

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

Monday, April 7, 2008 – 1:00 p.m.

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

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

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

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

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

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

- * # **9. YARTS Disadvantaged Business Enterprise (DBE) Plan for FY 2008/09** Dick Whittington
- Adopt Resolution 2008/04-07-01 approving the FY 2008/09 YARTS Disadvantaged Business Enterprise (DBE) Plan.
- * # **10. VIA Adventures Rate Adjustment Request** Dick Whittington
- Approve a rate increase effective May 1, 2008, based on documented fuel cost increases which takes the new Contracted Rate of \$112.60 and a new Constructive Rate of \$129.52 per service hour, as defined by the contract between YARTS and VIA Adventures.
- 11. A More Regional YARTS** Dick Whittington
- For information and discussion and to provide staff with direction on future efforts.
- 12. Park and Ride Project Update** Dick Whittington
- For information and discussion.
- * **13. Election of Officers for FY 2008-2009** Dick Whittington
- Elect a Chair and a Vice-Chair for FY 2008-2009.
- * **14. FY 2008-2009 Meeting Dates** Dick Whittington
- Establish the date of the regularly scheduled meetings for the YARTS AAC and JPA for fiscal year 2008-2009.
- 15. Managers' Report** Dick Whittington
- For information and discussion only.
- 16. Oral Report – National Park Service Report** Marty Nielson
- 17. Board of Commissioners Remarks**

* Action

Attachment

+ Enclosure

*The next YARTS JPA meeting, will be held on Monday, August 4, 2008
in Mono County*

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

MINUTES

January 14, 2008

The regular meeting of the Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority held Monday, January 14, 2008, at the Merced County Association of Governments Conference Room, 369 W. 18th Street, Merced, CA, was called to order at 1:06 p.m. by Vice Chair Dianne Fritz.

MEMBERS PRESENT

Vikki Magee-Bauer, Mono County Board of Supervisors (via teleconference)
Mike Nelson, Merced County Board of Supervisors
Dianne Fritz, Mariposa County Board of Supervisors

MEMBERS ABSENT

None

OTHERS PRESENT

Brad Aborn, Mariposa County Supervisor
Denise Demery, VIA Adventures
Kenneth Gosting, Transportation Involves Everyone
Lane Hendricks, National Parks Conservation Association
Robin Lamas, YARTS staff
Terri Mejorado, Fresno Convention and Visitors Bureau
Marty Nielson, Yosemite National Park
Tom Pimentel, National Park Service
Curtis Riggs, VIA Adventures
Liz Roberts, National Park Service
Dick Whittington, YARTS staff

- 1. Pledge of Allegiance**
- 2. Introductions**
- 3. Public Comment**

Ken Gosting, Transportation Involves Everyone, commended YARTS and VIA Adventures for an increasing presence of passenger friendliness on the Mariposa corridor. Mr. Gosting requested the YARTS bus schedule be released two weeks in advance so people can adjust to the new schedule. Also, Mr. Gosting stated a letter to the Mariposa County Board of Supervisors would be sent in regards to special events in Mariposa interrupting YARTS bus service. Also a letter will be sent to the Department of

Transportation regarding the Ferguson Slide permanent restoration project. A copy of both letters was handed to the Vice Chair.

4. CLOSED SESSION – ANTICIPATED LITIGATION

Adjourned to closed session 1:10

It is the intention of the Board to meet in Closed Session concerning significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One Case

Returned to open session 1:37

Staff was directed to make contact with the Merced County District Attorney and our YARTS Counsel Tom Guarino is going to review the action for filing legal action.

5. Minutes of the October 15, 2007 YARTS Joint Powers Authority meeting

Commissioner Nelson moved to accept the minutes of the October 15, 2007 YARTS Joint Powers Authority meeting.

Seconded by Commissioner Magee-Bauer.

MOTION CARRIED UNANIMOUSLY.

6. Information/Discussion Only

- a. VIA Monthly Service Reports for September 2007 – November 2007
- b. Ridership History by Fiscal Year – Hwy 140 and Hwy 395/120 East
- c. YARTS Revenue by Fiscal Year

7. YARTS Audit – Fiscal Year 2006-2007

Commissioner Nelson moved to accept the Fiscal Year 2006-2007 Audit Report prepared by Kemper CPA Group.

