

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

Monday, April 6, 2009– 1:00 p.m.

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

**THIS MEETING WILL BE CONDUCTED BY VIDEO CONFERENCE  
AT THE FOLLOWING LOCATION:  
SOUTH WING HEALTH DEPARTMENT CONFERENCE ROOM,  
437 OLD MAMMOTH ROAD, SUITE 215, 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  
VIDEO CONFERENCE LOCATION. MEMBERS OF THE PUBLIC  
APPEARING AT A VIDEO 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 January 12, 2009 YARTS Joint Powers Authority Meeting**

**4. Information/Discussion Only**

#            a. VIA Monthly Service Reports for December 2008 – February 2009

#            b. Ridership History by Fiscal Year

#            c. YARTS Revenue History by Fiscal Year

\* #      **5. YARTS Disadvantaged Business Enterprise (DBE) Plan for FY 2009/10**

Dick Whittington

Adopt Resolution 2009/04-06-03 approving the FY 2009/10 YARTS Disadvantaged Business Enterprise Plan.

\* #      **6. Public Hearing - Federal Transit Administration Grants – 5320 Alternative Transportation in Parks and Public Lands and American Recovery and Reinvestment Act – 5311(f) Funding Allocations for the Yosemite Area Regional Transportation System (YARTS)**

Dick Whittington

After a Public Hearing:

- a. Adopt Resolution 2009/04-06-02 authorizing the filing of an ARRA grant for Section 5311(f) funds for FY 2009-2010 and an Alternative Transportation in Parks and Public Lands program grant funded through Section 5320; and
- b. Direct the Executive Director to sign and execute documents related to the grant applications and subsequent contracts.

- \* # **7. Public Hearing - American Recovery and Reinvestment Act (ARRA) Funding Allocations for the Yosemite Area Regional Transportation System (YARTS)** Dick Whittington
- After a Public Hearing:
- a. Adopt Resolution 2009/04-06-01 to authorize the filing of an ARRA grant for Section 5311(f) funds for FY 2009-2010; and
  - b. Direct the Executive Director to sign and execute documents related to the grant application and subsequent contract.
- 8. YARTS Funding Update** Dick Whittington
- For information only.
- \* # **9. Public Hearing - YARTS Proposed Budget – Fiscal Year 2009-2010** Dick Whittington
- After a Public Hearing approve the proposed Fiscal Year 2009-2010 proposed budget.
- \* # **10. Agreement for Services – MCAG** Dick Whittington
- Authorize the Chair to sign a new Agreement for Services between the Yosemite Area Regional Transportation System (YARTS) and the Merced County Association of Governments (MCAG) for a period of one year from July 1, 2009 through June 30, 2010.
- # **11. 5320 Program – Funding Update** Dick Whittington
- For information and discussion only.
- \* **12. Election of Officers for FY 2009-2010**
- Elect a Chair and Vice Chair for FY 2009-2010.
- \* **13. YARTS Meeting Dates** Dick Whittington
- Establish the dates of the regularly scheduled meetings for the YARTS AAC and JPA for fiscal year 2009-2010.
- 14. Oral Report - Managers’ Report** Dick Whittington
- For information only.

**15. Oral Report – National Park Service**

Marty Nielson

**16. Board of Commissioners Remarks**

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*\* Action*

*# Attachment*

*+ Enclosure*

*The next YARTS JPA meeting will be held July in Mono County, date and location to be determined.*

**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. 18<sup>th</sup> 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. This item is for AAC nominations.

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.

**12a. AAC Nominations**

Dick Whittington stated there were two positions on the AAC committee that needed to be filled. Supervisor Nelson is proposing to fill a vacancy with Karen Baker, CA Welcome Center, Merced and Supervisor Aborn is proposing to fill a vacancy with Jeffery Hentz, Executive Director, Yosemite/Mariposa Tourism Bureau.

Commissioner Nelson moved to approve adding Karen Baker and Jeffery Hentz to the AAC Committee.

Seconded by Commissioner Aborn.

**MOTION CARRIED UNANIMOUSLY.**

**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.**

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: DICK WHITTINGTON, TRANSIT MANAGER**

**RE: RIDERSHIP HISTORY BY FISCAL YEAR**

Ridership for the month of January was down 4.49%. This is the first month of decreased ridership this fiscal year, however, YARTS still has a 22.32% cumulative increase for the first eight months of the year.

In February, visitor ridership was down by 13.63% while commuter ridership was actually up by 7.83%. Because February is typically the slowest month of the year, the numbers are small in both instances and the effect on the cumulative increase was a minus 2.66%.

In talking with some of the lodging providers along Hwy 140, it appears that the economy and the weather had an effect on visitation to the Yosemite region. We did hear that the phones are starting to ring again, so hopefully the soft January and February numbers are not a sign of things yet to come.

Attached is a chart provided by the Park Service showing visitation to Yosemite. While YARTS ridership and visitation do not always track each other, the February visitation, which is the lowest since 1997, does mirror the YARTS ridership experience in February to a large degree.

**REQUESTED ACTION**

For information and discussion only.

Attachment: Yosemite National Park Visitor Use Statistics  
Ridership History by Fiscal Year

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: DICK WHITTINGTON, TRANSIT MANAGER**

**RE: YARTS REVENUE HISTORY BY FISCAL YEAR**

Attached for your review is the most updated version of the YARTS Revenue History by Fiscal Year. The revenue indicated in the report is in basically two categories, farebox and Amtrak contract.

