

**AGENDA
TRANSPORTATION PLANNING POLICY COMMITTEE**

**KERN COG CONFERENCE ROOM
1401 19TH STREET, THIRD FLOOR
BAKERSFIELD, CALIFORNIA**

**THURSDAY
August 20, 2020
6:30 P.M.**

SPECIAL NOTICE

**Public Participation and Accessibility
August 20, 2020 Transportation Planning Policy Committee
and the Kern Council of Governments Board of Directors Meetings**

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which includes a waiver of Brown Act provisions requiring physical presence of the Council or the public in light of the COVID-19 pandemic. Based on guidance from the California Governor's Office and Department of Public Health, as well as the County Health Officer, in order to minimize the potential spread of the COVID-19 virus, Kern Council of Governments hereby provides notice that as a result of the declared federal, state, and local health emergencies, and in light of the Governor's order, the following adjustments have been made:

- The meeting scheduled for **August 20, 2020 at 6:30 p.m.** will have limited public access to maintain social distancing. Masks will be required to attend the meeting in person.
- Consistent with the Executive Order, Committee/Board Members may elect to attend the meeting telephonically and participate in the meeting to the same extent as if they were physically present.
- The public may participate in the meeting and address the Committee/Board in person under Public Comments.
- If the public does not wish to attend in person, they may participate in the meeting and address the Committee/Board as follows:

If you wish to comment on a specific agenda item, submit your comment via email to feedback@kerncog.org **no later than 1:00 p.m. August 20, 2020**. Please clearly indicate which agenda item number your comment pertains to. If you wish to make a general public comment not related to a specific agenda item, submit your comment via email to feedback@kerncog.org **no later than 1:00 p.m. July 16, 2020**.

TPPC/Kern COG Board

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DISCLAIMER: This agenda includes the proposed actions and activities, with respect to each agenda item, as of the date of posting. As such, it does not preclude the Committee from taking other actions on items on the agenda which are different or in addition to those recommended.

I. PLEDGE OF ALLEGIANCE

- II. ROLL CALL:** Gurrola, B. Smith, Lessenevitch, Vallejo, Crump, McFarland, Mower, Alvarado, Krier, P. Smith, Reyna, Couch, Scrivner

Congestion Management Agency Ex-Officio Members: Kiernan, Alcala, Navarro, Parra

- III. PUBLIC COMMENTS:** This portion of the meeting is reserved for persons to address the Council on any matter not on this agenda but under the jurisdiction of the Council. Council members may respond briefly to statements made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Council at a later meeting. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD PRIOR TO MAKING A PRESENTATION.**

Disabled individuals who need special assistance to attend or participate in a meeting of the Kern Council of Governments may request assistance at 1401 19th Street Suite 300; Bakersfield CA 93301 or by calling (661) 635-2900. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting materials available in alternative formats. Requests for assistance should be made at least three (3) working days in advance whenever possible.

- IV. CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT:** All items on the consent agenda are considered to be routine and non-controversial by Kern COG staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken. **ROLL CALL VOTE.**

A. Approval of Minutes – July 16, 2020

B. Response to Public Comments

C. AUGUST TDA PUBLIC TRANSIT AND STREETS AND ROADS CLAIM FOR DELANO \$3,451,637(Snoddy)

Comment: Review and recommendation of the City of Delano’s FY 2019-21 Transportation Development Act (TDA) Public Transit and Streets and Roads totaling \$3,451,637. The Transportation Technical Advisory Committee has reviewed this item.

Action: Adopt by resolutions TDA Public Transit claims and Streets and Roads claims received by July 24, 2020, for \$3,451,637.

D. FISCAL YEAR 2020/21 FEDERAL TRANSIT ADMINISTRATION (FTA) CARES ACT PHASE 2 PROGRAM OF PROJECTS FOR THE KERN REGION TOTALING \$3,178,250 (Snoddy)

Comment: Kern region recipients of Federal Transit Administration (FTA) Section 5311 program funds are eligible to apply for FTA Coronavirus Aid, Relief and Economic Security (CARES) Act Phase 2 funds totaling \$3,178,250. The Transportation Advisory Committee has reviewed this item.

Action: Staff and Transportation Technical Advisory Committee members recommend adoption of the FTA CARES Act Phase 2 Program of Projects by Resolution No. 20-19 and signature of the annual FTA Certifications and Assurances.

E. **KERN COG SENATE BILL NO. 1 TRANSIT – CALTRANS STATE OF GOOD REPAIR CALL FOR PROJECTS** (Snoddy)

Comment: Caltrans State of Good Repair Transit (SGR) Program allocates annual funds from Senate Bill No.1 legislation to the Kern region in combination with a supplemental allocation of the State Transit Assistance (STA) fund totaling \$10,441,004. The Transportation Technical Advisory Committee has reviewed this item.

Action: Staff and Members of the Transportation Technical Advisory Committee recommend adoption by Resolution No. 20-20 of the Kern region SGR FY 2020-21 Program of Projects.

***** END CONSENT CALENDAR - ROLL CALL VOTE *****

- V. **BOARD MEMBER’S MEETING REPORT:** (None)
- VI. **CALTRANS’ REPORT:** (Report on Projects in Progress)
- VII. **EXECUTIVE DIRECTOR’S REPORT:** (Report on Projects and Programs in Progress)
- VIII. **MEMBER STATEMENTS:** On their own initiative, Council members may make a brief announcement or a brief report on their own activities. In addition, Council members may ask a question of staff or the public for clarification on any matter, provide a reference to staff or other resources for factual information, or request staff to report back to the Council at a later meeting concerning any matter. Furthermore, the Council, or any member thereof, may take action to direct staff to place a matter of business on a future agenda.
- X. **ADJOURNMENT- NEXT MEETING –** The next scheduled meeting will be held September 17, 2020.

KERN COUNCIL OF GOVERNMENTS
TRANSPORTATION PLANNING POLICY COMMITTEE

Minutes of Meeting for July

KERN COG CONFERENCE ROOM
1401 19TH STREET, THIRD FLOOR
BAKERSFIELD, CALIFORNIA

THURSDAY
July 16, 2020
6:30 P.M.

The meeting was called to order by Chairman B. Smith at approximately 6:31 p.m.

