

# MADERA COUNTY TRANSPORTATION COMMISSION

## EXECUTIVE MINUTES

**Date:** Wednesday, June 21, 2006  
**Time:** 3:05 P.M.  
**Place:** Madera County Government Center,  
Board of Supervisor Chambers

### Members Present:

Robert Poythress – Councilman, City of Madera  
Gary Gilbert– Supervisor, Madera County  
Steve Mindt – Councilman, City of Madera  
Alfred Ginsburg – Councilman, City of Chowchilla

### Members Absent:

Chairman Gordon Skeels – Councilman, City of Madera  
Vice Chairman Frank Bigelow – Supervisor, Madera County  
Max Rodriguez – Supervisor, Madera County

### Policy Advisory Committee:

Above Members present and Caltrans Representatives:  
Paul Marquez

### MCTC Staff Present:

Patricia S. Taylor, Executive Director  
Sheila Kingsley, Administrative Assistant  
Derek Winning, Planner II  
Sarah Ross, Planner I

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Chairman Skeels, and Vice Chairman Bigelow were absent. Commissioner Poythress was appointed to sit as Chairman for the Commission.

### I.

MCTC sitting as the Transportation Policy Committee.

### PLEDGE OF ALLEGIANCE

### II. PUBLIC COMMENT

This portion of the meeting is reserved for person(s) wishing to address the MCTC on items within their jurisdiction but not on this agenda.

There were no public comments.

### III. TRANSPORTATION CONSENT ITEMS

#### A. *San Joaquin Valley Blueprint Summit – June 28, 2006*

Included in the Commissioner's packet was a copy of the San Joaquin Valley Blueprint Summit Registration Form. The summit details are as follows:

Wednesday, June 28, 2006  
Fresno Convention Center, Exhibit Hall II  
8:00 a.m. - 3:30 p.m.  
Cost - \$30.00

**Action:** Information and Discussion Only.

**B. *Short Sea Shipping – Letter of Support***

Included in the Commissioner’s packet was a copy of the letter of support written to Governor Schwarzenegger expressing the Commission’s endorsement of the concept of “Short Sea Shipping” that was presented to MCTC staff by Ron Silva of Westar Transport.

Westar Transport proposes a National Water Highway System (NWHS) service for California and the West Coast. The proposed coastal shipping service consists of large Roll-On/Roll-Off (Ro-Ro) ships servicing northern and southern California, Portland and Seattle port terminals. This service would rely on Ro-Ro barges to serve as feeders to and from the ports of Oakland and LA/Long Beach and would provide port congestion relief. The coastal Ro-Ro service proposes to connect northern California with the Pacific Northwest and LA/Long Beach, with destinations further south to Mexico and north to Canada. The proposed service will move trucks from long-haul routes to local radiuses around the port terminals and convert these trucks to run on clean-burning LNG or other alternative fuel. The proposed NWHS service will dramatically improve goods movement as well as:

- Generate jobs,
- Increase mobility and relieve traffic congestion,
- Improve air quality and protect public health,
- Enhance public safety and port safety,
- Improve quality of life for truck drivers and the general public,
- Contribute national security by providing military utility, and
- Provide port congestion relief.

The letter of support encourages the Governor and his administration to consider this concept as the State moves forward with improving the State’s infrastructure.

**Action:** Authorize the Policy Board Chair to sign the letter of support and forward to Governor Schwarzenegger.

**C. *Administrative Amendment – 2004 Federal Transportation Improvement Program (FTIP) Amendment No. 8 – Resolution 04-13 Amendment No. 9***

Included in the Commissioner’s packet was an administrative amendment request from the City of Madera to amend the 2004 FTIP. The amendment affects a previously programmed CMAQ project. The amendment is as follows:

MAD102003 – CMAQ; Ellis Avenue (16)/Fwy 99 overcrossing; provide design engineering, environmental report for plans and specifications. (Amendment increases CMAQ funding by \$82,000 to \$595,000; local funding by \$11,000 to \$44,000; total project cost to \$672,000. All costs shown in prior years.

