



**Santa Cruz County Regional
Transportation Commission
Transportation Policy Workshop**

AGENDA

**Thursday, November 19, 2015
9:00 a.m.**

**NOTE LOCATION THIS MONTH
Veterans Memorial Building
846 Front Street
Santa Cruz, CA**

NOTE

See the last page for details about access for people with disabilities and meeting broadcasts.

En Español

Para información sobre servicios de traducción al español, diríjase a la última página.

AGENDAS ONLINE

To receive email notification when the TPW meeting agenda packet is posted on our website, please call (831) 460-3200 or email info@sccrtc.org to subscribe.

COMMISSION MEMBERSHIP

Caltrans (ex-officio)	Tim Gubbins
City of Capitola	Dennis Norton
City of Santa Cruz	Don Lane
City of Scotts Valley	Randy Johnson
City of Watsonville	Jimmy Dutra
County of Santa Cruz	Greg Caput
County of Santa Cruz	Ryan Coonerty
County of Santa Cruz	Zach Friend
County of Santa Cruz	John Leopold
County of Santa Cruz	Bruce McPherson
Santa Cruz Metropolitan Transit District	Karina Cervantez
Santa Cruz Metropolitan Transit District	Cynthia Chase
Santa Cruz Metropolitan Transit District	Ed Bottorff

The majority of the Commission constitutes a quorum for the transaction of business.

1. Introductions
2. Oral communications

Any member of the public may address the Commission for a period not to exceed three minutes on any item within the jurisdiction of the Commission that is not already on the agenda. The Commission will listen to all communication, but in compliance with State law, may not take action on items that are not on the agenda.

Speakers are requested to sign the sign-in sheet so that their names can be accurately recorded in the minutes of the meeting.

3. Additions or deletions to consent and regular agendas

CONSENT AGENDA

All items appearing on the consent agenda are considered to be minor or non-controversial and will be acted upon in one motion if no member of the RTC or public wishes an item be removed and discussed on the regular agenda. Members of the Commission may raise questions, seek clarification or add directions to Consent Agenda items without removing the item from the Consent Agenda as long as no other Commissioner objects to the change.

4. Approve consultant selection for FY2013 – FY2015 Triennial Performance Audit (Resolution)
5. Approve rejection of amendments to claim from Brenda Sherriffs

REGULAR AGENDA

6. November 2016 Transportation Ballot Measure – Expenditure Plan Development
(George Dondero, Executive Director)
 - a. Staff report
 - b. Draft Expenditure Plan
 - c. May 21, 2015 Memorandum from Fairbank, Maslin, Maullin, Metz & Associates Regarding Key Findings from a Recent Survey on Transportation Funding in Santa Cruz County
 - d. Background Cost Information
7. Next meetings

The next SCCRTC meeting is scheduled for Thursday, December 3, 2015 at 9:00 a.m. at the County Board of Supervisors Chambers, 701 Ocean Street, 5th floor, Santa Cruz, CA.

The next Transportation Policy Workshop is scheduled for Thursday, December 17, 2015 at 9:00 a.m. at the RTC Offices, 1523 Pacific Avenue, Santa Cruz, CA.

HOW TO REACH US

Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue, Santa Cruz, CA 95060
phone: (831) 460-3200/fax (831) 460-3215

Watsonville Office
275 Main Street, Suite 450, Watsonville, CA 95076
phone: (831) 768-3205
email: info@sccrtc.org / website: www.sccrtc.org

HOW TO STAY INFORMED ABOUT RTC MEETINGS, AGENDAS & NEWS

Broadcasts: Many of the meetings are broadcast live. Meetings are cablecast by Community Television of Santa Cruz. Community TV's channels and schedule can be found online (www.communitytv.org) or by calling (831) 425-8848.

Agenda packets: Complete agenda packets are available at the RTC office, on the RTC website (www.sccrtc.org), and at the following public libraries:

- Aptos Library
- Boulder Creek Library
- Branciforte Library
- Capitola Library
- Felton Library
- Garfield Park Library
- La Selva Beach Library
- Live Oak Library
- Santa Cruz Downtown Library
- Scotts Valley Library
- Watsonville Main Library

For information regarding library locations and hours, please check online at www.santacruzpl.org or www.watsonville.lib.ca.us.

On-line viewing: The SCCRTC encourages the reduction of paper waste and therefore makes meeting materials available online. Those receiving paper agendas may sign up to receive email notification when complete agenda packet materials are posted to our website by sending a request to info@sccrtc.org. Agendas are typically posted 5 days prior to each meeting.

Newsletters: To sign up for E-News updates on specific SCCRTC projects, go to <http://sccrtc.org/about/esubscriptions/>.

HOW TO REQUEST

ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES

The Santa Cruz County Regional Transportation Commission does not discriminate on the basis of disability and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. This meeting location is an accessible facility. If you wish to attend this meeting and require special assistance in order to participate, please contact RTC staff at 460-3200 (CRS 800/735-2929) at least three working days in advance of this meeting to make arrangements. People with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those persons affected, Please attend the meeting smoke and scent-free.

SERVICIOS DE TRADUCCIÓN/ TRANSLATION SERVICES

Si gusta estar presente o participar en esta junta de la Comisión Regional de Transporte del Condado de Santa Cruz y necesita información o servicios de traducción al español por favor llame por lo menos con tres días laborables de anticipo al (831) 460-3200 para hacer los arreglos necesarios. (Spanish language translation is available on an as needed basis.) Please make advance arrangements (at least three days in advance) by calling (831) 460-3200.

TITLE VI NOTICE TO BENEFICIARIES

The RTC operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person believing to have been aggrieved by the RTC under Title VI may file a complaint with RTC by contacting the RTC at (831) 460-3212 or 1523 Pacific Avenue, Santa Cruz, CA 95060 or online at www.sccrtc.org. A complaint may also be filed directly with the Federal Transit Administration to the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

AVISO SOBRE EL TITULO VI A BENFICIARIOS

La RTC conduce sus programas y otorga sus servicios sin considerar raza, color u origen nacional de acuerdo al Titulo VI del Acta Sobre los Derechos Civiles. Cualquier persona que cree haber sido ofendida por la RTC bajo el Titulo VI puede entregar queja con la RTC comunicándose al (831) 460-3212 o 1523 Pacific Avenue, Santa Cruz, CA 95060 o en línea al www.sccrtc.org. También se puede quejar directamente con la Administración Federal de Transporte en la Oficina de Derechos Civiles, Atención: Coordinador del Programa Titulo VI, East Building, 5th Floor-TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590.

Agenda: November 19, 2015

TO: Regional Transportation Commission

FROM: Luis Mendez, Deputy Director and Daniel Nikuna, Fiscal Officer

RE: Consultant Selection for FY2013 – FY2015 Triennial Performance Audit

RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission (RTC) approve a resolution ([Attachment 1](#)) authorizing the Executive Director to execute a contract with Michael Baker International in the amount of \$30,000 for the FY2013 – FY2015 triennial performance audits of the Regional Transportation Commission, the Santa Cruz County Metropolitan Transit District (SCMTD), Community Bridges, and the Volunteer Center.

BACKGROUND

Triennial Performance Audits are required by state statutes related to the Transportation Development Act (TDA) for Regional Transportation Planning Agencies (RTPAs) and Transit Operators that receive funding under Article 4 of the Act. The selected firm will audit four claimants: the Santa Cruz County Regional Transportation Commission (RTC), the Santa Cruz Metropolitan Transit District (SCMTD), Community Bridges and the Volunteer Center. TDA statutes do not require triennial performance audits of Community Bridges and the Volunteer Center; however, a few years ago, the RTC decided to include them in these audits. **The Commission's approved FY2015/16 budget includes sufficient funds for the performance audits.**

DISCUSSION

A Request for Proposals (RFP) for the performance audit was sent to 35 consulting firms on September 25, 2015 by e-mail; **and the RFP was also posted on the RTC's website.** The triennial performance audits cover FY2012/13, FY2013/14, and FY2014/15 (July 1, 2012 to June 30, 2015). The performance audit is only required for the RTC and the Transit District; however, the specialized transit operators (Community Bridges and the Volunteer Center) are included based on the prior audit recommendation, which was approved by the RTC at your October 4, 2007 meeting.

Two (2) consulting firms – Michael T Doody, CPA and Michael Baker International submitted the proposals by the October 23, 2015 due date. The proposals were reviewed by RTC and SCMTD staff who found both firms qualified and have performed work for regional transportation planning agencies (RTPA) and transit operators; however, they agreed to award the contract to Michael Baker International based on depth of technical qualifications and the extensive

experience in performance audits of RTPAs.

Derek Wong, who will be the Project Manager for FY 2013 –FY2015 performance audit, conducted the most recent performance audits of the RTC and Transit Operators for Pacific Municipal Consultants, which has since been acquired by Michael Baker International. Derek Wong is a Transportation Development Act (TDA) expert and was under retainer by Caltrans to instruct statewide workshops on how to conduct effective TDA performance audits. Michael T. Doody was an RTC fiscal and compliance auditor for several years and conducted one performance audit of the RTC and the SCMTD, but his extensive experience is in fiscal and compliance audits. The cost proposals were sealed and were opened only after other criteria were rated. Cost proposals were \$24,400 (net of a \$6,000 discount) and \$30,000 respectively for Michael T. Doody, CPA and Michael Baker International. The Scope of Work is included as Exhibit 1 to the resolution (Attachment 1).

SUMMARY

Staff recommends that the RTC approve the resolution (Attachment 1) authorizing the Executive Director to execute a contract with Michael Baker International in the amount of \$30,000 for the FY2013-FY2015 triennial performance audits.

Attachments 1: Resolution authorizing a contract with Michael Baker International

RESOLUTION NO. 07-16

Adopted by the Santa Cruz County Regional Transportation Commission
on the date of November 19, 2015
on the motion of Commissioner
duly seconded by Commissioner

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO EXECUTE A CONTRACT AGREEMENT WITH MICHAEL BAKER INTERNATIONAL TO
CONDUCT FY2013 – FY2015 TRIENNIAL PERFORMANCE AUDITS.

WHEREAS, the Santa Cruz County Regional Transportation Commission is required under Public Utilities Code Section 99246 to contract for triennial performance audits of itself and the Santa Cruz Metropolitan Transit District and the RTC recommends audit of specialized transit operators; and

WHEREAS, the FY 2015/16 RTC Budget includes adequate funds for these audits;

BE IT RESOLVED BY THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION:

1. The Executive Director is authorized to serve as the agent to negotiate, sign, and execute a contract agreement with Michael Baker International to conduct and produce FY2013 – FY2015 triennial performance audits of the Regional Transportation Commission, the Santa Cruz Metropolitan Transit District, Community Bridges, and the Volunteer Center consistent with Exhibit 1, Scope of Work, at a cost not to exceed \$30,000.
2. The Executive Director is authorized to amend the contract with Michael Baker International to ensure completion of the triennial performance audit, consistent with the adopted RTC budget.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ABSENT: COMMISSIONERS

ATTEST:

John Leopold, Chair

George Dondero, Secretary

Exhibit 1: Scope of Work
Distribution: SCMTD
SCCRTC Fiscal
Community Bridges
Volunteer Center

EXHIBIT 1

SCOPE OF WORK

I. Performance Audit of Santa Cruz County Regional Transportation Commission**Task 1: Kickoff Meeting and Data Collection**

Objective: Conduct initial kickoff meeting with the RTC to communicate work scope and schedule, understand project expectations, and answer questions. Develop list of specific documents to be provided by the RTC.

Approach: Given our recent work history with audits with the RTC, a conference phone kickoff meeting is preferred for cost and time savings, although an in-person kickoff is also welcome at RTC offices. We will coordinate the kickoff meeting to:

- Introduce the Michael Baker team.
- Review overall performance audit objectives.
- Clarify any aspects of our work plan, schedule, or approach.
- Clarify the roles and responsibilities of the RTC and the consultant team.
- Discuss the study schedule and progress reporting.
- Initiate the data collection effort.

