances.**

a. The Subrecipient shall adhere to the requirements contained in COG's annual Certification and Assurances (FHWA and FTA "Regional Transportation Planning Process Certification") submitted as part of COG's OWP, pursuant to 23 CFR 450.334 and 23 U.S.C. 134. This Certification shall be published annually in COG's OWP. Such requirements shall apply to the Subrecipient to the same extent as COG and may include, but are not limited to:

   i. Title VI of the Civil Rights Act of 1964 and Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;
   ii. Pub. Law 105-178, 112 Stat. 107 and any successor thereto, regarding the involvement of disadvantaged business enterprises in FHWA and FTA funded projects (Sec. 105(f), Pub. L. 970424, 96 Stat. 2100, 49 CFR part 26); and

b. The Subrecipient shall additionally comply with the requirements contained in the annual FTA "Certifications and Assurances for FTA Assistance," including "Certifications and Assurances Required of Each Applicant" and the "Lobbying Certification" in compliance with 49 U.S.C. Chapter 53; published annually in COG's OWP. Such assurances shall apply to the Subrecipient to the same extent as COG, and include but are not limited to the following areas:

   i. Authority of Applicant and its Representatives
   ii. Standard Assurances
   iii. Debarment, Suspension, and Other Responsibility Matters for Primary Covered Transactions
   iv. Drug Free Work Place Agreement
   v. Intergovernmental Review Assurance
   vi. Nondiscrimination Assurance
   vii. Disadvantaged Business Enterprise (DBE) Assurance
   viii. Nondiscrimination on the Basis of Disability
   ix. Procurement Compliance Certification
   x. Certification and Assurance Required by the U.S. Office of Management and Budget.

c. **Federal and State Lobbying Activities Certification.**

   i. By signing this Agreement, the Subrecipient certifies, to the best of its knowledge and belief, that no State or Federal funds have been
paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding of any State or Federal contract, the marking of any State or Federal grant, the making of any Federal loan, the entering into any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any State or Federal contract, grant, loan, or cooperative agreement.

ii. If any funds other than State or Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress; an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Subrecipient shall complete and submit Federal Standard Form-LL, "Disclosure Form to Report Lobbying," in accordance with those form instructions.

d. The Subrecipient shall further require its Contractor to comply with these Certifications. The Subrecipient agrees to furnish documentation to COG to support this requirement that all of its Agreements with a Contractor contain provisions requiring adherence to this Section in its entirety.

c. The Executive Director (or other designated, authorized signatory) of the Subrecipient shall sign an annual certifications and assurances form entitled "Affirmation of Subrecipient," which shall be provided to COG separately at the time this Agreement and annual amendments to the Agreement are executed.

13. Equal Employment Opportunity/Nondiscrimination. In the performance of work undertaken pursuant to this Agreement, the Subrecipient for itself, its assignees and successors in interest, shall affirmatively require that is employees and Contractor shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), medical condition (cancer), age, marital status, denial of family and medical care leave, and denial of pregnancy disability leave.

The Subrecipient shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. The Subrecipient shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and
Housing Commission implementing the Government Code sections referenced above, are incorporated into this Agreement by reference and made a part hereof as set forth in full.

The Subrecipient shall give written notice of their obligations under this clause to the labor organizations with which they have collective bargaining or other labor agreements.

a. **Sanctions for Noncompliance:** In the event of the Subrecipient's noncompliance with the nondiscrimination provisions of this Agreement, COG shall impose such contract sanctions as its or the DOT may determine to be appropriate, including, but not limited to:

i. Withholding of payments to the Subrecipient under this Agreement until the Subrecipient complies, and/or

ii. Cancellation, termination or suspension of the Agreement, in whole or in part.

iii. **Incorporation of Provisions:** The Subrecipient shall include the provisions of this Section in every agreement with its Contractor. The Subrecipient shall take such action with respect to any such agreement as COG or DOT may direct as a means of enforcing such provisions, including sanctions for noncompliance.

14. **Conflict of Interest.** The Subrecipient and its officers, employees, and agents (including a Contractor) that perform work under this Agreement shall comply with Federal and State conflict of interest laws, regulations and policies, and applicable provisions of COG's Conflict of Interest Policy.

15. **Independent Contractor.** The Subrecipient shall be independent contractors in the performance of this Agreement.

16. **Disadvantaged Business Enterprise (DBE).** It is the policy of COG, the California Department of Transportation, and the U.S. Department of Transportation, that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, shall have an equal opportunity to receive and participate in the performance of Agreements financed in whole or in part with FHWA/FTA funds provided under this Agreement.

The Subrecipient and its employees shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any State or FHWA/FTA funds-assisted contract or in the administration of COG's DBE program per the requirements of 49 CFR Part 26. Failure to carry out the requirements of this paragraph shall constitute a breach of contract and may result in termination of this Agreement or such other remedy COG may deem appropriate.
17. **Disputes.** Should either party to this Agreement bring legal action against the other, (formal judicial proceeding, mediation or arbitration), the case shall be handled in San Benito County, California.

   a. Neither the pendency of a dispute nor its consideration by COG or the State will excuse the Subrecipient from full and timely performance in accordance with the terms of this Agreement.

18. **Hold Harmless.**

   a. The Subrecipient shall defend, indemnify and hold COG, its officers, agents and employees harmless from and against any and all liability, loss, expense or claims or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the Subrecipient, its officers, agents or employees.

   b. C OG shall defend, indemnify and hold the Subrecipient, its officers, agents and employees harmless from and against any and all liability, loss, expense or claims or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of C OG, its officers, agents or employees.

19. **Noncompliance.** In addition to such other remedies as provided by law, in the event of noncompliance with any grant condition or specific requirement of this Agreement, this Agreement may be terminated.

20. **Termination of Agreement.**

   a. **Termination for Convenience.** Either party may terminate this Agreement at any time by giving written notice to the other party of such termination at least thirty (30) calendar days before the effective date of such termination. In such event, all finished or unfinished documents and other materials as described in the Agreement shall be returned to C OG at is option. The Subrecipient shall return at the option of C OG, all equipment, software, or other materials provided to the Subrecipient under this Agreement. If this Agreement is terminated by C OG, as provided herein, the Subrecipient shall be reimbursed for expenses incurred prior to the termination date, upon compliance with Sections 6 through 8 of this Agreement.

   b. **Termination for Cause.** If through any cause, the Subrecipient shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if the Subrecipient violates any of the covenants, agreements, or stipulation of this Agreement, C OG shall thereupon have the right to terminate the
Agreement by giving not less than ten (10) calendar days written notice to the Subrecipient of the intent to terminate and specifying the effective date thereof. Said notice shall include a detailed description of the alleged violation and COG shall provide a reasonable opportunity for the Subrecipient to cure prior to termination. Upon termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the Subrecipient under this Agreement shall be provided to COG. At the option of COG, the Subrecipient shall return all equipment, software, or other materials provided to the Subrecipient under this Agreement. The Subrecipient shall be entitled to receive compensation for all work completed in accordance with Exhibit A prior to the effective date of termination.

21. **Environmental, Resource Conservation and Energy Requirements.** The Subrecipient recognizes that many Federal and State statutes imposing environmental, resource conservation, and energy requirements may apply to the Project. The Subrecipient agrees to adhere to any such Federal and State requirements.

22. **Notice.** Any notice or notices required or permitted to be given pursuant to this agreement may be personally served on the other party by the party giving such notice, or may be served by certified mail, return receipt requested, to the following addresses:

Mary Gilbert  
Executive Director  
Council of San Benito County Governments  
330 Tres Pinos C-7  
Hollister, CA 95023

Maura Twomcy  
Executive Director  
Association of Monterey Bay Area Governments  
24580 Silver Cloud Court  
Monterey, CA 93940
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first herein written above:

Council of San Benito County Governments

By: ______________________________
Mary Gilbert
Executive Director

Date: ____________________________

Association of Monterey Bay Area Governments

By: ______________________________
Maura Twomey
Executive Director

Date: ____________________________

APPROVED AS TO LEGAL FORM:
SAN BENITO COUNTY COUNSEL'S OFFICE

By: Shirley L. Murphy, Deputy County Counsel

Date: April 12, 2018

APPROVED AS TO LEGAL FORM:

By: ______________________________
AMBAG Legal Counsel

Date: ____________________________
Exhibit A - Subrecipient Scope of Work

WORK ELEMENT NUMBER 611

Rural Transportation Performance Management

Project Manager: Mary Gilbert (San Benito COG) & Paul Hierling (AMBAG)

Total Budget: $ 59,446

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>Amount ($)</th>
<th>Change</th>
<th>REVENUE</th>
<th>Amount ($)</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>-</td>
<td></td>
<td>San Benito COG</td>
<td>59,446</td>
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</tr>
<tr>
<td>Fringe Benefits</td>
<td>-</td>
<td></td>
<td></td>
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<tr>
<td>Indirect</td>
<td>-</td>
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</tr>
<tr>
<td>Professional Services*</td>
<td>56,446</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Supplies</td>
<td>3,000</td>
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<tr>
<td>Printing</td>
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<td>Travel</td>
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<td></td>
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<td>Toll Credits</td>
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<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>59,446</strong></td>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>59,446</strong></td>
<td></td>
</tr>
<tr>
<td>% Federal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0%</td>
</tr>
</tbody>
</table>

*Contracts are as follows:
None

The Moving Ahead for Progress in the 21st Century (MAP-21) Act and the Fixing America’s Surface Transportation (FAST) Act transformed the Federal-aid highway program by establishing new requirements for performance management. Performance management increases accountability and transparency and provides for a framework to support improved investment decision making through a focus on performance outcomes for key national transportation goals. Under this Work Element staff will help develop for the California Rural Counties Task Force the Transportation Performance Measures (TPM) Framework as required under Fixing America’s Surface Transportation (FAST) Act. AMBAG proposes to conduct the professional services for one small/rural county agency, San Benito Council of Governments (SBsCOG) as a pilot area to develop the proposed TPM framework. This proposed TPM framework will be built upon the report “California Rural Counties Task Force Performance Monitoring Indicators for Rural and Small Urban Transportation Planning”, developed for California Rural Counties Task Force. TPM measures framework will include but not limited to, motorized and non-motorized safety performance, condition for highways, bridges, transit assets (State of Good Repair), and National Highway System (NHS) performance. NHS performance to include: person-miles traveled, total emission reductions, travel time reliability and traffic congestion.

TPM represents the opportunity to prioritize needs, and align resources for optimizing system performance in a collaborative manner. TPM measures work supports activities such as the Metropolitan Transportation Plan (MTP), Regional Travel Demand Model (RTDM), the Metropolitan Transportation Improvement Program (MTIP), Transit system planning and GIS mapping tool for Public Participation. Data collection, developing infrastructure plan and developing performance measure analysis framework will aid the performance measurement tracking, reporting as identified within MAP-21 and FAST Act.

Work Element 611
### Exhibit A - Subrecipient Scope of Work

- Research, identify, and collect data for TPM measures analysis.
- Participate in TPM measures related meetings. Project coordination and training meetings.
- Develop and compile TPM measures metrics and performance measure analysis framework for San Benito County.
- Develop performance measure analysis database for San Benito County.
- Draft and Final TPM report, presentation for RCTP.