Farebox revenue is ahead of last year, but lagged a little in January and February as ridership slipped. Vendor ticket sales do not reflect the actual numbers, as the amounts on the chart do not show all of the tickets sold. Some vendors are slower than others in reporting. The report is updated as payments are received and ticket sales are recorded into the month of sale. The outstanding amounts are not significant, but will alter the reported sales by month. Staff is working with vendors to get the reporting and payment more timely.

The largest increase in farebox is from the employee ridership program that is operated by the National Park Service. The sale of vouchers for this program has continued to grow each year. At least a portion of the increase in this category is due to the 10% fare increase on commuter passes that went into effect in November of 2008.

The numbers for Amtrak, through January, show a decrease in revenue. No payment has been recorded for February at the time of this report being prepared. The primary difference in the dollar amounts is that YARTS bills Amtrak for extra runs that Amtrak requests for groups or because of late trains. These are above and beyond the contracted amounts and can vary significantly from year to year. Because YARTS incurs costs for the added runs as well, the income from the extra runs is essentially just a wash.

**REQUESTED ACTION**

For information and discussion only.

Attachment: YARTS Revenue History by Fiscal Year

**ITEM 5**

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: ROBIN LAMAS, ADMINISTRATIVE ASSISTANT**

**RE: YARTS DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
PLAN FOR FY 2009/10**

The YARTS JPA is required to annually approve a Disadvantaged Business Enterprise (DBE) Plan in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The plan is to ensure that Disadvantaged Business Enterprises have an equal opportunity to receive and participate in DOT/FTA assisted contracts.

The FY 2009/10 DBE plan is unchanged from last year. A resolution is required to adopt the plan for the FY 2009/10.

**REQUESTED ACTION**

Adopt Resolution 2009/04-06-03 approving the FY 2009/10 YARTS Disadvantaged Business Enterprise Plan.

Attachments: Resolution 2009/04-06-03

**RESOLUTION 2009/04-06-03**

**RESOLUTION OF THE YOSEMITE AREA REGIONAL TRANSPORTATION  
SYSTEM (YARTS) JOINT POWERS AUTHORITY APPROVING THE  
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PLAN  
FY 2009/10**

**WHEREAS**, the Yosemite Area Regional Transportation System (YARTS) wishes to adopt a Disadvantaged Business Enterprise (DBE) Plan; and

**WHEREAS**, the Federal Transit Administration (FTA) requires that a Disadvantaged Business Enterprise (DBE) Plan and Goal be adopted annually;

**NOW, THEREFORE, BE IT RESOLVED**, that it is the goal of the Yosemite Area Regional Transportation System (YARTS) is proposed at 1%, that of any United States Department of Transportation funds which it uses for contract services, it will assure that Disadvantaged Business Enterprises shall have the opportunity to participate to the maximum extent feasible in all required aspects of procurement and contracting in accordance with Code of Federal Regulations (CFR) 49 Part 26 and other applicable statutes, regulations and executive orders.

**BE IT FURTHER RESOLVED** that YARTS shall take all reasonable steps to ensure that Disadvantage Business Enterprises have the maximum opportunity to compete for and perform contracts covered under 49 CFR Part 26.

The foregoing resolution was introduced at the regular meeting of the Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority on **April 6, 2009**, by \_\_\_\_\_ who moved its adoption, which motion was duly seconded by \_\_\_\_\_ and which was adopted by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Jesse Brown, Executive Director  
Yosemite Area Regional Transportation  
System Joint Powers Authority

\_\_\_\_\_  
Vikki Magee-Bauer, Vice-Chair  
Yosemite Area Regional Transportation  
System Joint Powers Authority

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: DICK WHITTINGTON, TRANSIT MANAGER**

**RE: FEDERAL TRANSIT ADMINISTRATION GRANTS – 5320  
ALTERNATIVE TRANSPORTATION IN PARKS AND PUBLIC LANDS  
AND AMERICAN RECOVERY AND REINVESTMENT ACT - 5311(f)  
FUNDING ALLOCATIONS FOR THE YOSEMITE AREA REGIONAL  
TRANSPORTATION SYSTEM (YARTS)**

Staff is preparing two grant applications.

One grant is from the American Recovery and Reinvestment Act funds in the amount of \$717,421 and will be funded under Section 5311(f) Intercity Bus Program.

The second grant will be funded through the Alternative Transportation in Parks and Public Lands program 5320 in the amount of \$582,579.

The total amount of the two grants is \$1,300,000.

Merced County Association of Governments (MCAG) will administer the grants on behalf of the YARTS Joint Powers Authority. Caltrans and the Federal Transit Administration require MCAG to act in this pass-through capacity, as both already recognize MCAG as a recipient of FTA grant funds.

These funds will be used to construct a Park and Ride facility in the town of Mariposa. YARTS owns the land and has plans, which have been approved by the Mariposa County Planning Department. The facility, located at 4974 Joe Howard Street, will offer a total of 84 spaces, including 45 regular spaces, 30 small-car spaces, 4 handicapped spaces and 5 RV spaces, one of which is designated for handicapped.

A public hearing is scheduled for the April 6, 2009 YARTS Joint Powers Authority meeting to hear public comments on this issue. A public hearing notice was published in the Merced Sun-Star, the Mariposa Gazette, and the Mammoth Times.

Following the YARTS JPA public hearing, a resolution is required to authorize:

- a. The filing of the grant applications: and
- b. The Executive Director to sign and execute documents related to the grant applications and subsequent contracts.

**REQUESTED ACTION**

After a Public Hearing:

- a. Adopt Resolution 2009/04-06-02 to authorize the filing of an ARRA grant for Section 5311(f) funds for FY 2009-2010 and an Alternative Transportation in Parks and Public Lands program grant, funded through Section 5320; and
- b. Direct the Executive Director to sign and execute documents related to the grant applications and subsequent contracts.