During the kickoff meeting, we intend to discuss the audit steps and schedule, and understand some of the issues through discussion with the RTC as the regional transportation funding agency. As part of our initial communication, we will create a list of data needs and documents that traditionally have been used to help create a **background assessment of the agency's performance and compliance over the past three years**. Additional items may be identified as a result of the kickoff discussion. We will coordinate with the RTC on the request for specific information and documents necessary to complete the audit requirements. We will follow up with telephone calls to answer questions and clarify data needs. At a minimum, the types of information required will include the following:

1. Prior TDA performance audit
2. Annual budgets and financial and compliance audits
3. TDA and STA claims
4. Organizational chart, goals, objectives, and policies and procedures
5. Transit unmet needs documentation
6. Transportation Improvement Program (TIP) documentation
7. Overall work plan
8. Response to prior performance audit recommendations

Task 2: Evaluate Compliance with TDA Administrative Processes

Objective: Evaluate the way in which the RTC complies with requirements under the TDA.

Approach: The Caltrans Performance Audit Guidebook identifies a series of compliance requirements that RTPAs, such as the RTC, must meet. These comprise 14 specific requirements found in the PUC and in the California Code of Regulations. Conformance with these requirements will be ascertained during this initial task.

With this in mind, we will review the RTC's previous performance audit, relevant accounting records, internal documents such as meeting minutes of the governing board and of relevant policy and technical advisory committees, and other pertinent information.

In addition, we will interview RTC staff to identify any problems that may impede the efficient and timely administration of TDA funds. As part of this evaluation, we will conduct audit investigations to ensure that adequate documentation and instructions to claimants are available and that accurate records exist regarding apportionments and allocations to the claimants.

We will develop a matrix table of the 14 compliance requirements and will **document the RTC's effort to** meet each requirement.

Task 3: Evaluate TDA Claim Approval Process and Transit Performance Oversight

Objective: Review the TDA claims process and transit monitoring program.

Approach: During this task, we will review the claims process and the RTC's role in administering the funds. Sample completed claims packets and accompanying documentation to substantiate the claims for TDA and STA funds will be collected and reviewed. Compliance checklists and/or other documents that are typically attached to the claims forms will be evaluated and reviewed with staff. We will also review the transit performance reporting and monitoring system employed by the RTC. We will confirm or verify that the data provided by the transit operators is sufficient for basing decisions on claim allocations and for monitoring progress on previous allocations. In performing this evaluation, we will select certain data provided by the systems and verify through independent confirmation that the data is materially correct. Our evaluation will also review the usefulness of the performance indicator monitoring system as a means to monitor trends in transit operator performance and in providing a focus for the performance audit process.

Task 4: Conduct Detailed Review of RTPA Functions

Objective: Determine operational and structural efficiencies and institutional relationships.

Approach: During this task, we will review the RTC's organizational effectiveness through an analysis of the following specific areas.

- **RTC Administration and Management.** This will include examining the general management of the agency and identifying achievements and challenges, policies and goals, governing board and committee activities, and overall work programs.
- **Planning and Programming.** This will include evaluating the way in which the RTC prepares transportation and related planning documents, including long- and

short-range plans. We will examine the process the RTC follows in managing transit plans and other transit projects in its area of jurisdiction, as well as its collaboration with the local member jurisdictions.

- **Relationship with Related Agencies.** We will interview RTC staff regarding the agency's partnerships with allied organizations such as Caltrans, other RTPAs, AMBAG, and local governmental jurisdictions where travel and development may have an impact on the RTC's TDA-related responsibilities.
- **Transportation Funds Administration.** This will include examining fiscal operations and the way in which the RTC allocates and manages Local Transportation Funds, State Transit Assistance Funds, and any related revenues.
- **Marketing and Transportation Alternatives.** We will review marketing efforts and activities engaged by the RTC to promote its mission and services provided by the transit operators, as well as other transportation modes.
- **Grant Management.** This will include gaining an understanding of the level of grant administration and assistance provided by the RTC to the transit operators for non-TDA sources such as state and federal programs.
- **Financial Records Management.** We will conduct a review of the internal controls employed to manage the agency's financial data and records. While we do not intend to duplicate any work that is typically undertaken for the separate annual fiscal and compliance audit or internal audit practice, we will review the current financial management system to ensure the complete and accurate accounting and recording of LTF and other transit-related revenue under the purview of the RTPA. Finally, we will interview RTC staff to identify any administrative and management issues of concern. We will also conduct interviews with members of the governing board to gauge their perspectives regarding the activities of the agency. Additional interviews with external agencies will be conducted as warranted.
From these activities, we will investigate potential issues and make findings and potential recommendations as part of the audit.

Task 5: Follow Up on Prior Performance Audit Recommendations

Objective: Review prior performance audit recommendations and actions taken by the RTC to implement the recommendations. Approach: The prior performance audit conducted by Michael Baker International (as PMC) contained four recommendations. During this task, we will focus our activities in the following specific areas.

- **Obtain and Review Key Documents.** We will collect documents that contain prior recommendations and review the status of these recommendations. Possible key literature includes prior performance audits, recommendations submitted in management memorandums, and other performance evaluation documents.
- **Document Implementation of Recommendation.** We will follow up on the

course of action taken by the RTC to implement the recommendations. If the RTC has implemented a recommendation, we will seek data to confirm implementation, discuss the effectiveness and benefits from the recommendation, and discuss difficulties and costs associated with the recommendation. If the RTC is currently implementing a recommendation, we will address the current status of implementation, as well as any difficulties and costs of implementation. If a recommendation has not been implemented, we will make a determination as to whether the recommendation is (a) no longer applicable due to changes in circumstances, (b) infeasible, or (c) still valid and should still be implemented. For each determination, we will draw conclusions on the implementation status of these recommendations. If the prior recommendation still deserves merit, we will include the recommendation in the current audit report.

- **Disclose Results of Follow-Up Review.** We will document the results of the review and report the status of prior recommendations. For those recommendations that have been implemented, significant accomplishments from these prior recommendations will be recognized as will difficulties and costs of implementation.

Task 6: Identify Improvements and Develop Recommendations

Objective: Identify the specific improvements and issues from each of the previous tasks and develop recommendations that would assist in implementing the improvements.

Approach: Based on work done earlier during the study, recommendations could be developed for the following principal areas:

- The TDA administrative process, including the institutional arrangements, the organizational structure, allocation process, prioritization, detailed RTPA review, and how the previous performance audit recommendations have been implemented.
- The monitoring of performance indicators and how the data can be used for claim review, analysis, and monitoring performance.
- The adequacy of the monitoring system, including the validity of the data and whether the most appropriate data are being collected and utilized. Data consistency and comparability will be reviewed in developing recommendations for improvement.
- Effectiveness of administrative controls.

The task will highlight both accomplishments and any areas where the RTC might not be in compliance with TDA regulations, and the impact of noncompliance will be identified. We will provide recommendations in sufficient detail to address the issue or concern found. In addition, all recommendations will identify the priority and responsible party for implementing the recommendations.

Task 7: Prepare Audit Report and Presentation

Objective: Prepare an administrative draft for review, and then finalize the audit report.

Approach: The report will be developed in a positive and easy-to-read manner to help management and staff improve operations and increase efficiency and cost-effectiveness. We will organize the audit reports using the following areas as guidance:

- Table of Contents
 - Listing of chapter headings and major sections
 - Tables and figures
 - Associated page numbers
- Executive Summary
 - Synopsis of key findings and recommendations
- Introduction
 - **Agency's recent history, administrative and policy structure, budget, staffing, and nature of services provided**
 - Overview of regulatory requirements
 - Approach and methods used in conducting the audit
- Audit Findings
 - Compliance review results
 - Status of prior recommendations
 - Results of functional review separated by subfunction
- Conclusions and Recommendations
 - Findings and recommendations
 - Strategies and follow-up actions to address performance issues

We will provide the RTC project manager an electronic PDF copy of the draft audit report for distribution, review, and comment by the RTC. After we have received comments, we will prepare and deliver five copies and one electronic PDF copy of the final report. Although the RFP indicates final report presentations by April 2016, we are proposing a slightly modified schedule to submit the draft audit report by late April to early May 2016 with final presentations to the RTC Board in June 2016. This modified timeline meets TDA statutory deadlines while allowing the audit team to conduct a detailed investigation of each audited agency.

II. Performance Audit of Santa Cruz Metropolitan Transit District, Community Bridges, and Volunteer Center

Task 1: Kickoff and Data Collection

Objective: Coordinate the kickoff with the transit operators to communicate work scope and schedule, understand project expectations, and answer questions. Develop list of specific documents to be provided by each operator.

Approach: Given our recent work history with audits with the RTC and the transit operators, a joint conference phone kickoff meeting with the RTC and the operators is preferred for cost and time savings, although an in-person kickoff is also welcome at RTC offices. We will coordinate the kickoff to discuss the audit steps and schedule, and understand some of the issues through discussion with the agencies.

As part of our initial communication, we will create a list of data needs and documents that traditionally have been used to help create a background **assessment of the transit operator's performance and** compliance over the past three years. Additional items may be identified as a result of the kickoff discussion. We will coordinate on the request for specific information and documents necessary to be provided by the operators to complete the audit requirements. We will follow up with telephone calls to answer questions and clarify data needs. At a minimum, the types of information required will include:

1. State Controller's transit operator reports
2. National Transit Database reports
3. Annual budgets and financial and compliance audits
4. CHP safety compliance report/terminal record update
5. Performance productivity reports
6. Vehicle operations data such as on-time performance, road calls, and customer complaints
7. Organizational charts, goals, objectives, and policies and procedures
8. Short- and long-range transit plans
9. Response to prior performance audit recommendations

Upon receipt of the data, we will compile performance profiles using numeric data and initiate compliance reviews. We will begin to identify areas of compliance as well as potential noncompliance. We will also compile the TDA-mandated performance indicators, farebox recovery ratios, and other indicators that are relevant to functional area performance. We will document the values used for the statistics and indicators, note the amount of change, and determine whether this change represents a positive or negative trend. Causal factors for all observed trends will be determined in subsequent tasks.

Task 2: Conduct Site Visits and Interviews

Objective: Conduct in-person site visits.

Approach: Prior to our site interviews and fieldwork, we will review the materials provided from the list under Task 1 and generate a list of follow-up questions to ask during the meetings and possibly other materials. The background data and preliminary analysis as described in the prior task will serve as a basis for the audit process and site visits. Performance trend results will be discussed with each operator within major functional areas such as operations, maintenance, and administration in order to focus the site visit interviews accordingly. Interview guides will be developed and utilized to help focus discussions and maximize the effectiveness of time spent in discussions with transit staff. Potential topics for discussion include:

- Data collection and reporting processes
- Performance trends and factors influencing trends
- Accomplishments and challenges
- Actions taken to implement prior audit recommendations, the resources required for implementation, and the results of those actions

We recognize that performance findings are only meaningful when placed in the context of established objectives, overall policy direction, and constraints of the operating environment.

Task 3: Determine Compliance with Statutory and Regulatory Requirements

Objective: Review and make a determination as to each operator's compliance with the TDA and related sections of the California Code of Regulations.

Approach: During this task, we will focus our activities in three specific areas.

- **Discuss Compliance Requirements with the Operator.** This first step involves meeting with operator staff, including transit management, and discussing the 11 operator compliance requirements in the Caltrans Performance Audit Guidebook. The guidebook addresses topics such as timely submittal of external documents, farebox recovery, and compliance with rules and regulations guiding TDA funding.
- **Investigate Evidence of Compliance.** Based on the interviews and discussions with transit staff, we will investigate evidence of compliance by collecting pertinent documents and records that show sufficient objective evidence to meet each of the minimum 11 compliance requirements. Some of the documents will be from the initial data list provided during the kickoff. Staff assistance from the operators as well as from the RTC will be utilized to obtain the most relevant data. Evidence of compliance may also be produced from our direct observation of the compliance requirement.
- **Disclose Results of the Compliance Review.** We will document the methodology and results of the compliance review. The review will ensure that the evidence collected is objective and representative of the activities of the transit operators for the past three years. If we find an indication of noncompliance with any of the requirements, we will make a finding in the audit report, draw

conclusions, and make appropriate recommendations.

Task 4: Determine Compliance with and Progress Toward Goals in the Regional Transportation Plan

Objective: Review and make a determination as to each operator's progress toward meeting the transit goals and objectives contained in the RTP.