**Action:** Ratify Administrative Amendment - 2004 Federal Transportation Improvement Program (FTIP) Amendment No. 8 – Resolution 04-13 Amendment No. 9

**Transportation Consent Calendar Action:** Upon motion by Commissioner Gilbert, seconded by Commissioner Mindt to approved the Transportation Consent Calendar (Item III A-C). A vote was called and the motion carried.

**IV. TRANSPORTATION ACTION/DISCUSSION ITEMS**

**A. *Public Hearing: 2007 Federal Transportation Improvement Program and Conformity Analysis***

The Madera County Federal Transportation Improvement Program (FTIP) is developed to satisfy Federal requirements. The FTIP is a three-year list of projects (Fiscal Years 06/07 through 08/09) that are programmed for Federal funding under the most recent Federal Surface Transportation Authorization

(SAFETEA-LU), or that are locally funded projects on a Federal route. Prior to adopting the FTIP, the MCTC Policy Board must make a finding that the FTIP projects cumulatively do not result in an increase of vehicle emissions (non-attainment pollutants or their precursors).

To meet the Federal air quality regulations, the United States Department of Transportation must approve a new conformity analysis on the FTIP. The MCTC Policy Board will need to make a new conformity finding for the FTIP based on the final transportation conformity regulation. Without an approved finding of conformity on the FTIP, the existing program will expire on October 1, 2006. Failure to meet air quality requirements could result in a lapse of federal funding.

MCTC is required to submit the FTIP to Caltrans by August 1, 2006. FTIP management is performed through the Caltrans – CTIPS computerized database.

A Draft 2007 FTIP is included in your package. A Final 2007 FTIP is scheduled for adoption on July 19, 2006. The FTIP includes projects programmed regionally for funding under the following programs:

- State Seismic Retrofit Projects
- State Transportation Improvement Program (Rail and Highway)
- Minor Programs (Lump Sums)
- State Highway Operation and Protection Program (SHOPP)
- Rail Protection Program and Rail Hazard Elimination Program
- Regionally Significant Projects
- Transportation Enhancement Activities (TEA) Program
- Transportation Demand Management (TDM)/New Technology Program
- Congestion Mitigation/Air Quality (CMAQ)
- Aeronautics Program
- Federal Transit Administration (FTA) Program
- Hazard Elimination Safety (HES) Program
- Highway Bridge Rehabilitation and Replacement (HBRR) Program
- Regional Surface Transportation Program (RSTP)

The FTIP must provide a priority list of projects to be carried out in the first three years and many include additional years for information purposes. The FTIP shall include a financial plan and be financially constrained by year, including capital, operating, and maintenance costs. “Financially constrained” is defined as including in the plan only those projects and services for which there are funds. For each project, the FTIP shall include:

- Sufficient descriptive material to identify project phase
- Estimated total cost
- Amount of Federal funds, by category, to be obligated per year
- Responsible agency
- Identification of Transportation Control Measures (TCM’s)

**Action:** Conclude 30-day public review and comment period. Hold Public Hearing.

3:10 p.m. Chairman Poythress opened the floor for public comment. Being no public comment Chairman Poythress closed the floor from public comment.

**B. FY 2006-07 Unmet Transit Needs – Staff Report and SSTAC Recommendations, Resolution 06-11**

On April 19, 2006, May 17, 2006 and June 8, 2006, the Commission held the annual “Unmet Transit Needs” public hearing as required under the California Transportation Development Act. This legally noticed hearing was held to receive testimony from the public to determine if public transportation needs within Madera County will be reasonably met in FY2006-07 prior to approving claims of Local Transportation Funds for streets and roads.

Transportation Development Act - Local Transportation Funds are derived from the State Sales Tax. Of the six cent tax per dollar on all sales, ¼ of a cent goes to the Local Transportation fund and may be used for transportation projects. In FY2006-07 the estimated Local Transportation Fund for Madera County is \$4,227,889 of which \$138,725 is programmed for administration and audits, \$84,558 for Article 3 bicycle and pedestrian, and \$4,004,606 is available for Article 8 transportation projects.

