



# VICTOR VALLEY TRANSIT AUTHORITY

*representing the communities of Adelanto, Apple Valley, Hesperia,  
Victorville, Barstow and San Bernardino County*

## TECHNICAL ADVISORY COMMITTEE MEETING AGENDA

June 2, 2021 3:00 p.m.

**1. Interested persons may submit Public Comment in writing to the Clerk of the Board at [info@vvta.org](mailto:info@vvta.org) . Written comments must acknowledge the Agenda Item number and specify whether the commenter wishes the comment be included with the minutes or read into the record. Comments read into the record will be read for three minutes; if three minutes pass, the time will not be extended, and the remaining comment will not be read but shall be included in any public comment document. Public Comments must be submitted no later than 5:00 pm on May 31, 2021.**

- 2. Review Draft Board Agenda .....K. Kane/Group
  - a. Approve the Fiscal Year 2021-22 Annual Operating and Capital Budget
  - b. Public Hearing on Relocation of the Lorene Drive / Seventh Street (Costco) Transfer Hub to the Victor Valley Transportation Center.
  - c. Approve Merit Increase for the VVTA Executive Director Effective July 1, 2021.
  - d. Overall Triennial Disadvantaged Business Enterprise (DBE) Goal for Federal Fiscal years 2022-2024.
  - e. Present VVTA's FY 2022-2024 Title VI Program.
- 3. Bus stop shelters/benches/lighting ..... S. Herrera
- 4. SBCTA Update .....N. Strickert
- 5. Other Business ..... Group
  - Face Mask Best Practices
- 6. Adjournment.

The next regularly scheduled meeting is July 7, 2021. To obtain further or available information regarding agenda items, please contact the Clerk of the Board VVTA at 760 948-3262. Posted: Friday, May 28, 2021.

VICTOR VALLEY TRANSIT AUTHORITY

**AGENDA MATTER**

**Approve the Fiscal Year 2021-22 Annual Operating and Capital Budget.**

**SUMMARY STATEMENT**

The Fiscal Year 2021-22 Annual Operating and Capital Budget proposes a spending level of \$31,742,164 for operations which represents a 5.7% increase as compared to FY 2020-21. It should be noted that the increase includes an annual 4% increase in the maintenance and operations contract and the expected fuel market price increases.

Additionally, \$22,415,995 is programmed for capital projects which reflects an increase of \$8,231,599 when compared with the FY 2020-21 Budget. VVTA built the Budget estimates as Fiscal Year 21-22 is coming out of the COVID-19 pandemic tunnel and towards normal. VVTA staff uses Federal CARES ACT Funds for Operating Assistance to support the \$31.7M in Operating Expenses. With that, VVTA continues to provide a robust transit system that effectively meets the community needs of the entire 1,000-mile service area while conservatively and efficiently utilizing resources to do so.

FY 2021-22 Budget includes a substantial \$22.4M in capital funds that includes \$3.3M for the purchase of five (5) replacement CNG Buses; \$810K for six (6) Paratransit replacement vehicles; \$3.9M for Hesperia Transfer Center; \$3.7M for the Hydrogen FCEB station infrastructure; and \$100K to purchase two (2) service/relief vehicles. Also included is \$458K for facility repairs and improvements.

*Continued*

**RECOMMENDED ACTION**

1) Receive input and public testimony. 2) Adopt Resolution 21-02 and based on testimony, approve or amend the FY 2021-22 Annual Operating and Capital Budget.

**PRESENTED BY**  
Maged Azer,  
Director of Finance

**FISCAL IMPACT**  
Operating \$31,742,164  
Capital \$22,415,995

**MEETING DATE**  
June 21, 2021

**ITEM NUMBER**

VICTOR VALLEY TRANSIT AUTHORITY

**AGENDA MATTER**

**Approve the Fiscal Year 2021-2022 Annual Operating and Capital Budget.**

**SUMMARY STATEMENT**

In FY 22, the budget provides \$805K in support for VVTA's Consolidated Transportation Services Agency (CTSA). In FY 2017-18 this program was recognized by the National Transit Institute as *"one of the most comprehensive and innovative programs in the United States and will be used as a model for development of new educational courses used to instruct agencies of all sizes across the country."*

In FY 21 the CTSA Division fully implemented a innovative Brokerage program which encourages non-profit organizations to provide transportation services. This program adds measurable ADA savings by reducing VVTA's reliance on higher cost ADA services while also expanding mobility options for those clients who can benefit from the alternative programs provided. The FY 22 Budget will continue to provide support for the Brokerage program to grow along with all other CTSA programs.