Approach: We will review and discuss the transit goals and objectives contained in the Santa Cruz Regional Transportation Plan. We will interview staff from the respective transit systems and determine efforts made toward meeting the RTP objectives. Should shortfalls be found in meeting goals, we will work with the transit system to determine the causes for not meeting the goals and evaluate whether further opportunities exist that will enable these goals to be met under reasonable conditions. We will document the progress made and highlight both accomplishments and challenges related to the activities carried out by each transit operator in meeting the goals.

Task 5: Follow Up on Prior Performance Audit Recommendations

Objective: Review prior performance audit recommendations and actions taken by the operator to implement the recommendations.

Approach: A number of recommendations were made in the prior performance audits. During this task, we will focus our activities in three specific areas.

- **Review Prior Recommendations and Evidence of Compliance.** We will review the prior audit recommendations with respective transit staff and review the status of implementation. We will work with staff to determine the validity of each recommendation in light of the evolving nature of transit operations. Evidence may be contained in operator reports, memorandums and documents, and performance evaluation documents or obtained through direct observation.
- **Document Implementation of Recommendation.** We will follow up on the course of action taken by the operator to implement the recommendations. If the operator has implemented a recommendation, we will seek data to confirm implementation, discuss the effectiveness and benefits from the recommendation, and discuss difficulties and costs associated with the recommendation. If the operator is currently implementing a recommendation, we will address the current status of implementation, as well as any difficulties and costs of implementation. If a recommendation has not been implemented, we will make a determination as to whether the recommendation is (a) no longer applicable, with a clear statement of why, (b) infeasible, with a clear statement of why, or (c) still valid and should be implemented and the benefits that are likely to result. For each determination, we will draw conclusions on the implementation status of these recommendations. If the prior recommendation still deserves merit, we will include the recommendation in the current audit report, either as stated or modified to account for any changes in conditions.

- **Disclose Results of Follow-Up Review.** We will document the results of the review and report the status of prior recommendations. For those recommendations that have been implemented, significant accomplishments from these prior recommendations will be recognized as well as the difficulties and costs of implementation.

Task 6: Verify Performance Indicators

Objective: Quantify and review the efficiency and effectiveness of the transit operator's activities, TDA required performance measures, and other potential performance indicators if warranted.

Approach:

Subtask A: We will first review and validate the operator's collection methods of basic data needed to calculate these indicators. The basic data include operating cost, passenger counts, vehicle service hours, vehicle service miles, employee hours, and fare revenue. Our work will be accomplished through tracing and evaluating the steps taken by the operator to report the data. We will review sample driver logs, driver manifests, daily and monthly operator reports, and other pertinent materials where actual performance data is recorded to determine their compliance with the TDA definitions (PUC 99247). Additional operations data such as on-time arrival, missed trips, and number of road calls and preventable accidents will be included in the review of operational performance. We will discuss this process with the transit operator and identify any issues discovered from our review of the data. If warranted, we will then suggest corrective actions to ensure compliance with the statute.

Subtask B: A triennial performance audit must include the verification of a minimum of five performance measures. Section 99246(d) of the PUC requires that the performance indicators are:

- Operator's operating cost per passenger
- Operating cost per vehicle service hour
- Passengers per vehicle service hour
- Passengers per vehicle service mile
- Vehicle service hours per employee as defined in Section 99247 of the California PUC

Though the farebox recovery ratio is not a required performance indicator under Section 99246(d), Section 99268 et seq. requires that the farebox ratio be **calculated so that an operator's eligibility for funding can** be determined. We will be attentive to how each operator calculates its farebox ratios, as reflected in **documents such as the State Controller's Report, TDA claims, and annual fiscal audits.** We will create user-friendly tables to depict the trends over the recent three-year period on a system-wide basis and by mode/type (i.e., fixed route, dial-a-ride). We will contrast these performance trends with other three-year trends that influence transit performance (e.g., Consumer Price Index). We will document the values used for the statistics and indicators, note the amount of change, and determine whether this change represents a positive or negative trend. We will document causal factors for all observed performance trends based on the

numerical information and information from the site visits.

In addition to tables, we will provide visual graphic representation via bar/line charts and data labels. The performance trends will provide the symptoms of potential issues that will be reviewed in depth during the functional review audit, as well as changes in efficiencies and effectiveness.

Other performance indicators to be determined will be calculated if the analysis warrants further examination of a particular performance area of concern that is not covered by any of the five indicators.

Any additional performance measures that will be developed are intended to be useful and to help determine trends in service. Example additional performance indicators include complaints per 100,000 passengers, on-time performance, and vehicle breakdowns per 100,000 revenue miles.

We will consult the Transit Cooperative Research Program (TCRP) document entitled A Guidebook for Developing a Transit Performance-Measurement System for a comprehensive listing of performance indicators relative to various transit functional areas. Additional functional area performance indicators pertaining directly to service efficiency and effectiveness during the audit period will be developed as necessary.

Each piece of basic data can be influenced by a series of interrelated variables in transit operations. Therefore, the calculation and analysis of the above performance indicators may point out potential issues or concerns that may need further investigation during the next task, which will examine the operator functions. We will select and use the appropriate performance indicators to identify, quantify, and/or resolve performance problems and potential areas for improvement. We will draw upon our experience and also consult the TCRP document to select additional indicators. If appropriate, we will also compare the performance indicators to select peer transit agencies for informational purposes and a frame of reference.

Task 7: Operator Functional Reviews

Objective: Review the various functions and investigate potential functional concerns, problems, and possible improvements, while also highlighting recent accomplishments.

Approach: The review of operator functions can be divided into two parts—an initial review and a detailed review. The initial review will provide an understanding **of the operator’s characteristics** and the functions performed. Operator characteristics include general data such as a description of the entity providing service, legal status (e.g., local jurisdiction, JPA), mode of service (bus, van, general public, specialized, etc.), type of service (fixed-route and dial-a-ride), and size of operations. We will review pertinent documents such as transit plans and staff reports in addition to discussions with appropriate transit staff to obtain a clear view of the general functions of the audited transit system.

Each function, in turn, can be broken into several subfunctional areas as described by the following (adapted from the Caltrans Performance Audit Guidebook):

▪ **General Management and Organization.** We will review the management and structure of the operator, including an assessment of:

- Administrative oversight
- Organizational structure and reporting
- Recent program changes and innovations
- Areas of interest to management and governing body

▪ **Scheduling, Dispatch, and Operations.** The daily scheduling and coordination of routes, drivers, and vehicles will be reviewed, including:

- Assignment of drivers and vehicles to specific routes
- Driver absence and sick leave
- Part-time and cover drivers
- Dispatch procedures and communication

▪ **Service Planning.** We will review how short-range transit plan recommendations, public input through surveys, and other planning and evaluation techniques have been implemented, and we will assess their results on operations. Topics that will be covered include:

- Strategic planning
- Short-range planning
- Evaluation of routes
- Planning for special transportation needs
- Surveys of riders/non-riders

▪ **Maintenance.** We will review maintenance records, CHP terminal and vehicle inspections, and other maintenance-related documentation on the condition of the vehicles and other capital facility assets. The subfunctions in this area include:

- Preventive maintenance
- Sufficiency of facility
- Vehicle condition and maintenance schedules
- Parts and inventory management
- Communications with dispatch
- Maintenance outsourcing

▪ **Personnel Management and Training.** We will review personnel policies, driver recruitment practices, turnover trends, and management of human resources. Topics that will be covered include:

- Recruitment and motivation
- Training and safety
- Discipline
- Benefits

▪ **Administration and Financial Controls.** Business and support services necessary for the operations of the agency will be assessed. We will examine

adopted policy documents guiding financial management and procurement practices. Administrative activities include:

- Budgeting, financial, and grants management
- Revenue collection and cash management
- Payroll
- Risk management

▪ **Marketing and Public Information.** Efforts to make information available to the public, market the service to the community, and communicate with social service agencies and other governmental entities will be reviewed. The assessment will include:

- Marketing programs and objectives
- Communications strategies with the public
- Intergovernmental communications

We will utilize various data means to perform the assessment, including interviews with transit staff and management, in-house data collection, annual productivity reports, surveys and public input, transit plans, and other materials presented to the governing board. We will describe the improvements and changes made over the past three years in each of the functions.

We will also review events and/or activities that may have occurred either before or after the audit period, as necessary, to digest the impacts during the audit period. We will identify any functional concerns and evaluate them using such methods as calculating additional performance indicators that would be applicable to the functional concern. Our site visits and interviews, as well as documents such as internal documentation and board and advisory committee reports and agendas, will help with describing the service changes or performance concerns. From the functional review, we will then provide a set of clear and concise recommendations for improvement with a clear timeline for implementation and identify the potential cost savings/benefit and responsible party for follow-up. Depending on the operator function, the recommendations made may range from managerial improvements to operational efficiencies to financial controls.

Task 8: Prepare Audit Report and Presentation

Objective: Prepare administrative drafts for review, and then finalize the audit reports.

Approach: We will prepare a draft report encompassing all aspects of the audit process and meeting state TDA requirements. The report will also serve as detailed action plan for recommended improvements, thereby providing a useful management tool for the transit operator. The organization of the transit operator audit report will follow closely to that described under Task 7 of the RTC scope of work and include an executive summary, introduction, audit findings, and conclusions and recommendations. The transit audit reports will also include a section on performance measures review. Elements of the prior tasks will be contained in the audit report to support findings and conclusions. The report will

include a discussion of:

- Audit scope, approach, methodologies used to test compliance and internal controls, interviews conducted, and documents reviewed.
- Agency accomplishments during the audit period as well as particular challenges.
- Performance trends, audit findings, and conclusions for the TDA indicators.
- Causal factors contributing to performance results.
- Specific recommendations for improvement as warranted by findings and conclusions with a suggested action plan for implementation.

We will provide the RTC project manager an electronic PDF copy of the draft audit reports for distribution, review, and comment by the RTC and transit operators. After we have received comments, we will prepare and deliver five copies and one electronic PDF copy of the final report. Although the RFP indicates final report presentations by April 2016, we are proposing a slightly modified schedule to submit the draft audit report by late April to early May 2016 with final presentations to the RTC Board and SCMTD Board in June 2016. This modified timeline meets TDA statutory deadlines while allowing the audit team to conduct a detailed investigation of each audited agency.

AGENDA: November 19, 2015

TO: Regional Transportation Commission (RTC)
FROM: Yesenia Parra, Administrative Services Officer
RE: Reject Amendments to Claim from Brenda Sherriffs

RECOMMENDATIONS

Staff recommends that the Regional Transportation Commission (RTC) reject the three amendments to the claim from Brenda Sherriffs.

BACKGROUND

On October 15, 2015 the RTC received a claim (Attachment 1) from Ms. Brenda Sherriffs. Ms. Sherriffs is represented by Michelle Weiss Esq. Ms. Sherriffs submitted a claim alleging injuries suffered while riding her bicycle at the roundabout located at the intersection of Beach Street and Pacific Avenue that cross the RTC rail line property in the City of Santa Cruz. At its November 5, 2015 Commission meeting, the RTC rejected the claim.

DISCUSSION

On November 5 and November 6, 2015, the RTC received amendments (Attachments 2, 3 and 4) to the original claim from Brenda Sherriffs. In its Attachment 1, the original claim identified the City of Santa Cruz as the negligent party whereas the amendments identify the State of California and the Santa Cruz County Regional Transportation Commission as the negligent parties in the attachment to the claim. The circumstances and allegations of the incident remain the same.

Staff has reviewed the amendments to the claim with its insurance carrier, the Special District Risk Management Authority (SDRMA), and recommends that the Commission reject the amendments to the claim from Ms. Sherriffs.

SUMMARY

On October 15, 2015 the RTC received a claim from Brenda Sherriffs. On November 5, 2015 the RTC rejected the claim. On November 5 and 6, 2015, the RTC received an amendment to the claim from Brenda Sherriffs naming the State of California and the Santa Cruz County Regional Transportation Commission as negligent parties. Staff has reviewed the amendments to the claim with its insurance carrier,

the Special District Risk Management Authority (SDRMA), and recommends that the RTC reject the amendments to the claim from Ms. Sherriffs.