I. PLEDGE OF ALLEGIANCE:

II. ROLL CALL:

Members Present: Gurrola, Crump, P. Smith, B. Smith, Krier, Mower, Couch, Reyna, Scrivner, Vallejo, Alvarado

Congestion Management Agency Ex-Officio Members: Navarro, Kersey, Alcala, Parra

Members Absent: McFarland, Lessenevitch

Others: Bard Lower, Yolanda Alcantar

Staff: Ahron Hakimi, Rob Ball, Becky Napier, Veronica McCulloch, Bob Snoddy, Raquel Pacheco, Ben Raymond, Fasika Montalvo

III. PUBLIC COMMENTS: This portion of the meeting is reserved for persons to address the Committee on any matter not on this agenda but under the jurisdiction of the Committee. Committee members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for information or request staff to report to the Committee at a later date.

SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD PRIOR TO MAKING A PRESENTATION

Chairman Smith asked if there were public comments. There were none.

IV. CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: All items on the consent agenda are considered to be routine and non-controversial by Kern COG staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken. **ROLL CALL VOTE.**

A. Approval of Minutes – June 18, 2020

B. Response to Public Comments

C. KERN COUNTY SAND CANYON RD PROJECT DELIVERY

D. PROGRESS REPORT FOR PROJECTS OF REGIONAL SIGNIFICANCE JULY 2020

E. UPDATE: SB 375 GREENHOUSE GAS EMISSION REDUCTION FROM PASSENGER VEHICLES AND ADOPTION TIMELINE FOR THE 2022 RTP

F. GROWTH FORECAST BY SUB-REGION

***** END CONSENT CALENDAR - ROLL CALL VOTE *****

MOTION MADE BY DIRECTOR VALLEJO TO APPROVE THE CONSENT CALENDAR. SECCONDED BY DIRECTOR P. SMITH. MOTION CARRIED WITH A ROLL CALL VOTE.

V. FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM – DRAFT AMENDMENT NO. 13

Raquel Pacheco addressed the committee with the following information:

Amendment No. 13 includes revisions to the Transit Program. The public review period July 17. The Kern COG Executive Director will consider approval of the amendment on July 20. State and federal approval is required. At this time, I ask that the Chair please open the public hearing, allow for public comment, and then close the public hearing.

Chairman Smith opened the public hearing and asked if there were any public comment. There weren't any. Seeing none, he cloed the public hearing.

VI. BOARD MEMBER'S MEETING REPORT: (None)

VII. CALTRANS' REPORT:

Mr. Michael Navarro from District 6 provided the following report:

- Welcoming Diana Gomez as our new District Director – effective July 13th .
- Submitted SR 46 TCEP Grant application to Caltrans HQ's
- SR 43/8th Street (follow up) – painted red curb to increase ped visibility. We are putting in an installation order for ladder style crosswalk on north leg. (Councilman Reyna/Sup Couch)

06-44254-Route 46 Conventional Highway Segment 4A: Widen SR 46 from a 2-lane to a 4-lane conventional highway between Lost Hills Rd and I-5.
Funding: RIP

All lanes and ramps are open. The project is suspended. Waiting for HAR part to complete the project. Estimated project completion is the end of July 2020.

06-0Q19A-Cache Creek Bridge Replacement: Replace bridge on SR 58 8 miles east of Tehachapi, from the Sand Canyon overhead to 0.5 miles east of Cache Creek. Funding: SHOPP.

Work currently includes removing abutments, wingwall and shear key forms; pouring drain foundation and installing slotted pipe and rock slope protection. Estimated project completion is August 2020.

06-0G851 Gap Closure Rehab: SR 58 Roadway Rehabilitation (3R). In Bakersfield from Route 58/99 Separation to Cottonwood Road. Funding: SB-1. In Construction.

Westbound – Lane closure, traffic will be split from Cottonwood Road to P Street. This closure will continue for the next two months.

Eastbound – Lane closure, traffic will be split from P Street to Cottonwood Road. This stage of construction should be completed at the end of August 2020. Estimated project completion is December 2020.

06-48464 – Belle Terrace Overcrossing : Construct Auxiliary Lane; Replace Bridge – SR 99 from Belle OC to Brundage Lane OC

Contract Current Scheduled Completion Date: Approx. 2/28/2021

Belle Terrace OC – The deck has been poured (6/26/20) and is also currently in cure. Project completion into late winter/early spring of 2021.

06-48466 – Bakersfield Freeway Connector (BFC) : Rt 58/99 Modify Interchange

Contract Scheduled Completion Date: 8/17/2021

Work is progressing on the project. The majority of the activity continues to be structure work. Shoulders along SR 99 need to be cleaned and swept routinely. The CM has been reminded of this contractual requirement.

06-48465 – Stockdale Hwy & Enos (SR43) Roundabout

Contract Current Scheduled Completion Date: Approx. TBD –Mid-Summer due to weather and other manufacturing delays.

Final HMA lifts are in place. Final striping has been completed for the roundabout, and the CIDH piles have been poured for the lighting changes.

Lighting conflicts have been resolved and the contractor is currently proceeding with installation (Delays are due to virus vs supply timelines). Punch-list concerns have been given to the CM and forwarded to the Contractor.

06-0T20U4 SR 99 NR 2R/Fast Freight Corridor: I-5 to US 99 OC

CRCP has been placed at David Copus Ramp. All Lane 3 CRCP for the project is completed and in cure. David Copus Ramp is closed. Project will move into Stage 8 construction by the end of July. Stage 8 will consist of Lane 2 reconstruction and will begin at the I-5 overcrossing and work towards the north. Anticipated completion June 2021.

06-0Q280 SR 99: Palm Ave OC to Beardsley Canal Bridge

Project has resumed work since June 18th

Tentative Ramp Openings:

NB99 Airport Dr. off-ramp scheduled for early Aug. 2020

NB99 California on-ramp scheduled for early Aug. 2020

Tentative Traffic configuration changes:

Traffic switch to next phase is tentative for mid-August, placing traffic on outside lanes.

Ms. D. Alcala (representing Caltrans District 9) is the newly appointed Deputy District Director for Planning and Environmental, and addressed the Committee and the Board with the following information:

Ms. Alcala began with thanking Kern COG staff for assisting Caltrans with submitting the application and report for the 58 truck climbing lanes project (which was sent to HQ today).