Rounding out the FY 22 budget is ongoing support of several programs which continue to be well received and widely used by the communities we serve. These programs include the Vanpool program; a reduced Veteran's fare, and the Commuter Service to NTC Fort Irwin, which supports our troops.

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**FY 2021-22 OPERATIONAL EXPENSES - \$31.74M**

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The FY 2021-22 budget for VVTA to support operations is as follows:

<u>FY21-22</u>	<u>Prior Year</u>	<u>Incr</u>	<u>%</u>
\$31.74M	\$29.94	1.8M	5.7

Operational cost increase is due to:

1. Annual increase of the purchase transportation contractor rate
2. New Route 15 Express from CSUSB to D street – 6 round trips a day; and
3. Increase of the Fuel market prices.

Continued

VICTOR VALLEY TRANSIT AUTHORITY

**AGENDA MATTER**

**Approve the Fiscal Year 2021-2022 Annual Operating and Capital Budget.**

**SUMMARY STATEMENT**

As a subset of Operational costs, administrative costs are normally considered to be a measurement of efficient management of a transit system. The FY 2021-22 budget spends only 6% of its total Budget on Administration. This funding level represents one of the lowest administrative funding percentage of any transit agency in San Bernardino County, if not the entire state. The FY 22 Administrative Budget includes needed upgrades of IT servers and computers required to meet VVTA's growing needs.

**The FY 2021-22 Administrative expenses for VVTA:**

<u>FY 2021-22</u>	<u>Prior Year</u>	<u>Incr/(Decr)</u>
\$ 2.99M	\$ 2.86M	\$0.13M

**FY 2021-22 CAPITAL PLAN - \$22.4M**

Within the FY 22 Budget, VVTA has created a capital spending plan that looks beyond the crippling effects of COVID-19. The FY 22 Capital Budget provides for development and advancements throughout the system. This forward planning ensures VVTA will provide high quality, responsive, responsible, and secure service to its riders. At the same time, VVTA will maintain operational efficiency and regulatory compliance by implementing leading edge technologies and assuring its fleet vehicles and support facilities are always in a state of good repair. In FY 22 the capital expenditure plan provides \$22.4M to fund the following projects:

5 CNG Replacement Buses	\$3.3M
Federal Operating Assistance/CARES ACT:	\$7.5M
6 Paratransit Vehicles:	\$0.8M
Facilities Capital Investment	\$2.6M
Hesperia Transit Center	\$3.9M
Hydrogen FCEB Infrastructure	\$3.7M
2 Service Vehicles	\$0.1M
Misc. projects:	\$0.5M
<b>Total</b>	<b>\$22.4M</b>

Continued

VICTOR VALLEY TRANSIT AUTHORITY

**AGENDA MATTER**

**Approve the Fiscal Year 2021-2022 Annual Operating and Capital Budget.**

**SUMMARY STATEMENT**

**FY 2021-22 REVENUES**

The FY 22 budget is fully funded with a combination of passenger fares, Federal FTA CARES ACT funding, state funding, and miscellaneous income sources. In FY 22, VVTA will continue to use the "State of Good Repair" (SGR) funding from the SB1 gasoline tax. SGR provides \$0.7M in funding for VVTA's capital investment program. Finally, Low Carbon Fuel Standards (LCFS) Credits and the LTF subsidies will play a small part in capital funding. Thanks to the one-time CARES ACT funding, VVTA's draft budget provides **\$2.8M in unprogrammed local transportation funds** (subject to SBCTA final reconciliation). These funds should be available to jurisdictions by following the usual SBCTA funding timelines.