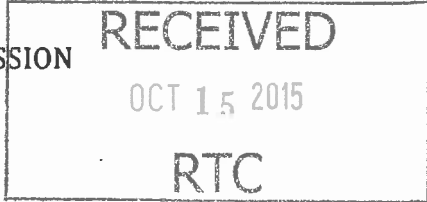
Attachments:

1. Original Claim
2. Amendment received on November 5, 2015 with signature date of November 3, 2015
3. Amendment received on November 5, 2015 with signature date of November 4, 2015
4. Amendment received on November 6, 2015 with signature date of November 3, 2015

**CLAIM AGAINST THE SANTA CRUZ COUNTY REGIONAL
TRANSPORTATION COMMISSION**

(Pursuant to Section 910 et seq., California Government. Code)

TO: SANTA CRUZ COUNTY REIONAL TRANPORTATION COMMISSION
ATTN: Executive Director of the Commission
1523 Pacific Avenue Santa Cruz, CA 95060
phone - (831) 460-3200



1. Claimant's Name: Brenda Sherriffs
Address: Redacted Aptos, CA 95003
Phone No: Redacted
P.O. Box to which notices are to be sent: please send all correspondence to attorney, Michelle Weiss

2. Occurrence: see attachment 1
Date: 04/26/2015
Location Of Accident/Loss: see attachment 1

3. Circumstances of occurrence or transaction giving rise to claim (attach pages as necessary):
See attachment 1

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known: See attachment 1

5. Name(s) of public employee(s) causing injury, damage or loss, if known: See attachment 1

6. Amount claimed now\$ See attachment 1
Estimated amount of future loss, if known\$ See attachment 1
TOTAL \$ See attachment 1

7. Basis for above computations (Itemization): See attachment 1

CLAIMANT'S SIGNATURE: Michelle Weiss Date: 10/13/15
Michelle Weiss, claimant's attorney signing on her behalf
Please include all attachments which would support your claim (estimates, bills, receipts, photos, police reports, etc.)

NOTICE: Section 72 of the Penal Code provides:
"Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand (\$1,000), or by both such imprisonment and fine; or by imprisonment in the state prison, or by a fine not exceeding ten thousand (\$10,000), or by both such imprisonment and fine."

DESIGNATION OF LEGAL REPRESENTATION/AUTHORIZATION FOR RELEASE OF INSURANCE AND
MEDICAL INFORMATION

Bay Area Bicycle Law and Michael Stephenson, Attorney at Law

_____, 2015

RE: BRENDA SHERRIFFS
DATE OF INCIDENT/LOSS: 04/25/2015

Dear Sir/Madam:

Please be advised that I, BRENDA SHERRIFFS ("Client") have authorized Michael Stephenson, Esq., Michelle Weiss, Esq., and associated attorneys of Bay Area Bicycle Law (collectively "Attorney") to represent me, for injuries/damages sustained as a result of a bicycle/automobile collision that occurred on the above date in the State of California.

I hereby authorize Attorney to review and/or obtain copies of any and all medical bills and records that may have any bearing on this matter. Attorney is hereby authorized to sign his or our name(s) to any paper pertaining to the case, including endorsement of any settlement check, subpoena, deposition transcript, or litigation discovery materials.

Attorney is authorized to negotiate medical liens and to gather confidential/protected medical information/records. In addition, we have granted Attorney a lien on any and all claims or causes of action that are the subject of, or related to, this matter.

Please note that all proceeds of my case and all amounts recovered or disbursed in connection with this matter shall be made payable to "Brenda Sherriffs and their attorney, Michael Stephenson, Attorney-at-Law" or "Brenda Sherriffs and their attorney, Bay Area Bicycle Law" but shall be deposited into the applicable attorney's trust (IOLTA) account and separately accounted for in records to designate that such funds are a part of my settlement and held in trust for my benefit. Such funds will be held for disbursement to me and for all attorney fees/costs and lien holders, including medical provider lien holders, in accordance with the provisions of the applicable Attorney-Client Agreement and any agreements I have with medical providers or other insurers.

Sincerely,

By: Brenda Sherriff
BRENDA SHERRIFFS, Client

Dated: 6-5-15

Phone Number: Redacted

Social Security Number: Redacted

Date of Birth: Redacted

AUTHORIZATION TO RELEASE PROTECTED HEALTH CARE INFORMATION

To:
Pursuant to the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations, 45 CFR §164.508,

is hereby authorized to release to

Or any of its representatives, all medical records, meaning every page in my record, including, but not limited to: office notes, fact sheets, discharge summaries, history and physical, consultation notes, intra-operative records, anesthesia records, operative reports, recovery room, pathology reports, medication administration records, EKG reports, EKG strips, EEG reports, EEG strips, therapy notes, orders, progress notes, laboratory results, nurses' notes, vital sign sheets, intake/output records, reports of all x-rays, mammograms, CT scans, MRIs or PET scans, respiratory therapy records, nutrition records, social worker records, transfusion records, code sheets, consent forms, autopsy report, labor flow sheets, labor and delivery summary, delivery summary/report/note, fetal monitor strips, nursery records, emergency room records, transfer records, discharge instructions, personal property list, in-patient records, clinic records, correspondence, photographs, videotapes, telephone messages, computer generated information, medical bills, pharmacy and drug records, health insurance, insurance claim forms, insurance payment forms, Medicaid or Medicare records concerning any medical treatment that BRENDA SHERRIFFS, Social Security No. _____, has received from you, at your institution, or which you keep in the regular course of business. I hereby authorize release of all records regarding mental health, psychiatric, chemical dependency or HIV. A photostatic copy of this authorization shall be as valid as the original.

The purpose of this authorization and request is to obtain ALL medical information pertaining to BRENDA SHERRIFFS and the patient's physical condition, which may be relevant as it pertains to certain personal injury claims or litigation. This authorization expires three (3) years from the date of the signature. The aforementioned expiration date has not passed, as this matter is ongoing.

BRENDA SHERRIFFS hereby authorizes attorney(s) of BRENDA SHERRIFFS to speak to the healthcare professional(s) privately or to take testimony at deposition or trial as may be requested.

BRENDA SHERRIFFS has the right to revoke this authorization in writing by providing a signed, written notice of revocation to _____ and _____. Medical providers may not condition treatment or payment on whether the above-listed patient executes this authorization. The information disclosed pursuant to this authorization may be subject to re-disclosure and no longer protected by the privacy regulations promulgated pursuant to the Health Information Portability and Accountability Act (HIPAA).

Signature: Brenda Sherriffs

Social Security No.: Redacted

Date of Birth: Redacted

Date of Signature: 6-5-15

ATTACHMENT 1 TO CLAIM OF BRENDA SHERRIFFS AGAINST THE CITY OF SANTA CRUZ

This claim is for a bicycle accident which was legally caused by a dangerous condition of public property that existed at the round about located at the intersection of Beach Street and Pacific Avenue in Santa Cruz, California, at a location between the round about exits for vehicles traveling east on Beach Street and north on Pacific Ave. The accident occurred specifically on the train tracks running through the subject round about. This location and the roadway including its paving, roadways, paved and unpaved shoulder, roadway surface, adjacent property, drainage, striping, traffic controls, warnings, railroad tracks, and/or other appurtenances thereto shall be known as the "accident site".

As a legal result of the dangerous condition of public property, Claimant Brenda Sherriffs sustained multiple, permanent and severe personal injuries including but not limited to numerous pelvic fractures, including comminuted fractures to the right acetabulum and right ilium and a displaced fracture of the right inferior public ramus. Claimant also suffered significant internal muscular hematomas which resulted in considerable internal bleeding and blood loss, as well as anxiety and depression. Due to the severe nature of said fractures, Claimant required emergency surgery.

Furthermore, Claimant has incurred wage and income loss as well as the loss of future earning capacity, and has incurred medical expenses and is reasonably certain to incur future medical expenses.

The amount of this claim exceeds \$25,000.00. Personal injuries: \$2,500,000.00 for pain and suffering and loss of enjoyment of life. Special damages for past and future medical expenses and income loss: \$2,500,000.00. Property damage: \$5,000.00.

On or about April 26, 2015 at about ____, Claimant Brenda Sherriffs was legally riding her bike around the traffic circle controlling traffic at the intersection of Beach Street and Pacific Avenue in Santa Cruz, CA, when she encountered a dangerous condition of public property as defined by Government Code § 835, specifically, but not limited to substantial and dangerous defects or deviations in the surface of the traveled portion of the roadway running alongside train tracks, dangerous conditions existing within the roadway as a result of the ongoing construction project at the time, and insufficient signage and/or warnings of said hazards.

Specifically, at the time of the subject accident, the traffic circle in question was in the process of being constructed in an intersection that was previously a four way stop. As a result, rail road tracks that previously did not run parallel to the roadway now ran roughly parallel through a segment of the traffic circle existing between the exits for eastbound traffic on Beach Street and for northbound traffic on Pacific Avenue.

Railroad tracks pose a known hazard to bicyclists, as the divots in said tracks are both wide and steep enough to cause a bicycle tire to become trapped inside said divot. Where the tracks run roughly parallel to the roadway (instead of perpendicular), the hazard is greater.

Because the subject railroad tracks did not run alongside the roadway prior to construction of the round about, it was only after creation of said round about that the railroad tracks posed a serious threat to bicycle traffic. Furthermore, because construction was underway at the time of said accident, the roadway was partially obstructed by the construction project, causing the traffic circle lanes to become narrower in parts.

Unaware of the dangerous condition of the roadway, Claimant entered the traffic circle in order to turn onto northbound Pacific Avenue. As she traveled around the circle and to the left of the railroad tracks, Claimant was forced by construction and traffic to travel further to the right, pushing her bike into the tracks and causing her tire to become trapped inside the track divots. As a result, Claimant's bicycle fell over and Claimant landed directly onto her right hip.

Claimant's injuries were legally caused by the dangerous condition of public property which existed on the date of the accident and at all relevant times at the above accident site.

The dangerous condition created a reasonably foreseeable risk of the kind of injury which occurred to Brenda Sherriffs, and the dangerous condition was created by a negligent act or wrongful act or omission of an employee, servant, agent, contractor, or sub-contractor of the City of Santa Cruz, acting within the scope of their employment, service, agency, or contract.

Further, the City of Santa Cruz had actual and/or constructive notice of the dangerous condition of its property a sufficient time prior to the accident so that measures could have been taken to warn of and/or protect against the dangerous condition.

Claimant is presently unaware of the exact identity of the City of Santa Cruz employees involved and therefore will name them fictitiously as DOES in her subsequent complaint.

Claimant believes the round about was negligently designed, constructed, repaired, inspected, and/or maintained in relation to the location of the train tracks so that the round about's poor design caused, or contributed to causing, the defects in said round about as described herein.

Claimant believes that the City of Santa Cruz was responsible for the design, operation, construction, repair, inspection, and maintenance of the dangerous condition of public property at this location. Claimant is unaware of the exact identity of those persons or entities who designed, operated, constructed, repaired, inspected, or maintained the dangerous roadway and/or round about, and therefore will name them fictitiously as DOES in her subsequent complaint, as well.

At all relevant times this roadway constituted a public roadway, which is composed of roadways and streets within the city of Santa Cruz, in the State of California. Claimant believes that the City of Santa Cruz owned, controlled, and operated the roadway in question at the time of the accident and/or at all pertinent times.

The City of Santa Cruz either negligently or wrongfully created this dangerous condition or had actual and/or constructive notice of the dangerous condition a sufficient time prior to the time of Claimant's accident and injuries to abate the dangerous condition or to warn of the dangerous condition. Among other things, the roadway was improperly designed and/or in disrepair and was inadequately and/or poorly maintained and/or inspected so that the roadway would create a danger to people riding their bicycles to the extent that it caused riders to lose control of their bicycles.

Furthermore, bicycle riders riding on this roadway had inadequate warning of defects or deviations in the pavement or roadway surfaces, of the round about. The dangerous condition consisted of the improper care, maintenance, repair, inspection, and/or design of the roadway and the striking marking and regulatory and warning signs thereon. These dangerous conditions created a "trap" to users of the roadway, such as Claimant.