Traffic advisories:

- SR 58/SR 202 – Dig-out project – Replacing panels of hot-mix asphalt for pavement preservation.
- SR 202/58 @ Tucker Road – On 7/19 both on/off ramps will be closed and will reopen on Monday (7/20).
- SR 58 @ Keene exit – Replacement of HMA panels. One lane in each direction will be closed with minimal delays from Monday through Friday from 7-5 (7/20-7/24).

- SR 178/SR 14 – Starting at 178 to the intersection of the 14 (7.3 miles) Seal coat and lane striping will be applied with minimal delays.
- Rosamond/Mojave Rehabilitation project – The contract was awarded and waiting for approval which is anticipated by the end of July. Construction will begin shortly thereafter.
- Orlancha/Cartago 4-lane project – Partners are Caltrans, Kern COG and Kern County. It successfully reached the ready-to-lift milestone (end of June).

Ms. Alcala asked for questions and/or comments. There were none.

VIII. EXECUTIVE DIRECTOR'S REPORT: (Report on Projects and Programs in Progress)

Mr. Hakimi addressed the Committee and the Board with the following information:

- The deadline for the Federal BUILD grant was met as of July 2nd and we did not lose funding. Mr. Hakimi thanked Caltrans, FHWA, PG&E, Chevron and Kern COG staff. Without their teamwork, it could not have been delivered. Thanks to their hardwork, approximately 2 miles of roadway straight through the community of Lost Hills will be improved with these monies.
- On June 19th, CTC Commissioner Paul Konynenburg, who represented the interest of the Central Valley, was relieved of his duties by the Governor, and replaced with Lee Ann Eager from Fresno. We are sorry to see him go, but we are thankful that Lee Ann was appointed the same day.
- Supervisor Scrivner and Staff, Congressman McCarthy's office and staff and Councilmember Lessenevitch's office and staff have been working together with Mr. Hakimi and Kern COG to connect California City Blvd. to Edwards AFB. There will be a follow-up meeting with Congressman McCarthy and his staff and the Dept. of Defense along with Mr. Hakimi. A report to the Board will follow from Mr. Hakimi.
- This week, the City of Bakersfield, Shafter Kern County, the High Speed Rail Authority, Caltrans and Kern COG met to discuss intergration and coordination of all parties circulation elements for the 2nd grant received. The purpose is to study the North edge of metropolitan Bakersfield and South edge of Shafter's warehousing good movements and logistics and to get all parties on the same page. Progress has been made and additional funding that was received will work on this project. Mr. Hakimi will continue to keep the Board and Committee informed.
- Mr. Hakimi is working with the City Manager and Wasco, HSR staff & Amtrak staff to provide updates and status of the HSR project to the City of Wasco. Mr. Hakimi will continue to keep the Board and Committee informed.
- Mr. Hakimi has been participating in the B3K Initiative (Better Bakersfield Boundless Kern Effort). He will continue to keep the Board and Committee informed.
- Miocar will be coming back to the communities of Arvin, Wasco and Lamont we are pleased to announce. The service was on hiatus due to the pandemic, but is hoping to get things going by next week.

Other:

July 17 – Joint Virtual Meeting of the California Transportation Commission, California Air Resources board, and California Department of Housing and Community Development

Report on June 24 – California Transportation Commission Virtual Meeting
August 12 & 13 – California Transportation Commission Meeting in Oakland

- IX. MEMBER STATEMENTS:** On their own initiative, Council members may make a brief announcement or a brief report on their own activities. In addition, Council members may ask a question of staff or the or request staff to report back to the Council at a later meeting concerning any matter. Furthermore, the Council, or any member thereof, may take action to direct staff to place a matter of business on a future agenda.

- X. ADJOURNMENT- NEXT MEETING –** The next scheduled meeting will be held August 20, 2020. **(may be dark).**



IV.C TPPC

August 20, 2020

TO: Transportation Planning Policy Committee

FROM: Ahron Hakimi,
Executive Director

By: Robert M. Snoddy
Regional Planner

SUBJECT: TPPC CONSENT AGENDA ITEM: IV.C
AUGUST TDA PUBLIC TRANSIT AND STREETS AND ROADS CLAIM
FOR DELANO \$3,451,637.

DESCRIPTION:

Review and recommendation of the City of Delano’s FY 2019-21 Transportation Development Act (TDA) Public Transit and Streets and Roads totaling \$3,451,637. The Transportation Technical Advisory Committee has reviewed this item.

DISCUSSION:

Below is a list of Public Transit and Streets and Roads claims received by July 24, 2020 TTAC agenda deadline:

<u>Claimants</u>	<u>LTF</u>	<u>STA</u>	<u>Regional Totals</u>
Delano FY 2019-20 Public Transit	\$665,266	\$0	\$665,266
Delano FY 2019-20 Streets and Roads	<u>\$2,786,371</u>	<u>\$0</u>	<u>\$2,786,371</u>
Regional Claims	\$3,451,637	\$0	\$3,451,637

These claims have been evaluated in accordance with the following criteria: 1) the maximum funding level does not exceed claimant’s deferred revenues, plus current year apportionments, less required public transit financing; 2) claimant has conducted a public meeting within its jurisdiction to receive testimony regarding unmet transit needs and has made an appropriate finding by resolution of its governing body; 3) project(s) proposed for funding is in conformity with the Regional Transportation Plan; and 4) claimant has not requested or received funds in excess of its current year expenditure.

Staff and the Transportation Technical Advisory Committee recommends adoption.

Action:

Adopt by resolutions TDA Public Transit claims and Streets and Roads claims received by July 24, 2020, for \$3,451,637

Attachments:TDA annual estimates submitted for FY 2019-20 Schedule “A” and “B” and Resolutions 20-21 and 20-22.