Of the Article 8 Local Transportation Funds available for public transportation and streets and roads, priority must first be given to public transportation, the net difference is then available for street and road projects.

Pursuant to Section 99401.5 of the California Public Utilities Code, MCTC, as the Regional Transportation Planning Agency, must make a finding after holding a Public Hearing that there are no unmet public transportation needs within the jurisdiction of claimants which can be reasonably met before it may approve Local Transportation Fund claims for streets and roads.

The MCTC has determined that its definition of the term “**unmet transit needs**” includes all essential trip requests by transit-dependent persons for which there is no other convenient means of transportation, and the Commission has determined that its definition of the term “**reasonable to meet**” shall apply to all related public or specialized transportation services that:

- (1) are feasible;
- (2) have community acceptance;
- (3) serve a significant number of the population;
- (4) are economical; and
- (5) can demonstrate cost effectiveness

by having a ratio of fare revenues to operating cost at least equal to 10 percent, and the Commission has determined that its definition of the term “reasonable to meet” shall also apply to all service requests which do not abuse or obscure the intent of such transportation services once they are established.

The SSTAC’s role is to aid the MCTC Policy Board in its review of transit issues with emphasis on the annual identification of transit needs within Madera County. The MCTC’s establishment of this Advisory Council is consistent with State Law (SB 498, Chapter 673, 1987) which mandates both the purpose and minimum membership of this body. The purpose of the SSTAC is to:

- A. Annually participate in identification of transit needs (Unmet Transit Needs Public Hearing Process).
- B. Review and recommend appropriate action by the MCTC for a jurisdiction which finds, by resolution, that:
  - 1) There are no unmet transit needs;
  - 2) There are not unmet transit needs that are reasonable to meet;
  - 3) There are unmet transit needs that are reasonable to meet.
- C. Advise the MCTC on any other major transit issues, including coordination and consolidation of specialized transportation services.

At the “Unmet Transit Needs” Public Hearing on Wednesday, April 19, 2006, May 17, 2006 and Thursday June 8, 2006, the MCTC received testimony from the general public concerning possible unmet transit needs.

The following staff evaluation was prepared in a cooperative effort with the Social Service Transportation Advisory Council (SSTAC). The Chairman of the SSTAC will submit that body’s findings to the Commission under separate correspondence.

**Discussion:**

**City of Madera**

- 1. There are no unmet transit identified for Fiscal Year 2006/07 within the City of Madera.**  
MCTC staff has reviewed and discussed testimony regarding the City of Madera's transit services with the Social Service Transportation Advisory Council (SSTAC). The recommendation from staff and the SSTAC is that there are no unmet need transit needs within the City of Madera that are reasonable to meet at this time.

*The recommendation is based upon the definition of an unmet transit need, which includes any essential trip requests by transit-dependent persons for which there is no other convenient means of transportation. Testimony was received regarding schedules, on-time performance, the radios the drivers use, and a request for lowering the cost of the Madera Area Express (MAX) and the Madera Dial-A-Ride system; however, the comments reflect operational issues and not unmet needs.*

**City of Chowchilla**

- 1. There are no unmet transit needs identified for Fiscal Year 2006/07 in the City of Chowchilla.**

MCTC staff has reviewed and discussed this testimony with the SSTAC. The recommendation from staff and the SSTAC is that there are no unmet transit needs that are reasonable to meet within the jurisdiction of the City of Chowchilla.

The CATX provides transportation services that cover the entire jurisdiction of the City of Chowchilla. Additionally, the MCC also provides service to the City of Madera and the Children's Hospital of Central California where a connection can be made with the Fresno Area Express (FAX) for trips into Fresno.

**County of Madera**

- 1. There are no unmet transit needs identified for Fiscal Year 2006/07 in the County of Madera.**

MCTC staff has reviewed and discussed this testimony with the Social Service Transportation Advisory Council (SSTAC). The recommendation from staff and the SSTAC is that there are no unmet transit needs that are reasonable to meet within the jurisdiction of the County of Madera.

