

# MADERA COUNTY TRANSPORTATION COMMISSION

## EXECUTIVE MINUTES

**Date:** Wednesday, June 8, 2005  
**Time:** 3:00 P.M.  
**Place:** Madera County Government Center,  
Board of Supervisor Chambers

**Members Present:**

Chairman Gordon Skeels – Councilman, City of Madera  
Frank Bigelow – Supervisor, Madera County  
Robert Poythress – Councilman, City of Madera  
Max Rodriguez – Supervisor, Madera County  
Alfred Ginsburg – Councilman, City of Chowchilla  
Alt. Vern Moss – Supervisor, Madera County

**Members Absent:** Gary Gilbert– Supervisor, Madera County

**Policy Advisory Committee:** Above Members present and Caltrans Representatives:  
Alan McCuen

**MCTC Staff Present:** Patricia S. Taylor-Maley, Executive Director  
Derek Winning, Planner II  
Lester Koga, Planner I

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MCTC sitting as the Transportation Policy Committee.

**I. 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. *Draft FY2005/06 Disadvantaged Business Enterprise (DBE) Overall Goal for the Madera County Transportation Commission***

The MCTC is required to establish a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. MCTC is eligible to receive federal financial assistance from the DOT and as a condition of receiving this assistance, MCTC is required to sign an assurance that it will comply with 49 CFR Part 26.

The proposed policy of MCTC to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts is as follows:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts; and

- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

MCTC Staff has developed a DBE Overall Goal methodology consistent with Caltrans and U.S. DOT guidance. The Overall Goal for FY2005/06 for DOT assisted contracts is proposed to be set at **6.59%**, which is based upon the percentage of DBE firms available to perform work in Madera County.

**Action:** Initiate a 45-day review of the MCTC FY2005/06 DBE Overall Goal.

**B. Proposition 42 – Letter of Support**

On May 11<sup>th</sup>, Secretary McPeak and Caltrans Director Kempton held a conference call on the Governor's Proposition 42 funding proposal in the May Revise.

Several months ago, Secretary McPeak and Caltrans Director Will Kempton had an opportunity to present a vision for California to governor. He was very impressed, and expressed his strong interest in transportation as integral to the State's economy and Californians quality of life.

Secretary McPeak announced that the Governor has committed to fully fund Prop 42, with \$1.3 billion going to transportation programs. Additionally, the budget retains gaming compact dollars, and the Administration is currently working through litigation.

Secretary McPeak also announced that the Governor is absolutely committed to signing the three-bill transportation package on: (1) design build, (2) design sequencing, and (3) public/private partnerships.

According to Director Kempton, the Administration wants to work with the transportation coalition to develop a program that works for California. They are initiating a process with the California Transportation Commission to put together an action plan to establish criteria to fund transportation projects. Director Kempton stressed that the Administration wants to get projects out the door as quickly as possible.

Breakdown of Prop 42 funds:

- \$678 million – TCRP fund
- 40% of remaining to STIP
- 40% to cities and counties (each get 20%)
- 20% to Public Transportation Account

Total amount of funding is \$1.3 billion

The Administration requests transportation coalitions to continue to write letters, make phone calls and visit legislators. Letters of Support were included in the Board package for Chair's signature. Transportation California is taking the lead on the public relations front, but the Governor also wants to commit to a public education campaign so that Californians know what governments do and to be investors in their own future.

**Action:** Authorize the Chair to sign letters of support regarding Proposition 42 and forward the letters to local legislative representatives.

**C. Administrative Amendment - 2004 Federal Transportation Improvement Program (FTIP) Amendment No. Resolution 04-13 Amendment No. 6**

Per request from Madera County the following 2004 FTIP projects have been amended utilizing MCTC administrative amendment procedures:

- MAD115001 – R-TEA Program; SR41 in Oakhurst; construct pedestrian facilities  
(delay \$20,000 PE from 2004/05 to 2005/06)
- MAD102019 – CMAQ Program; purchase 1 10 yrd CNG dump truck

(increase cost to \$145,000 per bid)  
MAD102041 – CMAQ Program; Shoulder paving, various locations  
(decrease CON in 2005/06 to \$401,000)

**Action:** Approve Resolution 04-13 Amendment No. 6, Administratively amending the 2004 Federal Transportation Improvement Program.

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

#### **IV. TRANSPORTATION ACTION/DISCUSSION ITEMS**

##### **A. FY 2005-06 Unmet Transit Needs - Staff report and SSTAC recommendations, Resolution 05-07**

Included in the Board package was the Staff Report, SSTAC Recommendation, Chairman Letter to those who testified, and the Public Hearing Comment Summary.