Attachments: Resolution 2009/04-06-02

Notice of Public Hearing published in the Merced Sun-Star, the Mariposa Gazette, and the Mammoth Times

**RESOLUTION 2009/04-06-02**

**RESOLUTION OF THE YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM (YARTS) JOINT POWERS AUTHORITY, AUTHORIZING THE FILING OF APPLICATIONS AND EXECUTION OF AGREEMENTS WITH THE FEDERAL TRANSIT ADMINISTRATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING, AUTHORIZED BY THE FEDERAL TRANSIT ADMINISTRATION, SECTION 5311(f) AND ALTERNATIVE TRANSPORTATION IN PARKS AND PUBLIC LANDS UNDER SECTION 5320**

**WHEREAS**, the Federal Transit Administrator has been delegated authority to award federal financial assistance for a transit project; and

**WHEREAS**, Caltrans has been delegated authority to award federal financial assistance for projects; and

**WHEREAS**, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration and to Caltrans required for the project;

**NOW, THEREFORE, BE IT RESOLVED** by the Yosemite Area Regional Transportation System Joint Powers Authority that:

1. The Yosemite Area Regional Transportation System's Executive Director is authorized to execute and file an application for \$717,421 on behalf of the Yosemite Area Regional Transportation System (YARTS). The application is being filed with the Federal Transit Administration, through Caltrans, for federal assistance authorized by 49 United States Code, Section 5311(f), through the American Recovery and Reinvestment Act.

The Executive Director is additionally authorized to file an application for \$582,579 from the Alternative Transportation in Parks and Public Lands program, on behalf of the Yosemite Area Regional Transportation System (YARTS), as authorized under 49 United States Code Section 5320, or other federal statutes authorizing a project administered by the Federal Transit Administration or Caltrans.

2. The Yosemite Area Regional Transportation System's Executive Director is authorized to execute and file with its applications, the annual certifications and assurances and other documents the Federal Transit Administration and Caltrans require before awarding a federal assistance grant or cooperative agreement.
3. The Yosemite Area Regional Transportation System's Executive Director is authorized to execute and file any future grant applications and cooperative agreements with any appropriate agency on behalf of the Yosemite Area Regional Transportation System, from this date through June 30, 2005.

The foregoing resolution was approved at a regular meeting of the Yosemite Area Regional Transportation System Joint Powers Authority on April 6, 2009 by \_\_\_\_\_ who moved its adoption, which motion was duly seconded by \_\_\_\_\_ and which was adopted by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Jesse B. Brown, Executive Director  
YARTS JPA

\_\_\_\_\_  
Vikki Bauer, Chairperson  
YARTS JPA

## NOTICE OF PUBLIC HEARING

The Yosemite Area Regional Transportation System (YARTS) will conduct a public hearing on April 6, 2009, at 1:00 PM or as soon thereafter as possible, in the offices of the Merced County Association of Governments located at 369 W. 18<sup>th</sup> Street, Merced, California, for the purpose of considering the proposed project and application for Federal assistance.

NOTICE IS HEREBY GIVEN that the YARTS Joint Powers Authority has developed a program of projects and is applying for Federal Assistance for the YARTS – Federal Transit Administration (FTA) Non-Urban 5311(f) Intercity Bus Program, under the American Recovery and Reinvestment Act (ARRA) program and the Alternative Transportation in Parks and Public Lands 5320 program funds as shown below:

<b><u>Project Description</u></b>	<b><u>(ARRA)</u> <b><u>5311(f)</u></b></b>	<b><u>(ATPPL)</u> <b><u>5320</u></b></b>	<b><u>Total</u></b>
Park and Ride Construction In the town of Mariposa	\$717,421	\$582,579	\$1,300,000

The Park and Ride facility is to be constructed at 4974 Joe Howard Street in the town of Mariposa.

This project is in conformance with the comprehensive land use and transportation planning for the area and is in conformance with the YARTS Short Range Transit Plan. This project is also consistent with the adopted programming projects in the Federal Transportation Improvement Program. The project has taken into consideration the special needs of the elderly and physically handicapped persons. Federal operating assistance will enable the YARTS Joint Powers Authority to maintain transit services used by the elderly and handicapped.

YARTS has adopted a private enterprise participation process and has followed this process for the above project. All interested persons are invited to attend this hearing to make their views known with respect for the social, economic and environmental aspects of this project. Written comments should be submitted to the Executive Director, Yosemite Area Regional Transportation System, 369 W. 18<sup>th</sup> Street, Merced CA 95340, by 5:00 PM on Friday, April 3, 2009. The original project will be adopted without further public notification if no comments are received.

Dick Whittington  
YARTS Transit Manager  
February 24, 2009

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: DICK WHITTINGTON, TRANSIT MANAGER**

**RE: AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)  
FUNDING ALLOCATIONS FOR THE YOSEMITE AREA  
REGIONAL TRANSPORTATION SYSTEM (YARTS)**

Staff is preparing a grant application for American Recovery and Reinvestment Act (ARRA) funds in the amount of \$535,000. The Yosemite Area Regional Transportation System (YARTS) has been approved by Caltrans as eligible for this funding under the Section 5311(f) Intercity Bus Program.

Merced County Association of Governments (MCAG) will administer this grant on behalf of the YARTS Joint Powers Authority. Caltrans and the Federal Transit Administration require MCAG to act in this pass-through capacity, as both already recognize MCAG as a recipient of FTA grant funds.