- This work is not federally funded.
- This is a new work element.

![Image](image.png)

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Deliverables</th>
<th>Budget</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Administrative</td>
<td>Progress Reports, meeting agendas and minutes, invoices</td>
<td>$4,200</td>
<td>By 6/30/2019</td>
</tr>
<tr>
<td></td>
<td>1.1 Project Administration.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Planning</td>
<td>Participating in meetings pertaining to TPM, FAST Act implementation</td>
<td>$15,000</td>
<td>By 6/30/2019</td>
</tr>
<tr>
<td></td>
<td>2.1 Researching, reading, and understanding FAST Act requirements for TPM data needs, analysis and performance measures, targets and reporting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.2 Research and identify TPM measure monitoring indicators to be used for performance measure analysis framework as established under MAP-21 and FAST Act.</td>
<td>Attend workgroup meetings/webinars. Compile research materials and draft outline of performance monitoring indicators</td>
<td></td>
<td>By 6/30/2019</td>
</tr>
<tr>
<td>3</td>
<td>Data Gathering and Analysis</td>
<td>Database and GIS shapefiles for performance monitoring indicators with outline of framework for San Benito County.</td>
<td>$30,946</td>
<td>By 6/30/2019</td>
</tr>
<tr>
<td></td>
<td>3.1 Collect and compile SBtCOG test area performance monitoring indicator data (safety, transportation infrastructure, system reliability, congestion, economic vitality, environmental sustainability, and freight movement data) for performance measure analysis framework.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.2 Develop database system for TPM performance measure data for San Benito County.</td>
<td>Development of database system, GIS framework for TPM infrastructure and technical report.</td>
<td></td>
<td>By 6/20/2019</td>
</tr>
</tbody>
</table>

Work Element 611
Exhibit A - Subrecipient Scope of Work

4. Coordination $ 7,300

4.1 Coordinate with local, state, federal agencies and key stakeholders for data collection, identifying responsible agencies and coordination for data support and if needed, MOUs/Agreements. Reports, GIS shapefiles, database, maps, and MOUs for data agreements By 6/30/2019

4.2 Hold Kick-off meeting/webinars with involved stakeholders and host or attend meetings on 1PM framework. Agendas and handouts By 6/30/2019

5. Public Participation $ 2,000

5.1 Provide performance measure information and data for use by government agencies and members of the public. GIS maps, graphs, charts emailed to interested parties and list of requests Quarterly

5.2 Host showcase of GIS framework and maintain database for performance measure analysis and data. Data, reports, or maps emailed to interested parties and list of requests Quarterly

Federal Planning Emphasis Areas (PEAs)

Project addresses the following Planning Emphasis Areas:

PEA NAME
MAP-21 Implementation (Federal)
Regional Models of Cooperation (Federal)
Ladders of Opportunity (Federal)
Core Planning Functions (CA)
Performance Management (CA)
State of Good Repair (CA)

Project addresses the following Planning Factors:

PF NAME
Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.

Promote efficient system management and operation.

Emphasize the preservation of the existing transportation system.

Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation.

Work Element 611
## Exhibit B - Subrecipient Budget

**WORK ELEMENT NUMBER 611**

**Rural Transportation Performance Management**

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>Amount ($)</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td></td>
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<tr>
<td>Fringe Benefits</td>
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<td></td>
</tr>
<tr>
<td>Indirect</td>
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<tr>
<td>Professional Services*</td>
<td>56,446</td>
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<tr>
<td>Supplies</td>
<td>3,800</td>
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<td>Printing</td>
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<td>Toll Credits</td>
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<td></td>
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<tr>
<td>In-Kind/Non-Federal Local Match</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>59,446</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REVENUE</th>
<th>Amount ($)</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>SBeCOG</td>
<td>59,446</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL**

| % Federal | 0% |

*Contracts are as follows:

None
"Sample Subrecipient Invoice", Exhibit C

xx/xx/20xx

Mr./Ms. xxxxx xxxxxxx
COUNCIL OF SAN BENITO COUNTY GOVERNMENTS
Street
City, State Zip

Attn: xxxxx xxxxxxx

Re: AMBAG CCA (Description)

Dear Mr./Ms. xxxxx xxxxxxx

Enclosed please find the following invoice for the period Month, Day, Year through Month, Day, Year for WE xxx-
(Description)

Work Element xxx - Personnel Costs

<table>
<thead>
<tr>
<th>Name- Title</th>
<th>0 hours @ $</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name- Title</td>
<td>0 hours @ $</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Name- Title</td>
<td>0 hours @ $</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Name- Title</td>
<td>0 hours @ $</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

Total Personnel Cost | 0 | Subtotal | $ | $ |
Non-Personnel Expenses | | | $ | $ |

The total requested for this invoice is $  

xxxxx xxxxxxx is available if you have questions regarding this invoice while xxxxx xxxxxxx is available for questions regarding the project.

Sincerely,

xxxxx xxxxxxx
Executive Director

Attachments:
Employee Timesheets
Vendor Invoice
Progress Report
OVERALL WORK PROGRAM AGREEMENT (OWPA) FOR Council of San Benito County Governments

If this is an amendment, please identify the amendment number in the space provided. Amendment # 2

1. The undersigned signatory Council of San Benito County Governments hereby consents to complete, this fiscal year (FY) (beginning July 1, 2017 and ending June 30, 2018), the annual Overall Work Program (OWP), a copy of which was approved on June 15, 2017 and amended on September 21, 2017 and is attached as part of this OWPA.

2. All of the obligations, duties, terms and conditions set forth in the Master Fund Transfer Agreements (MFTA), numbered and executed with effective dates of January 1, 2014 to December 31, 2024 between Council of San Benito County Governments and the Department of Transportation (STATE), are incorporated herein by this reference as part of this OWPA for this FY.

3. This OWPA Agreement obligates and encumbers only the following funding sources: State Highway Account – Rural Planning Assistance (RPA) funds, State Highway Account (SHA) – Sustainable Communities, Road Maintenance and Rehabilitation Account (RMRA) SB1 SC State funds, Public Transportation Account (PTA) State funds, Federal Transit Administration (FTA) Section 5304 Transit Planning/Sustainable Communities*, Federal Highway Administration (FHWA) State Planning and Research (SP&R) – Partnership Planning/Strategic Partnerships*. RTPA agrees to comply with FHWA and FTA matching requirements for "Consolidated Planning Grant", SHA SC, RMRA, and ATP funds obligated and encumbered against this OWPA Agreement: SHA SC, SB1 SC, SB1 Adaptation, state/local 88.53/11.47; FTA Section 5304, federal/local – 88.53/11.47; and FHWA – SP&R Part, federal/local – 90/20. All local match funds are to be provided from non-federal sources when using federal funds.

4. Subject to the availability of funds this FY OWPA funds encumbered by STATE include, but may not exceed, the following:

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Match %</th>
<th>Fed/State Programmed Amount</th>
<th>Local Match</th>
<th>Total Estimated Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>RPA</td>
<td>0.00%</td>
<td>$294,000.00</td>
<td></td>
<td>$294,000.00</td>
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<tr>
<td>RPA Grant (Transportation Performance Measures Framework for Ca. Rural Counties)</td>
<td>0.00%</td>
<td>$66,446.45</td>
<td></td>
<td>$66,446.45</td>
</tr>
<tr>
<td>SHA Sustainable Communities</td>
<td>0.00%</td>
<td>$66,446.45</td>
<td></td>
<td>$66,446.45</td>
</tr>
<tr>
<td>SB1 Sustainable Communities (Analysis of Public Transit Network Development Projects for Comparison Relief of the Highway 25 Corridor Study)</td>
<td>11.47%</td>
<td>$150,000.00</td>
<td>$19,434.00</td>
<td>$169,434.00</td>
</tr>
<tr>
<td>SB1 Adaptation Funds</td>
<td>11.47%</td>
<td>$150,000.00</td>
<td>$19,434.00</td>
<td>$169,434.00</td>
</tr>
<tr>
<td>FTA 5304 Funds*</td>
<td>11.47%</td>
<td>$150,000.00</td>
<td>$19,434.00</td>
<td>$169,434.00</td>
</tr>
<tr>
<td>FHWA SPR Funds*</td>
<td>20.00%</td>
<td>$150,000.00</td>
<td>$19,434.00</td>
<td>$169,434.00</td>
</tr>
<tr>
<td>Total Programmed Amount</td>
<td></td>
<td>$510,446.45</td>
<td>$19,434.00</td>
<td>$529,880.45</td>
</tr>
</tbody>
</table>

5. Should RTPA expend funds in excess of those available and programmed in this FY OWPA, those costs shall be borne solely by RTPA.

Caltrans District #
Department of Transportation (STATE)

Authorized Signature
Printed Name of Caltrans District
Title
Date

Council of San Benito County Governments
Name of Agency (RTPA)

Authorized Signature
Mary Gilbert
Printed Name of Authorized Signatory
Executive Director
Title
19-Apr-18
Date

APPROVED AS TO LEGAL FORM
SAN BENITO COUNTY COUNSEL
SHERYL J. MURPHY 12/18
DEPUTY COUNTY COUNSEL DATE

For Use by Caltrans Accounting Only

The total amount of all FEDERAL funds encumbered by this document are $ 

Fund Title: 

Item 

Chapter Statute Fiscal Year 

Encumbrance Document Number

The total amount of all STATE funds encumbered by this document are $ 

Fund Title: 

Item 

Chapter Statute Fiscal Year 

Encumbrance Document Number

Project ID# 

Signature of Department of Transportation Accounting Officer
Date

*CFDA for Federal Funds 20.505 Metropolitan Transportation Planning and State and Non-Metropolitan Planning and Research

Updated December 2017
Staff Report

To: Council of San Benito County Governments
From: Mary Gilbert, Executive Director Telephone: (831) 637-7665 x. 207
Date: October 19, 2017
Subject: San Benito Route 156 Improvement Project

Recommendation:

RECEIVE Update on the San Benito Route 156 Improvement Project Status

Summary:

Caltrans is continuing final design and right of way acquisition for the State Route 156 Improvement Project to construct a new 4-lane expressway from the Alameda in San Juan Bautista to Union Road. Caltrans is updating COG on some new roadway design features. The project is scheduled to start construction in Spring 2020.

Financial Considerations:

The construction cost for the project is estimated at $48.5 million. Funding for construction has been programmed through the State Interregional and Regional Improvement Program and local Traffic Impact Fees.

The Council of San Benito County Governments, since 2010, has asked and received an advance of State Transportation Improvement Program funds for construction of the project. The City of Hollister and County of San Benito have also identified a total of $9.6 million in Traffic Impact Fees for construction of the project.

Due to cost increases, COG requested additional STIP funding for the project in the 2018 STIP cycle. COG’s programmed $14.2 Million in STIP funds for construction was approved by the California Transportation Commission in March.