On April 20, 2005, 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 would be reasonably met in FY 2005-06 prior to approving claims of Local Transportation Funds for street and road purposes.

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 FY2005-06 the estimated Local Transportation Fund for Madera County is \$3,066,329 of which \$70,000 is programmed for administration and audits, \$98,316 for planning, \$59,927 for Article 3 bicycle and pedestrian and \$2,838,087 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 Social Service Transportation Advisory Council’s (SSTAC) 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 no 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 the coordination and consolidation of specialized transportation services.

At the "Unmet Transit Needs" Public Hearing on Wednesday, April 20, 2005, the MCTC Policy Board opened the hearing to receive public testimony. The following staff evaluation was prepared in a cooperative effort with the SSTAC. The Chairman of the SSTAC submitted the body's findings to the Commission under separate correspondence.

**Discussion:**

**NARRATIVE OF EVALUATION**

*City of Madera*

- 1. There were no unmet transit needs that were reasonable to meet at the time within the City of Madera.**

MCTC staff 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 was that there were no unmet need transit needs within the City of Madera that were reasonable to meet at the time.

The recommendation was 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 frequency and on-time performance of the Madera Area Express (MAX) and the Madera Dial-A-Ride system; however, the comments reflected operational issues and not unmet needs.

Comments regarding the need for a MAX stop at Magnolia and Yosemite were considered an unmet need, but were not reasonable to meet at the time. This same issue surfaced in previous years and the City of Madera approached Caltrans with the possibility of moving a stop to this location. Caltrans turned down the City's request citing a lack of right-of-way on Yosemite/145. According to Caltrans, the current infrastructure on Yosemite/145 could not support a bus stop.

The MAX and Madera Dial-A-Ride provide transportation services that cover the entire jurisdiction of the City of Madera. Important comments such as the timing; stop locations and on-time performance of the MAX system would soon be extensively analyzed by the City of Madera. The SSTAC and MCTC staff were hopeful that the analysis would further address many of the public's transit comments and concerns.

*City of Chowchilla*

- 1. There were no unmet transit needs that were reasonable to meet at the time in the City of Chowchilla.**

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

Comments regarding the need for extended Madera County Connection (MCC) hours and service to Chowchilla and Merced were considered unmet needs, but were not reasonable to meet at the time. With a fare box recovery of 4%, the MCC does not meet the state mandated fare box return of at least 10%. An increase in service to Chowchilla and establishing a connection to Merced County was difficult to justify at the existing low ridership levels. Madera County would evaluate the possibility of outside grant funding to help defray the costs of a connecting service to Merced. The major issue would be finding a sustainable outside funding source. Additionally, the Chowchilla Area Transit Express (CATX) system averages 14% farebox recovery and to add another bus and driver would likely push the system below the state mandated level of 10%.

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.

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

#### *County of Madera*

***1. There were no unmet transit needs that were reasonable to meet at the time in the County of Madera***

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

The requests for increased MCC service to Oakhurst; North Fork; the Picayune Rancheria and the City of Fresno were considered unmet transit needs, but were not reasonable to meet at the time. With a fare box recovery of 4%, the MCC does not meet the state mandated fare box return of at least 10%. An increase in service in these areas was difficult to justify at the existing low ridership levels. The County of Madera would be conducting a Strategic Implementation Plan to study the adequacy of the MCC service over the next five to ten years. Additionally, the County would address the immediate operational needs of the MCC to meet the 10% state mandated fare box return.

#### **RECOMMENDATION**

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

- 1. That the Madera County Transportation Commission finds that there are no unmet transit needs reasonable to meet at this time in FY 2005/06 within the jurisdictions of the City of Chowchilla, City of Madera and County of Madera.**

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

*The Chowchilla Area Transit Express (CATX) 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, Madera Ranchos 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 Senior Bus Program and the Escort Service provides transportation to the Eastern Madera County communities, with the Escort Service also serving the Madera Ranchos area.*

**2. Maintain existing transit systems in Madera County: Madera Transit System (MAX and Dial-A-Ride) in the City of Madera; Chowchilla Area Transit Express; Eastern Madera County Escort Service; and Eastern Madera County Senior Bus.**

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

- *Madera Transit System - City of Madera (Dial-A-Ride and MAX);*
- *Chowchilla Area Transit Express - City of Chowchilla;*
- *Eastern Madera County Escort Service; and  
Eastern Madera County Senior Bus.*

Additionally, on April 28, 2005, the SSTAC recommended MCTC staff to investigate the applicability of using Transportation Development Act (TDA) funds for farm worker vanpools. After speaking with TDA representatives from Caltrans, it was determined that farm worker vanpools are eligible for TDA funding. The SSTAC revisited the issue on June 2, 2005 and determined that given that no specific rider ship need was demonstrated and given the adopted definition of an "unmet transit need" as being an essential trip request by transit-dependent persons for which there is no other convenient means of transportation, the SSTAC did not consider the comment an unmet need that was reasonable to meet.