These funds will be used for the purchase of one diesel, 45-foot, over-the-road coach. Currently YARTS contracts for buses. The new bus will reduce the cost of contracting, and put a new coach into the system that is more fuel efficient, cleaner running, operationally reliable, and increases capacity. The new bus will also be equipped with a wheelchair lift. The use of these funds for this purpose is consistent with the provisions of the ARRA.

YARTS and other transit agencies have been asked by Caltrans to additionally submit a second application for use of the ARRA funding. The second application will not be considered unless the state gets insufficient applications in the first round to fully use the ARRA funding that is being appropriated for the State of California for transit.

The second YARTS application would be a duplicate of the first, in that it would propose the purchase of a new (second) bus, of the same type and at the same cost as the first. In approving the primary application, the Board would also be approving the back up application as well.

A public hearing is scheduled for the April 6, 2009 YARTS Joint Powers Authority meeting to hear public comments on this issue. A public hearing notice (attached) was published in the Mariposa Gazette, the Merced Sun-Star, and the Mammoth Times.

Following the YARTS JPA public hearing, a resolution is required to authorize:

- a. The filing of the grant application; and
- b. The Executive Director to sign and execute documents related to the grant application and subsequent contract.

### **REQUESTED ACTION**

After a Public Hearing:

- a. Adopt Resolution 2009/04-06-01 to authorize the filing of an ARRA grant for Section 5311(f) funds for FY 2009-2010; and
- b. Direct the Executive Director to sign and execute documents related to the grant application and subsequent contract.

Attachment: Resolution 2009/04-06-01  
Notice of Public Hearing published in the Merced Sun-Star, Mammoth Times and the Mariposa Gazette

**RESOLUTION 2009/04-06-01**

**RESOLUTION OF THE YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM  
(YARTS) JOINT POWERS AUTHORITY, AUTHORIZING THE FILING OF AN  
APPLICATION AND EXECUTION OF AGREEMENTS WITH CALTRANS AND THE  
FEDERAL TRANSIT ADMINISTRATION FOR BUS AND BUS- RELATED ALLOCATIONS,  
AUTHORIZED BY THE FEDERAL TRANSIT ADMINISTRATION, SECTION 5311(f)**

**WHEREAS**, the Federal Transit Administrator has been delegated authority to award federal financial assistance for a transit project; and

**WHEREAS**, Caltrans has been delegated authority to award federal financial assistance for projects; and

**WHEREAS**, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration and to Caltrans required for the project;

**NOW, THEREFORE, BE IT RESOLVED** by the Yosemite Area Regional Transportation System Joint Powers Authority that:

1. The Yosemite Area Regional Transportation System's Executive Director is authorized to execute and file an application for \$535,000, plus additional funding if made available, on behalf of the Yosemite Area Regional Transportation System (YARTS). The application is being filed with the Federal Transit Administration for federal assistance authorized by 49 United States Code, Section 5311(f), Intercity Bus Program, American Recovery and Reinvestment Act (ARRA), or other federal statutes authorizing a project administered by the Federal Transit Administration or Caltrans.
2. The Yosemite Area Regional Transportation System's Executive Director is authorized to execute and file with its applications, the annual certifications and assurances and other documents the Federal Transit Administration and Caltrans require before awarding a federal assistance grant or cooperative agreement.
3. The Yosemite Area Regional Transportation System's Executive Director is authorized to execute and file any future grant applications and cooperative agreements with any appropriate agency on behalf of the Yosemite Area Regional Transportation System, from this date through June 30, 2010.

The foregoing resolution was approved at a regular meeting of the Yosemite Area Regional Transportation System Joint Powers Authority on April 6, 2009 by \_\_\_\_\_ who moved its adoption, which motion was duly seconded by \_\_\_\_\_ and which was adopted by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Jesse B. Brown, Executive Director  
YARTS JPA

\_\_\_\_\_  
Vikki Magee-Bauer Chairperson  
YARTS JPA

## NOTICE OF PUBLIC HEARING

The Yosemite Area Regional Transportation System (YARTS) will conduct a public hearing on April 6, 2009, at 1:00 PM or as soon thereafter as possible, in the offices of the Merced County Association of Governments located at 369 W. 18<sup>th</sup> Street, Merced, California, for the purpose of considering the proposed project and application for Federal assistance.

NOTICE IS HEREBY GIVEN that the YARTS Joint Powers Authority has developed a program of projects and is applying for Federal Assistance for the YARTS – Federal Transit Administration (FTA) Non-Urban 5311(f) Intercity Bus Program, under the American Recovery and Reinvestment Act (ARRA) program.

<u>Project Description</u>	<u>(ARRA)</u> <u>5311(f)</u>	<u>Total</u>
Purchase of one (1) new Over-the-Road Coach	\$535,000	\$535,000

The bus to be purchased is an MCI, 45-foot over-the-road coach that fully satisfies the California Air Resources Board requirements for emissions, has handicapped lift and restroom.

This project is in conformance with the comprehensive land use and transportation planning for the area and is in conformance with the YARTS Short Range Transit Plan. This project is also consistent with the adopted programming projects in the Federal Transportation Improvement Program. The project has taken into consideration of the special needs of the elderly and physically handicapped persons. Federal operating assistance will enable the YARTS Joint Powers Authority to maintain transit services used by the elderly and handicapped.

YARTS has adopted a private enterprise participation process and has followed this process for the above project. All interested persons are invited to attend this hearing to make their views known with respect for the social, economic and environmental aspects of this project. Written comments should be submitted to the Executive Director, Yosemite Area Regional Transportation System, 369 W. 18<sup>th</sup> Street, Merced CA 95340, by 5:00 PM on Friday, April 3, 2009. The original project will be adopted without further public notification if no comments are received.