Background:

The Route 156 project between San Juan Bautista and Hollister is included in the San Benito County Regional Transportation Plan and has been in development for several years, with final environmental clearance completed in 2011. The project has been designed to reduce congestion and improve safety on the corridor.
Staff Analysis:

Project Design

As presented in June 2017, the project includes a new project design element being developed to mitigate traffic impacts on the highway at the Bixby Road intersection. The proposed design includes a 2-lane roundabout to be constructed as part of the project.

The PDT discussed the proposed roundabout design, which will be further developed by Caltrans as part of the final project development. Caltrans will also be coordinating locally on outreach related to the roundabout design.

The anticipated project schedule is outlined below:

- Environmental Complete: October 2008
- Supplemental Environmental: September 2011
- Design Complete: October 2019
- Right-of-way Complete: October 2019
- Construction start: July 2020
- Construction end: August 2022
- Open to public: August 2022

Caltrans staff will present an update on the project to the COG Board at the April 19 meeting. Caltrans will provide clarification on schedule items as the project construction schedule has been projected to start later than last reported. This change is primarily due to the right of way project phase requiring condemnation action by the State.

Executive Director Review: 
Counsel Review: N/A

Supporting Attachment(s): SR 156 Presentation Slides
PROJECT SCHEDULE

- Environmental Document: October 2008
- Supplemental Environmental Document: September 2011
- Design*: October 2019
- Right-of-Way*: October 2019
- Construction Start: July 2020
- Construction End & Open to Public: August 2022
# Programming Changes

<table>
<thead>
<tr>
<th>Component</th>
<th>Previous*</th>
<th>Approved*</th>
<th>% Change</th>
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</thead>
<tbody>
<tr>
<td>PAED (Environmental)</td>
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<td>$3,936</td>
<td>0%</td>
</tr>
<tr>
<td>PS&amp;E Support (Design)</td>
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<td>$8,410</td>
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</tr>
<tr>
<td>R/W Support</td>
<td>$1,550</td>
<td>$2,720</td>
<td>75%</td>
</tr>
<tr>
<td>Const. Support</td>
<td>$3,420</td>
<td>$11,000</td>
<td>221%</td>
</tr>
<tr>
<td>R/W Capital</td>
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<td>3%</td>
</tr>
<tr>
<td>Const. Capital</td>
<td>$45,100</td>
<td>$57,339</td>
<td>27%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$81,264</strong></td>
<td><strong>$105,893</strong></td>
<td><strong>30%</strong></td>
</tr>
</tbody>
</table>

*Dollars in 1000x*
STIP Funding Approval Time Line

- **October 2017**, Caltrans and CalSTA approved for submittal to the CTC an increase of $19,568 in IIP funds for support costs, right of way capital and a proportional share of construction cost increases, local contribution is estimated at $5,061.
  - Projects that had funding removed in the 2016 – cycle, were the highest priority statewide to have the funding restored and any cost increases associated with delay allocated to the project
- **October 18 & 19th 2017** – CTC Public Hearings on the proposed ITIP package submitted by Caltrans and CalSTA.
- **February 2018** – CTC Public Hearings on the entire proposed STIP program approval, including ITIP proposals.
- **March 2018** – CTC Approved the cost estimate increase at the March 2018 CTC meeting.

**July 2018** – Caltrans will coordinate with SBTCOG to update the cooperative agreement and begin the process of securing the local funds in a funding agreement (cooperative agreement).
County Consideration of Modification of San Juan-Hollister Road
QUESTIONS?
Staff Report

To: Council of San Benito County Governments
From: Mary Gilbert, Executive Director  Telephone: (831) 637-7665 x. 207
Date April 19, 2018
Subject: Transportation Funding Strategy

Recommendation:

RECEIVE Update on the Transportation Safety and Investment Plan (TSIP) and DIRECT Staff Regarding Draft Investment Plan Elements.

Summary:

The COG Board is pursuing development of an investment plan for a special sales tax to be placed on a future election ballot, with November 2018 being the next possible election cycle. Staff is updating the Board on progress to date and next steps in the process. Staff has prepared a draft Transportation Safety and Investment Plan for the Board’s review and for discussion/direction at the meeting. The working draft document will be updated as needed over the coming months.

Financial Considerations:

Revenue estimates for a 30-year 1-cent sales tax measure are approximately $480 million.

Staff Analysis:

Staff is working on implementation of work items as directed by the COG Board for development of an expenditure plan for a tax measure to be considered by voters in November 2018.

The deadline for placing an item on the ballot in November 2018 will be August 10, 2018. Milestone dates include the following:

- February - March 2018: Strategy Consultant Work, Outreach, Voter Survey (COMPLETE)
- March - April 2018: Conduct survey, Expenditure Plan Development (COMPLETE)
- April 2018: Receive Survey Results, Draft Expenditure Plan (IN PROGRESS)
- May - June 2018: Draft Expenditure Plan/ Sales Tax ordinance Approved by COG for Public Review and Review by Local Jurisdictions
- July 2018: Approval by San Benito County Board of Supervisors for inclusion on November 2018 Ballot (Required by Law)
- August 10, 2018: Elections Office Deadline
Staff has developed a “Frequently Asked Questions” document about the Transportation Safety and Investment Plan (Attachment 1). The FAQ explains the process for establishing the Plan and provides information about transportation projects and funding. This information will be available on the COG website for the general public.

Staff has also prepared a preliminary, working draft of the Transportation Safety and Investment Plan (Attachment 2). Staff is seeking comments from the Board on this draft. The Draft lists the following framework for project categories and funding, as presented to the Board at its April 5 special meeting:
The project funding amounts are still to be determined, and staff will provide the Board with funding scenarios for discussion and comment at the April 19 meeting. In addition, the Board may consider discussion of project prioritization and timing of fund allocations as well as coordination with the State for highway project funding strategies.

Other next steps include the second of four Community Engagement Meetings on April 19 at 5:00 p.m. Stakeholders who have attended previous meetings and expressed interest in the TSIP have been invited to attend. The COG Board will also host a special meeting on May 1 at 3:00 p.m. at the Board of Supervisors Chambers to continue the conversation.

Staff is also preparing materials for use by the Board and staff at community meetings to provide information about the efforts to develop the Transportation Safety and Investment Plan.

Executive Director Review: ___________ Counsel Review: N/A

Supporting Attachments:
1. Frequently Asked Questions
2. DRAFT Transportation Safety and Investment Plan
What are the transportation needs of San Benito County?
We are assessing our needs and developing a detailed Transportation Expenditure Plan and have recently updated our Regional Transportation Plan (RTP), in which our needs include:

- **Maintain Local Streets and Roads:** San Benito County roads are crumbling under the weight of decades of underinvestment due to funding deficiencies. Our region is one of seven counties in the state to have an average pavement condition of 46, well below "at risk," and significantly worse than the statewide average. San Benito County has a combined pavement maintenance need of over $350 million. Well maintained streets and roads will improve safety and traffic flow on local roads.
- **Widen Highway 25:** Average daily traffic at the San Benito/Santa Clara County line has more than doubled since the mid 1990s. We have made significant improvements, but we need four lanes. Widening High 25 will increase safety and relieve traffic congestion.
- **Repair potholes.**
- **Increase pedestrian and bike safety.**
- **Protect and enhance bus and paratransit services for seniors, people with disabilities, and youth.**
- **Go to [http://www.sanbenitocog.org/TransportationNeedsConversation](http://www.sanbenitocog.org/TransportationNeedsConversation) to fill our feedback form and let us know what you think.**

What is the Council of San Benito County Governments?
The Council of San Benito County Governments (COG) is San Benito County’s regional transportation planning agency. The Council of San Benito County Governments improves the mobility of San Benito County travelers by planning for and investing in a multi-modal transportation system that is safe, economically viable, and environmentally friendly. The Council of Governments is committed to enhancing and improving transportation in San Benito County.

What about existing transportation funding?
The San Benito COG makes every effort to use resources wisely. With no locally controlled source of dollars, we struggle to compete for state and federal matching fund dollars. Even with SB1 and other funds, the burden is growing to adequately repair and upgrade our transportation system and infrastructure needs.

What is the solution?
We are currently developing a Transportation Safety Investment Plan (TIP) to address our most critical needs, which will require input from the COG board and our community. Later this year, the Board may consider placing a countywide sales tax measure on the 2018 ballot to fund the TIP. The funds raised by a potential sales tax would create a source of local dollars to achieve our local San Benito County transportation needs.

Why are local funds important?
With local funds, we can choose our own transportation improvements, and the state cannot take the money away: we are helping ourselves. Many counties in California are “self-help” counties that leverage state and federal funds. San Benito is not currently a “self-help” county but can join others around California in becoming one to qualify and compete for matching state and federal funds.
Is Highway 25 our local responsibility?
Highway 25 is a shared responsibility between state transportation agencies, federal transportation agencies, and our local San Benito County. The cost for Highway 25 improvements on the Santa Clara County-San Benito County border will be shared with Santa Clara County as well.

What about Highway 156?
Highway 156 does have needs that are being addressed, including widening the road to four lanes, but those improvements have already been fully funded by state highway funds and fees paid by developers building new homes in San Benito County. New residential and commercial building in the County has increased traffic on Highway 156 and developers are paying their fair share.

What about developer fees — do builders pay their fair share?
Our primary objective is to ensure that new development pays its fair share of the transportation costs associated with growth and the increased demand on the transportation network. New development (housing, commercial and industrial) pays for their fair share through our transportation impact mitigation program. Right now, each new house built requires payment of about $16,000 into a fund for road improvements. Funds have been collected since the 1990s and have paid for other major road improvements with a $27 million investment. In 2019, $10 million of developer fees will help pay for the Highway 156 widening. In the future, we anticipate another $247 million will be collected over the next 22 years to add significant roadway improvements as well. Even with these funds, the burden is growing to adequately repair and upgrade our transportation system and infrastructure needs.

What is the proposed tax and how much money will be generated for San Benito County?
NO decisions have been made yet. The San Benito COG is studying a 1% sales tax that would raise about $16M per year. This revenue would be dependent on the economy and the amount of goods sold in San Benito County.

If the San Benito COG does pursue a sales tax measure, when will that decision happen?
NO decisions have been made yet. COG leaders are seeking YOUR INPUT first before critical decisions are made. To qualify for the November 2018 election, the Board would have to file its resolution calling for an election by no later than August 10, 2018.

Who makes the final decision on a local sales tax measure?
The locally elected San Benito COG Board is the legal entity that must take action to call for an election. Taking such an action would then put the question to local San Benito County voters to decide. Ultimately, the San Benito County REGISTERED VOTERS would have the final say when they vote for or against the measure as absentee voters or at the polls.

Where can I go for more information?
To learn more, contact COG Executive Director Mary Gilbert at mary@sanbenitocog.com or Transportation Planner Veronica Lezama at veronica@sanbenitocog.com, or call the COG office: 831-637-7665 and dial extension 207.
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**WORKING DRAFT**

Council of San Benito County Governments
Transportation Safety and Investment Plan
Governing Body

The Board of Directors for the Council of Governments is composed of five members with the following representation:

San Benito County
Two representatives plus one alternate

City of Hollister
Two representatives plus one alternate

City of San Juan Bautista
One representative plus one alternate
San Benito County is home to about 60,000 residents, who rely on our transportation system to get to work, school, home, and so much more, every day. There are significant transportation needs throughout the county, from local streets and roads, to major highways. The fact is, San Benito County roads are crumbling under the weight of decades of underinvestment, and average daily traffic on Highway 25 has doubled since the mid 1990’s.