Testimony was received on April 19, 2006, May 17, 2006 and June 8, 2006 at 6:30 pm regarding request for farm worker vanpools, however, the comments reflect a request for service and no unmet transit need.

The County of Madera has committed to fund and operate the Senior Bus, Escort Service, and MCC in FY2006/07.

The Madera Dial-A-Ride service boundary covers the entire metropolitan area of the City of Madera. The service operates Monday thru Friday 7:00AM to 6:30PM; Saturday 9:00AM to 4:00PM; and Sunday 8:30AM to 2:30PM. Dial-A-Ride provides sufficient access to medical appointments, shopping, and other trips that typically occur during normal business hours.

The SSTAC and MCTC staff are encouraged by the upcoming Strategic Implementation Plan for the MCC system. This Plan will provide the County with a fiscally sound and effective plan for the delivery of transit services over the next five to ten years. The SSTAC Madera Area Express

(MAX) Madera Dial-A-Ride (DAR) and MCTC staff are hopeful that this plan will further address many of the public's transit comments and concerns.

### **Maintain Existing Transit Systems in Madera County**

Staff and the SSTAC recommend that the current public transit systems continue to operate in Madera County. The existing services continue to meet an existing need for public transit services in the county. The existing public transit systems are:

- Chowchilla Area Transit Express (CATX)
- Madera County Connection (MCC)
- Eastern Madera County Escort Service
- Eastern Madera County Senior Bus Program

### **Recommendation:**

The MCTC staff and the SSTAC considered the hearing testimony and recommend the Commission find the following:

- 1. That the Madera County Transportation Commission find that there are no unmet transit needs identified for Fiscal Year 2006/07 within the jurisdictions of the City of Madera, the City of Chowchilla and the County of Madera.***

The Madera Area Express (MAX) and Madera Dial-A-Ride (DAR) provide transportation services that cover the entire City of Madera.

The Chowchilla Area Transit Express provides transportation services that cover the entire City of Chowchilla.

The Madera County Connection (MCC) provides inter-city transportation from Chowchilla, Fairmead, Madera, La Vina and Eastern Madera County to Children's Hospital Central California where a connection can be made to Fresno via the Fresno Area Express (FAX). The Eastern Madera County communities are served by the Madera County Connection (MCC), the Escort Service, and the Senior Bus Program. The Madera Ranchos area is served by the Madera County Connection (MCC) and the Escort Service.

The Madera County Connection (MCC) provides inter-city transportation from Chowchilla, Fairmead, Madera, La Vina, and Eastern Madera County to Children's Hospital Central California where a connection can be made to Fresno via the Fresno Area Express (FAX). The Eastern Madera County communities are served by the Madera County Connection (MCC), the Escort Service, and the Senior Bus Program. The Madera Ranchos area is served by the Madera County Connection (MCC) and the Escort Service.

- 2. Maintain existing transit systems in Madera County: Madera Area Express (MAX); Madera Dial-A-Ride (DAR); Chowchilla Area Transit Express (CATX); Madera County Connection (MCC); Eastern Madera County Escort Service; and Eastern Madera County Senior Bus Program.***

**Action:** Upon motion by Commissioner Gilbert, seconded by Commissioner Mindt to approve FY 2006-07 Unmet Transit Needs - Staff report and SSTAC recommendations, Resolution 06-11. A Vote was called and the motion carried. Caltrans abstained from the vote.

### **V. REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE**

**Action:** The Commission unanimously approved to reaffirm all actions taken while sitting as the Transportation Policy Committee.

**VI. ADMINISTRATIVE CONSENT ITEMS**

**A. Executive Minutes of May 17, 2006**

Included in the Commissioner's packet was a copy of the May 17, 2006 Executive Minutes for review.