The dangerous condition was a condition that created substantial risk of injury when such property was used with due care and in a manner in which it was reasonably foreseeable it would be used.

Furthermore, the City of Santa Cruz negligently failed to post proper warning signs, signals, markers, etc., warning of the dangerous condition so that a concealed trap existed on the above mentioned roadway.

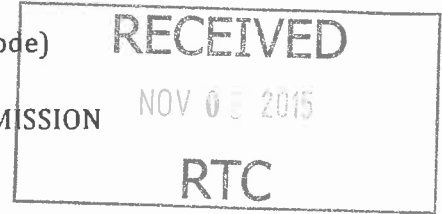
Furthermore, when they had actual and/or constructive notice of the dangerous condition of the roadway and the likelihood and/or possibility of serious accidents, and injuries, the City of Santa Cruz negligently failed to repair, inspect, eliminate, or abate the dangerous condition or to issue proper warnings against the dangerous condition so that accidents and injuries to bicycle riders would not occur.

All of the above acts and/or omissions directly and legally caused Claimant Brenda Sherriffs multiple, permanent, and severe injuries as set forth in this claim. The full nature and extent of Claimant's injuries and damages are presently unascertained, however, they are certain to exceed the jurisdiction limits of the Superior Court of California, Unlimited Jurisdiction.

AMENDED

**CLAIM AGAINST THE SANTA CRUZ COUNTY REGIONAL
TRANSPORTATION COMMISSION**

(Pursuant to Section 910 et seq., California Government. Code)



TO: SANTA CRUZ COUNTY REIONAL TRANSPORTATION COMMISSION
ATTN: Executive Director of the Commission
1523 Pacific Avenue Santa Cruz, CA 95060
phone - (831) 460-3200

1. Claimant's Name: Brenda Sherriffs
Address: Redacted Aptos, CA 95003
Phone No: Redacted
P.O. Box to which notices are to be sent: please send all correspondence to attorney, Michelle Weiss
2. Occurrence: see attachment 1
Date: 04/26/2015
Location Of Accident/Loss: see attachment 1
3. Circumstances of occurrence or transaction giving rise to claim (attach pages as necessary):
See attachment 1
4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known: See attachment 1
5. Name(s) of public employee(s) causing injury, damage or loss, if known: See attachment 1
6. Amount claimed now\$ See attachment 1
Estimated amount of future loss, if known\$ See attachment 1
TOTAL \$ See attachment 1
7. Basis for above computations (Itemization): See attachment 1

CLAIMANT'S SIGNATURE: [Signature] Date: 11/3/2015

Please include all attachments which would support your claim (estimates, bills, receipts, photos, police reports, etc.)

NOTICE: Section 72 of the Penal Code provides:

"Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand (\$1,000), or by both such imprisonment and fine; or by imprisonment in the state prison, or by a fine not exceeding ten thousand (\$10,000), or by both such imprisonment and fine."

AMENDED ATTACHMENT 1 TO CLAIM OF BRENDA SHERRIFFS AGAINST THE Santa Cruz County Regional Transportation Commission

This claim is for a bicycle accident which was legally caused by a dangerous condition of public property that existed at the roundabout located at the intersection of Beach Street and Pacific Avenue in Santa Cruz, California, at a location between the roundabout exits for vehicles traveling east on Beach Street and north on Pacific Ave. The accident occurred specifically on the train tracks running through the subject round about. This location and the roadway including its paving, roadways, paved and unpaved shoulder, roadway surface, adjacent property, drainage, striping, traffic controls, warnings, railroad tracks, and/or other appurtenances thereto shall be known as the "accident site".

As a legal result of the dangerous condition of public property, Claimant Brenda Sherriffs sustained multiple, permanent and severe personal injuries including but not limited to numerous pelvic fractures, including comminuted fractures to the right acetabulum and right ilium and a displaced fracture of the right inferior public ramus. Claimant also suffered significant internal muscular hematomas which resulted in considerable internal bleeding and blood loss, as well as anxiety and depression. Due to the severe nature of said fractures, Claimant required emergency surgery.

Furthermore, Claimant has incurred wage and income loss as well as the loss of future earning capacity, and has incurred medical expenses and is reasonably certain to incur future medical expenses.

The amount of this claim exceeds \$25,000.00. Personal injuries: \$2,500,000.00 for pain and suffering and loss of enjoyment of life. Special damages for past and future medical expenses and income loss: \$2,500,000.00. Property damage: \$5,000.00.

On or about April 26, 2015, Claimant Brenda Sherriffs was legally riding her bike around the traffic circle controlling traffic at the intersection of Beach Street and Pacific Avenue in Santa Cruz, CA, when she encountered a dangerous condition of public property as defined by Government Code § 835, specifically, but not limited to substantial and dangerous defects or deviations in the surface of the traveled portion of the roadway running alongside train tracks, dangerous conditions existing within the roadway as a result of the ongoing construction project at the time, and insufficient signage and/or warnings of said hazards.

Specifically, at the time of the subject accident, the traffic circle in question was in the process of being constructed in an intersection that was previously a four way stop. As a result, railroad tracks that previously did not run parallel to the roadway now ran roughly parallel through a segment of the traffic circle existing between the exits for eastbound traffic on Beach Street and for northbound traffic on Pacific Avenue.

Railroad tracks pose a known hazard to bicyclists, as the divots in said tracks are both wide and steep enough to cause a bicycle tire to become trapped inside said divot. Where the tracks run roughly parallel to the roadway (instead of perpendicular), the hazard is greater.

Because the subject railroad tracks did not run alongside the roadway prior to construction of the roundabout, it was only after creation of said roundabout that the railroad tracks posed a serious threat to bicycle traffic. Furthermore, because construction was underway at the time of said accident, the roadway was partially obstructed by the construction project, causing the traffic circle lanes to become narrower in parts.

Unaware of the dangerous condition of the roadway, Claimant entered the traffic circle in order to turn onto northbound Pacific Avenue. As she traveled around the circle and to the left of the railroad tracks, Claimant was forced by construction and traffic to travel further to the right, pushing her bike into the tracks and causing her tire to become trapped inside the track divots. As a result, Claimant's bicycle fell over and Claimant landed directly onto her right hip.

Claimant's injuries were legally caused by the dangerous condition of public property which existed on the date of the accident and at all relevant times at the above accident site.

The dangerous condition created a reasonably foreseeable risk of the kind of injury which occurred to Brenda Sherriffs, and the dangerous condition was created by a negligent act or wrongful act or omission of an employee, servant, agent, contractor, or sub-contractor of the State of California, acting within the scope of their employment, service, agency, or contract.

Further, the Santa Cruz County Regional Transportation Commission had actual and/or constructive notice of the dangerous condition of its property a sufficient time prior to the accident so that measures could have been taken to warn of and/or protect against the dangerous condition.

Claimant is presently unaware of the exact identity of the Santa Cruz County Regional Transportation Commission employees involved and therefore will name them fictitiously as DOES in her subsequent complaint.

Claimant believes the roundabout was negligently designed, constructed, repaired, inspected, and/or maintained in relation to the location of the train tracks so that the roundabout's poor design caused, or contributed to causing, the defects in said round about as described herein.

Claimant believes that the Santa Cruz County Regional Transportation Commission was responsible for the design, operation, construction, repair, inspection, and maintenance of the dangerous condition of public property at this location. Claimant is unaware of the exact identity of those persons or entities who designed, operated, constructed, repaired, inspected, or maintained the dangerous roadway and/or round about, and therefore will name them fictitiously as DOES in her subsequent complaint, as well.

At all relevant times this roadway constituted a public roadway, which is composed of roadways and streets within the city of Santa Cruz, in the State of California. Claimant believes that the Santa Cruz County Regional Transportation Commission owned, controlled,

and operated the roadway in question at the time of the accident and/or at all pertinent times.

The Santa Cruz County Regional Transportation Commission either negligently or wrongfully created this dangerous condition or had actual and/or constructive notice of the dangerous condition a sufficient time prior to the time of Claimant's accident and injuries to abate the dangerous condition or to warn of the dangerous condition. Among other things, the roadway was improperly designed and/or in disrepair and was inadequately and/or poorly maintained and/or inspected so that the roadway would create a danger to people riding their bicycles to the extent that it caused riders to lose control of their bicycles.

Furthermore, bicycle riders riding on this roadway had inadequate warning of defects or deviations in the pavement or roadway surfaces, of the round about. The dangerous condition consisted of the improper care, maintenance, repair, inspection, and/or design of the roadway and the striking marking and regulatory and warning signs thereon. These dangerous conditions created a "trap" to users of the roadway, such as Claimant.

The dangerous condition was a condition that created substantial risk of injury when such property was used with due care and in a manner in which it was reasonably foreseeable it would be used.

Furthermore, the Santa Cruz County Regional Transportation Commission negligently failed to post proper warning signs, signals, markers, etc., warning of the dangerous condition so that a concealed trap existed on the above mentioned roadway.

Furthermore, when they had actual and/or constructive notice of the dangerous condition of the roadway and the likelihood and/or possibility of serious accidents, and injuries, the Santa Cruz County Regional Transportation Commission negligently failed to repair, inspect, eliminate, or abate the dangerous condition or to issue proper warnings against the dangerous condition so that accidents and injuries to bicycle riders would not occur.

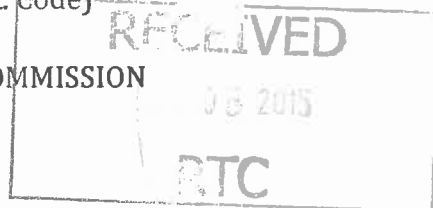
All of the above acts and/or omissions directly and legally caused Claimant Brenda Sherriffs multiple, permanent, and severe injuries as set forth in this claim. The full nature and extent of Claimant's injuries and damages are presently unascertained, however, they are certain to exceed the jurisdiction limits of the Superior Court of California, Unlimited Jurisdiction.

AMENDED

**CLAIM AGAINST THE SANTA CRUZ COUNTY REGIONAL
TRANSPORTATION COMMISSION**

(Pursuant to Section 910 et seq., California Government Code)

TO: SANTA CRUZ COUNTY REIONAL TRANPORTATION COMMISSION
ATTN: Executive Director of the Commission
1523 Pacific Avenue Santa Cruz, CA 95060
phone - (831) 460-3200



1. Claimant's Name: Brenda Sherriffs
Address: Redacted Aptos, CA 95003
Phone No: Redacted
P.O. Box to which notices are to be sent: please send all correspondence to attorney, Michelle Weiss

2. Occurrence: see attachment 1
Date: 04/26/2015
Location Of Accident/Loss: see attachment 1

3. Circumstances of occurrence or transaction giving rise to claim (attach pages as necessary):
See attachment 1

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known: See attachment 1

5. Name(s) of public employee(s) causing injury, damage or loss, if known: See attachment 1

6. Amount claimed now\$ See attachment 1
Estimated amount of future loss, if known\$ See attachment 1
TOTAL \$ See attachment 1

7. Basis for above computations (Itemization): See attachment 1

CLAIMANT'S SIGNATURE: Michelle Weiss Date: 11/04/15

Please include all attachments which would support your claim (estimates, bills, receipts, photos, police reports, etc.)

NOTICE: Section 72 of the Penal Code provides:

"Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand (\$1,000), or by both such imprisonment and fine; or by imprisonment in the state prison, or by a fine not exceeding ten thousand (\$10,000), or by both such imprisonment and fine."

AMENDED ATTACHMENT 1 TO CLAIM OF BRENDA SHERRIFFS AGAINST THE Santa Cruz County Regional Transportation Commission

This claim is for a bicycle accident which was legally caused by a dangerous condition of public property that existed at the roundabout located at the intersection of Beach Street and Pacific Avenue in Santa Cruz, California, at a location between the roundabout exits for vehicles traveling east on Beach Street and north on Pacific Ave. The accident occurred specifically on the train tracks running through the subject round about. This location and the roadway including its paving, roadways, paved and unpaved shoulder, roadway surface, adjacent property, drainage, striping, traffic controls, warnings, railroad tracks, and/or other appurtenances thereto shall be known as the "accident site".