The Council of San Benito County Governments (COG) is the County’s transportation planning agency. Our locally elected Board of Directors is composed of five members representing all areas of San Benito County, including the City of Hollister, the City of San Juan Bautista, and the unincorporated areas of San Benito County including Aromas, Ridgemark, Tres Pinos, Bitterwater, Dunneville, Hudner, and Llanada. Both the COG Board and Staff are committed to maintaining and improving transportation for all of San Benito County.

We are committed to community input and we are listening. The San Benito Regional Transportation Plan (RTP) 2040 identifies projects with the recognized transportation needs of the public. The investments proposed are reflective of the Council of Governments’ policy goals as well as the suggestions expressed by interested community groups, policy makers, partner agencies, stakeholders and the public. We heard a need for local roadway maintenance, improvements to State Route 25, as well as a desire for healthier, more walkable and bike friendly community. Community members also emphasized the importance of transportation to support the economic vitality of the region.

Our Regional Transportation Plan has identified a need of more than $1.8B in projects across multiple modes of transportation and areas throughout the county. Our transportation needs are a shared responsibility of federal, state, regional, and local funding sources including commercial, industrial and residential developers to ensure that new developments pay their fair share of the transportation costs. Even with this, we have gap of $700m in needs to address the most critical issues — including improving and maintaining local roads and widening Highway 25 to increase safety and relieve traffic.

The following Transportation Safety and Investment Plan details the most pressing needs and a prudent solution to address them. The COG is in the process of evaluating all possible funding sources, including a possible one-cent transportation sales tax measure on the November 2018 ballot which would raise approximately $480 million over the next 30 years. No final decisions have been made yet, but the following document provides a blueprint for how the county can address its pressing transportation needs. San Benito County has a major transportation crisis to solve. This is a vital step in addressing these issues and setting up the transportation future of San Benito County residents for generations to come.

Sincerely,

Mary Gilbert
Executive Director
Council of San Benito County Governments

WORKING DRAFT
Community Engagement

_The San Benito COG staff and Board of Directors aims to involve the community in planning._

- The transportation needs conversation is ongoing, with a set of four community meetings between March and June 2018 for input.
- The Board of Directors has ongoing public meetings once, and sometimes twice, monthly leading up to summer 2018 when they will vote weather or not to place a Transportation Safety Investment Plan measure on the November 2018 ballot.
- Individual stakeholder and opinion leader conversations throughout San Benito County are welcomed and planned.
- Public outreach for the San Benito Regional Transportation Plan was conducted to identify projects with the recognized transportation needs of the public. The investments proposed are reflective of the Council of Governments’ policy goals as well as the suggestions expressed by interested community groups, policy makers, partner agencies, stakeholders and the public. The Council of Governments conducted ongoing public outreach between 2017 and 2018. Interested parties expressed support for local roadway maintenance and improvements to State Route 25, as well as a desire for healthier, more walkable and bike friendly community. Community members also emphasized the importance of transportation to support the economic vitality of the region.

Proud of Our Accomplishments:

- Highway 156 construction (begins in 2019)
- Highway 25 Bypass (complete)
- Highway 156 Bypass (complete)
- Additional roads constructed (complete)
Transportation Needs

Over the next 22 years, the 2040 San Benito Regional Transportation Plan identifies a transportation system need of over $1.8 billion in projects across all modes (i.e. highway, roads, transit, etc).

Transportation Needs, Projects, and Funding

The 2040 San Benito Regional Transportation Plan identifies the greatest financial need (90%) for local roads and the regional highway system. San Benito region’s network of roads is crumbling under the weight of decades of underinvestment due to funding deficiencies. In 2016, the California Statewide Needs Assessment Project surveyed California’s 58 counties and 482 cities on the condition of local streets and roads infrastructure. The survey concluded that San Benito County ranked one of seven counties in the State of California to have an average pavement condition of 46 (“poor”), which is significantly worse than the statewide average.

Funding inadequacies continue to be a challenge facing the San Benito highway system. State Route 25 is a primary commuter route between Hollister to points north. When traffic volumes exceed the capacity of a two-lane roadway, 100 percent of time is spent following other vehicles and average travel speeds of less than 30 mph. Commercial trucks travel through the area on SR 25 and are also subject to delays due to the congestion. The lack of adequate funding levels is the biggest challenge facing the San Benito region in its delivery of transportation projects and programs.

Transportation projects in the San Benito region are funded through a variety of federal, state, regional, and local funding sources. Based on projected revenue sources, $1.1 billion is reasonably anticipated to be available to finance $1.8 billion in transportation projects between the years 2018 and 2040. There is a $709 million deficit in transportation funding needed to meet the entire needs of the San Benito region over the next 22 years. A 1¢ sales tax for transportation would generate approximately $480 million dollars over a 30-year period, and qualify San Benito County to compete for Federal and State matching funds. Agencies in San Benito County are working to reduce congestion, greenhouse gas emissions and enhancing the overall quality of life by improving safety, access and mobility for all residents.

Pavement Condition Index (2016)

- 86 - 100 (Excellent)
- 71 - 86 (Good)
- 50 - 70 (At Risk)
- 0 - 49 (Poor)

Transportation Funding Needs Vs. Financial Assumptions (000’s)

<table>
<thead>
<tr>
<th>Transportation Need</th>
<th>Financial Assumptions</th>
<th>Shortfall</th>
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<td>$1,822,655</td>
<td>$1,113,080</td>
<td>$709,575</td>
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Shortfall: $480,000
Goals and Objectives

I. Improve and Maintain the Quality of Life in San Benito County by Supplementing Existing Transportation Funds with a New Local Funding Source
   a. Generate new, locally controlled funding for high priority transportation projects only in San Benito County.
   b. Enhance the ability of the Council of San Benito County Governments (“Council of Governments”), the County of San Benito, the City of Hollister and the City of San Juan Bautista to secure additional State and Federal funding for transportation projects in San Benito County by leveraging matching local funds.
   c. Combine existing local fund sources to enhance the Council of Governments’ and County’s ability to deliver high priority transportation projects in San Benito County.

II. Provide for Equity in the Distribution of Measure XX Revenues
   a. Provide funds to the Unincorporated County, City of Hollister, and City of San Juan Bautista based on an equitable formula distribution of funds.
   b. Adopt Improvement Plan proposals from the local jurisdictions which address the unique needs of each of these areas of the County.
   c. Provide for a reasonable balance of funds based on identified needs between highways, road maintenance, local street and road improvements, transit services (for youth, seniors, students, and people with disabilities) and pedestrian and bicycle safety improvements.

III. Provide for Local Control of the Revenues and Transportation Safety and Investment Plan Program Through the Council of Governments’s Administration
   a. Provide for cost-effective, local administration of the program through the Council of San Benito County Governments, which previously administered local Measure A funding.
   b. Delegate appropriate administrative responsibility to cities, the County, and other local agencies for local programs.
   c. Limit administrative costs to a maximum percentage annually.

IV. Provide for Taxpayer Safeguards and Oversight
   a. Ensure annual independent financial audits.
   b. Establish a Citizen’s Oversight Committee responsible for meeting not less than twice annually to review expenditures and projects.
Introduction

This Transportation Safety and Investment Plan, which shall also act as the Measure XX Expenditure Plan, was prepared by the Council of San Benito County Governments for the proposed one percent (1%) local transactions and use tax for transportation to be collected for the next 30 years if approved by the voters on November 6, 2018. This is proposed by the Council of Governments as a means to fill the funding shortfall of over $700 million to implement needed highway, local street and road maintenance, local road improvements and safety measures, transit improvements for youth, seniors, students, and people with disabilities, and pedestrian and bicycle safety improvements.
**Expenditure Summary**

<table>
<thead>
<tr>
<th>How to Address the Need</th>
<th>Improve Safety</th>
<th>Reduce Traffic Congestion &amp; Improve Traffic Flow</th>
<th>Estimated Investment</th>
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<tr>
<td><strong>Widen Highway 25 to reduce traffic congestion</strong></td>
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<th>Reduce Traffic Congestion &amp; Improve Traffic Flow</th>
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<tr>
<td>Other categories</td>
<td>✓</td>
<td>✓</td>
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</tbody>
</table>

- **Funding will be provided to each local jurisdiction (City of Hollister, City of San Juan Bautista, and San Benito County) based on a formula. Funds will be distributed annually by COG and local jurisdictions will implement cost-effective improvements based on their Pavement Management Plans, General Plan Circulation Elements, and the Regional Transportation Plan. Local funds will be used to match with state gas tax funds already provided to the local jurisdictions.**

- **Provide funding for environmental, design and construction of the Route 25 4-Lane Expressway Project. Local funds will be used to match with State (Local Partnership Program and State Transportation Improvement Program) and Federal funds as well as Traffic Impact Mitigation Fees.**

- **• Bus and paratransit services for seniors, people with disabilities, and youth**
  - **• Pedestrian and Bicycle Safety**

**Total Approximate Investment** $480M
The Council of Governments shall use Measure XX Revenues for purposes of funding the following projects:


The Council of Governments shall allocate Measure XX Revenues to fund an Environmental study, design and construction of the Route 25 4-Lane Expressway Project, building a new 4-lane highway between Hollister and Santa Clara County. Local funds will be used to match with State (Local Partnership Program and State Transportation Improvement Program) and Federal funds as well as Traffic Impact Mitigation Fees. The Council of Governments and its local jurisdictions will work closely with the California Department of Transportation and the California Transportation Commission to maximize the State contributions to project development and funding the project. In addition, local developers will be required to pay their “fair share” for impacts of new housing and retail development on the highway, which is identified as 40% of the total cost.

2. Local Street and Road Repair, Maintenance and Rehabilitation, and Improvements: Improve Safety & Traffic Flow.

Funding will be provided to each local jurisdiction (City of Hollister, City of San Juan Bautista, and San Benito County) based on a formula. Funds will be distributed annually by COG and local jurisdictions will implement cost-effective improvements based on their Pavement Management Plans. Local funds will be used to match with state gas tax funds already provided to the local jurisdictions. Funds will be distributed in order to ensure county-wide equity, including:

- City of Hollister
- City of San Juan Bautista
- San Benito County:
  - North County
  - South County (Tres Pinos, Paicines)
  - West County (Aromas and San Juan Valley)
3. Other Categories

- Bus and paratransit services for seniors, people with disabilities, and youth as described in the Short-Range, Long-Range, and Regional Transportation Plans for the community.

- Projects that Enhance Pedestrian and Bicycle Safety, including implementation of Safe Routes to School projects and projects identified in the Countywide Bicycle, Pedestrian Master Plan, and Regional Transportation Plan.

