

NOTICE OF REGULAR MEETING
OF THE
YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM
(YARTS) JOINT POWERS AUTHORITY

Monday, January 12, 2009 – 1:00 p.m.

Merced County Association of Governments
Conference Room
369 W. 18th Street
Merced, California
(209) 723-3153

**THIS MEETING WILL BE CONDUCTED BY TELECONFERENCE
AT THE FOLLOWING LOCATION:
MINARET VILLAGE MALL,
437 OLD MAMMOTH ROAD, SUITE P, MAMMOTH LAKES, CA.
MEMBERS OF THE YOSEMITE AREA REGIONAL
TRANSPORTATION SYSTEM AUTHORITY ADVISORY
COMMITTEE AND MEMBERS OF THE PUBLIC MAY ATTEND
AND PARTICIPATE IN THE MEETING AT THE
TELECONFERENCE LOCATION. MEMBERS OF THE PUBLIC
APPEARING AT A TELECONFERENCE LOCATION WILL BE
PROVIDED AN OPPORTUNITY TO ADDRESS THE LEGISLATIVE
BODY DIRECTLY AS PROVIDED BY LAW.**

1. **INTRODUCTIONS**
2. **PUBLIC COMMENT**

**PERSONS WISHING TO COMMENT ON ANY ITEM NOT ON THE AGENDA
MAY DO SO AT THIS TIME. PLEASE LIMIT YOUR COMMENTS TO A
MAXIMUM OF FIVE MINUTES PER PERSON. STATING YOUR NAME FOR
THE RECORD IS OPTIONAL, BUT USEFUL IN ACTING ON COMMENTS AND
REQUESTS. FOR ITEMS NOT ON THE AGENDA, NO ACTION WILL BE
TAKEN AT THIS TIME.**

THE PUBLIC IS INVITED TO SPEAK ON ANY ITEM ON THE AGENDA.

**PERSONS WISHING TO COMMENT ON ITEMS LISTED ON THE AGENDA
MAY DO SO WHEN THE COMMITTEE CONSIDERS THAT ITEM. THE
CHAIRPERSON WILL CALL FOR COMMENTS FOLLOWING STAFF
INTRODUCTION OF THE ITEM AND QUESTIONS BY COMMITTEE
MEMBERS HAVE BEEN DISCUSSED.**

COPIES OF STAFF REPORTS OR OTHER WRITTEN DOCUMENTATION RELATING TO ITEMS OF BUSINESS REFERRED TO ON THE AGENDA ARE ON FILE IN THE OFFICE OF MERCED COUNTY ASSOCIATION OF GOVERNMENTS. PERSONS WITH QUESTIONS CONCERNING AGENDA ITEMS MAY CALL MCAG TO INQUIRE ON THE NATURE OF THE ITEM DESCRIBED ON THE AGENDA.

ITEM

STAFF

- | | | |
|-----|--|-------------------|
| * # | 3. Minutes of the October 27, 2008 YARTS Joint Powers Authority meeting | |
| | 4. Information/Discussion Only | |
| # | a. VIA Monthly Service Reports for October 2008 – November 2008 | |
| # | b. Ridership History by Fiscal Year – Update | |
| # | c. YARTS Revenue History by Fiscal Year | |
| * + | 5. YARTS Audit – Fiscal Year 2007-2008 | Dick Whittington |
| | Accept the Fiscal Year 2007-2008 Audit Report. | |
| * # | 6. YARTS Fiscal Year 2008-2009 Budget Revision | Dick Whittington |
| | Approve the Fiscal Year 2008-2009 Budget Revision. | |
| | 7. YARTS Funding Update | Dick Whittington |
| | For information and discussion. | |
| * | 8. Sustained Funding | Vikki Magee-Bauer |
| | Approve a letter of support for sustained funding for transit services serving parks and public lands. | |
| * # | 9. Service Hour Rate Adjustment | Dick Whittington |
| | Approve the new service hour rate as presented effective November 1, 2008. | |

- * # **10. Midpines County Park – Park-and-Ride** Dick Whittington
- Approve the Agreement between Mariposa County and YARTS for a Park-and-Ride facility at the Midpines County Park, and direct the Executive Director to sign the Agreement.
- 11. Oral Report – Marketing Report** Dick Whittington
- 12. Managers’ Report** Dick Whittington
- For information only.
- 13. Oral Report – National Park Service Report** Marty Nielson
- 14. Board of Commissioners Remarks**

* *Action*

Attachment

+ *Enclosure*

*The next YARTS JPA meeting will be held on Monday, April 6, 2009
at the Merced County Association of Governments, 369 W. 18th Street
Merced, California*

**YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM (YARTS) JOINT
POWERS AUTHORITY**

MINUTES

OCTOBER 27, 2008

The regular meeting of the Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority held Monday, October 27, 2008 at the Mariposa County Government Center, Board of Supervisors Chambers, 5100 Bullion Street, Mariposa, CA, was called to order at 1:04 PM by Chairperson Dianne Fritz.