Dick Whittington  
YARTS Transit Manager  
February 24, 2009

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: DICK WHITTINGTON, TRANSIT MANAGER**

**RE: YARTS FUNDING UPDATE**

**5309 – (Earmarks)**

YARTS currently has one 5309 grant available and in 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. The amount of the grant is \$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 the program.

In late February, staff wrote to the office of Congressman Radanovich asking the status of the appropriations request that YARTS had filled out at the invitation of the Congressman. On February 27, 2009 staff received an email from the Press Secretary of Congressman Radanovich that included a news release stating that the Congressman had made the decision to forgo sponsoring earmark requests.

**5320 – Paul S. Sarbanes Transit In Parks and Public Lands Program (formerly Alternative Transportation in Parks and Public Lands)**

YARTS has an existing approved grant, from the 5320 program, in the amount of \$272,520, which will be used in the 2009-2010 fiscal year for the leasing of buses. The grant is good until expended and will carry over into FY 2010-2011, if not all expended in the upcoming fiscal year.

In February, staff filed an application under this program for the purchase of three new over-the-road coaches. The total amount of the request is \$1,605,000. Our National Park Service contact in Seattle helped by critiquing the application before submittal and feels that it stands a good chance of funding, but we will not know until the fall of 2009.

An earlier plan to file for funding under this program, to finish the construction of the Park and Ride in Mariposa, was dropped when funding for the project was established through the ARRA stimulus program.

### **5311(f) – Intercity Bus Program Grant (Operating)**

The 5311(f) program is intended to provide 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 commuter ridership. Match under this program is 44.67%.

For FY 2008-2009, YARTS received an award under this program of \$195,000.

In 2008 – 2009, YARTS had applied for the maximum amount of \$300,000, but the request was reduced because of the number of runs we have that did not meet the stated requirements of connecting to the national bus service. Staff believes that we can make a better case for receiving the maximum amount and will be seeking that amount for FY 2009-2010.

### **American Recovery and Reinvestment Act (ARRA)**

Funding for transit under the ARRA economic stimulus program was eventually resolved to be coming out of Washington DC in the form of formula funding; 5307 for Urban transit and 5311 for rural. The distribution of the funds was based on the percentages going to the regular recipients of the formula funds.

Unfortunately for YARTS, it does not receive formula funding. Staff spent the month of February fighting for a seat at the funding table, but to no avail until new rules were established allowing some of the funding to go through the 5311(f) program, which is discretionary.

With help from the Office Chief of the Caltrans Division of Mass Transportation, YARTS was able to secure funding for two projects.

The first project is to complete the construction of the Park and Ride facility in Mariposa. ARRA funding in the amount of \$717,421 will be coupled with funding previously approved. The engineer estimates the total project at \$1.3 million, however staff believes it will come in at bid below that amount.

The second project is for the purchase of one new over-the-road coach. The cost of this project is \$535,000.

Staff will be preparing the applications to Caltrans for these projects following the public hearings at the April 6, 2009 JPA Board meeting.

### **More Secure Funding**

As mentioned above, YARTS does not currently have access to either 5307 or 5311 formula transit funding that comes through Caltrans from the federal government. Local

transit systems rely on this form of funding to stabilize their budget. All of the funding that YARTS currently receives from government sources is competitive. Being competitive, there is no assurance that the funding will be received or in what amount.

Kimberly Gayle, Chief of the Caltrans Mass Transportation Division, who was extremely helpful in helping guide YARTS through the funding maze for stimulus funding, has offered to sit down with me to discuss and (hopefully) identify more stable funding for YARTS. The offer is welcome assistance and a meeting has been calendared for March 23, 2009 in Stockton. Hopefully staff will be able to report some positive news at the April 6, 2009 YARTS JPA Board meeting.

### **REQUESTED ACTION**

For information and discussion only.

**ITEM 9**

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: DICK WHITTINGTON, TRASIT MANAGER**

**RE: PUBLIC HEARING - YARTS PROPOSED BUDGET - FISCAL YEAR 2009 – 2010**

Attached is the proposed budget for fiscal year 2009 – 2010. This budget distinguishes itself from the previous year's budget (attached for your reference) in a number of ways.

Total operating costs are reduced from last fiscal year as a result of being able to return to the use of larger buses and the capacity that creates. Management costs are slightly higher than projected last fiscal year, but are thought to be realistic. Audit Insurance costs are lowered and the cost of the lease at the Transpo station in Merced anticipates a small increase.

Revenues reflect changes in funding sources and reduced operating demands. In 2008, the 5311(f) funding was originally projected at \$400,000 but revised down to \$195,000 in January of 2009. This year we will attempt to convince funding agency, Caltrans, that YARTS should receive the maximum amount allowed under the program of \$300,000.

Funding from the ATPPL (5320) program is projected at \$165,179, the actual cost of leasing the buses. This funding is restricted to that use.

Funding from the Amtrak contract is indicated in the budget. Actual revenue from Amtrak will most likely be greater than indicated, as they have to schedule added buses during the year for groups or because of late trains. The additional income from these increases in service are offset by the cost of the added runs and the net result is a wash of cost and expense.

Farebox numbers are projected flat with the amounts that were added to in January budget adjustment for 2008-2009. Currently, ridership is acting somewhat unpredictable, so the conservative estimate. Should ridership increase, the numbers can be adjusted during the fiscal year.