BEFORE THE KERN COUNCIL OF GOVERNMENTS
STATE OF CALIFORNIA, COUNTY OF KERN

RESOLUTION NO. 20-21

In the matter of:

FY 2019-20 TDA PUBLIC TRANSIT CLAIM – CITY OF DELANO

WHEREAS, the Kern Council of Governments (Kern COG) has received and evaluated a claim from the above-named claimant pursuant to the Transportation Development Act (TDA) and its own rules and regulations; and

WHEREAS, Kern COG is authorized by TDA to allocate monies from the Local Transportation Fund and the State Transit Assistance Fund and direct the Kern County Auditor-Controller to disburse said monies to eligible claimants in accordance with the provisions of this resolution, and approved claim, and written Kern COG allocation instructions; and

WHEREAS, the Regional Transportation Plan (RTP), adopted by Kern COG, has established goals, objectives, and policies for the implementation of transportation systems in Kern County; and

WHEREAS, a triennial performance audit and annual financial/compliance audit of claimant's operations have been completed; and

WHEREAS, claimant's claim, submitted and on file as part of the official Kern COG records, is made a part of this resolution by this reference.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This allocation is made for the fiscal year 2019-20 to the claimant listed above and in accordance with Schedule A, attached hereto and made a part of this resolution by this reference; and
2. Kern COG hereby makes the following findings:
 - a) Claimant's proposed transit services are responding to transit needs currently not being met in the area of apportionment; and
 - b) Claimant's proposed transit services shall, if appropriate, be integrated with existing transit services; and
 - c) Claimant's proposed budget, as itemized in the claim, designate revenues and expenses conforming with the RTP; and
 - d) The ratio of fare revenue to operating costs is sufficient to enable claimant to meet the requirements of California Public Utilities Code Sections 99268.2, 99268.3, 99268.4, 99268.5, 99268.6, 99268.7, 99268.9, 99268.11, 99268.12, 99268.26, 99268.17, and 99268.19, as applicable; and
 - e) Claimant has made full use of federal funds available under the Urban Mass Transportation Act of 1964, as amended; and
 - f) The sum of claimant's allocation from the Local Transportation Fund and State Transit Assistance Fund does not exceed the amount eligible to be received during the fiscal year. Claimant may, however, be required to repay excess funds, pursuant to Title 21 California Code of Regulations Section 6735; and

- g) Kern COG has considered claims to offset unanticipated increases in fuel costs, to enhance existing transit services, to meet high priority regional sub-regional transit needs; and
 - h) Claimant has made reasonable efforts to implement the productivity improvements developed pursuant to PUC section 99244; and
 - i) Claimant is not precluded by contract from employing part-time drivers or from contracting with common carriers operating under franchise or license; and
 - j) Claimant has received certification by the California Highway Patrol within the last thirteen months indicating that the operations are in compliance with California Vehicle Code Section 1808.1.
3. Claimant is allocated Local Transportation Fund and State Transit Assistance fund monies in amounts not to exceed that listed on Schedule A, attached hereto and made a part of this resolution by this reference; and
 4. Disbursement of transit monies, allocated for the regional planning process, shall be made from claimant's Local Transportation Fund reserve accounts to the Kern COG planning account as the first priority payment; and
 5. Disbursement of claimant's remaining transit allocation to its local treasury shall be made as the second priority payment in mutually agreed installments; and
 6. The Kern County Auditor-Controller is authorized to make disbursements of Local Transportation fund monies as they become available and in accordance with written Kern COG instructions; and
 7. The Kern COG Executive Director is authorized to transmit a copy of this resolution to the Kern County Auditor-Controller in support of disbursements.

AUTHORIZED AND SIGNED THIS 20th DAY OF AUGUST 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

 Bob Smith, Chair
 Kern Council of Governments

I hereby certify that the foregoing is a true copy of a resolution of the Kern Council of Governments duly authorized at a regularly-scheduled meeting held on the 20th day of August 2020.

 Ahron Hakimi, Executive Director
 Kern Council of Governments

BEFORE THE KERN COUNCIL OF GOVERNMENTS
STATE OF CALIFORNIA, COUNTY OF KERN

RESOLUTION NO. 20-22

In the matter of:

FY 2019-20 TDA STREETS AND ROADS CLAIM – CITY OF DELANO

WHEREAS, The State of California has declared that public transportation is an essential component of a balanced transportation system and that it is desirable that public transportation systems be designed and operated so as to encourage maximum utilization of the service for the benefit of all the people of the state, including the elderly, handicapped, youth, and citizens of limited means of the ability to freely utilize the system (Section 99220, Public Utilities Code (PUC); and

WHEREAS, The Mills-Alquist-Deddeh Act, also known as the Transportation Development Act (TDA), established public funding for the support of public transportation systems and other purposes consistent with the Act, including local streets and roads, and facilities provided for exclusive use by pedestrians and bicycles (Section 99400(a) PUC); and

WHEREAS, The Kern Council of Governments (Kern COG), as the designated Regional Transportation Planning Agency, is required to ensure that the following factors are identified and considered prior to the allocation of TDA funds for street and road claims or any other purposes not directly related to public transportation services (Section 99401.5, PUC):

- 1) Size and location of identifiable groups likely to be dependent upon transit, including but not necessarily limited to, the elderly, the handicapped and the poor; 2) Adequacy of existing public transportation services; and 3) Potential alternative public transportation and specialized transportation services, and service improvement that would meet travel demand; and

WHEREAS, Kern COG is further required to hold a public hearing to receive testimony identifying or commenting on unmet transit needs within the jurisdiction of claimants that might be reasonable to meet by establishing or contracting for new public transportation or specialized transportation services or expanding existing services (Section 99238.5, PUC); and

WHEREAS, The Regional Transportation Plan (RTP), adopted by Kern COG, established goals, objectives, and policies for the implementation of public transportation systems in Kern County, and public testimony received at public hearings, evidence Kern COG's efforts to identify transportation needs pursuant to Section 99238.5, PUC; and

WHEREAS, The RTP, adopted by Kern COG, established goals, objectives, and policies for the implementation of public transportation systems in Kern County; and

WHEREAS, Claimant has filed a claim for street and road funds pursuant to Public Utilities Code Article 8 Section 99400(a); and

WHEREAS, Kern COG, in accordance with the relevant provisions of the TDA and its own rules and regulations, has received and evaluated Claimant's Article 8 street and road claim consistent with the provisions of Section 99400(a), Article 8 of the PUC, and Section 99313.3, Article 6.5 of the PUC; and

WHEREAS, Pursuant to Section 99238.5, PUC, Kern COG has held a public hearing to receive testimony identifying and commenting on unmet transit needs within the jurisdiction of claimant; and

WHEREAS, the proposed projects are consistent with claimant's projected TDA revenues and the Regional Transportation Plan; and