MEMBERS PRESENT

Vikki McGee-Bauer, Mono County Supervisor
Dianne Fritz, Mariposa County Supervisor
Mike Nelson, Merced County Supervisor

MEMBERS ABSENT

None

OTHERS PRESENT

Lou Aceto, Oakhurst Resident
Dick Whittington, YARTS staff
Denise Demery, VIA Adventures
John Gedney, Caltrans District 10
Kenneth Gosting, Transportation Involves Everyone
Robin Lamas, YARTS staff
Tom Pimentel, National Park Service

1. Introductions

2. Public Comment

Lou Aceto thanked Ken Gosting for making a correction in regards to a prior item on the April 2008 agenda.

Lou Aceto handed to staff a statement from Jeanne Aceto, Oakhurst, dated December 4, 2000 regarding YARTS JPA meeting (Public Comment) for the record.

3. Minutes of the August 4, 2008 YARTS Joint Powers Authority meeting

Commissioner Nelson moved to approve the minutes of the August 4, 2008 YARTS Joint Powers Authority Meeting.

Seconded by Commissioner Magee-Bauer.

MOTION CARRIED UNANIMOUSLY.

4. Information/Discussion Only

- a. VIA Monthly Service Reports for July 2008 – September 2008
- b. Ridership History by Fiscal Year – Hwy 140 and Hwy 395/120 East
- c. YARTS Revenue History by Fiscal Year

So noted.

5. Grant funding Update

Dick Whittington gave a review of the grant funding staff report.

6. YARTS Short Range Transit Plan

The Short Range Transit Plan (SRTP) is a five-year plan. The current SRTP will expire in 2009. Staff is set to begin preparing a Request for Proposal (RFP) to mail to consultants who are interested in bidding on the job of creating the new SRTP for YARTS.

Staff is requesting input on things that should be included in the RFP for the new SRTP.

Dick Whittington gave a list of items the YARTS AAC members requested be brought to the attention of the Board of Commissioners as follows:

- a. Economic benefits for Mariposa County or on the corridors of service
- b. Expansion of Mammoth service maybe into mid or late September and start a week or so earlier for June passengers (meaning everyday and not just weekends for June and September)
- c. Expanding the Hwy 120/395 corridor (doing a strategy by corridor)
- d. Focus on connectivity with local services
- e. Evaluation of bus stop locations, validate their need
- f. Outreach to future partners; a “how to” for other areas to join YARTS
- g. Marketing and operations to take bicycles – letting riders know what is available
- h. Through SRTP, raising the status of YARTS to show how YARTS connects the Mammoth/Mono area to Yosemite

Items brought forward from the YARTS commissioners:

- a. How to connect the County – need connectivity - Mariposa
- b. ESTA just did a SRTP (service equity allocations)
- c. Annually confirming contributions earlier in the year
- d. Internal operations– MCAG is currently doing everything
- e. Discuss different contractors for Hwy 120 and Hwy 140
- f. Review Bylaws and update

Dick Whittington stated that he would take all the information given to staff and include this information in the RFP for the hired consultant to come back with recommendations for a new SRTP.

7. YARTS Fare Increase

Dick Whittington gave a review of the possible YARTS fare increase. The fuel increases over the past months was the reason staff brought this item before the Board. VIA stated to staff that currently fuel is \$1.00 a gallon less than at the high peak.

After discussion by the Board of Commissioners this item was continued until the January meeting to give staff time to rework the figures based on the current reduction in fuel prices.

8. Oral Report – YARTS Marketing

Dick Whittington gave a brief review of the YARTS marketing noting that staff was able to get an ad in Peaks and Plains quarterly magazine that is placed in the seat back on Great Lakes Airlines.

9. Increasing the Size of the YARTS Board of Commissioners

Dick Whittington gave a review of the YARTS Joint Powers Authority (JPA) Board and the request by Chairperson Fritz to discuss ways to increase the size of the YARTS JPA Board. Some of the suggestions by the AAC committee was to temporarily include the alternates to the JPA Board as members until the Short Range Transit Plan (SRTP) is completed noting that after the plan is completed there could be a possibility of adding new member counties. Another suggestion was to have two members from each county, and then review the membership if additional partners were added to the Board.