Seconded by Commissioner Magee-Bauer.

MOTION CARRIED UNANIMOUSLY.

8. AAC Nomination

Commissioner Magee-Bauer moved to approve the nomination of Danna Stroud, Director, Mammoth Lakes Tourism and Recreation Office to serve on the YARTS Authority Advisory Committee.

Seconded by Commissioner Nelson.

MOTION CARRIED UNANIMOUSLY.

9. Funding Update

Dick Whittington gave a review of the staff report in the agenda on the funding options for YARTS 5311 (f), 5320, and 5309 (earmarks) programs.

10. FY 2007-2008 Budget Revision

Commissioner Magee-Bauer moved to approve the FY 2007-2008 Budget Revision. Seconded by Commissioner Nelson.

MOTION CARRIED UNANIMOUSLY.

11. Future Planning for YARTS

Dick Whittington gave a review of the future planning for YARTS. Commissioner Magee-Bauer requested staff to move forward with the grant application to apply for \$100,000 for the preparation of a new Short Range Transit Plan. Commissioner Magee-Bauer also stated if we were to hire a consultant, it would be a good idea for the consultant to get together with the YARTS Board and all three member Counties full Board.

Dick Whittington advised the YARTS JPA Board that the Authority Advisory Committee would like to meet with them and the County Boards also in regards to the Short Range Transit Plan.

12. Park and Ride Lots - Update

Dick Whittington gave a brief review of the presented staff report.

13. YARTS Board Meeting Minutes - Format

The YARTS Board discussed the format that the minutes are currently taken. Marty Nielson from Yosemite National Park will provide a written copy of his National Park Service Report for inclusion into the following months agenda packet. Also, Ken Gosting, TIE, would like to see more public comment noted.

Chair Magee-Bauer stated the minutes would remain as they are currently provided with the added inclusion of the National Park Service report.

14. YARTS Marketing

Dick Whittington requested that if the Board encounters any YARTS information in the public to please let staff know so that they can do follow up on the information to make sure all information is current and up to date.

15. Managers' Report

Dick Whittington gave a review of the staff report.

16. Oral Report – National Park Service Report

Marty Nielson gave the report from the National Park Service. The Park Service will provide a written report with their oral report starting with the next YARTS meeting.

17. Board of Commissioners Remarks

So noted.

THERE BEING NO FURTHER BUSINESS OF THE YARTS JOINT POWERS AUTHORITY, THE MEETING WAS ADJOURNED AT 2:40 PM.

ITEM 4b

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: RIDERSHIP HISTORY BY FISCAL YEAR – HWY 140 AND HWY 395/120 EAST

Attached for your review is the ridership history through February 2008. We may have the ridership for March prior to your meeting and we will present it, if available.

Despite the limited capacity of the smaller buses, ridership has continued to rebound. The cumulative increase through February is 22.79% with a February monthly increase of 10.21%. As mentioned in previous reports, the numbers for this year should be better than last. What is encouraging is that they remain as strong as they are.

Ridership numbers in FY 2007 – 2008 are now better than they were in the 2004 – 2005 fiscal year, but by only .0029%, however, they are continuing to raise and we should exceed the earlier year's numbers.

Comparing this year's ridership to the record year of the rockslide, 2005 – 2006, we are only off the pace by 11.7%, an improvement from the last month comparison of -14.2%, so we are improving in this comparison as well. The 2005 – 2006 ridership numbers were the best in the history of the service, even with the rockslide, so I am reluctant to say that we will beat those numbers this year, but it is looking possible, if we can maintain our momentum. If we do miss on exceeding the 2005 – 2006 numbers, 2007 – 2008 will still be the second best year in the history of the service.

The key to continuing to improve will be completely reliant upon the availability of funding to provide the capacity when needed. The need will persist through the completion of the repairs to Hwy 140 and beyond.

Note: Ridership numbers do not include Amtrak customers as they are riding on Amtrak tickets under our contract with Amtrak.

REQUESTED ACTION

For information and discussion.