**Action:** Approve Executive Minutes of May 17, 2006.

**B. MCTC Financial and Transportation Development Act Fund Audit for Fiscal Year ended June 30, 2005 and June 30, 2004**

Included in the Commissioner's packet was a copy of the *Audit of MCTC Administrative and Planning Grant Funds and TDA Funds FY 2004-05* prepared by Dedekian, George, Small & Markarian Accountancy Corporation. We are pleased to report that there are no exceptions and no adverse findings.

**Action:** Upon motion by Commissioner Gilbert, seconded by Commissioner Mindt to approve MCTC Financial and Transportation Development Act Fund Audit for Fiscal Year ended June 30, 2005 and June 30, 2004. A vote was called and the motion carried.

**C. Final Transportation Development Act (LTF & STA) – Fund Estimates and Allocations, LTF Resolution 06-10 and STA Resolution 06-09**

Included in the Commissioner's packet was a copy of the 2006/07 Transportation Development Act (TDA) Fund estimates and apportionment's for each agency.

MCTC releases preliminary TDA apportionment estimates in February of each year to provide timely budget information for the City of Madera, City of Chowchilla, and County of Madera. The State has released the population and housing estimates for California cities and counties. Included in your package is the final TDA apportionment that reflects the population changes.

**Local Transportation Fund (LTF):** Prior to February 1, of each year, the county auditor provides MCTC an estimate of monies to be available for apportionment and allocation during the ensuing fiscal year. The estimate for FY 2006-07 is **\$4,297,889** (increased \$1,231,560 from FY 2005/06). The estimate includes monies anticipated to be deposited in the fund during the ensuing fiscal year and the unrestricted balance anticipated to be available in the fund at the end of the current fiscal year. The unrestricted balance is the balance that is neither allocated, reserved, nor retained in the fund as an unallocated apportionment pursuant to Section 6655.1. The county auditor makes an estimate from such data including those which may be furnished by the State Board of Equalization. The county auditor will furnish a revised or updated estimate of funds available when requested by MCTC staff.

**State Transit Assistance (STA):** Pursuant to Public Utilities Code Section 99312.7, the State Controller is directed to send a preliminary estimate of STA Funds to each transportation planning agency. For fiscal year 2006-07, there is \$137,154,507 budgeted according to the most current information from the Department of Finance. STA allocation estimate for Madera County is **\$449,926** (increased \$65,683 from FY 2005/06).

**Action:** Upon motion by Commissioner Gilbert, seconded by Commissioner Mindt to approve Final Transportation Development Act (LTF & STA) – Fund Allocations, LTF Resolution 06-10 and STA Resolution 06-09. A vote was called and the motion carried.

**VII. Administrative Consent Calendar Action**

**MCTC Sitting as the Madera County 2006 Transportation Authority**

**VIII. ADMINISTRATIVE ACTION/DISCUSSION ITEMS**

**A. *Madera County 2006 Transportation Sales Tax Measure Investment Plan Environmental Impact Report – Resolution 2006-01***

The Madera County 2006 Transportation Authority has prepared an Environmental Impact Report (EIR) for the 2006 ½ Cent Transportation Sales Tax Measure Investment Plan relating to the environmentally assessing environmental effects related to the development of the 2006 ½ Cent Transportation Sales Tax Measure Investment Plan.

In accordance with the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Notice of Completion of the Draft EIR was filed and the Draft EIR was routed to the State Clearinghouse, responsible agencies, other governmental and trustee agencies having discretionary approval or jurisdiction by law over natural resources affected by the Project, the County of Madera, affected transportation agencies, and other interested persons and agencies.

A 30-day public review and comment period was provided on the Draft EIR in accordance with CEQA; and a Final EIR was prepared that incorporates comments received on the Draft EIR, list of persons, organizations and public agencies commenting on the EIR, the Lead Agency's response to significant environmental points raised in the comments, and necessary changes to the text of the Draft EIR.

The EIR for the 2006 ½ Cent Transportation Sales Tax Measure Investment Plan has been presented to the Madera County Transportation Commission (now designated as the Madera County 2006 Transportation Authority Board) as the decision making body of the Lead Agency, and that the Authority has independently reviewed and evaluated the information contained in both the Draft and Final EIR and written and oral testimony.