New to the budget document, from previous versions, is the list of projects and their funding sources. The park and ride facility in Mariposa now has funding indicated to complete the project. Although the engineer's estimate is \$1,300,000, management

believes that the project can be realized at a lower amount. The purchase of one bus is funded through the ARRA (stimulus) program. The Short Range Transit Plan (SRTP) is listed with a Technical Planning Assistance (5304) grant from Caltrans in the amount of \$92,500 requiring a local match of 11.47% or \$11,984 for a total cost of \$104,484. Staff also believes that this project could come in below projections, reducing the amount of the grant necessary as well as the local match amount. Both the SRTP and the Park and Ride facility will be going to bid this spring. With completed bids, more accurate cost numbers will make a budget adjustment necessary.

This budget is tightly written and there is little room for dramatic changes in the plan. Should adjustments be required, staff will bring budget revisions and the necessary schedule changes to the Board at a subsequent Board meeting.

The budget requires a public hearing to take input from interested parties. Following the public hearing, a budget is required to be approved, as the By-laws require an approved budget on or before April 15<sup>th</sup> of each year.

### **REQUESTED ACTION**

After a Public Hearing approve the Fiscal Year 2009-2010 proposed budget.

Attachments: Proposed Budget for Fiscal Year 2009 – 2010  
Budget amended January 2009  
Budget approved April 2008  
Notice of Public Hearing Budget Adoption

**FY 09-10 Budget**  
July 1, 2009 - June 30, 2010

**YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM (YARTS)**

<u>OPERATIONS</u>			
<u>EXPENDITURES</u>		<u>REVENUES</u>	
Service contract	\$ 1,516,731		
<hr/>		Mariposa County	\$ 136,360
Subtotal for Svc Contract(s)	\$ 1,516,731	Mono County	\$ 30,000
		NPS Contribution	\$ 300,000
Management, Accounting, Planning & Service Monitoring	\$ 113,310	Caltrans 5311(f)	\$ 300,000
Audit,insurance	\$ 27,500	DOT Fare Subsidy	\$ 168,000
Transpo Station Lease	\$ 4,600	Farebox	\$ 292,300
<hr/>		Amtrak contract	\$ 292,000
Subtotal	\$ 145,410	ATPPL	\$ 165,179
<hr/>		Subtotal	\$ 1,683,839
Subtotal	\$ 1,662,141		
Public Education/Media Relations- Marketing Admin	\$ 84,714	Merced County-CMAQ	\$ 75,000
Subtotal for Public Education	\$ 84,714	Subtotal for Public Education	\$ 75,000
<hr/>		Total Operations Expenditures	\$ 1,746,855
		Total Ops Revenues	\$ 1,758,839
<b>CAPITAL PROGRAM</b>			
Park and Ride - Mariposa	\$ 1,300,000	ARRA	\$ 717,421
Bus Purchase (1)	\$ 535,000	5320 Program	\$ 582,579
SRTP (Short Range Transit Plan)	\$ 104,484	ARRA	\$ 535,000
Total Capital Expenditures	\$ 1,939,484	5304 Program	\$ 92,500
		Total Capital Revenue	\$ 1,927,500
<hr/>			
Total Expenses	\$ 3,686,339	Total Revenue	\$ 3,686,339

**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
Management, Accounting, Planning & Service Monitoring	\$ 87,334	Caltrans 5311(f)	\$ 195,000
Audit, insurance	\$ 23,500	DOT Fare Subsidy	\$ 168,000
Transpo Station Lease	\$ 4,300	Farebox	\$ 292,300
Subtotal	\$ 115,134	Amtrak contract	\$ 292,000
		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
<b><u>TOTAL OPERATIONS FY2008-2009</u></b>		<b><u>TOTAL REVENUES</u></b>	
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
<b><u>TOTAL OPERATIONS FY2008-2009</u></b>		<b><u>TOTAL REVENUES</u></b>	
EXPENDITURES	\$ 2,059,205	REVENUES	\$ 2,059,205

NOTICE OF PUBLIC HEARING  
BUDGET ADOPTION

Notice is hereby given that the YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEMS (YARTS) JOINT POWERS AUTHORITY intends to adopt an annual budget for Fiscal Year 2009/10.

A Public Hearing on this matter will be held on Monday, April 6, 2009 at 1:00 p.m. at the Merced County Association of Governments, Conference Room, 369 W. 18<sup>th</sup> Street, Merced, CA 95340. Interested persons may be present at the public hearing to hear comments and discussion on the proposed budget.

A copy of the proposed budget will be available at the Mariposa County Government Center, 5100 Bullion Street, Mariposa, CA; Merced County Administration Building, 2222 M Street, Board of Supervisors Office, Merced, CA and at the Mono County board of Supervisors Office, Annex 1, 74 School Street, Bridgeport, CA.

**ITEM 10**

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: DICK WHITTINGTON, TRANSIT MANAGER**

**RE: AGREEMENT FOR SERVICES – MCAG**

Since 1999, Merced County Association of Governments (MCAG) has provided transit service management and marketing, financial and grant administration and transportation planning services to the YARTS Joint Powers Authority through service agreements.

In July 2003, YARTS and MCAG entered into an agreement for one year that also contained provision that it could be extended annually through mutual written consent of the parties for a period of five years, through FY 2008-2009. Each subsequent year, the agreement has been extended. The five-year agreement is expiring on June 30 of 2009.

As this is the last regularly scheduled meeting before the end of the fiscal year, it is time to revisit the agreement.

Attached is a copy of an agreement that provides the same terms and conditions as the one that was signed in July 2003, but effective July 1, 2009.

A copy of the 2003 agreement is also attached.