- Projects that enhance safety and improve traffic flow on local roadways, including operational improvements, traffic calming, and "complete streets" measures.
Administrative Provisions and Taxpayer Safeguards

1. Funds will be administered by the Council of San Benito County Governments (Council of Governments)

The revenue raised by Measure XX for the purposes described in this Plan will be administered by the Council of Governments and an account shall be created to hold all funds collected pursuant to the Measure. The Council of Governments is a Joint Powers Authority created in 1973 for the purpose of forming consensus on regional issues facing San Benito County.

In order to ensure accountability, transparency and public oversight of all funds collected and allocated under this Measure and to comply with state law, all of the following shall apply:

a. The Council of Governments will commission an independent annual audit of its revenue and expenditures and will also prepare a publicly available annual report on past and upcoming activities and publish an annual financial statement.

b. Prior to expenditure of any funds collected pursuant to the Measure, the Council of Governments Board shall convene an Expenditure Plan Oversight Committee to provide oversight. [More information to be included based on Board and public input on the makeup of the committee]

c. Members of the Expenditure Plan Oversight Committee shall be appointed by the Council of Governments Board of Directors and shall be residents within the Council of Governments’ jurisdiction who are neither elected officials of any government, nor employees from any agency or organization that either oversees or benefits from the proceeds of the sales tax.

d. Expenditure Plan Oversight Committee meetings will be announced in advance and will be open to the public. The Expenditure Plan Oversight Committee shall meet at least once but no more than four times per year.

The responsibilities of this Committee include:

• Advising the Council of Governments Board.
• Making recommendations regarding annual expenditure priorities.
• Reviewing Plan expenditures on an annual basis to ensure they conform to the Plan.
• Reviewing the annual audit and report prepared by an independent auditor, describing how funds were spent.
• Produce a publicly available Annual Report of Oversight Activities.
e. The Oversight Committee members will serve staggered two year terms and can be reappointed.

f. All actions, including decisions about selecting projects for funding, will be made by the Council of Governments Board in public meetings, subject to the Brown Act and closed session requirements, with proper advanced notice and with meeting materials available in advance to the public.

2. Additional Allocation Criteria and Community Benefits

The Council of Governments shall ensure that the revenue generated by Measure XX is spent in the most efficient and effective manner possible, consistent with serving the public interest and in accordance with existing law and this Plan.

a. The Council of Governments shall give priority to projects within its jurisdiction that meet multiple objectives of the Council of Governments Expenditure Plan document and including one or more of the following objectives:
   • Provide for geographic distribution of projects across the Council of Governments’ jurisdiction.
   • Increase impact by leveraging state and federal resources as well as public/private partnerships.
   • Benefit the economy and sustainability of the region by investing in infrastructure and local quality of life.

b. The Council of Governments Governing Board shall conduct one or more public meetings annually to gain public input on selection of project grants to expend revenues generated by the Measure.

c. The Council of Governments may accumulate revenue over multiple years so that sufficient funding is available for larger and long-term projects. All interest income shall be used for the purposes identified in this Plan. The Council of Governments can bond against these funds as the laws allow.

d. Costs of performing or contracting for project-related work shall be paid from the revenues of the measure allocated to the appropriate purpose and project.

e. An annual independent audit shall be conducted to assure that the revenues expended by the Council of Governments under this section are necessary and reasonable in carrying out its responsibilities under this Expenditure Plan/Ordinance.
f. Sales tax proceeds are intended to augment annual support for the Council of Governments and
do not substitute for individual city or County maintenance obligations. Monies from this program
may not go to a city's or the County's “General Fund”.

g. Revenues provided from the sales tax shall not be used to replace private developer or
foundation funding which has been or will be committed for any project.

h. Examples of similar projects eligible for funding under this Measure may be found at www.
sanbenitocog.org

3. CEQA Compliance

The approval of this Expenditure Plan does not commit the Council of Governments to funding or
approving any specific Project or activity listed herein. Prior to approving or authorizing funding for
any specific project or activity identified in this Expenditure Plan, the Council of Governments shall
comply with all applicable provisions of the California Environmental Quality Act (CEQA).

4. Amendments

Expenditure Plan Amendments. The Council of Governments may annually review and propose
amendments to the Expenditure Plan to provide for the use of additional Federal, State and local
funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances.

The Expenditure Plan for Measure XX funds may only be amended, if required, by the following
process set forth in Section 180207 of the Public Utilities Code: (1) Initiation of amendments by
the Council of Governments reciting findings of necessity; (2) Provision of notice and a copy of the
amendments provided to the Board of Supervisors and the City Councils of the Cities of Hollister and
San Juan Bautista; (3) The proposed amendments shall become effective 45 days after notice is given.
Staff Report

To: Council of Governments
From: Veronica Lezama, Transportation Planner       Telephone: (831) 637-7665
Date: April 19, 2018
Subject: 2018 Unmet Transit Needs Report

Recommendation:


Summary:

The Council of Governments is required to hold one Unmet Transit Needs Hearing to be eligible to receive Transportation Development Act funds. The testimony from the Unmet Transit Need Hearing and public meetings was presented to the Social Services Transportation Advisory Council (SSTAC) for consultation at their March 29, 2018 meeting. The Board of Directors is being asked to receive and comment on the Draft 2018 Unmet Transit Needs Report.

Financial Impact:

The primary funding source for transit services operated by County Express and Specialized Transportation Services is provided by Transportation Development Act (TDA) funds. Unmet Transit Needs that can be met are paid for with Transportation Development Act funds. The annual average Transportation Development Act funds total $1,326,000, which funds transit operations and administration ($1,066,000), COG administration ($233,000) and 2% ($27,000) is reserved for City and County bicycle and pedestrian project needs.

Background:

Each year, the Council of Governments (COG) holds an annual Unmet Transit Needs hearing and public meetings to provide a forum for residents, transit users, and community members to express service needs provided by the Local Transportation Authority, which include County Express and Specialized Services.

Unmet Transit Needs are “expressed or identified needs of a significant segment of the community for public transportation services to meet basic mobility needs which are not currently being met through existing transit services or other means of transportation.” If an "unmet transit need" is identified, a further determination is needed to establish whether or not that need is "reasonable to meet" in accordance with COG adopted criteria, Attachment 1, Page 7.
If an Unmet Transit Need is found “reasonable to meet,” COG is responsible for ensuring that funds are expended to meet those needs. However, if those needs are determined as “not reasonable to meet” then that determination is submitted to the State and the funds are allowed to maintain in the COG budget for existing transit operations.

The Council of Governments held one public hearing and two public meetings to receive public testimony on the bus services provided by County Express and Specialized Transportation Services.

**Staff Analysis**

The Council of Governments received 25 public comments from the Unmet Transit Needs Hearing and public meetings. Staff has prepared responses to the requests, which are summarized in Attachment 1, Page 16 of the Draft Unmet Transit Needs Report. The enclosed Report also contains the adopted definitions and procedures for the Unmet Transit Needs Hearings and the criteria for evaluating all the requests that were received Attachment 1, Page 6-8.

As part of the evaluation process, the Social Services Transportation Advisory Council (SSTAC) reviewed all comments received and provided feedback on staff recommendations, Attachment 1, Page 16. SSTAC is responsible for representing the concerns of all segments of the community, including the elderly, persons with disabilities and persons of limited means.

The final Unmet Transit Needs Report will be provided to the Board at the May 17, 2018 meeting for approval. Once approved, the Report will be submitted to the California Department of Transportation, Division of Mass Transportation, which deadline is June 30, 2018.

COG’s response to all public comment received is available on the Council of Governments website and at the Hollister Community Center.

Executive Director Review: ___________  Counsel Review: _No_

Supporting Attachment(s): Draft 2018 Unmet Transit Needs Report
The Council of San Benito County Governments improves the mobility of San Benito County travelers by planning for and investing in a multi-modal transportation system that is safe, economically viable, and environmentally friendly.
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About the Council of San Benito County Governments (COG)

BOARD OF DIRECTORS

The Council of San Benito County Governments (COG) is the Regional Transportation Planning Agency (RTPA) for San Benito County. COG serves as the forum for regional decision-making. In this capacity, COG builds consensus among local and regional agencies, develops long-term strategic plans, programs Federal and State funding for allocation to transportation projects.

The governing board for COG is made up of five members. Two members are appointed by the San Benito County Board of Supervisors, two from the City of Hollister and one from the City of San Juan Bautista.

COG BOARD OF DIRECTORS

Jaime De La Cruz, Chair, County of San Benito
Ignacio Velazquez, Vice Chair, City of Hollister
Jim Gillio, City of Hollister
Tony Boch, City of San Juan Bautista
Anthony Botelho, County of San Benito
Eileen Loe, Caltrans District 5 (Ex-Officio)

ALTERNATES, COG BOARD OF DIRECTORS:

Mickie Solorio Luna, City of Hollister
Jim West, City of San Juan Bautista
Mark Medina, San Benito County

COG STAFF:

Mary Gilbert, Executive Director
Kathy Postigo, Administrative Services Specialist
Veronica Lezama, Transportation Planner
Regina Valentine, Transportation Planner
Monica Gomez, Secretary
Griselda Arevalo, Office Assistant
Chris Thomson, Mechanic
Area Profile and Transit System Overview

REGIONAL SETTING
San Benito County is ideally located inland from the Central California Coast. The County borders Monterey, Santa Cruz, Fresno, Merced, and Santa Clara Counties. Combined with more affordable housing and its close proximity to Monterey, Santa Cruz, and Santa Clara Counties, San Benito County is an attractive home to 55,269 people (2010). Although the County consists of 1,390 square miles, the majority of the population lives in Hollister (the County seat) San Juan Bautista, or the unincorporated area of northern San Benito County.

EXISTING TRANSIT SERVICES
The San Benito County Local Transportation Authority (LTA) was formed by a Joint Powers Agreement between the Cities of Hollister and San Juan Bautista and the County of San Benito in 1990. The Authority is responsible for the administration and operation of public transportation services in the County provided by County Express and Specialized Transportation Services.

COUNTY EXPRESS TRANSIT SYSTEM
The County Express system currently provides three fixed routes in the City of Hollister, complementary Americans with Disabilities Act Paratransit service, Intercounty service to Gilroy in Santa Clara County, and a general public Dial-A-Ride.

As of April 2018, the County Express fleet included 21 vehicles. All vehicles are ADA compliant and equipped with wheelchair lifts/ramps and bicycle racks. The Local Transportation Authority contracts with a private operator for management, dispatchers, trainers, and drivers of its County Express transit service.

Fixed-Route
Fixed-Route service operates three Fixed Routes within the City of Hollister. These routes operate between 6:20 a.m. and 5:40 p.m. However, there is no Fixed Route service between 11:00 a.m. to 2:00 p.m. Headways for each of the routes range from 40 to 50 minutes.

Dial-A-Ride
County Express transit system provides Dial-a-Ride service to parts of northern San Benito County, including Hollister, San Juan Bautista, and Tres Pinos, Monday through Friday from 6:00 a.m. to 6:00 p.m. where and when Fixed Route is not available and on weekends. Reservations for the Dial-A-Ride may be made up to 14 days in advance. Same-day service is available but is subject to availability and a convenience fee.
Paratransit
Complementary Americans with Disabilities Act Paratransit service is available for residents and visitors who are eligible for the service as determined by the Authority. The service is for individuals who are not able to access Fixed Route due to a physical or cognitive disability and have trips that begin or end in a location less than ¾ mile from a Fixed Route bus stop. Reservations for the Paratransit service may be made up to 14 days in advance. Same-day service is available but is subject to availability and a convenience fee.