As a legal result of the dangerous condition of public property, Claimant Brenda Sherriffs sustained multiple, permanent and severe personal injuries including but not limited to numerous pelvic fractures, including comminuted fractures to the right acetabulum and right ilium and a displaced fracture of the right inferior public ramus. Claimant also suffered significant internal muscular hematomas which resulted in considerable internal bleeding and blood loss, as well as anxiety and depression. Due to the severe nature of said fractures, Claimant required emergency surgery.

Furthermore, Claimant has incurred wage and income loss as well as the loss of future earning capacity, and has incurred medical expenses and is reasonably certain to incur future medical expenses.

The amount of this claim exceeds \$25,000.00. Personal injuries: \$2,500,000.00 for pain and suffering and loss of enjoyment of life. Special damages for past and future medical expenses and income loss: \$2,500,000.00. Property damage: \$5,000.00.

On or about April 26, 2015, Claimant Brenda Sherriffs was legally riding her bike around the traffic circle controlling traffic at the intersection of Beach Street and Pacific Avenue in Santa Cruz, CA, when she encountered a dangerous condition of public property as defined by Government Code § 835, specifically, but not limited to substantial and dangerous defects or deviations in the surface of the traveled portion of the roadway running alongside train tracks, dangerous conditions existing within the roadway as a result of the ongoing construction project at the time, and insufficient signage and/or warnings of said hazards.

Specifically, at the time of the subject accident, the traffic circle in question was in the process of being constructed in an intersection that was previously a four way stop. As a result, rail road tracks that previously did not run parallel to the roadway now ran roughly parallel through a segment of the traffic circle existing between the exits for eastbound traffic on Beach Street and for northbound traffic on Pacific Avenue.

Railroad tracks pose a known hazard to bicyclists, as the divots in said tracks are both wide and steep enough to cause a bicycle tire to become trapped inside said divot. Where the tracks run roughly parallel to the roadway (instead of perpendicular), the hazard is greater.

Because the subject railroad tracks did not run alongside the roadway prior to construction of the roundabout, it was only after creation of said roundabout that the railroad tracks posed a serious threat to bicycle traffic. Furthermore, because construction was underway at the time of said accident, the roadway was partially obstructed by the construction project, causing the traffic circle lanes to become narrower in parts.

Unaware of the dangerous condition of the roadway, Claimant entered the traffic circle in order to turn onto northbound Pacific Avenue. As she traveled around the circle and to the left of the railroad tracks, Claimant was forced by construction and traffic to travel further to the right, pushing her bike into the tracks and causing her tire to become trapped inside the track divots. As a result, Claimant's bicycle fell over and Claimant landed directly onto her right hip.

Claimant's injuries were legally caused by the dangerous condition of public property which existed on the date of the accident and at all relevant times at the above accident site.

The dangerous condition created a reasonably foreseeable risk of the kind of injury which occurred to Brenda Sherriffs, and the dangerous condition was created by a negligent act or wrongful act or omission of an employee, servant, agent, contractor, or sub-contractor of the State of California, acting within the scope of their employment, service, agency, or contract.

Further, the Santa Cruz County Regional Transportation Commission had actual and/or constructive notice of the dangerous condition of its property a sufficient time prior to the accident so that measures could have been taken to warn of and/or protect against the dangerous condition.

Claimant is presently unaware of the exact identity of the Santa Cruz County Regional Transportation Commission employees involved and therefore will name them fictitiously as DOES in her subsequent complaint.

Claimant believes the roundabout was negligently designed, constructed, repaired, inspected, and/or maintained in relation to the location of the train tracks so that the roundabout's poor design caused, or contributed to causing, the defects in said round about as described herein.

Claimant believes that the Santa Cruz County Regional Transportation Commission was responsible for the design, operation, construction, repair, inspection, and maintenance of the dangerous condition of public property at this location. Claimant is unaware of the exact identity of those persons or entities who designed, operated, constructed, repaired, inspected, or maintained the dangerous roadway and/or round about, and therefore will name them fictitiously as DOES in her subsequent complaint, as well.

At all relevant times this roadway constituted a public roadway, which is composed of roadways and streets within the city of Santa Cruz, in the State of California. Claimant believes that the Santa Cruz County Regional Transportation Commission owned, controlled,

and operated the roadway in question at the time of the accident and/or at all pertinent times.

The Santa Cruz County Regional Transportation Commission either negligently or wrongfully created this dangerous condition or had actual and/or constructive notice of the dangerous condition a sufficient time prior to the time of Claimant's accident and injuries to abate the dangerous condition or to warn of the dangerous condition. Among other things, the roadway was improperly designed and/or in disrepair and was inadequately and/or poorly maintained and/or inspected so that the roadway would create a danger to people riding their bicycles to the extent that it caused riders to lose control of their bicycles.

Furthermore, bicycle riders riding on this roadway had inadequate warning of defects or deviations in the pavement or roadway surfaces, of the round about. The dangerous condition consisted of the improper care, maintenance, repair, inspection, and/or design of the roadway and the striking marking and regulatory and warning signs thereon. These dangerous conditions created a "trap" to users of the roadway, such as Claimant.

The dangerous condition was a condition that created substantial risk of injury when such property was used with due care and in a manner in which it was reasonably foreseeable it would be used.

Furthermore, the Santa Cruz County Regional Transportation Commission negligently failed to post proper warning signs, signals, markers, etc., warning of the dangerous condition so that a concealed trap existed on the above mentioned roadway.

Furthermore, when they had actual and/or constructive notice of the dangerous condition of the roadway and the likelihood and/or possibility of serious accidents, and injuries, the Santa Cruz County Regional Transportation Commission negligently failed to repair, inspect, eliminate, or abate the dangerous condition or to issue proper warnings against the dangerous condition so that accidents and injuries to bicycle riders would not occur.

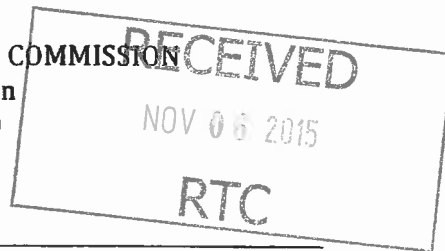
All of the above acts and/or omissions directly and legally caused Claimant Brenda Sherriffs multiple, permanent, and severe injuries as set forth in this claim. The full nature and extent of Claimant's injuries and damages are presently unascertained, however, they are certain to exceed the jurisdiction limits of the Superior Court of California, Unlimited Jurisdiction.

AMENDED

**CLAIM AGAINST THE SANTA CRUZ COUNTY REGIONAL
TRANSPORTATION COMMISSION**

(Pursuant to Section 910 et seq., California Government. Code)

TO: SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION
ATTN: Executive Director of the Commission
1523 Pacific Avenue Santa Cruz, CA 95060
phone - (831) 460-3200



1. Claimant's Name: Brenda Sherriffs
Address: Redacted Aptos, CA 95003
Phone No: Redacted
P.O. Box to which notices are to be sent: please send all correspondence to attorney, Michelle Weiss

2. Occurrence: see attachment 1
Date: 04/26/2015
Location Of Accident/Loss: see attachment 1

3. Circumstances of occurrence or transaction giving rise to claim (attach pages as necessary):
See attachment 1

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known: See attachment 1

5. Name(s) of public employee(s) causing injury, damage or loss, if known: See attachment 1

6. Amount claimed now \$ See attachment 1
Estimated amount of future loss, if known \$ See attachment 1
TOTAL \$ See attachment 1

7. Basis for above computations (Itemization): See attachment 1

CLAIMANT'S SIGNATURE: [Signature] Date: 11/3/2015

Please include all attachments which would support your claim (estimates, bills, receipts, photos, police reports, etc.)

NOTICE: Section 72 of the Penal Code provides:
"Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand (\$1,000), or by both such imprisonment and fine; or by imprisonment in the state prison, or by a fine not exceeding ten thousand (\$10,000), or by both such imprisonment and fine."

AMENDED ATTACHMENT 1 TO CLAIM OF BRENDA SHERRIFFS AGAINST THE Santa Cruz County Regional Transportation Commission

This claim is for a bicycle accident which was legally caused by a dangerous condition of public property that existed at the roundabout located at the intersection of Beach Street and Pacific Avenue in Santa Cruz, California, at a location between the roundabout exits for vehicles traveling east on Beach Street and north on Pacific Ave. The accident occurred specifically on the train tracks running through the subject round about. This location and the roadway including its paving, roadways, paved and unpaved shoulder, roadway surface, adjacent property, drainage, striping, traffic controls, warnings, railroad tracks, and/or other appurtenances thereto shall be known as the "accident site".

As a legal result of the dangerous condition of public property, Claimant Brenda Sherriffs sustained multiple, permanent and severe personal injuries including but not limited to numerous pelvic fractures, including comminuted fractures to the right acetabulum and right ilium and a displaced fracture of the right inferior public ramus. Claimant also suffered significant internal muscular hematomas which resulted in considerable internal bleeding and blood loss, as well as anxiety and depression. Due to the severe nature of said fractures, Claimant required emergency surgery.

Furthermore, Claimant has incurred wage and income loss as well as the loss of future earning capacity, and has incurred medical expenses and is reasonably certain to incur future medical expenses.

The amount of this claim exceeds \$25,000.00. Personal injuries: \$2,500,000.00 for pain and suffering and loss of enjoyment of life. Special damages for past and future medical expenses and income loss: \$2,500,000.00. Property damage: \$5,000.00.

On or about April 26, 2015, Claimant Brenda Sherriffs was legally riding her bike around the traffic circle controlling traffic at the intersection of Beach Street and Pacific Avenue in Santa Cruz, CA, when she encountered a dangerous condition of public property as defined by Government Code § 835, specifically, but not limited to substantial and dangerous defects or deviations in the surface of the traveled portion of the roadway running alongside train tracks, dangerous conditions existing within the roadway as a result of the ongoing construction project at the time, and insufficient signage and/or warnings of said hazards.

Specifically, at the time of the subject accident, the traffic circle in question was in the process of being constructed in an intersection that was previously a four way stop. As a result, rail road tracks that previously did not run parallel to the roadway now ran roughly parallel through a segment of the traffic circle existing between the exits for eastbound traffic on Beach Street and for northbound traffic on Pacific Avenue.

Railroad tracks pose a known hazard to bicyclists, as the divots in said tracks are both wide and steep enough to cause a bicycle tire to become trapped inside said divot. Where the tracks run roughly parallel to the roadway (instead of perpendicular), the hazard is greater.

Because the subject railroad tracks did not run alongside the roadway prior to construction of the roundabout, it was only after creation of said roundabout that the railroad tracks posed a serious threat to bicycle traffic. Furthermore, because construction was underway at the time of said accident, the roadway was partially obstructed by the construction project, causing the traffic circle lanes to become narrower in parts.

Unaware of the dangerous condition of the roadway, Claimant entered the traffic circle in order to turn onto northbound Pacific Avenue. As she traveled around the circle and to the left of the railroad tracks, Claimant was forced by construction and traffic to travel further to the right, pushing her bike into the tracks and causing her tire to become trapped inside the track divots. As a result, Claimant's bicycle fell over and Claimant landed directly onto her right hip.

Claimant's injuries were legally caused by the dangerous condition of public property which existed on the date of the accident and at all relevant times at the above accident site.

The dangerous condition created a reasonably foreseeable risk of the kind of injury which occurred to Brenda Sherriffs, and the dangerous condition was created by a negligent act or wrongful act or omission of an employee, servant, agent, contractor, or sub-contractor of the State of California, acting within the scope of their employment, service, agency, or contract.

Further, the Santa Cruz County Regional Transportation Commission had actual and/or constructive notice of the dangerous condition of its property a sufficient time prior to the accident so that measures could have been taken to warn of and/or protect against the dangerous condition.

Claimant is presently unaware of the exact identity of the Santa Cruz County Regional Transportation Commission employees involved and therefore will name them fictitiously as DOES in her subsequent complaint.

Claimant believes the roundabout was negligently designed, constructed, repaired, inspected, and/or maintained in relation to the location of the train tracks so that the roundabout's poor design caused, or contributed to causing, the defects in said round about as described herein.