**Action:** Motion by Commissioner Bigelow, seconded by Commissioner Poythress to approve 2005/06 Unmet Transit Needs – Staff Report and SSTAC Recommendation by Resolution 05-07. 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 April 20, 2005**

Included in the Commissioner's packet was a copy of the April 20, 2005 Executive Minutes for review.

**Action:** Approve Executive Minutes of April 20, 2005.

**B. Final Transportation Development Act (LTF & STA) – Fund Estimates and Apportionment, LTF Resolution 05-03 and STA Resolution 05-02**

Included in the Board package was a copy of the 2005/06 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 the package was the final TDA apportionment that reflected 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 2005-06 was **\$3,066,329.13** (increased \$381,108 from FY 2004/05). The estimate included 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 was the balance that was 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 would 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 2005-06, there was \$137,154,507 budgeted according to the most current information from the Department of Finance. STA allocation estimate for Madera County was \$256,710.

**Action:** Approve Revised Transportation Development Act (LTF & STA) – Fund Estimates and Apportionment, LTF Resolution 05-03 and STA Resolution 05-02

**C. Final Transportation Development Act (LTF & STA) – Fund Allocations, LTF Resolution 05-08 and STA Resolution 05-10**

Included in the package was a copy of the 2005/06 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 the package was the final TDA apportionment that reflected the population changes.

*Local Transportation Fund (LTF):* On February 1, 2005, the county auditor provided MCTC an estimate of moneys to be available for apportionment and allocation during the ensuing fiscal year. The estimate for FY 2005-06 was **\$3,066,329.13** (increased \$381,108 from FY 2004/05). The estimate includes moneys 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 Sate Board of Equalization. The county auditor would 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 2005/06, there was a **\$137,154,507** budgeted according to the most currently information from the Department of Finance. STA allocation estimate for the Madera County area was \$256,710.

**Action:** Approve Final Transportation Development Act (LTF & STA) – Fund Allocations, LTF Resolution 05-08 and STA Resolution 05-10

**D. MCTC Financial and Transportation Development Act Fund Audit for Fiscal Years ended June 30, 2004 and June 30, 2003**

Included in the package was a copy of the *Audit of MCTC Administrative and Planning Grant Funds and TDA Funds FY 2003-04* prepared by Dedekian, George & Small Accountancy Corporation. There were no exceptions and no adverse findings. (Taylor)

**Action:** Approve the FY 2003/04 MCTC Fiscal Audit

***Administrative Consent Calendar Action:*** Upon motion by Commissioner Bigelow, seconded by Commissioner Moss, the Commission unanimously approved the Administrative Consent Calendar (Item VI A-D).

**VII. ADMINISTRATIVE ACTION/DISCUSSION ITEMS**

**A. FY 2005-06 MCTC Overall Work Program and Line Item Budget – Resolution 05-09**

Included in the package was the 2005-06 MCTC Overall Work Program and Line Item Budget – Final. This document is prepared annually pursuant to Caltrans. The OWP discusses the MCTC, its organizational structure, regional planning issues, and presents work element descriptions and budgets. The draft document was circulated for local agency and Caltrans review beginning in February. Comments received were reflected in the final document.

***Action:*** Motion by Commissioner Moss, seconded by Commissioner Bigelow to approve the FY 2005-06 MCTC Overall Work Program and Line Item Budget – Resolution 05-09. A vote was called and the motion carried.

**VIII. Miscellaneous**

**A. *Items from Caltrans***

Mr. McCuen announced the release of the State Route 99 Master Plan for review and comment. The goal of the Master Plan is to improve the aesthetic/view of State Route 99. The final Master Plan should be available at the end of June.

**B. *Items from Staff***

Staff provided as a handout a letter written to John Barna, Deputy Secretary of California Business Transportation and Housing. The letter supports the consideration of SR99 as a federal interstate candidate under the conditions that waivers or exemptions are awarded for upgrading the highway to interstate standards and that the funding of the priorities established by the Regional Agencies are not impacted.

**C. *Items from Commissioners***

No items were discussed.

**IX. Adjournment**

Meeting adjourned at 4:15 p.m.

Next meeting set for Wednesday, July 20, 2005.

Respectfully Submitted,

Patricia S. Taylor-Maley, Executive Director  
Madera County Transportation Commission