The YARTS Board of Commissioners requested bringing this item back before the Board in January for more discussion determining that no decision would be made until after the Short Range Transit Plan was completed.

10. Manager's Report

So noted.

11. Oral Report - National Park Service Report

Tom Pimentel gave a brief report from the National Park Service. A copy of his report is attached for your information.

12. Board of Commissioners Remarks

Commissioner Fritz stated this meeting was her last meeting and that she was very pleased to have served on the YARTS Board.

THERE BEING NO FURTHER BUSINESS OF THE YARTS JOINT POWERS AUTHORITY, THE MEETING WAS ADJOURNED AT 2:25 PM.

MEMORANDUM

DATE: JANUARY 2, 2009

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: RIDERSHIP HISTORY BY FISCAL YEAR – UPDATE

Attached for your review is the ridership history for YARTS through November 2008. Ridership for the month of December should be available by the time of the January 12, 2009 meeting.

Ridership for the first five months of this fiscal year reflects a cumulative increase of 26.82%. Building on the momentum from last year, ridership is trending toward another record year.

Only the month of November produced a single digit increase and it is hard to know if that is simply an anomaly or mirrors the direction the economy appears to be headed. With December numbers in hand by the January meeting, a better sense of direction may be more obvious.

It appears that there can be little doubt that the expanded schedule YARTS was able to operate this past summer was beneficial to the ridership numbers. The first full month of the expanded schedule was in June. June numbers shot up 44% and each month through October, the double-digit trend continued. The expanded schedule finished at the end of October.

REQUESTED ACTION

For information and discussion.

Attachment: YARTS Ridership History by Fiscal Year

MEMORANDUM

DATE: JANUARY 2, 2009

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: YARTS REVENUE HISTORY BY FISCAL YEAR

Attached for your review is the revenue history for YARTS through December 15, 2008.

Revenue numbers always trail, as we have to wait for reporting and payment from ticket vendors. Staff will provide a version of this report, updated to January 9th, at your meeting on January 12, 2009.

REQUESTED ACTION

For information and discussion.

Attachment: YARTS Revenue by Fiscal Year

ITEM 5

MEMORANDUM

DATE: JANUARY 2, 2009

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: YARTS AUDIT – FISCAL YEAR 2007-2008

Enclosed for your review is the annual YARTS audit for fiscal year 2007-2008 prepared by Kemper CPA Group. The audit is fairly self-explanatory, but staff would be happy to try to answer any questions you may have.

REQUESTED ACTION

Accept the Fiscal Year 2007-2008 Audit Report.

Enclosure: YARTS Annual Audit for 2007-2008

ITEM 6

MEMORANDUM

DATE: JANUARY 2, 2009

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: YARTS FISCAL YEAR 2008-2009 BUDGET REVISION

In April of 2008 the YARTS Board approved a budget for FY 2008-2009. Since that time, a number of changes have taken place and the working budget needs to be revised.

On the revenue side

5311(f) funding was projected at \$400,000. The amount reflected funding needed because of the vehicle restrictive detour on Hwy 140, which has since been redone and full-sized vehicles are again able to use the highway. The maximum amount under this program this year is \$300,000, which the application requested. That amount was “discounted” because not all YARTS runs qualify for the program. It was also reduced because of the number of commuters that YARTS carries.

Total farebox was projected in the April budget at \$300,000. It is now projected that the total farebox will reach \$460,300 for the year. That number, of course, depends on ridership continuing to increase. Total farebox includes all ticket sales and the sale of commuter passes.

The Amtrak contract was projected at \$273,750, but a rate increase agreement with Amtrak brought the annual amount to \$292,000.

ATPPL funding was reduced to correct an error. Staff had included the amount for next year (\$272,520) in that column rather than the correct amount of \$264,600 for this year.

5309 funding was changed to come into line with needs.

In the Expense column

Service contract costs were projected at \$1,563,134 and are being adjusted to \$1,572,134. The increase takes into account the increased costs that were experienced during the summer because of soaring fuel prices and the reductions that are anticipated for the remainder of the year as fuel prices recede.

Management costs were projected at \$107,334, but are now anticipated to be \$87,334. A reduction of actual time spent, mostly by accounting staff, is the difference. Audit and insurance costs are now based on actual billings, as is the cost for using the Transpo Center in Merced.