**ADDITIONAL HIGHLIGHTS:**

General:

Operating Expenses FY 22 Budget are programmed to increase by 5.7%. For the most part, the annual increase is part of VVTA's operations and maintenance contract as well as the expected increase of fuel market price, and the cost of the **New Route 15X Express**. These new Express trips will serve the students and faculty of the High Desert who need transportation to/from CSUSB. Students who currently attend CSUSB spend almost 2 hours to return home; with our new service, the travel time students returning home will be **reduced** to approximately 45 minutes. The service will be operated Monday-Friday, scheduled according to what times best work for our high desert residents. The 15X will be marketed alongside route 15 (BV Link). VVTA is working with CSUSB to devise a program that will offset some of the increased 15X expenses.

**VVTA dramatically used the Federal FTA CARES ACT** funds for Operating Assistance. This offset the need for FTA 5307 funds which are instead programed for capital projects.

Continued

## VICTOR VALLEY TRANSIT AUTHORITY

### AGENDA MATTER

**Approve the Fiscal Year 2021-2022 Annual Operating and Capital Budget.**

### SUMMARY STATEMENT

#### FIXED ROUTE:

VVTA increased \$3,716,788 in Federal Funding/CARES ACT funding supports operations expenses for the Fixed Route division as compared to FY 21. Operating Expenses increased by \$1,057,680 for Fixed Route Budget vs. FY21. As mentioned above, the increase is due to the new contractor rates and the expected increase in the fuel market prices. The Capital Budget for Fixed Route includes the replacement of five (5) Class H CNG Buses, and two (2) service / relief vehicles, as well garage shop equipment, shelter amenities, solar lights, and signage.

#### COUNTY ROUTES:

Operating Expenses increased 5% compared to FY 21 Budget, for the same reasons as mentioned above.

#### INTERCITY ROUTES:

BV Link (Route 15) service has a long history of expansion to meet significant yearly ridership increases. It should also be noted the CMAQ funds that supported these services over the last several years no longer be available beginning with the FY 22 budget. In this year's Budget, VVTA increased the use of FTA CARES Act funds for Intercity Operating Assistance from \$300,000 to \$500,000. In essence, CARES ACT funds are replacing the CMAQ funds.

#### COMMUTER ROUTES (NTC-Ft Irwin):

NTC serves active military and DOD personnel in our communities. This service is 75% funded by passenger fares. In FY 22, service hours remain the same as FY 2020-21. Operating Expenses are projected to increase by 9% due to the increase of fuel market prices and the increase of the contractor rates as mentioned above.

Continued

## VICTOR VALLEY TRANSIT AUTHORITY

### AGENDA MATTER

**Approve the Fiscal Year 2021-2022 Annual Operating and Capital Budget.**

### SUMMARY STATEMENT

#### ADA:

ADA service in FY 2021-22 Budget includes a projected decrease in revenue hours due to the full implementation of the VVTA Brokerage program developed by VVTA's CTSA department. AS such, the program is expected to transfer a significant number of ADA riders to a lower cost brokerage service. FY 2021-22 Budget also includes the purchase six (6) replacement paratransit vehicles three (3) in Hesperia and the other three (3) in Barstow.

#### CTSA:

VVTA's mobility management programs provide alternative ride services to clients who are normally dependent on higher cost ADA ride services or do not have access to traditional type services. In the FY 22 Budget VVTA will continue the support and growth of the Brokerage program partnerships with local non-profits and will continue to support the TRIP program which provides mileage reimbursements to ADA clients to use private vehicles instead of complementary paratransit or who live outside the VVTA core transit zones. In addition, by using these alternative ride programs VVTA has been able to provide much-needed transportation services in remote areas such as Trona and Big River. A slight budget increase of (5%) is estimated thanks to the implementation and the support of full Brokerage program.