Claimant believes that the Santa Cruz County Regional Transportation Commission was responsible for the design, operation, construction, repair, inspection, and maintenance of the dangerous condition of public property at this location. Claimant is unaware of the exact identity of those persons or entities who designed, operated, constructed, repaired, inspected, or maintained the dangerous roadway and/or round about, and therefore will name them fictitiously as DOES in her subsequent complaint, as well.

At all relevant times this roadway constituted a public roadway, which is composed of roadways and streets within the city of Santa Cruz, in the State of California. Claimant believes that the Santa Cruz County Regional Transportation Commission owned, controlled,

and operated the roadway in question at the time of the accident and/or at all pertinent times.

The Santa Cruz County Regional Transportation Commission either negligently or wrongfully created this dangerous condition or had actual and/or constructive notice of the dangerous condition a sufficient time prior to the time of Claimant's accident and injuries to abate the dangerous condition or to warn of the dangerous condition. Among other things, the roadway was improperly designed and/or in disrepair and was inadequately and/or poorly maintained and/or inspected so that the roadway would create a danger to people riding their bicycles to the extent that it caused riders to lose control of their bicycles.

Furthermore, bicycle riders riding on this roadway had inadequate warning of defects or deviations in the pavement or roadway surfaces, of the round about. The dangerous condition consisted of the improper care, maintenance, repair, inspection, and/or design of the roadway and the striking marking and regulatory and warning signs thereon. These dangerous conditions created a "trap" to users of the roadway, such as Claimant.

The dangerous condition was a condition that created substantial risk of injury when such property was used with due care and in a manner in which it was reasonably foreseeable it would be used.

Furthermore, the Santa Cruz County Regional Transportation Commission negligently failed to post proper warning signs, signals, markers, etc., warning of the dangerous condition so that a concealed trap existed on the above mentioned roadway.

Furthermore, when they had actual and/or constructive notice of the dangerous condition of the roadway and the likelihood and/or possibility of serious accidents, and injuries, the Santa Cruz County Regional Transportation Commission negligently failed to repair, inspect, eliminate, or abate the dangerous condition or to issue proper warnings against the dangerous condition so that accidents and injuries to bicycle riders would not occur.

All of the above acts and/or omissions directly and legally caused Claimant Brenda Sherriffs multiple, permanent, and severe injuries as set forth in this claim. The full nature and extent of Claimant's injuries and damages are presently unascertained, however, they are certain to exceed the jurisdiction limits of the Superior Court of California, Unlimited Jurisdiction.

AGENDA: November 19, 2015

TO: Regional Transportation Commission
FROM: George Dondero, Executive Director
RE: November 2016 Transportation Ballot Measure – Expenditure Plan Development

RECOMMENDATION:

Staff and the Ad Hoc Expenditure Plan Committee recommend that the Regional Transportation Commission (RTC):

1. Consider the attached draft expenditure plan ([Attachment 1](#)) for a local ½ cent sales tax ballot measure for the presidential election of November 8, 2016, and
 2. Direct staff to release an RFQ or RFP for public outreach assistance; and for a poll of likely voters in the November 2016 election.
-

BACKGROUND

With state and federal revenues available for transportation projects in Santa Cruz County diminishing and unreliable, the Regional Transportation Commission adopted a funding strategy as part of the 2014 long range Regional Transportation Plan to meet more of the region's transportation needs which are roughly double the expected revenues. Included in the adopted plan is the pursuit of local funding mechanisms to help become a "self help" county with local, independent, secure revenue that cannot be taken by the state and can be used to leverage additional state and federal funding.

Since approval of the long range transportation plan in June 2014, the RTC has been taking steps to place a ½ cent sales tax transportation ballot measure on the November 2016 presidential ballot. The transportation measure must be approved by a super (2/3) majority of voters in Santa Cruz County.

A recent telephone poll of 600 likely Santa Cruz County voters commissioned by members of the Santa Cruz Area Chamber of Commerce and the Santa Cruz County Business Council revealed that 73% of likely voters would support a ½ cent sales tax to fund local transportation projects ([Attachment 2](#)). The conclusion of the polling firm Fairbank, Maslin, Maullin, Metz & Associates states, "...the results suggest that a transportation sales tax has a very good chance of winning approval in the November 2016 election."

DISCUSSION

At their retreat in September, the RTC Board discussed a draft expenditure plan for a November 2016 ballot measure by reviewing funding projections, five project categories and taking a straw poll about the percentages of funding for each of the funding categories. An ad hoc committee of the RTC was established and they met twice to review materials, validate proposals and work toward an expenditure plan to be considered by the RTC Board.

Good Mix of Project Types

The ad hoc committee validated the five categories of transportation project investments as necessary for inclusion in an expenditure plan. Each of the investment categories has strong constituent groups that care deeply about inclusion of that project type and have financial and/or grass roots supporters that can help get the word out to the community at large. Consistent with the Regional Transportation Plan, the following project categories improve mobility, promote sustainability, reduce greenhouse gas emissions and make strides toward reducing vehicle miles traveled per capita.

The five investment categories are as follows:

- Neighborhood Projects – Funding to local jurisdictions (cities and county) for their high priority eligible projects such as repair and maintenance of local streets and roads; school traffic safety and safe routes to school; bicycle and pedestrian facilities; and other safety improvement projects. Also included are Highway 9 projects in the San Lorenzo Valley; and the Highway 17 Wildlife Undercrossing to improve safety for wildlife and motorists.
- Highway Corridors – Funding for the next three auxiliary lane projects on Highway 1 including 41st Ave to Soquel Dr, Bay/Porter to Park Ave, and Park Ave to State Park; two bicycle/pedestrian highway crossings; transportation systems management programs to inform travelers of real-time traffic conditions and encourage carpool/vanpooling; Safe on 17 programs and Freeway Service Patrol to help reduce congestion and collisions;
- Mobility Access - Funding primarily for specialized transportation services to meet the needs of the area's aging and disabled populations including Santa Cruz METRO's paratransit and Community Bridges transportation service.
- Rail Corridor – Funding to maintain the track and bridge infrastructure; environmental analysis of passenger rail transit options; Watsonville/Pajaro Valley Train Station connection with the Capital Corridor and Coast Daylight train services; improvement, upgrade and installation of signals at railroad crossings; and underground conduit and/or pipes to facilitate utilities including Internet service.
- Coastal Rail Trail – Funding to construct, operate and maintain sections of the Monterey Bay Sanctuary Scenic Trail.

Corresponding Range of Percentages to Project Types

The ad hoc committee confirmed the general ratio of funding going to each of the five buckets with some minor modifications, all within five percentage points of a draft expenditure plan in circulation over the past year. The draft expenditure plan included with this staff report for consideration is based on the Commissioner input at the September retreat and the following factors: cost of project components; interest in delivering some signature projects; identifying projects with dedicated funding available; identifying projects likely to be attractive for transportation and non-transportation grants; and projects eligible for matching transportation funds. The updated draft expenditure plan is included as Attachment 1.

Efforts were made to base the proposal on the already approved constrained project list included in the 2014 Regional Transportation Plan. It should be noted that updated cost estimates became available for some of the projects. Specific and updated project costs, as available, are shown in Attachments 3A and 3B.

Sound Estimate of Project Costs

The RTC Board and ad hoc committee directed staff to research and update project costs for components in the five investment categories.

For all of the funding categories, the need exceeds the funding available and the new funds will help make significant strides but not fully fund all the needs within that funding category. An example would be street maintenance, where the cost just to address the current backlog of pavement maintenance is over \$250 million and growing each year. However, there are projects that could be fully funded by these new revenues and a commitment could be made to the public to deliver such projects. An example would be the three auxiliary lanes on Highway 1. Based on staff research, it appears that the cost of advancing projects by bonding results in savings by building the projects earlier. A bonding consultant with whom RTC staff met communicated that the bonding costs including interest could be covered by the savings associated with building the projects earlier and a slight growth in revenue over time due to inflation. Therefore no additional bonding costs are added to the investment categories. Staff will provide more detailed information on financing logistics and costs to the RTC at a future meeting for study and discussion.

Attachments 3A and 3B provide more details on project costs and assumptions used in assembling the Draft Expenditure Plan, though exact amounts to specific projects or components could change over the 30 years of the measure; for instance if bids come in lower or higher than estimated or other grants are secured for specific projects.

Next Steps

Following discussion at the Transportation Policy Workshop, the goal would be for the Regional Transportation Commission to unanimously approve an Expenditure Plan at its December 3rd, 2015 or January 21, 2016 meeting. Over the next few months, the plan would then be shared with other entities for endorsements with the understanding that it must be approved by 2/3 of the voters. Additional polling, either by the RTC or a private group would likely be conducted in the spring of 2016 before placing the measure on the ballot. If the measure is unsuccessful, a post election poll would help understand voter sentiments.

To assist with the above tasks and based on the experience of other successful agencies, it is recommended that the RTC enlist public outreach assistance to help the public understand existing and future transportation needs, funding realities, and solutions. In addition, activities such as outreach materials and a second poll may be included. These costs are currently estimated to be about \$120,000 and can be covered by a line item in the current RTC overall budget, shown as “Engineering and Other Technical Consultants” (line 33, page 13 “Planning Detail”). **Staff recommends that the RTC direct staff to release an RFQ or RFP for Public Outreach Consultant assistance, and an RFQ for polling assistance.**

SUMMARY

The Regional Transportation Commission is swiftly moving toward agreement on the Expenditure Plan for a ½ cent sales tax measure for the November 2016 ballot, including percentages of revenues for five transportation investment categories. An updated plan, based on RTC board and Ad Hoc Committee's discussions will be discussed at the Transportation Policy Workshop with the goal of approving a draft plan at the RTC's December meeting. Consultant assistance to develop and implement public outreach activities is also recommended.

Attachments:

1. Draft Expenditure Plan
2. May 21, 2015 Memorandum from Fairbank, Maslin, Maullin, Metz & Associates Regarding Key Findings from a Recent Survey on Transportation Funding in Santa Cruz County
3. Background Cost information

Draft Transportation Expenditure Plan Proposal

For Discussion: 11/19/2015

A 1/2-cent Transportation Sales Tax for 30 Years.

Objective: To increase access and mobility options, and decrease greenhouse gas emissions.

Requirement: Must be approved by 2/3 of Santa Cruz County voters

RTC Draft Plan		
Percent of Total	Fund Allocation (millions of \$)	Lead Agencies

Neighborhood Projects	30%	\$135	Local Jurisdictions (cities and county) for eligible projects
------------------------------	------------	--------------	--

Eligible Projects:

- Local Street/Road - Maintenance and Repair
- School Traffic Safety Projects
- Bike/Pedestrian Projects
- Neighborhood Safety - reduce speeding and cut-through traffic
- Operational Improvements (signal timing, intersection design, etc.)

Specific Designated Projects:

- Highway 9 Corridor Improvements
- Wildlife Undercrossing on Hwy 17

Highway Corridors	25%	\$113	Regional
--------------------------	------------	--------------	-----------------

Highway 1 Corridor

- 3 Auxiliary Lane projects: 41st Ave-Soquel Dr; Bay/Porter-Park; State Park-Park
- 2 Bicycle/Pedestrian over-crossings

Traveler Information and Transportation Demand Management - Cruz511; Carpool/Vanpool Programs
Safe on 17 Program and Freeway Service Patrol

Mobility Access	15%	\$68	Service Providers
------------------------	------------	-------------	--------------------------

Elderly/Disabled/Veterans Paratransit
Local Bus Service

Rail Corridor	15%	\$68	Regional
----------------------	------------	-------------	-----------------

Rail Corridor Maintenance and Repair - track, structures
Environmental analysis of passenger train options
Watsonville Junction/Pajaro Train Station
Conduit for future Internet and/or utility lines
Property Management

Active Transportation	15%	\$68	Regional
------------------------------	------------	-------------	-----------------

Monterey Bay Sanctuary Scenic Trail - capital
Operations & Maintenance

Total	100%	\$450	
--------------	-------------	--------------	--

Notes (1) Total assumes \$15M/year for 30 years; no inflation in revenues or costs

(2) Finance costs included in the totals

(3) Administrative costs for the measure -- such as annual audit and reporting, program management and oversight committee staffing -- are included in the subtotals.