This almost certainly will not be the last amendment to the budget this FY, but is necessary to insure that the budget document reflects current appropriations and anticipated expenses.

REQUESTED ACTION

Approve the Fiscal Year 2008-2009 Budget Revision.

Attachments: FY 2008-2009 Budget Revision
Budget document approved in April 2008

FY 08-09 Budget
July 1, 2008 - June 30, 2009

(January 2009)

YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM (YARTS)

<u>OPERATIONS</u>			
<u>EXPENDITURES</u>		<u>REVENUES</u>	
Service contract	\$ 1,572,134		
Added service	\$ 272,520		
Subtotal for Svc Contract(s)	\$ 1,844,654	Mariposa County	\$ 136,360
		Mono County	\$ 30,000
		NPS Contribution	\$ 300,000
		FTA Section 5309	\$ 291,245
		Caltrans 5311(f)	\$ 195,000
Management, Accounting, Planning & Service Monitoring	\$ 87,334	DOT Fare Subsidy	\$ 168,000
Audit, insurance	\$ 23,500	Farebox	\$ 292,300
Transpo Station Lease	\$ 4,300	Amtrak contract	\$ 292,000
Subtotal	\$ 115,134	ATPPL	\$ 264,600
Subtotal	\$ 1,959,788	Subtotal	\$ 1,969,505
Public Education/Media Relations- Marketing Admin	\$ 84,717	Merced County-CMAQ	\$ 75,000
Subtotal for Public Education	\$ 84,717	Subtotal for Public Education	\$ 75,000
Total	\$ 2,044,505	Total	\$ 2,044,505
<u>TOTAL OPERATIONS FY2008-2009</u>		<u>TOTAL REVENUES</u>	
EXPENDITURES	\$ 2,044,505	REVENUES	\$ 2,044,505

FY 08-09 Budget

July 1, 2008 - June 30, 2009

(Approved April 2008)

YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM (YARTS)

<u>OPERATIONS</u>			
<u>EXPENDITURES</u>		<u>REVENUES</u>	
Service contract	\$ 1,563,134		
Added service	\$ 272,520		
Subtotal for Svc Contract(s)	\$ 1,835,654	Mariposa County	\$ 136,360
		Mono County	\$ 30,000
		NPS Contribution	\$ 250,000
		FTA Section 5309	\$ 321,575
		Caltrans 5311(f)	\$ 400,000
Management, Accounting, Planning & Service Monitoring	\$ 107,334	DOT Fare Subsidy	\$ 100,000
Audit,insurance	\$ 27,500	Farebox	\$ 200,000
Transpo Station Lease	\$ 4,000	Amtrak contract	\$ 273,750
Subtotal	\$ 138,834	ATPPL	\$ 272,520
Subtotal	\$ 1,974,488	Subtotal	\$ 1,984,205
Public Education/Media Relations- Marketing Admin	\$ 84,717	Merced County-CMAQ	\$ 75,000
Subtotal for Public Education	\$ 84,717	Subtotal for Public Education	\$ 75,000
Total	\$ 2,059,205	Total	\$ 2,059,205
<u>TOTAL OPERATIONS FY2008-2009</u>		<u>TOTAL REVENUES</u>	
EXPENDITURES	\$ 2,059,205	REVENUES	\$ 2,059,205

MEMORANDUM

DATE: JANUARY 2, 2009
TO: YARTS JOINT POWERS AUTHORITY
FROM: DICK WHITTINGTON, TRANSIT MANAGER
RE: YARTS FUNDING UPDATE

5311(F) – Intercity Bus Program Grant (Operating)

The 5311(f) program is federal funds that are managed by Caltrans and aimed at providing connectivity between rural areas and the “national intercity bus system”. Applicants are required to prove meaningful connection with national bus service (Greyhound). It is not intended to support commuters.

For 2008-2009, the maximum amount of funding under this program for operating is \$300,000. The YARTS application sought that amount. Because three of the regular YARTS runs do not make connection with Greyhound, and because of the level of commuters that YARTS carries, the YARTS award under this program was reduced to \$195,000. Match under this program is 44.67%.

Notice of the approval was not received until December of this year, but the funding is retroactive to the start of our fiscal year.

5304 – Transit Planning Grant

YARTS received a transit-planning grant in the amount of \$92,500, which will require a \$7,500 match. The actual amount of the grant to be used will depend on the response that we receive to our Request For Proposals (RFP) this spring. When the successful bidder is chosen and the actual costs are known, staff will include it in the next budget revision.