WHEREAS, Claimant proposes to use the funds for projects shown on the claim submitted by claimant and filed in the Kern COG office.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Council, after consideration of all available information, including the RTP, the Kern COG transportation needs studies, and testimony received at public hearings, finds that:
 - a) There are no unmet transit needs that are reasonable to meet within the jurisdiction of claimants. No additional unmet transit needs have been identified which can support a public transit service which meets the legally-required farebox recovery ratio (21 Cal. Admin. Code Section 6633.2-6633.9); and b) this claim on the Local Transportation Fund (LTF) for Article 8 is consistent with the RTP.
2. This claim is approved, subject to the following conditions:
 - a) Claimant is herein allocated the LTF and STAF funds available for apportionment shown on Attachment "A," plus any interest and balance from prior years, for use on projects also shown on Attachment "A"); b) Before any streets and roads payments are made to claimant under Articles 8 or 6.5, those allocations approved by this Council for transit, Articles 4 and 6.5, shall be credited to claimant's transit reserve account in trust fund #24075, Article 8, and #24076, Article 6.5; and c) Remaining Article 8 and 6.5 funds shall be credited to and retained in claimant's non-transit streets and roads reserve account in trust fund #24075 and #24076 and shall be transferred or disbursed to claimant in accordance with Attachment "A" of this resolution and written instructions for disbursement issued by Kern COG staff.
3. The Chairman and Executive Director of Kern COG are hereby authorized to perform any and all acts necessary to accomplish the purpose of this resolution, including the submission of allocation instructions to the Kern County Auditor-Controller pursuant to 21 California Administrative Code, Section 6659.

AUTHORIZED AND SIGNED THIS 20th DAY OF AUGUST 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Bob Smith, Chair
Kern Council of Governments

I hereby certify that the foregoing is a true copy of a resolution of the Kern Council of Governments duly authorized at a regularly-scheduled meeting held on the 20th day of August 2020.

Date: _____

Ahron Hakimi, Executive Director
Kern Council of Governments

Res. 20-22
TDA-S&R Delano
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Kern Council of Governments
 Transportation Development Act -- "Schedule A"
 LTF STAF FUND ESTIMATE AND APPORTIONMENT FACTORS
 FY 2019/20

Revised: February 27, 2019

Prospective Claimant	POPULATION BASIS 01/01/18	POPULATION RATIO	L.T.F. POPULATION APPORTIONMENT	S.T.A.F. POPULATION APPORTIONMENT	REVENUE BASIS	S.T.A.F. REVENUE RATIO	S.T.A.F. REVENUE APPORTIONMENT	TOTAL APPORTIONMENT
ARVIN	21,696	2.40%	\$875,176.30	\$210,514.68	54,160	0.70%	\$3,903.00	\$1,089,593.98
BAKERSFIELD (1)	386,839	42.71%	\$14,824,147.62	\$3,753,470.16	0	0.00%	\$0.00	\$18,577,617.78
CALIFORNIA CITY	14,875	1.64%	\$600,029.84	\$144,331.02	22,791	0.30%	\$1,642.00	\$746,002.86
DELANO	53,276	5.88%	\$2,149,054.77	\$516,933.08	171,562	2.23%	\$12,360.00	\$2,678,347.85
GOLDEN EMPIRE TRANS (1)	N/A	0.00%	\$0.00	\$0.00	5,216,607	67.78%	\$375,840.00	\$375,840.00
MARICOPA	1,156	0.13%	\$46,630.89	\$11,216.58	0	0.00%	\$0.00	\$57,847.47
MCFARLAND	15,105	1.67%	\$609,307.61	\$146,562.70	16,480	0.21%	\$1,189.00	\$757,059.31
RIDGECREST	28,822	3.18%	\$1,162,625.88	\$279,657.73	372,125	4.83%	\$26,810.00	\$1,469,093.61
SHAFTER	19,271	2.13%	\$777,356.30	\$186,985.09	57,040	0.74%	\$4,110.00	\$968,451.39
TAFT	9,482	1.05%	\$382,486.25	\$92,003.14	354,385	4.60%	\$25,532.00	\$500,021.39
TEHACHAPI	12,299	1.36%	\$496,118.79	\$119,336.29	23,960	0.31%	\$1,726.00	\$617,181.08
WASCO	27,691	3.06%	\$1,117,003.45	\$268,683.72	141,482	1.84%	\$10,193.00	\$1,395,880.17
KERN CO.-IN (1)	111,150	12.27%	\$4,259,405.10	\$1,078,480.22	0	0.00%	\$0.00	\$5,337,885.31
KERN CO.-OUT	204,139	22.54%	\$8,234,587.65	\$1,980,745.59	1,265,929	16.45%	\$91,206.00	\$10,306,539.25
METRO-BAKERSFIELD CTSA	N/A	N/A	\$1,004,397.51	\$0.00	0	0.00%	\$0.00	\$1,004,397.51
PROOF	N/A		\$36,538,327.96	\$8,788,920.00	7,696,521		\$554,511.00	\$45,881,758.96
TOTALS	905,801	100.00%	\$36,538,327.96	\$8,788,920.00	7,696,521	100.00%	\$554,511.00	\$45,881,758.96
KERN COG ADMINISTRATION	N/A	1.00%	\$388,253.76	\$0.00	N/A		\$0.00	\$388,253.76
KERN PEDESTRIAN/BIKEWAY	N/A	2.00%	\$768,742.44	\$0.00	N/A		\$0.00	\$768,742.44
KERN COG PLANNING (2)	N/A	3.00%	\$1,130,051.38	\$0.00	N/A		\$0.00	\$1,130,051.38
ESTIMATED TOTAL	N/A		\$38,825,375.53	\$0.00	N/A		\$0.00	\$48,168,806.53

NOTES:

(1) THE GOLDEN EMPIRE TRANSIT DISTRICT RETAINS CLAIMANT PRIORITY TO THE CITY OF BAKERSFIELD AND KERN-IN FUNDS.
 THE CITY OF BAKERSFIELD AND COUNTY OF KERN SHALL FUND 77.68% AND 22.32% OF GET'S CLAIM, RESPECTIVELY.

(2) PURSUANT TO P.U.C. SECTION 99262, CLAIMANTS MAY DESIGNATE FUNDING FOR CONTRIBUTIONS TO THE REGIONAL PLANNING PROCESS.
 SEE SCHEDULE "B" FOR THE DISTRIBUTION OF THIS AMOUNT BY AREA OF APPORTIONMENT.