#### VANPOOLS:

VVTA's Vanpool service was launched in October 2012 and has seen steady demand ever since. VVTA's vanpool program is still the 19<sup>th</sup> largest vanpool program in the entire US. This is according to the American Public transportation Association (APTA). Vanpools play a significant role in reducing congestion and improving air quality. The Vanpool program was negatively impacted by COVID-19 last year. While the FY 22 Vanpool Budget is expected to be lower by 2%, it is still an increase compared to last year's actuals. It is estimated that the Vanpool program will return to normal gradually. It should be noted that every dollar VVTA spends on the Vanpool program generates approximately two dollars in FTA 5307 funding for the Agency.

## RESOLUTION NO. 21-02

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE VICTOR VALLEY TRANSIT AUTHORITY AUTHORIZING THE FILING OF GRANT APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53; TITLE 23 OF THE UNITED STATES CODE, OR OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION FOR THE 2021-22 FISCAL YEAR, AND THE FILING OF AN ARTICLE 4, ARTICLE 3, MEASURE I, AND STAF CLAIM TO THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY.**

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

WHEREAS, the grant contract for federal financial assistance will impose certain obligations upon the Victor Valley Transit Authority, including the provision of the local share of the project cost in the program;

WHEREAS, Victor Valley Transit Authority has or will provide all annual certifications and assurances to the Federal Transit Administration required with respect to the program of projects.

WHEREAS, a portion of these services are funded through Local Transit Funds ("LTF") and State Transit Assistance Funds ("STAF") monies, which are subsequently administered and distributed by the San Bernardino County Transportation Authority, not to exceed the amount approved by the Victor Valley Transit Authority Board of Directors, in the adopted or subsequently amended budget for the 2021-2022 fiscal year.

NOW THEREFORE, BE IT RESOLVED by the Victor Valley Transit Authority Board of Directors:

1. That the Executive Director is authorized to file and execute grant applications on behalf of the Victor Valley Transit Authority, a Designated Recipient as defined by 49 U.S.C §5307(a)(2), with the Federal Transit Administration, the State of California, and Caltrans for assistance in the financing of capital and operating needs of the program of projects pursuant to the provisions of Chapter 53 of Title 49 of the United States Code, Title 23 of the United States Code and any other applicable Federal law or regulation. These include but are not limited to Sections 5304, 5307, 5309, 5310, 5311, 5311(f), 5339, 5339(b), 5339(c), Congestion Mitigation and Air Quality Improvement (CMAQ), Homeland Security grant applications, as well as California Air Resources Board (CARB), and Low Carbon Transit Operations Program (LCTOP).



2. That said Executive Director is authorized to file and execute with such application the annual certifications and assurances and any other documents required by the Federal Transit Administration, the State of California, Caltrans, SBCTA, and/or other federal, state or local agency/entities in connection with the application for assistance with respect to the program of projects.

3. That the Executive Director is authorized to execute grant agreements on behalf of the Victor Valley Transit Authority with the Federal Transit Administration for assistance in the financing of the capital and operating needs of program of projects.

4. That the Executive Director is authorized to execute and file Article 4, Article 3, STAF and Measure I claims with the San Bernardino County Transportation Authority not to exceed the amount approved by the Victor Valley Transit Authority Board of Directors, in the adopted or subsequently amended budget for the 2021-22 fiscal year.

PASSED, APPROVED and ADOPTED this 21<sup>st</sup> day of June 2021.

\_\_\_\_\_  
Curt Emick, VVTA Board Chair

ATTEST:

\_\_\_\_\_  
Debi Lorrh, Clerk of the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
John Tubbs, VVTA Legal Counsel

I, DEBI LORRAH, Clerk of the Board of the Victor Valley Transit Authority DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution 21-02 which was duly adopted at a legally convened meeting held on the 21<sup>st</sup> day of June 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Debi Lorrh, Clerk of the Board

## Notice of Public Hearing for Program of Projects for Fiscal Year 2021/22

FTA Sections 5304, 5307, 5310, 5311, 5339, 5339(b), 5339(c) and CMAQ, other federal, state and local grants and the Regular Meeting of the Board of Directors.

Date: Monday, June 21, 2021 Place: VVTA Board Room, 17150 Smoke Tree St., Hesperia

Time: 9:30 a.m.