5320 – Alternative Transportation in Parks and Public Lands (ATPPL)

Confusion still seems to be the word of the day for funding under this year’s program. YARTS submitted a “pre-application” for two projects, the purchase of two new clean diesel buses, and the completion of the park and ride lot in Mariposa. The YARTS application made it through the Regional National Park Service (NPS) review, but no action has been taken since then to forward

DATE: JANUARY 2, 2009 the request to our contact in Seattle and the NPS has not received any further direction about how to proceed.

While our contact person in Seattle had indicated that the program might likely be over subscribed in the coming year, they now encourage us to file this year if we have projects.

YARTS still has an approved grant under this program, in the amount of \$272,520, that will help fund the contracting for buses during the fiscal year starting in July 2009.

5309 – (Earmarks)

YARTS currently has one 5309 grant available for use. This funding is typically used for capital costs, but can be used for the cost of contracting for buses, which is how YARTS has used it and how it was appropriated. Used for the cost of contracting, the required match is 60%.

The earmark available is \$247,500 with a balance of \$247,500.

The currently available 5309 funding will be expended this fiscal year and, at this point there does not appear to be a likelihood of added funding under this program in the foreseeable future. Staff placed an appropriations request with the office of Congressman Radanovich when they called for proposals, but have since been told that this year it is unlikely that there will be any earmarked funding.

Economic Stimulus Program

Early in December, YARTS received a request for project proposals from Caltrans. Funding for the proposals would come from a federal economic stimulus program. The criteria for the proposed projects are that they should be able to start very soon after approval. No one involved at Caltrans knows more than to say that the details of such funding should become available in February, following the inauguration of the new President.

YARTS put two items on the list of projects:

Purchase of six (6) new clean-diesel over-the-road coaches - \$3.3 million

Funding to complete the park and ride facilities in Mariposa - \$717,421

REQUESTED ACTION

For information and discussion.

ITEM 8

MEMORANDUM

DATE: JANUARY 2, 2009

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: SUSTAINED FUNDING

Supervisor Bauer has been working on getting federal legislation passed that would provide sustained funding to transit services that serve parks and public lands. She requested an item on the agenda to explain her work to the YARTS Board and to seek a letter of support from the YARTS Board for the effort.

Supervisor Bauer will make a presentation at the Board meeting.

REQUESTED ACTION

Approve a letter of support for sustained funding for transit services serving parks and public lands.

MEMORANDUM

DATE: JANUARY 2, 2009

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: SERVICE HOUR RATE ADJUSTMENT

In June of 2007, a contract was initiated with VIA Adventures to provide buses, drivers, and day-to-day management of same. The contract is for five years and will expire May 31, 2012. In the contract, the service hour rate was established as \$124.77.

Since that time, the contracted service hour rate has been adjusted to:

April 2008 - \$129.52

August 2008 - \$134.64 (small buses) and \$142.46 (large buses)

The increases requested and approved were due to increased fuel costs.

Attached is a letter from Curtis Riggs of VIA Adventures indicating that fuel prices have fallen and that a re-adjustment of service hour rates is again appropriate. The new suggested rate would be \$125.72 for small buses and \$129.30 for the large buses. The new service hour rate would be retroactive to November 1, 2008. The basis for computing the adjustment is the same as for the increases that you approved previously.

REQUESTED ACTION

Approve the new service hour rate as presented effective November 1, 2008.

Attachment: Letter from VIA Adventures

VIA ADVENTURES, INC.

December 11, 2008

Mr. Dick Whittington
Transit Manager
Yosemite Area Regional Transportation System

Dear Mr. Whittington,

Please consider this letter a formal request to the YARTS Board for a modification in rate due to declining fuel costs. Below, I am providing some pertinent information. The fuel cost decrease would be retroactive to November 1, 2008.

Enabling contract language. The current Transit Services Agreement provides for an annual adjustment in rates based upon the California CPI and other factors. The agreement also clearly contemplates adjustments other than annually if triggered by extraordinary changes in the cost of either fuel or insurance. The Agreement states (in Section 1), *“The vehicle/hour prices shall be adjusted annually after year one based on the California Consumer price index for the prior year . . . In addition to the annual review YARTS or the CONTRACTOR shall have the right to open negotiations in the event that: a. The total per gallon cost of fuel increases or decreases by 15% or more beyond the CPI adjustment from the cost as of March 1, 2007.”*

Fuel Justification. Our cost of bulk diesel fuel on March 1, 2007 was \$2.381 per gallon. Our contract was most recently adjusted to reflect a price of \$4.099. The deliveries for November 2008 had an average cost of \$1.869 (The costs quoted exclude both federal and state excise taxes, as well as sales tax).