**REQUESTED ACTION**

Authorize the Chair to sign a new Agreement for Services between the Yosemite Area Regional Transportation System (YARTS) and the Merced County Association of Governments (MCAG), for a period of one year from July 1, 2009 through June 30, 2010.

Attachment: Agreement for Services effective July 1, 2009  
Agreement for Services dated July 1, 2003

## **AGREEMENT FOR SERVICES**

### **YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM JOINT POWERS AUTHORITY**

THIS AGREEMENT, made and entered this 1<sup>st</sup> day of **July, 2009** by and between YOSEMITE AREA REGIONAL TRANSPORTATION SYSTEM JOINT POWERS AUTHORITY, hereinafter referred to as the AUTHORITY, and MERCED COUNTY ASSOCIATION OF GOVERNMENTS, located at 369 West 18<sup>th</sup> Street, Merced, CA 95340, hereafter referred to as MCAG.

#### **WITNESSETH**

WHEREAS, the AUTHORITY requires transit service management and marketing, financial and grant administration, and transportation planning services.

WHEREAS, MCAG is qualified and experienced to provide such management, administrative and planning services.

NOW, THEREFORE, the AUTHORITY and MCAG, for the consideration hereafter named, agree as follows:

#### **I. WORK TO BE DONE:**

The AUTHORITY'S Service Schedule and Budget, dated April 6, 2009 shall be the Scope of Work, Attachment A made a part of this AGREEMENT delineates the work to be done by MCAG for the AUTHORITY.

#### **II. TIME OF PERFORMANCE:**

Upon receipt of written authorization to proceed from the AUTHORITY, MCAG shall commence immediately and shall complete the performance of its obligations under this AGREEMENT by June 30, 2010. This AGREEMENT may be extended annually through mutual written consent of the parties for a period of five years through 2014 consistent with the provisions of Article I – WORK TO BE DONE and Article III – PAYMENT FOR SERVICES.

#### **III. PAYMENT FOR SERVICES:**

A. For the services outlined in the Scope of Work hereof, MCAG shall be compensated on a cost reimbursement basis in accordance with the fees specified in the AUTHORITY Budget dated April 6, 2009 Attachment B and made a part of the AGREEMENT. Invoices shall be submitted by MCAG at monthly intervals and payment to MCAG shall be made within thirty (30) days after the AUTHORITY receives and approves said invoices.

- B. MCAG shall maintain accounting records and any other evidences pertaining to the cost incurred on the project and shall make the records available to the AUTHORITY, or their duly authorized representatives during the AGREEMENT period and for a period of four (4) years from the date of final payment.

IV. CONFERENCES, INSPECTION OF WORK:

Duly Authorized representatives of the AUTHORITY, State Department of Transportation or US Department of Transportation shall have right of access to MCAG's plans, files and records relating to the project included in this AGREEMENT and may review the work at appropriate stages during performance of the work.

V. NUMBER OF DOCUMENTS:

In conjunction with the work delineated in the attached Scope of Work and Section One above, MCAG shall provide the AUTHORITY with the deliverables outlined in the Scope of Work.

VI. OWNERSHIP OF DOCUMENTS:

All field notes, tracings, plans, specifications, maps, correspondence and other documentation prepared or obtained by MCAG under the terms of this AGREEMENT shall be the sole property of the AUTHORITY, without restriction of limitation on their use.

VII. CHANGES IN WORK:

No change in the character or extent of the work to be performed by MCAG shall be made except by supplemental agreement, in writing between the AUTHORITY and MCAG. The supplemental agreement shall set forth the proposed changes of work, adjustment of time and adjustment of the cost to be paid by the AUTHORITY to MCAG, if any.

VIII. TERMINATION OR ABANDONMENT:

- A. The AUTHORITY reserves the right, by giving written notices to MCAG, to terminate this AGREEMENT or to suspend or abandon all or a portion of the project and all work connected therewith.
- B. If all or a portion of the work covered by this AGREEMENT is suspended or abandoned by the AUTHORITY, the AUTHORITY shall pay MCAG only for services rendered or expenses incurred under this AGREEMENT up to the time that MCAG received written notice of termination, suspension or abandonment.

The payment shall be based insofar as possible on the amounts established in this AGREEMENT, or, where the AGREEMENT cannot be applied, the payment shall be based upon a reasonable estimate as mutually agreed of the percentage of work actually completed.

IX. NOTICES:

- A. Any and all notices or other communications required or permitted by this AGREEMENT or by law to be served on or given to either party hereto, AUTHORITY or MCAG, by the other party hereto shall be in writing and shall be deemed duly served and given when personally delivered to the party to whom it is directed, or in lieu of such personal service when deposited in the United States mail, first-class postage prepaid, address to AUTHORITY at 369 West 18<sup>th</sup> Street, Merced, CA 95340, or to MCAG.
- B. Either party may change address for the purpose of this paragraph by giving written notice of such change to the other party in the manner provided in this paragraph.

X. ARBITRATION PROVISIONS:

Any dispute not resolved by informal discussion between the parties shall be subject to binding arbitration before the American Arbitration Association, and based on its rules for commercial arbitration with one arbitrator. All costs associated with the arbitration shall be borne equally by the parties. However, in any such arbitration the arbitrator has authority to allocate costs, and the prevailing party shall be entitled to recover reasonable attorney fees and costs.