The Victor Valley Transit Authority is, or may be applying for, operational and capital grants under Sections 5304, 5307, 5309, 5310, 5311, 5311(f), 5339, 5339(b) Bus and Bus Facilities, and 5339(c) Low or No Emission Vehicle Deployment Program (LowNo) of the Federal Transit Act, and Congestion Mitigation and Air Quality Improvement (CMAQ) grants following FTA guidelines.

<b>FY 2021- 2022 Project Descriptions</b>	<b>SECTION 5307</b>	<b>SECTION 5311</b>	<b>SECTION 5339</b>	<b>CMAQ</b>	<b>TOTAL PROJECT COST</b>
FY 2021-22 Estimated Apportionment 5307	\$ 8,337,734				
FTA Operating Assistance (including CARES Act) and Rural Operating Assistance Unincorporated Areas of SB County	\$ 6,786,254	\$ 1,018,158			\$ 15,683,000
Paratransit vehicles (6)			\$ 648,000		\$ 5,003,000
Shelter amenities, solar lights and signage	\$ 68,000				\$ 810,000
Security Cameras	\$ 68,000				\$ 85,000
Regional buses rplc Class H CNG (5) '40	\$ 2,780,350				\$ 3,271,000
Service Vehicles (2)	\$ 80,000				\$ 100,000
Transfer center - Hesperia	\$ 3,120,000				\$ 5,090,000
Garage and Shop Equipment			\$ 40,000		\$ 50,000
Bus facility capital lease (Hsp)	\$ 1,229,040				\$ 1,536,300
Hydrogen FCEB Infrastructure				\$ 3,690,000	\$ 3,690,000
Facility Renovations	\$ 366,400				\$ 458,000
Computers and servers	\$ 36,000				\$ 45,000
<b>Total Operating and Capital - Federal and Local Match Funding</b>	<b>\$ 14,534,044</b>	<b>\$ 1,018,158</b>	<b>\$ 688,000</b>	<b>\$ 3,690,000</b>	<b>\$ 35,906,300</b>

Those interested in commenting on the program of projects are encouraged to either attend this public hearing or submit comments to publiccomments@vvta.org and are invited to provide input or to seek further information. Questions prior to the hearing may be directed in writing or by phone to the Clerk of the Board at 760.995.3588 (TDD 760.948.3990), at 17150 Smoke Tree St., Hesperia, CA 92345 or by publiccomments@vvta.org. The program of projects will become final with no further posting, unless amended.

VICTOR VALLEY TRANSIT AUTHORITY

**AGENDA MATTER**

**Public Hearing on Relocation of the Lorene Drive / Seventh Street (Costco) Transfer Hub to the Victor Valley Transportation Center.**

**SUMMARY STATEMENT**

At the May 17, 2021, Board of Director meeting, the Board approved a thirty-day (30) comment period regarding the move from the Costco transfer hub to the Victor Valley Transportation Center (VVTC) located at 16838 D St, Victorville, CA. 92395, this move will significantly impact routes 15, 15X, 22, 31, 32, 41, 50, 50X, 51, 52, 55 and 56.

Currently, the Board is accepting input and comments from the public regarding these changes. All comments will be taken into the record by VVTA for consideration.

**RECOMMENDED ACTION**

Receive any input and public testimony.

**PRESENTED BY**  
Kevin Kane,  
Executive Director

**FISCAL IMPACT**  
As Budgeted in  
FY22 Budget.

**MEETING DATE**  
June 21, 2021

**ITEM NUMBER**

## **NOTICE OF PUBLIC HEARING**

### **PUBLIC HEARING FOR VICTORVILLE TRANSFER CENTER RELOCATION**

**DATE:** Monday, June 21, 2021

**TIME:** 9:30 a.m.

**PLACE:** Victor Valley Transit Authority  
17150 Smoke Tree Street, Hesperia, CA

The Board of Directors of the Victor Valley Transit Authority are currently in a 30-day Notice of Public Hearing process to hold a public hearing on the relocation of the current Victorville Transfer Center from Lorene Dr to 16838 D St, in August 2021.