Rate adjustment request for fuel. The rate change will result in a decrease in the service hour rate in the amount of \$8.92 for small buses and \$13.16 for large buses.

Formula and methodology. We can calculate the fuel used per service hour from the service hours per month and the fuel usage per month. This number of gallons per service hour multiplied by the cost per gallon yields the cost per service hour attributable to fuel:

Gallons used / svc hours x cost /gallon = cost / svc hour

Fuel consumption has historically been determined to be 4 gallons per service hour for small buses and 5.9 gallons per service hour for large buses.

I will provide you with copies of invoices to document the cost of fuel. Thank you for considering this request and passing it along to the Board. Please contact me if you have any questions or if you need any further information.

Sincerely,

Curtis Riggs, CEO

MEMORANDUM

DATE: JANUARY 2, 2009

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: MIDPINES COUNTY PARK – PARK-AND-RIDE

Following the denial of the YARTS application by the Mariposa County Planning Commission for a park-and-ride facility beside the Midpines Post Office, the Board directed staff to seek an agreement with the County for the use of the Midpines County Park for a park-and-ride facility, that specified a fixed term.

Attached is an agreement that has been negotiated with Mariposa County for that use.

If the YARTS Board affirms the agreement, it will go to the Mariposa County Board of Supervisors for their consideration on January 20, 2009.

REQUESTED ACTION

Approve the Agreement between Mariposa County and YARTS for a Park-and-Ride facility at the Midpines County Park and direct the Executive Director to sign the Agreement.

Attachment: Midpines County Park Agreement

AGREEMENT

This Agreement is entered into by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "COUNTY," and Yosemite Area Regional Transportation System, a Joint Powers Authority, hereinafter referred to as "AUTHORITY."

WITNESSETH

Whereas, County has contracted with Authority to provide public transit services from Mariposa County to and from Merced Junior College to Mariposa County; public transit commuter services to employees of Yosemite National Park and businesses near the Park; transit commuter services to Mariposa residents traveling to work centers in Merced County; maintain connectivity with Intercity transportation providers in Merced County (Amtrak, Greyhound, and Merced County "The Bus"); and to provide transit service options for visitors traveling to Mariposa County and Yosemite National Park; and

Whereas, Authority desires to use the County's Midpines Park as a Park and Ride location.

Now, therefore, in consideration of the mutual covenants and conditions hereinafter contained, the parties hereto agree as follows:

1. This Agreement shall be for period of ten (10) years, commencing January 1, 2009, and terminating December 31, 2018.
2. There shall be no rent charged to Authority for the use of the Midpines Park as a Park and Ride location.
3. Authority will work in cooperation with County on seeking funding for improvements to the Midpines Park including making the restrooms useable year-round, new striping, signing, and additional paving if Midpines Park is enlarged.
4. Authority will install a bus stop shelter at a location agreed upon by both parties in the Midpines Park parking lot and County agrees to perform any necessary permitting and grading for said shelter. Any construction, expansion, and/or development activities associated with the Park and Ride operation shall conform to all applicable County standards and regulations including, but not limited to the Scenic Highway Overlay (SHO) development standards.
5. Authority agrees to accommodate County in its endeavors of possibly expanding the Midpines Park and/or relocating of the existing Midpines Fire Station by not impeding traffic or construction equipment, and during any construction, Authority shall continue to have the ability to turn buses around in the Midpines Park to exit at all times.
6. It is specifically agreed by and between the parties hereto that Authority is not an employee or agent of Mariposa County but is an independent contractor. As such Authority agrees to maintain liability insurance coverage sufficient to County's specifications, and provide County with a certificate of insurance.
7. Authority agrees to and shall hold County, its officers, agents, employees, and representatives harmless from and against any and all claims, demands, losses, causes of action, or liability which may be based upon or arise of or in any way be connected with any claims by a third party that Authority has acted as the agent or representative of County relative to the Authority's operation of its transit system and in using the Midpines Park as a Park and Ride

location. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

8. This Agreement shall be interpreted pursuant to the laws of the State of California.

9. In the event Authority fails to provide any of the services required herein and continues to fail to provide those services, after ten (10) days written notice County shall have the option of canceling this Agreement and to discontinue Authority's use of the Midpines Park as a Park and Ride location.

10. This Agreement may be terminated at any time by either party with a 30 (thirty) day notice in writing that the Agreement is terminated.