XI. INDEMNITY AND INSURANCE:

- A. AUTHORITY and MCAG agree that MCAG is an independent contractor. MCAG shall be solely responsible for the conduct and control of the work performed under this AGREEMENT. MCAG shall be free to tender consulting services to others during the term of this AGREEMENT, so long as such activities do not interfere with or diminish MCAG's ability to fulfill the obligations established herein to AUTHORITY.
- C. MCAG shall hold the AUTHORITY, and its representatives, harmless of and free from any and all liability, which might arise out of the performance by MCAG or this AGREEMENT. Should the AUTHORITY or any of its representatives be named in any litigation, or should any claim be made against them, arising out of or relating to this AGREEMENT, MCAG shall defend the AUTHORITY and its representatives and shall indemnify them for any acts or omissions committed by MCAG or its employees in the performance of this AGREEMENT.

XII. GENERAL COMPLIANCE WITH LAWS AND ATTORNEY'S FEES:

MCAG shall be required to comply with all Federal, State and local laws and ordinances applicable to the performance of the work covered by this AGREEMENT including, but not limited to, complying with laws regulating Worker's Compensation Insurance coverage. If any action at law is necessary to enforce or interpret the terms of this

AGREEMENT, the prevailing party shall be entitled to collect reasonable attorney's fees and costs.

**XIII. SUBLETTING:**

MCAG acknowledges and agrees that the subletting or transfer of any portion of the work covered by this AGREEMENT, except as otherwise provided herein, shall be prohibited.

**XIV. NONDISCRIMINATION CIVIL RIGHTS ACT OF 1964:**

During the performance of the work covered by this AGREEMENT, MCAG shall comply with regulations relative to non-discrimination in Federally assisted programs (49 CFR 21 through Appendix H and 23 CFR 710.405(b)), which are herein incorporated by reference and made a part of this AGREEMENT.

**XV. GOVERNMENT CODE SECTION 7550:**

MCAG acknowledges its obligation with respect to the required notice under Government Code Section 7550 on any documents or written reports prepared.

**XVI. SUCCESSOR AND ASSIGNS**

This AGREEMENT shall be binding upon the heirs, successors, executors, administrators and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto executed this AGREEMENT the day and year first above written.

**AUTHORITY**

**MCAG**

\_\_\_\_\_  
Chair, Yosemite Area Regional  
Transportation System                      Date

\_\_\_\_\_  
Chair, Merced County  
Association of Governments                      Date

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Authority Counsel                      Date

\_\_\_\_\_  
Executive Director                      Date

**ITEM 11**

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: DICK WHITTINGTON, TRANSIT MANAGER**

**RE: 5320 PROGRAM - FUNDING UPDATE**

Supervisor Bauer has been on a quest to secure funding for bus systems that serve parks and public lands through the 5320 program. Currently, all of the funding out of this program is available only for capital projects. The effort being made by Supervisor Bauer is to see operating funding also made available.

In California, four other transit providers have been identified that will also benefit from such a change and they, and their elected officials, have endorsed and supported the effort. The other transit providers are Visalia Transit, which provides service to Sequoia National Park; Marin Transit, which runs into the Muir Woods National Monument; Monterey Salinas Transit, operating in the Big Sur area; and the Eastern Sierra Transit Authority, which operates in Inyo and Mono Counties and serves the Inyo National Forest.

State Senators Dave Cogdill and Dave Cox and Assembly members Tom Berryhill and Cathleen Galgiani jointly signed a letter of support for the effort as well (copy attached). The letters were directed to U.S. Senators Dianne Feinstein and Barbara Boxer. Senator Cogdill's office facilitated the joint effort.

Following a round of contacts by phone and email, in early March Mrs. Bauer made a trip to Washington, D. C. to speak directly with elected officials and their staff.

Supervisor Bauer will be providing an update to the Board on her trip and other ongoing efforts at the meeting.

**REQUESTED ACTION**

For information and discussion only.

Attachment: Letter of February 12, 2009 to The Honorable Barbara Boxer

**ITEM 12**

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: DICK WHITTINGTON, TRANSIT MANAGER**

**RE: ELECTION OF OFFICERS FOR FY 2009-2010**

Article V, Section 4 of the YARTS By-laws provides for the election of officers at the last regular meeting preceding July 1 of each year. As this is the last regularly scheduled meeting of this fiscal year, a new Chair and Vice Chair need to be elected.

The new officers will assume office effective July 1, 2009 and serve for one year.

**REQUESTED ACTION**

Elect a Chair and a Vice-Chair for FY 2009-2010.

**ITEM 13**

**MEMORANDUM**

**DATE: MARCH 27, 2009**

**TO: YARTS JOINT POWERS AUTHORITY**

**FROM: DICK WHITTINGTON, TRANSIT MANAGER**

**RE: YARTS MEETING DATES**

The YARTS Joint Powers Agreement and the JPA By-laws establish that the YARTS Board of Commissioners shall adopt a schedule of meetings for the upcoming fiscal year by the first regularly scheduled meeting of the current fiscal year.

In setting the meetings, there are two important requirements to consider:

- The election of officers should take place at the last regularly scheduled meeting of the fiscal year. Chair and Vice Chair are selected for a one-year term.
- The budget for the upcoming fiscal year must be adopted no later than April 15 of the current fiscal year, following a public hearing.

With those requirements in mind, staff would propose the following meeting schedule/locations:

April 6, 2009 – Last meeting of this fiscal year (08-09) Merced

July 20, 2009 – Mono County

October 26, 2009 – Mariposa County

January 11, 2010 – Merced County

April 5, 2010 – Merced County

The suggested meeting dates above reflect variations to accommodate holidays and staffing availability.

**REQUESTED ACTION**

Establish the dates of the regularly scheduled meetings for the YARTS AAC and JPA for fiscal year 2009-2010.