The VVTA Board of Directors will take public testimony during this public hearing. Questions and comments regarding the Victorville Transfer Center relocation may be directed to VVTA at 17150 Smoke Tree Street, Hesperia, CA 92345.

VICTOR VALLEY TRANSIT AUTHORITY

**AGENDA MATTER**

**Approve Merit Increase for the VVTA Executive Director Effective July 1, 2021.**

**SUMMARY STATEMENT**

On May 17, 2021, in closed session, the Board, because the ED had not received a merit increase in several years, even though he continued to receive exceptional annual reviews. As such, they approved a merit increase of eight (8) percent for outstanding duties performed as expressed in the Executive Director's 2021 annual evaluation, effective July 1, 2021.

The evaluation of the Executive Director was completed on May 17, 2021, pursuant to *Section 9* of the employment contract. This action provides for the adjustment as written in the Executive Director's contract.

No changes are recommended for the Executive Director's employment contract which runs through 2024.

**RECOMMENDED ACTION**

Adjust the Executive Director's contracted rate to reflect the Board approved amount of a merit increase of Eight (8) percent as of July 1, 2021.

<b>PRESENTED BY</b>	<b>FISCAL IMPACT</b>	<b>MEETING DATE</b>	<b>ITEM NUMBER</b>
John Tubbs III, County Counsel	\$1,434/mo.	June 21, 2017	

**VICTOR VALLEY TRANSIT AUTHORITY**

**AGENDA MATTER**

**Overall Triennial Disadvantaged Business Enterprise (DBE) Goal for Federal Fiscal years 2022-2024.**

**SUMMARY STATEMENT**

VVTA is a direct recipient of US Department of Transportation (USDOT), Federal Transit Administration (FTA) funding. As a condition of receiving this assistance, VVTA must comply with the FTA's DBE Program: Implementations Modifications Final Rule to Title 49, Code of Federal Regulations (CFR) Part 26, and effective November 3, 2014. The DBE Program is designed to enable small businesses owned and controlled by socially disadvantaged individuals to compete for federally funded contracts. The purpose of the DBE goal-setting process is to level the playing field, so DBE's may compete fairly for USDOT assisted contracts, however the program must be narrowly tailored in accordance with applicable law.

VVTA identified a total of seven (7) qualifying FTA-funded projects anticipated to be solicited during the FFY 2022-2024 triennial contracting period. The attached report includes the methodology and calculations used to develop the proposed triennial goal. The overall Triennial DBE Goal for FTA-assisted projects was established utilizing the federal two-step goal setting methodology.

Continued

**RECOMMEND**

Approve a Triennial DBE Goal of **4.00%** for Federal Fiscal Years 2022-2024 to be submitted to the FTA.

<b>PRESENTED BY</b>	<b>FISCAL IMPACT</b>	<b>MEETING DATE</b>	<b>ITEM NUMBER</b>
Kevin Kane Executive Director	N/A	June 16, 2021	

Victor Valley Transit Authority

**PROPOSED OVERALL DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR FEDERAL TRANSIT ADMINISTRATION (FTA) ASSISTED CONTRACTS (OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024)**

**BACKGROUND**

VVTA is a direct recipient of U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), funding. As a condition of receiving this assistance, VVTA must comply with the FTA's DBE Program: Implementations Modifications Final Rule to Title 49, Code of Federal Regulations (CFR) Part 26, effective November 3, 2014. The DBE Program is designed to enable small businesses owned and controlled by socially disadvantaged individuals to compete for federally-funded contracts. The purpose of the DBE goal-setting process is to level the playing field so DBEs may compete fairly for USDOT assisted contracts, however the program must be narrowly tailored in accordance with applicable law.

VVTA identified a total of eight (8) FTA-funded projects anticipated to be solicited during the FFY 2022-2024 triennial contracting period. The VVTA 2022-2024 FTA Goal Methodology includes the methodology and calculations used to develop the proposed triennial goal. The Overall Triennial DBE Goal for FTA-assisted project was established utilizing the federal two-step goal setting methodology. Step 1 included establishing a base figure utilizing quantifiable evidence of the relative availability of DBEs within specified industries corresponding to VVTA's FTA-assisted contracting opportunities anticipated to be awarded within the respective goal period. VVTA utilized the California Unified Certification Program (CUCP) Directory of Certified DBE firms and the 2018 United States Census Bureau County Business Patterns North American Industrial Classification System (NAICS) database within VVTA's market area (defined as San Bernardino County) for each of the categories of work.