Kern Council of Governments

TRANSPORTATION DEVELOPMENT ACT

SCHEDULE "B"

PLANNING CONTRIBUTIONS BY AREA OF APPORTIONMENT

Fiscal Year 2019-2020

Revised: February 27, 2019

Prospective Claimant	POPULATION BASIS at 01/01/18	POPULATION RATIO	PLANNING CONTRIBUTION
ARVIN	21,696	2.40%	\$27,067
CALIFORNIA CITY	14,875	1.64%	\$18,558
DELANO	53,276	5.88%	\$66,466
GOLDEN EMPIRE TRANSIT	497,989	54.98%	\$621,277
MARICOPA	1,156	0.13%	\$1,442
MCFARLAND	15,105	1.67%	\$18,845
RIDGECREST	28,822	3.18%	\$35,958
SHAFTER	19,271	2.13%	\$24,042
TAFT	9,482	1.05%	\$11,829
TEHACHAPI	12,299	1.36%	\$15,344
WASCO	27,691	3.06%	\$34,546
KERN TRANSIT	204,139	22.54%	\$254,678
PROOF TOTALS	- 905,801	- 100.00%	- \$1,130,051 \$1,130,051



August 20, 2020

IV.D TPPC

TO: Transportation Planning Policy Committee

FROM: Ahron Hakimi
Executive Director

By: Robert M. Snoddy
Regional Planner

SUBJECT: TPPC CONSENT AGENDA ITEM: IV.D
FISCAL YEAR 2020/21 FEDERAL TRANSIT ADMINISTRATION (FTA) CARES ACT PHASE 2
PROGRAM OF PROJECTS FOR THE KERN REGION TOTALING \$3,178,250

DESCRIPTION:

Kern region recipients of Federal Transit Administration (FTA) Section 5311 program funds are eligible to apply for FTA Coronavirus Aid, Relief and Economic Security (CARES) Act Phase 2 funds totaling \$3,178,250. This item has been reviewed by the Transportation Technical Advisory Committee.

DISCUSSION:

Caltrans notified Kern COG staff that the FY 2020-21 FTA CARES Act Phase 2 Regional apportionment will be **\$3,178,250**. FTA has required Caltrans to manage the 5311 Grant program in California. Kern COG staff has notified eligible recipients for CARES Act funds of their agency's apportionment schedule via E-mail on July 22, 2020. **There is no local match for CARES Act funds.** CARES Act funds may be used for operational and capital projects or a combination of both. CARES Act projects are due to Kern COG no later than Monday, August 10, 2020. **CARES Act grant applications and supporting documents are due to Caltrans no later than Thursday, August 13, 2020 (via the BlackCat electronic award program).** Please call Bob Snoddy, Regional Planner at 661-635-2916 or E-mail Bob at bsnoddy@kerncog.org for additional information. **Members of the Transportation Technical Advisory Committee have reviewed this item.**

Kern region apportionment schedule is below:

City	Draft CARES Act Apportionment
Arvin	\$195,629
California City	\$132,313
McFarland	\$134,447
Ridgecrest	\$262,085
Shafter	\$184,232
Taft	\$83,181
Tehachapi	\$120,563
Wasco	\$246,587
Kern Transit	\$1,819,213
Total	\$3,178,250

ACTION:

Staff and Transportation Technical Advisory Committee members recommend adoption of the FTA CARES Act Phase 2 Program of Projects by Resolution No. 20-19 and signature of the annual FTA Certifications and Assurances

Attachment: FY 2020/21 CARES Act Phase 2 Regional Program of Projects and Certifications and Assurances

FEDERAL FISCAL YEAR 2020 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: Kern Council of Governments The Applicant certifies to the applicable provisions of categories 01–20. 1 through 18

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	_____
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	_____
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____

12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs

13 State of Good Repair Grants

14 Infrastructure Finance Programs

15 Alcohol and Controlled Substances Testing

16 Rail Safety Training and Oversight

17 Demand Responsive Service

18 Interest and Financing Costs

19 Construction Hiring Preferences

20 Cybersecurity Certification for Rail Rolling Stock and Operations

FEDERAL FISCAL YEAR 2020 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE

PAGE

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2020)

AFFIRMATION OF APPLICANT

Name of the Applicant: Ahron Hakimi

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2020, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2020.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: _____

Name Ahron Hakimi _____ Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: _____

Name Brian Van Wyk _____ Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

County/Region: Kern County District: 6&9
 Original Submission Date: _____ Revision No. _____ Revision Submission Date: _____

FEDERAL FISCAL YEAR 2020 CARES ACT
Section 5311 Program of Projects (POP)

(A) Available Funding:

Estimated Apportionment [CARES ACT]: (+) \$3,178,250
(A) TOTAL FUNDS AVAILABLE: = \$3,178,250

(B) Programming (POP): Complete Parts I and II

	<i>Federal Share 100%</i>
Part I. Operating Assistance - Total:	(+)
	<u>\$3,178,250</u>
Part II. Capital - Total:	(+)
	<u>0</u>
(B) Total:	(=)
	<u>\$3,178,250</u>

Regional Apportionment Funds ONLY for CARES Act:

- Please Note -
 - Funds may not need to be programmed unless Capital beyond COVID-19 Response
 - Final approval to be determined by the Department
 - There will be NO carryover allowed as you will have several years to expend CARES Act funds

FUNDING SUMMARY

	<i>Federal Share</i>
(B) Regional Apportioned - Total:	(+)
	<u>\$3,178,250</u>
GRAND TOTAL:	(=)
	<u>\$3,178,250</u>

Contact Person/Title: Bob Snoddy
 Phone Number: 661-635-2916

Date: Aug. 21, 2020

CALTRANS – DRMT REGIONAL PROGRAM OF PROJECTS – CARES ACT Phase 2 – FTA 5311
Statewide Transportation Improvement Program (STIP) – Not Required for Operating Assistance Under CARES Act

Metropolitan Planning Organizations (MPOs) are responsible for sub-allocating projects within their jurisdiction
 For further guidance see the Department’s Division of Transportation Programming website:

PART I. Regional Apportionment - Operating Assistance
For all Operating Projects - a complete application MUST be submitted with this POP.