The Authority, as the decision making body for the Lead Agency, hereby certifies that the EIR for the 2006 ½ Cent Transportation Sales Tax Measure Investment Plan has been completed in compliance with CEQA and the CEQA Guidelines. Certain unavoidable significant environmental effects resulting from Project implementation even with mitigation measures to reduce these effects have been identified in the EIR, but it is infeasible to avoid or substantially lessen these effects due to specified economic, social, or other considerations.

As required by CEQA, the Authority has balanced the benefits of the Project against the unavoidable significant environmental effects in determining whether to approve the Project, and the Authority has independently determined that the benefits of the Project outweigh the unavoidable significant environmental effects for the reasons stated in the Statement of Overriding Considerations.

**Action:** Upon motion by Commissioner Ginsburg, seconded by Commissioner Mindt to certify Madera County 2006 Transportation Sales Tax Measure EIR by Resolution 2006-01. A vote was called and the motion carried.

**B. *Madera County 2006 Transportation Sales Tax Measure Investment Plan and Ordinance 2006-01***

Included in Commission packet was a copy of the Final Draft Madera County 2006 Transportation Sales Tax Measure Investment Plan. Ordinance 2006-01 will be provided to the Commission Policy Board as a handout. All three jurisdictions approved the Draft Investment Plan at the following meetings:

- City of Madera approved the Investment Plan at its City Council meeting on Wednesday, June 7<sup>th</sup>;
- City of Chowchilla approved the Investment Plan at its City Council meeting on Monday, June 12<sup>th</sup>;
- and
- County of Madera approved the Investment Plan at its Board of Supervisor's meeting on Tuesday, June 13<sup>th</sup>.

Staff recommends the following actions:

1. Approve the Madera County 2006 Transportation Sales Tax Measure Investment Plan
2. Approval of the Madera County 2006 Transportation Authority Ordinance 06-01. The purpose of the Ordinance is to implement State law allowing the voters to decide upon a one-half of one percent (1/2%) county wide transaction and use tax to be used to finance street, road, highway and transportation improvements within the incorporated and unincorporated areas of Madera County. The Investment Plan is included as part of the Ordinance.

**Action:** Upon motion by Commissioner Gilbert, seconded by Commissioner Mindt to approve Madera County 2006 Transportation Sales Tax Measure Investment Plan with noted corrections and Ordinance 2006-01. A vote was called and the motion carried.

**C. Request Call For Election by The Madera County Board of Supervisor's – Resolution 2006-02**

The Madera County Board of Supervisor's designated the Madera County Transportation Commission to sit as the Madera County 2006 Transportation Authority at its June 13, 2006 meeting. The Authority has approved the proposed retail transaction and use tax, Ordinance No. 2006-01. The California Public Utilities Code Section 180201 provides that after approval of a proposed retail transaction and use tax ordinance by the Authority, the proposed tax ordinance must be approved by a two-thirds majority vote of the electors at a special election; and the special election on the measure is to be called by the Board of Supervisors upon request of the Authority.

**Action:** Upon motion by Commissioner Mindt, seconded by Commissioner Ginsburg to approve resolution requesting a call for election by the Board of Supervisor's on Retail Transactions and Use Tax Ordinance – Resolution 2006-02. A vote was called and the motion carried.

**IX. Miscellaneous**

**A. Items from Caltrans**

Paul Marquez gave a brief update on the 511 Travel Information Services.

**B. Items from Staff**

No Items from Staff

**C. Items from Commissioners**

No Items from Commissioners

**X. Closed Session**

Public employee performance evaluation, Pursuant to Government Code Section 54957 – Executive Director. Report of Closed Session Actions. Pursuant to Government Code Section 54957.1 and 54957.7, any required reports of closed session actions will be made at this time. This Item was postponed until the next meeting of the Commission.

**XI Adjournment**

Meeting adjourned at 3:40 p.m.

Next meeting set for Wednesday, July 19, 2006

Respectfully Submitted,

Patricia S. Taylor, Executive Director  
Madera County Transportation Commission