Intercounty
County Express’ Intercounty routes provide connections from the Cities of Hollister and San Juan Bautista to the City of Gilroy. There is daily weekday service to Gavilan College and the Caltrain station and Saturday service to the Greyhound station in Gilroy. The weekday shuttle service to Gavilan College is from 6:50 a.m. to 6:10 p.m. with a limited schedule when school is not in session. There are three early morning and three evening runs to the Gilroy Caltrain station for connections to Caltrain and Valley Transportation Authority bus services. Service to the Greyhound station operates on Saturday and Sunday from 7:40 a.m. to 6:00 p.m.

SPECIALIZED TRANSPORTATION SERVICES
According to the 2010 U.S. Census, 10.4 percent of the total county population is aged 65 or older. Many of these elderly individuals and persons with disabilities require specialized transportation services to travel to medical appointments, shop, and visit recreation centers.

The Authority contracts with Jovenes de Antaño, a local non-profit organization that has been providing specialized transportation services in San Benito County since 1990. Specialized services include Out of County Non-Emergency Medical Transportation, Medical Shopping Assistance Transportation, and Senior Lunch Transportation Program. These services are beyond the requirements of Americans with Disabilities Act. They provide escort services, door-through-door, and minor translation services.

Jovenes de Antaño also has a referral program that provides information about other social services within the community, coordination of home-based services, referral to legal assistance, and other local services to their clients. The coordination effort between Jovenes de Antaño and the Authority allows for efficient, affordable and reliable service for this critical need in the community of San Benito County.

The LTA makes great strides to provide a comprehensive and adequate public transit service. This continued effort to meet the needs of the community is accomplished through the annual Unmet Transit Needs Process, which is outlined in this Report.

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1 U.S. Census, San Benito County
Unmet Transit Needs Overview

TRANSPORTATION DEVELOPMENT ACT (TDA)

The Transportation Development Act of 1971 (TDA), also known as SB 325, is administered by the California Department of Transportation (Caltrans) through the county's designated regional transportation planning agency (RTPA).

As the administrator of Transportation Development Act (TDA) funds, the Council of San Benito County Governments (COG), as the regional transportation planning agency, is charged with performing the Unmet Transit Needs (UTN) process. The purpose of this process is to ensure that all unmet transit needs that are "reasonable to meet" are met before funds are expended for non-transit uses, such as streets and roads.

"Unmet Transit Needs" are defined as expressed or identified needs of a significant segment of the community for public transportation services to meet basic mobility needs which are not currently being met through existing transit services or other means of transportation.

The "Reasonable to Meet" standard is based on several criteria that analyze how accommodating that transit need will affect the rest of the transit system that it relates to. If it passes the criteria then it is found reasonable to meet and changes will be made to accommodate the need.

The process is done annually and entails a comprehensive outreach program and a series of public hearings throughout the county to obtain comments on unmet transit needs that may be reasonable to meet. Once the comments are received, the Social Services Transportation Advisory Committee (SSTAC) analyzes them to determine if there are any transit needs that meet the adopted definitions of "reasonable to meet" and "unmet transit need" and makes a recommendation of findings to the COG Board. If the Board determines there are unmet transit needs that are reasonable to meet, the affected jurisdiction must satisfy the needs before any TDA funds are expended for non-transit purposes.

This Report documents the Unmet Transit Needs process which is submitted annually to the California Department of Transportation (Caltrans).
Adopted Definitions and Procedures for Noticing and Conducting The Annual Unmet Transit Needs Hearing

As required by PUC section 9940 1.5, the Council of San Benito County Governments must adopt formal definitions of "unmet transit need" and "reasonable to meet." The first definition is the primary tool used to evaluate the public testimony received during the initial hearing.

The second definition is used to evaluate the reasonableness of meeting those requests. State law (PUC Section 994015(c)) has been modified to clarify that..."the fact that an identified transit need cannot fully be met based on available resources shall not be the sole reason for finding that a transit need is not reasonable to meet."

Additionally, the Act specifies that..."An agency's determination of needs that are reasonable to meet shall not be made by comparing unmet transit needs with the need of streets and roads."

I. The "unmet needs" definition adopted by Council of San Benito County Governments:

"Unmet needs are defined as expressed or identified needs of a significant segment of the community for public transportation services to meet basic mobility needs which are not currently being met through existing transit services or other means of transportation."

Included, at a minimum, are those public transportation or specialized services that are identified in the Regional Transportation Plan, Short Range Transit Plan and/or Transit Development Plan, which have not been implemented or funded.

II. The "unmet needs" threshold criteria adopted by the Council of San Benito County Governments:

The following criteria must be true for the COG to consider a request an "unmet need". If a request fails to satisfy any of the criteria below, the request is not an unmet need.

1. The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.
2. Sufficient broad-based community support exists.
3. Request is a current rather than future need.
4. Request is not operational in nature (i.e. minor route change, bus stop change, etc.)
III. Adopted Definition of “Transit Needs That Are Reasonable To Meet Determination.”

In making the reasonableness determination, an analysis will be conducted on existing transit services, available options, likely demand and general costs based on similar services in the area and available studies. Once completed, the following criteria shall be considered.

REASONABLE TO MEET CRITERIA

In making a reasonableness determination, an analysis will be conducted on existing transit services, available options, likely demand and general costs based on similar services in the area and available studies. An Unmet Transit Need would be considered reasonable to meet if the proposed service is in general compliance with the following criteria:

A. EQUITY

The proposed service would:
1. Benefit the general public.
2. Not unreasonably discriminate against nor favor any particular area or segment of the community at the exclusion of any other.
3. Not result in adversely affect existing services in other parts of the transit system that have an equal or higher priority immediately or within the foreseeable future.
4. Require a subsidy per passenger generally equivalent to other parts of the transit system, unless overriding reasons so justify.

B. TIMING

The proposed service would:
1. Be in response to an existing rather than a future need.
2. Be implemented consistent with federal, state, or regional funding approval schedules, if such funds are the most appropriate primary method of funding.

C. COST EFFECTIVENESS

The proposed service would:
1. Not cause the responsible operator or service claimant to incur expenses in excess of the maximum allocated funds.
2. Not set a precedent for other service expansions without a reasonable expectation of available funding.
3. Have available funding on a long-term basis to maintain the service.

D. SYSTEM PERFORMANCE

1. The efficiency of the new, expanded or revised transit service, excluding specialized transportation services, shall be measured on efficiency, such as:
   ▪ Cost per passenger trip,
   ▪ Cost per vehicle service hour,
   ▪ Passenger trips per vehicle service hour,
   ▪ Passenger trips per service mile,
   ▪ On-time performance.
2. The proposed service would have a reasonable expectation of future increase in ridership.
E. OPERATIONAL FEASIBILITY
1. The new, expanded or revised transit service must be safe to operate and there must be adequate roadways and turnouts for transit vehicles.
2. The new service would be provided with the existing vehicle fleet or with vehicles that can be acquired with available funds.
3. The new service would have the available maintenance staff to cover the additional vehicle maintenance hours incurred as a result of the proposed service.

F. COMMUNITY ACCEPTANCE
A significant level of community support exists for the public subsidy of transit services designed to address the unmet transit need. Including but not limited to, community groups, community leaders, and community meetings reflecting support for the unmet transit need.

G. ADA CONFORMITY
The new, expanded or modified service, excluding specialized transportation services, would conform to the requirements of the Americans with Disabilities Act. The COG shall consider the financial impact on the TDA claimant if complementary paratransit services are required as a result of the new, expanded, or modified service.

H. OTHER FACTORS
Other specific, formulated components that COG determines to affect the reasonableness of meeting an unmet transit need.
BEFORE THE BOARD OF DIRECTORS OF THE
COUNCIL OF SAN BENITO COUNTY GOVERNMENTS

RESOLUTION OF THE BOARD OF
DIRECTORS OF THE COUNCIL OF SAN
BENITO COUNTY GOVERNMENTS
AMENDING RESOLUTION NO. 90-12 TO
REVISE THE CRITERIA FOR
DETERMINING UNMET TRANSIT NEEDS
THAT ARE "REASONABLE TO MEET"

Resolution No. 11-04

WHEREAS, the Council of San Benito County Governments, herein referred to as ("COG") is the Regional Transportation Planning Agency (RTPA) for San Benito County, and

WHEREAS, the COG is responsible for the allocation to claimants of funds received from the Transportation Development Act (P.U.C. 99200, et seq); and

WHEREAS, Transportation Development Act funds can be allocated to eligible claimants for support of public transportation systems, bicycle and pedestrian facilities, and for streets and roads; and

WHEREAS, COG identifies unmet transit needs within the San Benito County region and those needs that are reasonable to meet in accordance with Public Utilities Code, Section 99401.5; and

WHEREAS, COG, on July 12, 1990, adopted Resolution No. 90-12, adopting the definition of "unmet needs" and the criteria for determining unmet transit needs that are "reasonable to meet" in San Benito County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Council of San Benito County Governments, that it does hereby amend COG’s Resolution 90-12 to amend the criteria for determining what unmet transit needs are "reasonable to meet", as set forth in Exhibit A, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE COUNCIL OF SAN BENITO COUNTY GOVERNMENTS THIS 21ST DAY OF APRIL, 2011 BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAINING:
ABSENT:

Signed: [Signature]
Jaime De La Cruz, Chair

ATTEST:
Lisa Rheinheimer, Executive Director
San Benito County Counsel Office

APPROVED AS TO LEGAL FORM:
Shirley L. Murphy, Deputy County Counsel

Dated: 4/26/11
Dated: April 13, 2011
Exhibit A

REASONABLE TO MEET CRITERIA

In making a reasonableness determination, an analysis will be conducted on existing transit services, available options, likely demand and general costs based on similar services in the area and available studies. An Unmet Transit Need would be considered reasonable to meet if the proposed service is in general compliance with the following criteria:

A. EQUITY

The proposed service would:
1. Benefit the general public.
2. Not unreasonably discriminate against nor favor any particular area or segment of the community at the exclusion of any other.
3. Not adversely affect existing services in other parts of the transit system that have an equal or higher priority immediately or within the foreseeable future.
4. Require a subsidy per passenger generally equivalent to other parts of the transit system, unless overriding reasons so justify.

B. TIMING

The proposed service would:
1. Be in response to an existing rather than a future need.
2. Be implemented consistent with federal, state, or regional funding approval schedules, if such funds are the most appropriate primary method of funding.

C. COST EFFECTIVENESS

The proposed service would:
1. Not cause the responsible operator or service claimant to incur expenses in excess of the maximum allocated funds.
2. Not set a precedent for other service expansions without a reasonable expectation of available funding.
3. Have available funding on a long-term basis to maintain the service.
D. SYSTEM PERFORMANCE

1. The efficiency of the new, expanded or revised transit service, excluding specialized transportation services, shall be measured on efficiency, such as:
   - Cost per passenger trip,
   - Cost per vehicle service hour,
   - Passenger trips per vehicle service hour,
   - Passenger trips per service mile,
   - On-time performance.