Subrecipient	Project Description	Federal Share 100% (CARES Act Funds)	Net Project Cost
Arvin	Operations	\$195,629	\$195,629
California City	Operations	\$132,313	\$132,313
McFarland	Operations	\$134,447	\$134,447
Ridgecrest	Operations	\$262,085	\$262,085
Shafter	Operations	\$184,232	\$184,232
Taft	Operations	\$83,181	\$83,181
Tehachapi	Operations	\$120,563	\$120,563
Wasco	Operations	\$246,587	\$246,587
Kern Transit	Operations	\$1,819,213	\$1,819,213
	Operating Assistance Funds Total	\$3,178,250	\$3,178,250

INSTRUCTIONS

PART I – Operating Assistance

- Do not list previously approved projects (i.e. projects listed in a prior grant).
- Funding split: None Federal Share 100%
- Third Party Contract Requirement – all third-party contracts must contain federal clauses required under FTA Circular 4220.1F and approved by the State prior to bid release.
- Net project cost does not include ineligible cost (i.e. farebox, other revenues, etc.).

PART II – Capital (Vehicles, Construction, Preventive Maintenance and Planning)

- **All** vehicles procured with Section 5311 program funds must be ADA accessible regardless of service type (fixed route or demand-response service).
- Capital projects must contain a full description of project: A PRELIMINARY ENVIRONMENTAL SURVEY (PES) is required for Capital projects other than vehicle procurement. (i.e. facility or shelter - include specifics, planning studies, preventative maintenance). The PES does not satisfy the requirements for environmental review and approval. When the agency prepares the documentation for a categorical exclusion, the Environmental Justice Analysis must be included.
- Funding Federal Share – 100% Federal Share if related to COVID-19
- Procurement Contract Requirement – all documents used for procuring capital projects must contain federal clauses required under FTA Circular 4220.1F and approved by DRMT prior to bid release.

BEFORE THE KERN COUNCIL OF GOVERNMENTS
STATE OF CALIFORNIA, COUNTY OF KERN

Resolution No. 20-19

In the matter of:

FEDERAL TRANSIT ADMINISTRATION SECTION 5311 AND 5311(f) CORONA AID, RELIEF, AND SECURITY (CARES) ACT 2 PROGRAM

WHEREAS, the Section 5311 and 5311 (f) programs of the Federal Transit Administration (FTA) provides assistance to public agencies; and

WHEREAS, the FTA Section 5311 and 5311 (f) programs are intended to provide improved transportation services for rural public transportation agencies; and

WHEREAS, the Regional Transportation Plan adopted by Kern COG actively promotes public transit services for rural communities:

NOW, THEREFORE, BE IT RESOLVED:

1. Kern COG endorses the Kern region Federal Fiscal Year 2020 Corona Aid, Relief, and Security apportionment of \$3,178,250 to provide assistance to agencies providing transportation services to residents in rural Kern County and directs staff to prepare an annual program of projects (POP); and
2. Kern COG hereby certifies that the recommended program of projects will meet the conditions for the 5311 program, are consistent with the Regional Transportation Plan and Coordinated Human Services Transportation Plan; and
3. Kern COG assures that the operational and capital projects finally recommended for funding will be in the Federal Transportation Improvement Plan (FTIP).

ADOPTED, SIGNED, AND APPROVED THIS 20th DAY OF AUGUST 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

Bob Smith, Chair
Kern Council of Governments

ATTEST:

I hereby certify that the forgoing is a true copy of a resolution of the Kern Council of Governments duly adopted at a regular scheduled meeting held on the 20th day of August 2020.

Ahron Hakimi, Executive Director
Kern Council of Governments

Date: _____



IV.E TPPC

August 20, 2020

TO: TRANSPORTATION PLANNING POLICY COMMITTEE

FROM: Ahron Hakimi,
Executive Director

By: Robert M. Snoddy
Regional Planner

SUBJECT: TPPC CONSENT AGENDA ITEM: IV.E
KERN COG SENATE BILL NO. 1 TRANSIT – CALTRANS STATE OF GOOD REPAIR
CALL FOR PROJECTS

DESCRIPTION:

Caltrans State of Good Repair Transit (SGR) Program allocates annual funds from Senate Bill No.1 legislation to the Kern region in combination with a supplemental allocation of the State Transit Assistance (STA) fund totaling \$10,441,004. The Transportation Technical Advisory Committee has reviewed this item.

DISCUSSION:

Kern COG staff is soliciting an FY 2020-21 call for projects initiated by Caltrans State of Good Repair (SGR) Program staff totaling \$1,361,743. Kern COG SGR policy will allow even-year allocation of \$127,099.40 to the cities of McFarland, Ridgecrest, Shafter, Taft, and Tehachapi. Caltrans will post the FY 2020-21 Kern region program of projects document on the CalSmart website by the end of August 2020.

Members of the Transportation Technical Advisory Committee have reviewed this item.

Kern COG staff has prepared a regional **SGR** program of projects (See below) for the Kern region to ensure this year's **SGR** projects are funded.

Agency	99313	99314	50 percent	Total Apportionment
Arvin	\$15,241	\$880	\$0	\$16,121
California City	\$10,449	\$221	\$0	\$10,670
Delano	\$37,425	\$1,559	\$0	\$38,984
GET	\$349,828	\$67,903	\$0	\$417,731
Kern Transit	\$143,404	\$12,058	\$0	\$155,462
McFarland	\$10,611	\$160	\$127,099.40	\$137,870.40
Ridgecrest	\$20,247	\$2,206	\$127,099.40	\$149,552.40
Shafter	\$13,538	\$623	\$127,099.40	\$141,260.40
Taft	\$6,662	\$4,524	\$127,099.40	\$138,285.40
Tehachapi	\$8,640	\$304	\$127,099.40	\$136,043.40
Wasco	\$19,452	\$311	\$0	\$19,763
Region Total	\$635,497	\$90,749	\$635,497	\$1,361,743

Kern COG staff has prepared a regional **State Transit Assistance (STA)** program of projects (See below) for the Kern region to ensure this year's **STA** projects are funded. **STA** projects may include capital or operations for **transit only** support.