Step 2 adjusts the Base Figure based upon review and assessment of other known evidence potentially impacting the relative availability of DBEs within the market area, in accordance with prescribed narrowly tailored provisions set forth under 49 CFR part 26.45: Step 2: DBE Goal adjustment guidelines.

The final Proposed Overall DBE Goal for FFY 2021-2024 for VVTA's FTA-assisted contracts is 4.00% based upon the federal share on race neutral measurements implemented by VVTA. Notice regarding the proposed DBE goal is being published in three (3) local newspapers of general circulation with an invitation to the public to review the goal, methodology and provide comments. Effective November 3, 2014, USDOT amended its DBE program to reduce the comment period from 45 days to 30 days. Public review of the documents must be performed at VVTA, during normal business hours, within 30 days of published notice to allow for receipt of comments. Comments are to be forwarded to the VVTA DBELO.

In response to race-neutral policy directives issued by the USDOT, VVTA utilizes a strictly race-neutral means. In a strictly race-neutral program, VVTA may not set numeric contract goals on any of its USDOT-assisted contracts for which DBE subcontracting possibilities exist. The application of race-neutral measures is in direct response to the Ninth Circuit U.S. Court of Appeals decision in *Western States Paving Co. v United States & Washington State Department of Transportation*, whereby the FTA issued a Notice (Guidance) for Public Transportation Providers (Docket No. FTA-2006-24063).

Based on the Guidance, each recipient was requested to do the following:

- If a recipient does not currently have sufficient evidence of discrimination of its effects, then the recipient would submit an all-race-neutral Overall DBE Goal.
- The recipient's submission shall include a statement concerning the absence of adequate evidence of discrimination and its effects and a description of plans to either conduct a disparity/availability study or other appropriate evidence gathering process to determine the existence of discrimination or its effects on the recipient's marketplace.
- An action plan describing the study and timeline for its completion should also be included.

VVTA is required to perform the appropriate evidence gathering process to determine the existence of discrimination and its effects on its respective marketplace to effectively respond to the Court's ruling and the USDOT's directive (Docket No. FTA-2006-24063; Supplemental Notice dated August 21, 2006). Staff determined it is not feasible for VVTA, nor is it required, to conduct its own independent disparity study.

VVTA DBELO Contact:  
Christine Plasting  
17150 Smoke Tree Street  
Hesperia, CA 92345  
(760) 995-3583  
cplasting@vvta.org



VICTOR VALLEY TRANSIT AUTHORITY

**AGENDA MATTER**

**Present VVTA's FY 2022-2024 Title VI Program.**

**SUMMARY STATEMENT**

As part of VVTA's compliance with FTA regulations and requirements, every three (3) years the Authority must submit an updated Title VI Civil Rights Program to remain compliant along with VVTA's Americans with Disabilities Act Statement. Staff will include a minute action with its submission to FTA Region IX Office in San Francisco. The following is a brief description of the program.

**The Title VI Program** is intended to:

- a) Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- b) Identify and address, as appropriate, disproportionately high, and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- c) Promote the full and fair participation of all affected populations in transportation decision making;
- d) Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- e) Ensure meaningful access to programs and activities by persons with limited English proficiency.

During the comment period from April 19 through May 19, 2021, VVTA reached out to SBCTA, AECOM, AMMA Transit, and the Title VI representative at LA Metro for review. Comments received have been incorporated in the final version of the Title VI Program which is included in the Board Agenda Packet.

**RECOMMENDED ACTION**

Approve VVTA's FFY 2022-2024 Title VI Program.

<b>PRESENTED BY</b>	<b>FISCAL IMPACT</b>	<b>MEETING DATE</b>	<b>ITEM NUMBER</b>
Christine Plasting, DBELO	None	June 21, 2021	