2. The proposed service would have a reasonable expectation of future increase in ridership.

E. OPERATIONAL FEASIBILITY

1. The new, expanded or revised transit service must be safe to operate and there must be adequate roadways and turnouts for transit vehicles.
2. The new service would be provided with the existing vehicle fleet or with vehicles that can be acquired with available funds.
3. The new service would have the available maintenance staff to cover the additional vehicle maintenance hours incurred as a result of the proposed service.

F. COMMUNITY ACCEPTANCE

A significant level of community support exists for the public subsidy of transit services designed to address the unmet transit need, including but not limited to, community groups, community leaders, and community meetings reflecting support for the unmet transit need.

G. ADA CONFORMITY

The new, expanded or modified service, excluding specialized transportation services, would conform to the requirements of the Americans with Disabilities Act. The COG shall consider the financial impact on the TDA claimant if complementary paratransit services are required as a result of the new, expanded, or modified service.

H. OTHER FACTORS

Other specific, formulated components that COG determines to affect the reasonableness of meeting an unmet transit need.
Unmet Transit Needs Public Hearing

HEARING PROCESS

The Council of Governments held one public hearing and two public meetings to receive Unmet Transit Needs testimony. Translation services were available at both hearings, and transportation was available to those persons in need by San Benito County Transit.

The hearing was held February 15, 2018 at 3:00 p.m. during the Council of Governments regular Board meeting.

Two public meetings are also scheduled on: February 13, 2018 from 1:00 PM to 2:00 PM at the Hollister Community Center, 300 West Street, Hollister, CA and on February 14, 2018 from 2:00 PM to 3:30 PM at San Juan Bautista City Hall, 311 Second Street, in San Juan Bautista, CA.

During the public comment period, the Council of Governments received a total of 25 comments. Enclosed in this report is a summary of comments received, Unmet Transit Needs determination (i.e. Unmet Need or Not an Unmet Need), COG response to comments, and relevant Unmet Transit Needs Policy.

Notice of the hearing and meetings was given and included the date, place and specific purpose of the meeting through various means. Spanish language translation was provided at all meetings. The meetings were advertised by distributing flyers on social media and public spaces, including bus stop shelters and aboard transit vehicles.
The notice below was published in the local Hollister Freelance on January 12, 2018 in both English and Spanish.
COG Minutes, Relating to the Unmet Transit Needs Hearings

To be inserted in the final report in June 2018.
To be inserted in the final report in June 2018.
Public Comments Received and COG Response
### COUNTY EXPRESS COMMENTS

<table>
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<th>No.</th>
<th>Comment</th>
<th>Unmet Transit Needs Determination and Criteria</th>
<th>COG Response</th>
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<td></td>
<td><strong>Gap in Service Comments</strong></td>
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| 1.  | When do you foresee restoring the Fixed Route midday service?          | Unmet Transit Need, Reasonable to Meet.                                                                       | The cost of restoring the Fixed Route midday weekday service is estimated at $131,020 annually, *(2,862 service hours x contractor hourly rate of $46)*. The LTA is expected to receive $321,000 annually in State Transit Assistance from Senate Bill 1, Road Repair and Accountability Act of 2017.  
LTA staff submitted an expenditure plan to Caltrans, which identifies the restoration of the weekday mid-day Fixed Route service. The service will be initiated in fiscal year 2018/19. |
| 2.  | The Fixed Route bus service closes up on Monday through Friday from 11 a.m. through 2 p.m. right in the middle of the day. If I want to do some shopping or if someone invites me to go to lunch there are no bus services during that time. If they can't pick me up, I have to use shanks mare to get there. And for an old lady that's not very easy to do. | Unmet Transit Need, Reasonable to Meet.                                                                       | The cost of restoring the Fixed Route midday weekday service is estimated at $131,020 annually, *(2,862 service hours x contractor hourly rate of $46)*. The LTA is expected to receive $321,000 annually in State Transit Assistance from Senate Bill 1, Road Repair and Accountability Act of 2017.  
LTA staff submitted an expenditure plan to Caltrans, which identifies the restoration of the weekday mid-day Fixed Route service. The service will be initiated in fiscal year 2018/19. |
| 3.  | Fixed Route is not available Saturday and Sunday's.                     | Unmet Transit Need, Not Reasonable to Meet based on the following criteria:  
D. SYSTEM PERFORMANCE  
The efficiency of the new, expanded or revised transit service, excluding specialized transportation services, shall be measured on efficiency, such as:  
• Cost per passenger trip,  
• Cost per vehicle service hour,  
• Passenger trips per vehicle service hour,  
• Passenger trips per service mile,  
• On-time performance. | As a priority, the LTA is working on restoring the weekday midday Fixed Route service. The LTA estimates that the cost of implementing a weekend Fixed Route service to cost $108,000 annually. The primary weekday ridership profile on County Express consists of students. Without this base ridership, the LTA cannot justify the implantation of a weekend Fixed Route service at this time.  
However, the LTA will be implementing additional weekend Dial-a-Ride services to assist with the lack of a weekend Fixed Route service and limited weekend Dial-a-Ride services. The supplemental Dial-a-Ride services will be initiated in fiscal year 2018/19. |
| 3. a| And I can get around if I call on Monday for an appointment for Saturday or Sunday, but the service is limited. From 9 a.m. to about 2:30 p.m. or so. And if you don't call in time your out of luck. | Unmet Transit Need, Reasonable to Meet.                                                                       | The weekend Dial-a-Ride service has reach its capacity. There is currently one vehicle available on the weekend between 9 a.m. to 3 p.m.  
The cost of providing an additional weekend Dial-a-Ride service vehicle is estimated at $28,000 annually. The supplemental Dial-a-Ride services will be initiated in fiscal year 2018/19. |

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1 Does not include fuel or maintenance costs.  
2 Does not include fuel or maintenance costs.
| 4. | Extend weekend hours past 3 p.m. in order to attend church. Earlier bus trips to church are booked. | Unmet Transit Need, Reasonable to Meet. | The weekend Dial-a-Ride service has reached its capacity. There is currently one vehicle available on the weekend between 9 a.m. to 3 p.m. The cost of providing an additional weekend Dial-a-Ride service is estimated at $28,000 annually. The supplemental Dial-a-Ride service will be initiated in fiscal year 2018/19. |
| 5. | I think the bus service should work on Holidays like most bus services in other counties. | Unmet Transit Need, Not Reasonable to Meet based on the following criteria: D. SYSTEM PERFORMANCE The efficiency of the new, expanded or revised transit service, excluding specialized transportation services, shall be measured on efficiency, such as: • Cost per passenger trip, • Cost per vehicle service hour, • Passenger trips per vehicle service hour, • Passenger trips per service mile, • On-time performance. | The County Express holiday schedule includes the following six dates: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. The Services Transportation Advisory Council (SSTAC) recommended that COG staff research the feasibility of providing holiday Dial-a-Ride services. County Express drivers are covered under the SMART-Utu Local 23 union contract. According to the contract, the following days shall be designated as paid holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, subject to approved scheduling by management. Employee having to work on these days shall receive their regular rate of pay in addition to the holiday pay. MV Transportation’s hourly rate is $45.78/hour. Providing a bus on during the six holidays would cost approximately $1,648 annually. The cost does not include overtime, fuel or maintenance costs. Accommodating holiday services would affect the existing operations agreement – requiring contract amendment negotiations. At this time, COG staff does not recommend additional holiday bus services. *$45.78 (hourly rate) x (six hours/day) x (six days annually). |
| 6. | Have a later bus during the week for people that work late or attend Gavilan at night. | Not an unmet need as the transit need has been met. | The LTA recently, January 29, 2018, added a new 7:00 p.m. route that travels from Hollister to Gavilan College and the Caltrain Station to accommodate later work schedules. |
| 7. | Need service to connect to the early Caltrain and VTA runs that leave the Diridon Station in San Jose. | Unmet Transit Need, Not Reasonable to Meet based on the following criteria: G. OTHER FACTORS • Other specific, articulable factors that COG determines to affect the reasonableness of meeting an unmet transit need. | The VTA bus service at the Caltrain Station starts at 4 a.m. The County Express service begins at 5 a.m. The Local Transportation Authority was recently awarded a grant to conduct an Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study. The Study will conduct an in-depth analysis identifying opportunities to expand the public transit network providing alternatives to driving along the corridor will be completed. The Study will commence during the summer of 2018 and updates will be provided to the Social Services Transportation Advisory Council, Local Transportation Authority and the Council of Government’s Board of Directors. |

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3 Does not include fuel or maintenance costs.
8. The last bus to Hollister/Gilroy (Greyhound service) on weekends should leave later and leave earlier on weekends or have an extra route earlier and later one. This route should be implemented on Holidays also.

Unmet Transit Need, Not Reasonable to Meet based on the following criteria:

G. OTHER FACTORS
- Other specific, articulable factors that COG determines to affect the reasonableness of meeting an unmet transit need.

9. I know that the first and last bus doesn’t get a lot of people, but I do feel that it’s important to have the last and first bus always do the full ride to and from Hollister and Gilroy. I just feel that sometimes emergencies arise or people have to work in Hollister early or leave Hollister late to go to Gilroy. I notice the early bus does not do a route back. I am not sure about the late bus if it does the both routes.

Unmet Transit Need. Not Reasonable to Meet based on the following criteria:

D. SYSTEM PERFORMANCE
- The efficiency of the new, expanded or revised transit service, excluding specialized transportation services, shall be measured on efficiency, such as:
  - Cost per passenger trip,
  - Cost per vehicle service hour,
  - Passenger trips per vehicle service hour,
  - Passenger trips per service mile,
  - On-time performance.

The weekend County Express service begins at 7:35 a.m. and ends at 6:05 p.m. Adding additional hours before and after the regularly scheduled times would require comprehensive analysis to ensure that there is a demand for the service.

Weekend Greyhound Schedule (North & South)

The LTA was recently awarded a grant to conduct an Analysis of Public Transit Network Expansion Projects for Congestion Relief of the Highway 25 Corridor Study. The Study will conduct an in-depth analysis identifying opportunities to expand the public transit network providing alternatives to driving along the corridor will be completed. The Study will commence during the summer of 2018 and updated will be provided to the Social Services Transportation Advisory Council, LTA and the Council of Governments’ Board of Directors.

The County Express holiday schedule includes the following six dates: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

County Express drivers are covered under the SMART -UTU Local 23 union contract. According to the contract, the following days shall be designated as paid holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, subject to approved scheduling by management. Employee having to work on these days shall receive their regular rate of pay in addition to the holiday pay.

Accommodating holiday services would affect the existing operations agreement – requiring contract amendment negotiations. At this time, COG staff does not recommend additional holiday bus services.