Agency	99313	99314	Total Apportionment
Arvin	\$204,142	\$5,499	\$209,641
California City	\$139,962	\$1,383	\$141,345
Delano	\$501,286	\$9743	\$511,029
GET	\$4,685,689	\$424,450	\$5,110,139
Kern Transit	\$1,920,789	\$75,371	\$1,996,160
McFarland	\$142,126	\$998	\$143,124
Ridgecrest	\$271,193	\$13,790	\$284,983
Shafter	\$181,325	\$3,896	\$185,221
Taft	\$89,218	\$28,281	\$117,499
Tehachapi	\$115,724	\$1,899	\$117,623
Wasco	\$260,551	\$1,946	\$262,497
Regional Total	\$8,512,005	\$567,256	\$9,079,261

Caltrans requires Kern COG to submit a Kern COG Board adopted resolution that supports the Kern region SGR and STA projects.

Action:

Staff and Members of the Transportation Technical Advisory Committee recommend adoption by Resolution No. 20-20 of the Kern region SGR FY 2020-21 Program of Projects.

State Transit Assistance State of Good Repair Program

Recipient Certifications and Assurances

Recipient: Ahron Hakimi

:

Effective Date: August 21, 2020

In order to receive State of Good Repair Program (SGR) funds from the California Department of Transportation (Department), recipients must agree to following terms and conditions:

A. General

- (1) The recipient agrees to abide by the State of Good Repair Guidelines as may be updated from time to time.
- (2) The potential recipient must submit to the Department a State of Good Repair Program Project List annually, listing all projects proposed to be funded by the SGR program. The project list should include the estimated SGR share assigned to each project along with the total estimated cost of each project..
- (3) The recipient must submit a signed Authorized Agent form designating the representative who can submit documents on behalf of the recipient and a copy of the board resolution authorizing the agent.

B. Project Administration

- (1) The recipient certifies that required environmental documentation will be completed prior to expending SGR funds. The recipient assures that each project approved for SGR funding comply with Public Resources Code § 21100 and § 21150.
- (2) The recipient certifies that SGR funds will be used for transit purposes and SGR funded projects will be completed and remain in operation for the estimated useful lives of the assets or improvements.
- (3) The recipient certifies that it has the legal, financial, and technical capacity to deliver the projects, including the safety and security aspects of each project.

- (4) The recipient certifies that there is no pending litigation, dispute, or negative audit findings related to any SGR project at the time an SGR project is submitted in the annual list.
- (5) Recipient agrees to notify the Department immediately if litigation is filed or disputes arise after submission of the annual project list and to notify the Department of any negative audit findings related to any project using SGR funds.
- (6) The recipient must maintain satisfactory continuing control over the use of project equipment and/or facilities and will adequately maintain project equipment and/or facilities for the estimated useful life of each project.
- (7) Any and all interest the recipient earns on SGR funds must be reported to the Department and may only be used on approved SGR projects or returned to the Department.
- (8) The recipient must notify the Department of any proposed changes to an approved project list by submitting an amended project list.
- (9) Funds will be expended in a timely manner.

C. Reporting

- (1) Per Public Utilities Code § 99312.1 (e) and (f), the recipient must submit the following SGR reports:
 - a. Annual Expenditure Reports within six months of the close of the fiscal year (by December 31st) of each year.
 - b. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of SGR funds. A copy of the audit report must be submitted to the Department within six months of the close of each fiscal year in which SGR funds have been received or expended.

D. Cost Principles

- (1) The recipient agrees to comply with Title 2 of the Code of Federal Regulations Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- (2) The recipient agrees, and will assure that its contractors and subcontractors will be obligated to agree, that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual project cost items and (b) those parties shall

comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

- (3) Any project cost for which the recipient has received payment that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, are subject to repayment by the recipient to the State of California (State). Should the recipient fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the recipient from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

E. Record Retention

- (1) The recipient agrees, and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the recipient, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of the recipient, its contractors and subcontractors connected with SGR funding shall be maintained for a minimum of three (3) years from the date of final payment and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the recipient, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the recipient pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the recipient's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.
- (2) For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the recipient's contracts with third parties pursuant to Government Code § 8546.7, the recipient, its contractors and subcontractors and the Department shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a

project for audits, examinations, excerpts, and transactions, and the recipient shall furnish copies thereof if requested.

- (3) The recipient, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

- (1) Recipient acknowledges that if a project list is not submitted timely, the recipient forfeits its apportionment for that fiscal year.
- (2) Recipients with delinquent expenditure reports may risk future eligibility for future SGR funding.
- (3) Recipient acknowledges that the Department shall have the right to perform an audit and/or request detailed project information of the recipient's SGR funded projects at the Department's discretion from SGR award through 3 years after the completion and final billing of any SGR funded project.. Recipient agrees to provide any requested project information.

I certify all of these conditions will be met.

Kern Council of Governments

BY: _____
Ahron Hakimi, Executive Director
Kern Council of Governments

ATTACHMENT I
Resolution of Program of Projects

BEFORE THE KERN COUNCIL OF GOVERNMENTS
STATE OF CALIFORNIA, COUNTY OF KERN

Resolution No. 20-20

In the matter of:

RESOLUTION OF THE KERN COUNCIL OF GOVERNMENTS TO EXECUTE THE KERN COUNTY STATE OF GOOD REPAIR (SGR) EXPENDITURE PLAN WORKSHEET FOR FISCAL YEARS 2020 THROUGH 2021 PROGRAM OF PROJECTS

WHEREAS, the Kern Council of Governments is an eligible project sponsor and may receive State Transit Assistance funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects; and

WHEREAS, the statues related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 1 Transit (2017) named the Department of Transportation (Department) as the administrative agency for the SGR; and

WHEREAS, the Department has developed guidelines for the purpose of administratering and distributing SGR funds to eligible project sponsors (local agencies); and

WHEREAS, Kern Council of Governments wishes to delegate authorization to execute these documents and any amendments thereto to the Executive Director;

NOW, THEREFORE, BE IT RESOLVED by the Kern Council of Governments Transportation Planning Policy Committee that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations, and guidelines for all SGR funded transit projects.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director be authorized to execute all required documents of the SGR program and any Amendments thereto with the California Department of Transportation.

ADOPTED, SIGNED AND APPROVED THIS 20th DAY OF August 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Bob Smith, Chair
Kern Council of Governments

I hereby certify that the foregoing is a true resolution of the Kern Council of Governments duly adopted at a regularly scheduled meeting on the 20th day of August 2020.

Ahron Hakimi, Executive Director Kern Council of Governments

Date: _____