Item 4

Fairbank,
Maslin,
Maullin,
Metz &
Associates

FM3

Public Opinion Research
& Strategy

TO: Interested Parties

FROM: David Metz and Curtis Below
Fairbank, Maslin, Maullin, Metz & Associates

RE: Key Findings from a Recent Survey on Transportation Funding in Santa Cruz County

DATE: May 21, 2015

Fairbank, Maslin, Maullin, Metz & Associates (FM3) recently completed a telephone survey of 600 Santa Cruz County voters to assess opinions about transportation issues in the County and to gauge their reactions to a potential 2016 transportation funding measure.¹

The survey results found that 73 percent of Santa Cruz County voters would support a one-half cent sales tax to fund local transportation projects. This level of support was both strong (38 percent indicated they would “definitely” vote “yes”) and enduring (71 percent continued to express support after hearing pro and con arguments). Much of this support appears to derive from a sense that the County needs additional funding to repair and maintain local streets (83 percent feel there is “great” or “some” need for such funding). Voters’ top spending priorities for any new revenue generated by a finance measure are safety improvements for children walking near schools, maintaining paratransit services, and reducing traffic congestion on Highway 1. Voters also want to see funds dedicated to street repair and maintenance, expanding walking and bicycling paths near schools, improving safety for pedestrians and bicyclists, and investing in projects that address global warming. **Taken together, the results suggest that a transportation sales tax has a very good chance of winning approval in the November 2016 election.**

Among the key specific findings of the survey are the following:

- **Nearly three-quarters of Santa Cruz County voters are inclined to support a measure funding transportation project by establishing a one-half cent sales tax. 73 percent of**

12100 Wilshire Ave, Suite 350
Los Angeles, CA 90025
Phone: (310) 828-1183
Fax: (310) 453-6562

1999 Harrison Street, Suite 2020
Oakland, CA 94612
Phone: (510) 451-9521
Fax: (510) 451-0384

survey respondents – more than required to pass a two-thirds threshold measure – indicated they would vote “yes” for a measure establishing a one-half cent sales tax to fund transportation projects in Santa Cruz County for 30 years (Figure 1). This included nearly two in five (38%) who indicated they would “definitely” vote “yes,” notably more than the 28 percent who expressed any level of opposition to the measure. Only four percent were undecided.

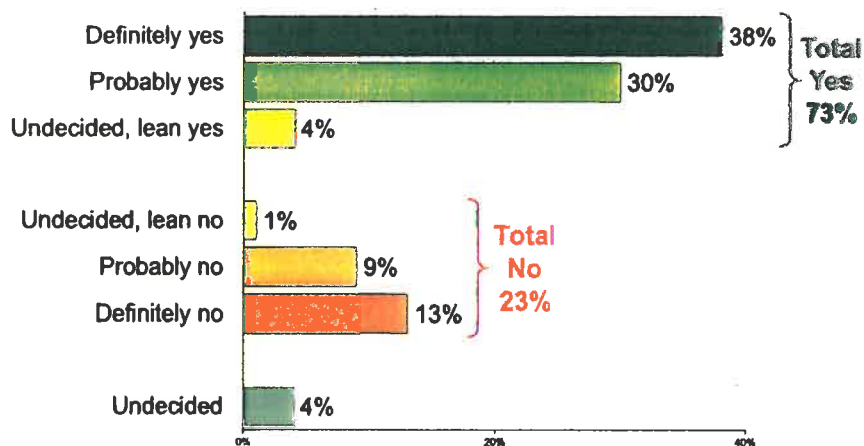
FIGURE 1
Support for a One-half Cent Transportation Sales Tax Measure in Santa Cruz County

Traffic Relief, Road Repair, and Transportation Safety and Transit Improvement Measure

Shall the Santa Cruz Regional Transportation Commission:

- *Reduce traffic congestion on Highway 1 and local streets;*
- *Repave deteriorating streets and repair potholes;*
- *Improve traffic flow and safety for drivers, bicyclists and pedestrians;*
- *Maintain senior and disabled transit services; and*
- *Provide passenger rail service, walking and biking trails,*

By establishing a one-half cent sales tax, limited to 30 years, and subject to citizen oversight and independent, annual audits?



Support for the potential measure is broad-based, with at least two-thirds of nearly all major subgroups of the electorate indicating they would vote “yes” on the measure, including men and women, Democrats and independents, white and Latino voters, voters ages 18-49 and voter ages 50+, voters from all household income levels, and voters in all five county supervisor districts. In addition, a majority of Republicans also expressed support for the measure.

- **Voters' positions remain consistent in the face of arguments both for and against a measure.** Survey respondents were presented with a series of detailed arguments urging either “yes” or “no” votes on a one-half cent sales tax measure funding transportation projects in Santa Cruz County. As shown in **Figure 2**, after hearing both sides seven in ten (71%) continued to express support for a measure, while opposition rose modestly to 27 percent.

FIGURE 2
Support for the Measure after Exposure to Positive and Negative Arguments

Position	Initial Vote	Vote After Pro and Con Arguments
Total Yes	73%	71%
Total No	23%	27%
Undecided	4%	2%

- **Voters see a significant need for additional funding to repair and maintain local roads.** The robust levels of support for a transportation finance measure appear consistent with how voters perceive street maintenance funding needs. For example, more than four in five (83%) voters feel there is “great” or “some” need for *more money to properly repair and maintain streets and roads in Santa Cruz County*. Only twelve percent of voters are more dismissive of this need, in contrast to 43 percent who feel the need is “great.”

FIGURE 3
Perceived Need for Street Repair and Maintenance in Santa Cruz County

Next, in general, how much need would you say that there is for more money to properly repair and maintain streets and roads in Santa Cruz County; a great need, some need, a little need, or no real need?

Funding Need	%
Great need	43%
Some need	40%
<i>Total great/some need</i>	83%
A little need	8%
No real need	4%
<i>Total little/no real need</i>	12%
Don't know	5%

- **Voters prioritize projects that improve safety for children, maintain paratransit services, and reduce Highway 1 congestion.** More than 70 percent of voters see these as “extremely” or “very” important potential spending areas for any new revenue generated by a transportation funding measure (**Figure 4**). Other top spending priorities – seen as “extremely” or “very” important by at least 60 percent of voters – include street repair and maintenance, expanding walking and bicycling paths near schools, improving safety for pedestrians and bicyclists, and investing in projects that address global warming.

FIGURE 4
Top Voter Spending Priorities for a Transportation Finance Measure

Level of Impact	Extremely Important	Very Important	Extremely/Very Important
Improving safety for children walking near schools	34%	39%	73%
Maintaining senior and disabled transit services	27%	46%	73%
Reducing traffic congestion on Highway 1	30%	41%	72%
Repairing potholes	23%	45%	68%
Maintaining streets and roads	22%	45%	67%
Expanding walking and bicycling paths near schools	21%	43%	64%
Repaving deteriorating streets and roads	20%	44%	64%
Investing in transportation projects that reduce pollution that causes global warming	28%	34%	62%
Improving bicycle lane safety	26%	36%	62%
Improving safety for drivers, bicyclists and pedestrians on local streets	22%	39%	61%
Making sidewalks safer and easier for seniors and the disabled to use	19%	40%	60%

Taken together, these survey results suggest that Santa Cruz County voters clearly perceive a need for additional investments to repair and maintain local streets, support transit services and address regional traffic congestion. Consequently, voters are inclined to support a one-half cent sales tax generating funds for these – and other – transportation projects in Santa Cruz County. Support for such a measure exceeds the two-thirds vote threshold, suggesting that a transportation sales tax would be viable in November 2016, given a strong campaign to communicate the ways that the measure would address the County’s transportation needs.

ⁱ **Methodology:** From May 4-7, 2015, FM3 completed 600 telephone interviews (on landlines and cell phones, and in English and Spanish) with randomly-selected Santa Cruz County voters likely to participate in the November 2016 election. The margin of sampling error is +/-4.0% at the 95% confidence level; margins of error for population subgroups within each sample will be higher. Due to rounding, not all totals will sum to 100%.

Neighborhood Project Investments from a Sales Tax Measure in millions of \$

Description	Cost	Notes
ELIGIBLE Project types:	120	Cities and County may choose to fund any of the project types listed in any combination, as needs arise and change over time. Emphasis on flexibility. Approx. \$4m/year to be allocated by formula based on population and road miles to each jurisdiction.
Local street and road repair and maintain		All jurisdictions subject to an annual audit that shows an ongoing maintenance of effort is sustained (that new measure funds are being spent in addition to that amount historically dedicated to local street and road maintenance).
School traffic safety projects		Includes any "Safe Routes to Schools" type project
Bike & Pedestrian projects		
Complete Street projects		Any combination of improvements to meet RTC Complete Streets Guidelines
Operational Improvements		Examples: signal timing; intersection design; roundabouts, etc.
Neighborhood Safety		To reduce speeds and cut through traffic in neighborhoods
Subtotal	120	
SPECIFIC Projects:		
SLV Hwy 9 corridor improvements	10	A group of projects to improve safety and operations in the San Lorenzo Valley between Felton and Boulder Creek
Wildlife Undercrossing hwy 17	5	Improve safety at Laurel Road/Hwy 17 for both wildlife and motorists. (Partnership with Caltrans and Land Trust of Santa Cruz County).
TOTAL	135	Equals 30% of measure funds

Regional Project Investments - Highway Corridors - in millions \$

Description	Cost	Notes
Highway 1:		
1. Soquel - 41st Ave, Auxiliary Lanes	29	Design, ROW, construction -RTC Oversight; incl Bike-Ped Crossing @ Chanticleer
2. Bay/Porter - Park, Auxiliary Lanes	32	Environmental doc, final design, ROW, construction, RTC Oversight
3. Park - Sate Park Drive, Auxiliary Lanes	41	Environmental doc, final design, ROW, construction, RTC Oversight
- Mar Vista/Cabrillo Bike-Ped Crossing	2	Has \$5M programmed in STIP
- Cruz511: Traveler Information (\$100k/yr)	3	Annual cost = \$100,000/year
-Safe on 17 Program and Freeway Service Patrol	6	Annual cost = \$100k/year Safe on 17; \$200k/year FSP
TOTAL	113	Equals 25% of measure funds

Santa Cruz Branch Rail Line Investments from a Sales Tax Measure in millions of \$

Description	Cost	Notes
- Track and right of way maintenance	6	Estimated at \$350k per year; would be shared with freight operator
- Bridge replacement and rehabilitaion	12	The Capitola wrought iron span will require replacement at a recent rough estimated cost of up to \$10 million; replacement cost of the timber spans in Capitola to coincide with the replaced wrought iron span has not yet been estimated but could be another \$10 million; uncompleted bridge rehabilitation as recommended in 2010 is about \$2 million; GGRM donated some RR bridge concrete spans to the RTC which can be used to replace existing timber bridges for improved durability and reduced maintenance needs - assessment and estimate not yet performed for this
- Upgrade track to higher class (capital)	20	\$20 million esimated cost to upgrade to Class 2 for max speed of 30 mph
- Signal improvements	6	\$300k to \$500k per at grade intersection; about 30 at grade intersections should get varying levels of signal improvements
- Rail line property management and maintenance	3	Includes graffitti abatement, vegetation control, tree trimming/removal and trash removal at an estimated cost of \$200k per year with lease revenues also used for this
- Environmental documents and conceptual design for passenger rail service	7.5	Cost of environmental document is generally estimated at 15% of the construction cost of a project (assume \$50M).
Conduit for utility/Internet lines	3.5	Provide conduit for future Internet lines for a portion of the 32 mile rail line
- Watsonville Junction/Pajaro Rail Station Contribution	10	Estimated construction cost for Pajaro Rail Station is \$23 million and estimated ridership out of the station from Santa Cruz Couty is 80% of total ridership
TOTAL	68	Equals 15% of measure funds

Monterey Bay Sanctuary Scenic Trail Investments from a Sales Tax measure in millions of \$

Description	Cost	Notes
Capital	53.5	Includes environmental, design, ROW and construction
Maintenance	6.3	Assumes incremental completion of trail segments
Rehabilitation	3.9	Re-pave some segments based on 20-year life cycle.
Operations	4.4	Assumes incremental % of one FTE planner as segments are constructed
TOTAL	68	Equals 15% of measure funds