* $45.78 (hourly rate) x (six hours/day) x (six days annually).
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<th>Operational Comments</th>
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| **10.** | I think that the buses should all go to Caltrain or close to Caltrain. For example, there is a bus stop on Monterey and 10th Street in Gilroy. It would be nice if the bus could stop there first and then head to Gavilan and then go back towards the San Benito route. Not an Unmet Transit Need as the request is operational in nature. The following criteria must be true for the COG to consider a request an “unmet need.” If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
  - The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.  
  - Sufficient broad-based community support exists.  
  - Request is a current rather than future need  
  - Request is not operational in nature (i.e. minor route change, bus stop change, etc.) |

|  | Not an Unmet Transit Need request is a future rather than current need. The following criteria must be true for the COG to consider a request an “unmet need.” If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
  - The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.  
  - Sufficient broad-based community support exists.  
  - Request is a current rather than future need  
  - Request is not operational in nature (i.e. minor route change, bus stop change, etc.) |

|  | Not an Unmet Need as the request is operational in nature and would require comprehensive analysis of the Gavilan College Service schedule. This request is not identified as a deficiency in the Short and Long Range Transit Plan or Regional Transportation Plan. |

| San Juan is really growing. I don’t know how far the two new housing projects are but maybe once the homes are completed have more than one stop for SJB and Hollister. Reconfigure the route? Not sure. COG serves on both the County and the City of Hollister’s Development Review Committee (DRC). The duties and responsibilities of the DRC are to review the site design of new development and improvements and provide applicants with appropriate design comments. Those comments include accommodations for public transit facilities and services. New development is required to accommodate public transit amenities, if warranted by the LTA. The City of San Juan Bautista does not have a DRC; however, the LTA has contacted the San Juan Bautista City Manager to discuss public transit review opportunities for all new developments. |

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<th>Infrastructure Comments</th>
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<td><strong>12. Bikes</strong>&lt;br&gt;Bike lockers (boxes) should be located at the bus stops so that people can lock their bikes. A lot of homeless people like to steal parts so it is very scary to leave your bike out there. &lt;br&gt;Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an “unmet need.” If a request fails to satisfy any of the criteria below, the request is not an unmet need.&lt;br&gt;• The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.&lt;br&gt;• Sufficient broad-based community support exists.&lt;br&gt;• Request is a current rather than future need.&lt;br&gt;• Request is not operational in nature (i.e. minor route change, bus stop change, etc.).&lt;br&gt;<strong>Bicycle lockers are not identified as a deficiency in the Bus Stop Improvement Plan or Short and Long Range Transit Plan. Bicycle parking, bicycle racks, are identified as part of the Bus Stop Improvement Plan. Implementation of the Bus Stop Improvement Plan is based on funding availability.</strong>&lt;br&gt;The LTA provides bicycle parking at high usage bus stops and on board all Fixed Route and Intercounty buses. As the service expands, bicycle parking accommodations at public transit facilities will be considered. New development are also required to accommodate public transit amenities, if warranted by the LTA.</td>
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<td><strong>13. Have suggestion boxes at the bus stops so people that are not tech savvy can give their input via paper.</strong>&lt;br&gt;Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an “unmet need.” If a request fails to satisfy any of the criteria below, the request is not an unmet need.&lt;br&gt;• The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.&lt;br&gt;• Sufficient broad-based community support exists.&lt;br&gt;• Request is a current rather than future need.&lt;br&gt;• Request is not operational in nature (i.e. minor route change, bus stop change, etc.).&lt;br&gt;A suggestion box will be placed at the Council of Governments office. Placing suggestion boxes at the bus stops may be difficult to monitor as they could be subject to vandalism. The LTA’s phone number is available on all bus stop schedules and the general public may contact the LTA with comments. The public may also provide comments through the annual Unmet Transit Needs process or year-round by contacting the LTA at: Email: <a href="mailto:regina@sanbenitocog.org">regina@sanbenitocog.org</a>&lt;br&gt;Phone: 831-637-7665&lt;br&gt;Fax: 831-636-4161</td>
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<tr>
<td><strong>14. I believe there should be better marketing like computerized banners to communicate the next bus.</strong>&lt;br&gt;Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an “unmet need.” If a request fails to satisfy any of the criteria below, the request is not an unmet need.&lt;br&gt;• The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.&lt;br&gt;• Sufficient broad-based community support exists.&lt;br&gt;• Request is a current rather than future need.&lt;br&gt;• Request is not operational in nature (i.e. minor route change, bus stop change, etc.).&lt;br&gt;The LTA completed the Intelligent Transportation Systems Technology for the 21st Century: Using Technology to Improve Safety and Efficiency of San Benito County’s Transit System Plan. The LTA is currently seeking funding to implement the Plan’s recommendations.</td>
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<td><strong>15. The bus stop at 4th &amp; Line (taqueria) is not clearly marked. A couple of times I had to flag the bus down and they didn’t see me. I had to call and they had to turn around and come back.</strong>&lt;br&gt;Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an “unmet need.” If a request fails to satisfy any of the criteria below, the request is not an unmet need.&lt;br&gt;• The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.&lt;br&gt;• Sufficient broad-based community support exists.&lt;br&gt;• Request is a current rather than future need.&lt;br&gt;• Request is not operational in nature (i.e. minor route change, bus stop change, etc.).&lt;br&gt;This location is considered a “flag stop.” A rider can “flag” down a bus to board the vehicle. Areas that permit flag stops don’t have regular bus stop amenities. A housing developer, CHISPA, is in the process of constructing a senior housing project south of this location. As part of the development terms, CHISPA has agreed to coordinate the establishment of a bus stop with amenities at this location. Riders will be informed to contact County Express dispatch when planning to board at this location to ensure that the bus stops.</td>
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<td>No.</td>
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| 16.  | For the most part there aren’t a lot places to sit down and, when you’re very young and energetic that’s ok. We need more benches at the bus stops. Over by Safeway there is no place to sit down unless you sit on the curb. A cross the street at Kmart no place to sit down unless you sit on the curb. Although, I did notice a bus stop further past Kmart. | Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an “unmet need”. If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
- The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.  
- Sufficient broad-based community support exists.  
- Request is a current rather than future need.  
- Request is not operational in nature (i.e. minor route change, bus stop change, etc.) | The LTA is currently working on identifying funding to implement the Bus Stop Improvement Plan, which evaluates each County Express bus stops for its accessibility and amenities and makes recommendations for improvements.  
The bus stop located south of K-mart was installed with the residential development. As new developments are proposed, the LTA/COG ensures that accommodations for public transit facilities and services are considered. New developments are required to accommodate public transit amenities, if warranted by the LTA. |
| 17.  | Be open to feedback from bus drivers and not administrators. If a person does not take the bus then they would not know what it feels like to take the bus so I feel that feedback from the public and bus drivers is important. | Not an Unmet Transit Need because the request is operational in nature. The following criteria must be true for the COG to consider a request an “unmet need.” If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
- The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.  
- Sufficient broad-based community support exists.  
- Request is a current rather than future need.  
- Request is not operational in nature (i.e. minor route change, bus stop change, etc.) | The LTA has addressed this item at the drivers’ monthly meeting to ensure an open exchange of information. The LTA is ultimately responsible for ensuring that all suggestions from drivers and the general public are safe and feasible. |
| 18.  | Concern that the only place to purchase bus tokens is at Tres Pinos Rd. I live down here on 7th street. So I have to make arrangements to have the bus take me so I can buy bus tokens. Why can't bus tokens be sold at the college? How many people from the college use your bus service? Why can’t they be sold at the community center? How many senior citizens use your bus service? Why? | Not an Unmet Transit Need as the request is operational in nature. The following criteria must be true for the COG to consider a request an “unmet need.” If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
- The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.  
- Sufficient broad-based community support exists.  
- Request is a current rather than future need.  
- Request is not operational in nature (i.e. minor route change, bus stop change, etc.) | In order to provide additional bus ticket options, the LTA will be coordinating with Jovenes de Antaño for the sale of tokens to senior and disabled clients at their office.  
The LTA also recently entered into contract with Token Transit for a one-year pilot to offer a mobile ticketing fare for County Express. Token Transit will only charge LTA 10% of the final transaction value for each fare purchased through their app over $2.00. For all transactions less than $2.00, the fee is $.06 + 7%. Token Transit service is anticipated to be available by the summer of 2018. |
| 19.  | All of here in this County are so lucky to have the bus drivers that we have. To a person, they are some of the finest people ever. Finest people ever. They’re hard workers. I don’t think I’ve ever had a bus driver be ornery or nasty the way I’ve seen in San José or San Francisco. They know you by name of course, this is a small town but, we have some of the best drivers ever. | Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an “unmet need.” If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
- The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.  
- Sufficient broad-based community support exists.  
- Request is a current rather than future need.  
- Request is not operational in nature (i.e. minor route change, bus stop change, etc.) | Thank you for your comment. |
<table>
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<th>No.</th>
<th>Statement</th>
<th>Unmet Transit Needs Determination and Criteria</th>
<th>COG Response</th>
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| 20. | Sometimes I call Jovenes de Antaño/Specialized Transportation Services in the morning to schedule a ride and I am waiting to get picked up and they do not arrive. I will then call them to see why my bus didn’t arrive and I will be told that they forgot to schedule my ride. This has happened three times to me. | Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an "unmet need." If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
- **The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.**  
- **Sufficient broad-based community support exists.**  
- **Request is a current rather than future need.**  
- **Request is not operational in nature** (i.e. minor route change, bus stop change, etc.)  | The Local Transportation Authority has addressed this comment with the contractor at its monthly check-in meetings to ensure responsiveness. |
| 21. | When I call Jovenes de Antaño/Specialized Transportation Services to schedule trips to a doctor appointments both inside and outside the County, I am told that there has to be enough people going at the same time to schedule the trip, which is hard when I need to go to the doctor. | Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an "unmet need." If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
- **The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.**  
- **Sufficient broad-based community support exists.**  
- **Request is a current rather than future need.**  
- **Request is not operational in nature** (i.e. minor route change, bus stop change, etc.)  | The Local Transportation Authority has addressed this comment with the contractor at its monthly check-in meetings to ensure responsiveness. |
| 22. | Happy with the services provided. The service is important as I am unable to drive and need to get to doctor's appointments. | Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an "unmet need." If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
- **The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.**  
- **Sufficient broad-based community support exists.**  
- **Request is a current rather than future need.**  
- **Request is not operational in nature** (i.e. minor route change, bus stop change, etc.)  | Thank you for your comment. |
| 23. | Jovenes de Antaño/Specialized Transportation Services drivers are always helpful. I use the service every day. | Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an "unmet need." If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
- **The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.**  
- **Sufficient broad-based community support exists.**  
- **Request is a current rather than future need.**  
- **Request is not operational in nature** (i.e. minor route change, bus stop change, etc.)  | Thank you for your comment. |
| 24. | Very satisfied with the service. I use the service daily for the senior lunch program. The drivers are very attentive and they come knock on my door when I don't answer. Carlos Valenzuela, driver, is always happy and has a great personality. | Not an Unmet Transit Need. The following criteria must be true for the COG to consider a request an "unmet need." If a request fails to satisfy any of the criteria below, the request is not an unmet need.  
- **The request fills a gap in transit service, or is identified as a deficiency in the Regional Transportation Plan.**  
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Council of San Benito County Governments Resolution

To be inserted upon Board approval.