MEMORANDUM

DATE: JANUARY 2, 2009

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: MANAGER'S REPORT

FTA Bus Safety and Security Program

On December 8 and 9, 2008, I attended a Federal Transit Administration (FTA) Bus Safety and Security Program in Sacramento. The two-day program covered interesting and thought provoking information about safe operation and security threats as well as emergency response preparedness. It also announced the launch, in January of 2009, of a new public web site that will also offer transit operators, through use of a password, a very focused search of information in the areas of safety and security of buses. The search is tailored by a survey that is built into the site, which will limit the responses received to only those that match the service doing the search. I returned with a briefcase full of information and will be sharing more with the Board as I get an opportunity to dig into it further.

NPS Cooperative Agreement

At your last meeting you directed the Chair, Supervisor Fritz, to sign the NPS Cooperative Agreement so long as the changes were limited to the increase in funding provided by Marty Neilson. The renewal specifically states that the only change is the rate of funding and the YARTS Chair, per your direction, executed it.

Merced Conference and Visitors Bureau (CVB)

The now defunct Merced CVB sold tickets for YARTS and became delinquent in the amount of \$16,282 before losing their contract with the City of Merced in November 2007. Staff has been seeking payment since that time. On December 17, 2008, I was presented with a check from the CVB of payment in full of the outstanding amount.

Heartland Opportunity Center Contract

In the summer of 2007, YARTS made a contract with the Heartland Opportunity Center to clean the bus stop enclosures and schedule canisters in Mariposa County. The price was fair and the work was done well. In November of this year, we received notice that the Heartland program in Mariposa would be closing and that our contract would have to be cancelled.

We have learned that the Family Resource Center, from Merced, will be replacing Heartland in providing services to the developmentally disabled in Mariposa County, but we have not had any contact with them regarding the possibility of a contract for the bus stop cleaning services.

Transportation Subsidy

According to an email received from Marty Neilson, the IRS has increased the monthly allowable transportation subsidy, through employers, from \$115 to \$120 effective January 1, 2009. The increase will only affect three of the NPS riders (from the Catheys Valley area), but would be beneficial to all if the YARTS commuter rates increase in the future. It will also benefit all employees from other employers who have the Commuter Choice program available to them.

Stimulus Funding

Staff has continued to pursue funding that will make it possible for YARTS to own its own buses. Recently we received a request for projects to be funded by the federal stimulus funding which are ready to go quickly. YARTS submitted two projects: 1) the purchase of six new clean diesel buses and 2) the completion of the construction of the Park-and-Ride facility in Mariposa.

The bus purchase could move ahead quickly as the RFP process, (conducted by Yolo County Transit) has been completed and YARTS was allowed to “coattail” their effort, along with four other transit agencies. Follow up meetings with MCI, the successful bidder, have taken place to establish specifics for the YARTS buses. An order for the buses could be made within days of the approval of the funding.

The Park-and-Ride facility has received all necessary approvals and can go to bid as soon as the funding is available.

The list of projects approved for stimulus funding is not likely to be known until at least February 2009.

Fare Increase

At your last meeting staff brought forward a proposal for a fare increase. The proposal was based on the increases in fuel costs that YARTS was experiencing. Between the time that the staff report was written and the day of the meeting, fuel prices had started to recede and the Board thought it best to table the fare increase discussion until there was a more clear view of what would happen with fuel prices.

Staff was to bring the fare increase item back at the January meeting; however, fuel prices have continued to drop. It seems prudent to hold back on these discussions until there is some stability in fuel pricing.

Mariposa County SSTAC

I have been serving on the Mariposa County Social Services Transportation Advisory Council since October 2007. At their meeting on December 9, 2008, the Mariposa County Board of Supervisors re-appointed me to that body with a term through December 2011.

REQUESTED ACTION

For information only.

**YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM (YARTS) JOINT
POWERS AUTHORITY**

MINUTES

JANUARY 12, 2009

The regular meeting of the Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority held Monday, January 12, 2009, at Merced County Association of Governments, Conference Room, 369 W. 18th Street, Merced, CA was called to order by Vice-Chair Vikki Magee-Bauer at 1:10 p.m.

MEMBERS PRESENT

Brad Aborn, Mariposa County Supervisor
Vikki Magee-Bauer, Mono County Supervisor
Mike Nelson, Merced County Supervisor

MEMBERS ABSENT

None

OTHERS PRESENT

Denise Demery, VIA Adventures
Kenneth Gosting, Transportation Involves Everyone
John Gray, Tuolumne County Transportation Council
Darin Grossi, Tuolumne County Transportation Council
Robin Lamas, YARTS staff
Teri Murrison, Tuolumne County Transportation Council
Marty Nielson, Yosemite National Park
Emily Schrepf, National Parks Conservation Association
Dick Whittington, YARTS staff

1. Introductions

2. Public Comment

Ken Gosting, Transportation Involves Everyone, wanted to salute Dick Whittington and YARTS for posting the detour signs at selected YARTS stops and on selected YARTS buses for the Merry Mountain Christmas parade. Mr. Gosting requested the posting and signage continue for the Amgen race coming in February and would like the posting two weeks before the time when YARTS routes would be affected. Also Mr. Gosting would like to give his personal thanks to YARTS bus driver Denise Davis for her safe driving abilities on Christmas Day. He would like to bring attention to staff at Yosemite National Park for signs that are unable to be read due to snow coverage which that create serious traffic hazards.

Dick Whittington requested the addition of emergency Item 12a to the agenda.

The JPA Board made a finding to add Agenda Item 12a as an emergency item as it came to the Board after the Agenda was prepared.

Commissioner Aborn moved to approve the addition of Agenda Item 12a.

Seconded by Commissioner Nelson.

MOTION CARRIED UNANIMOUSLY.

3. Minutes of the October 27, 2008 YARTS Joint Powers Authority meeting

Commissioner Nelson moved to approve the minutes of the October 27, 2008 YARTS Joint Powers Authority Meeting.

Seconded by Commissioner Magee-Bauer.

Commissioner Aborn - Abstained

MOTION CARRIED.

4. Information/Discussion Only

a. VIA Monthly Service Reports for October 2008 – November 2008

b. Ridership History by Fiscal Year – Update

c. YARTS Revenue History by Fiscal Year

4b. Dick Whittington handed out a revised Ridership History showing the latest figures.

4c. Dick Whittington handed out a revised Revenue History showing the latest figures.

5. YARTS Audit – Fiscal Year 2007-2008

Commissioner Nelson moved to accept the Fiscal Year 2007-2008 Audit Report.

Seconded by Commissioner Aborn.

MOTION CARRIED UNANIMOUSLY.

6. YARTS Fiscal Year 2008-2009 Budget Revision

Dick Whittington gave a review of the YARTS Fiscal Year 2008-2009 budget revision.

7. YARTS Funding Update

So noted.

8. Sustained Funding

Commissioner Magee-Bauer gave a review on obtaining sustained funding. A sample letter of support was handed out addressed to “Fellow Local Government Officials Concerned with Transportation on Federal Lands”. Commissioner Magee-Bauer is requesting approval of sending out a support letter for sustained funding.

Commissioner Nelson moved to approve a letter of support for sustained funding for transit services serving parks and public lands.

Seconded by Commissioner Aborn.

MOTION CARRIED UNANIMOUSLY.

9. Service Hour Rate Adjustment

Dick Whittington stated the YARTS service hour rates are partially based on fuel prices. Staff has received a letter from Curtis Riggs of VIA Adventures indicating that fuel prices have fallen and that a re-adjustment of service hour rates is appropriate.

Commissioner Nelson moved to approve the new service hour rate as presented effective November 1, 2008.

Seconded by Commissioner Aborn.

MOTION CARRIED UNANIMOUSLY.

10. Midpines County Park – Park-and-Ride

Dick Whittington gave a review of the Midpines County Park – Park-and-Ride lot. An agreement has been negotiated with Mariposa County to use the Midpines County Park for a Park-and-Ride facility and that agreement, if approved by the YARTS JPA, will go before the Mariposa County Board of Supervisors for their consideration on January 20, 2009. This Agreement puts in writing and insures YARTS that they will be able to use this facility.

Commissioner Nelson moved to approve the Agreement between Mariposa County and YARTS for a Park-and-Ride facility at the Midpines County Park, and direct the Executive Director to sign the Agreement.

Seconded by Commissioner Aborn.

MOTION CARRIED UNANIMOUSLY.

11. Oral Report - Marketing Report

So noted.

12. Managers' Report

So noted.

13. Oral Report – National Park Service Report

Marty Nielson gave a report from the National Park Service. A copy of his report is attached for your information.

14. Board of Commissioners Remarks

So noted.

THERE BEING NO FURTHER BUSINESS OF THE YARTS JOINT POWERS AUTHORITY, THE MEETING WAS ADJOURNED AT 2:25 PM.