Attachment: YARTS Ridership History by Fiscal Year

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: YARTS REVENUE HISTORY BY FISCAL YEAR

Attached for your review is the revenue history for YARTS updated on March 25, 2008. Because of the contract with Amtrak, which started in June of 2007, the form was altered to make comparisons with and without Amtrak income included. "With Amtrak", of course, causes the comparison to be unrealistically high. Next fiscal year that problem will reconcile itself.

Using the "W/O Amtrak" comparison, you can see that the increases in ridership and the increases in fare rates that you approved in July of 2006, for implementation in November 2006, are improving revenue numbers each month.

Given the extraordinary increases in cost of operations because of the rockslide, the new contract and the cost of fuel, it is important that YARTS continue to grow its revenue income.

While this farebox income cannot be used for matching grant funding, it is still important to pay for operations and to demonstrate the viability of the system to funding agencies.

Last year, the W/O Amtrak revenue was \$287,973. If we continue to perform at the current rate of increase, W/O Amtrak revenue for this fiscal year should exceed \$345,000. Using that number against the projected budget for the next fiscal year, (we believe the revenue will actually increase some) the farebox comparison comes out at about 17.5%. You will remember that not too long ago we were able to tout a 25% (or better) farebox. The 17.5% isn't awful, but the higher the percentage is definitely better.

RECOMMENDED ACTION

For information and discussion only.

Attachment: YARTS Revenue by Fiscal Year

ITEM 4d

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: HWY 140 – SUMMER 2008 SCHEDULE

Attached for your review is the proposed schedule for summer of 2008 on the Hwy 140 service corridor.

The schedule reflects traditional schedules from previous years, but has some significant additions. Two runs into the park, Run 2A and Run 5A and two runs out of the park, Run 9A and Run 12A are additions to the normal schedule. These new runs were added using grant funding from the Alternative Transportation in Parks and Public Lands (ATPPL) program and are intended to provide added capacity to the system during the peak travel months. This schedule starts on May 19, 2008 and will be valid through August 31, 2008.

In September and October, we will shift to one added trip, each way, per day. That schedule is yet to be prepared. We are hoping to learn through the summer where best the added run will make the greatest difference, and then prepare the schedule based on that information.

Our large buses provided restrooms. The new, smaller buses do not. A change that is not readily noticeable is the addition of a five-minute delay at the Roadside Rest in Mariposa to allow riders to use the restroom facilities there, if necessary. There is also a planned, but not scheduled, restroom stop available at the Yosemite View Lodge for urgencies. Jerry Fisher approved the use of his facilities at the Lodge on an as-needed basis and we appreciate that very much. Each of the stops represent about a one-hour interval.

The schedule is also in a different format than you are used to seeing. Prior to this schedule, we were making one schedule for the bus-stop canisters and one for the public. Having a schedule that was common seemed to make sense so we converted the public schedule to look like the canister version. It is hoped that the consistency between the two will add to the understanding of the schedule by those trying to use it.

Curtis Riggs, owner of VIA Adventures, has advised me that VIA is going to be acquiring two more of the 26-passenger Glaval buses to use for the added service during the summers. The buses are being leased year-round, but YARTS will only be paying for the months that the new buses are actually in use for YARTS purposes.

The addition of these buses means that the YARTS fleet will have a consistent appearance and that buses that match our current fleet will be available to backfill during maintenance down times.

REQUESTED ACTION

For information and discussion only.

Attachment: Hwy 140 - Summer 2008 Schedule

ITEM 5

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: RECORDED MEETING TAPES AND PUBLIC ACCESS TO SAME

At your January meeting, a member of the public stated that YARTS, and other public agencies, must, by law, provide tapes of official meetings to anyone who requests them. Staff asked our legal counsel to respond to that statement.

Counsel provided staff with an opinion from the California Attorney General (64 Op. Atty. Gen. Cal. 317) to clarify what public agencies are required to provide to the public. The question as proposed in the finding were; Where the clerk makes an authorized tape recording of a meeting to facilitate the preparation of the minutes: (a) does the public have the right to inspect the tape or (b) receive copies of the tape and (c) when may such tape be destroyed?

The conclusion of the Attorney General's office was that, where the clerk makes an authorized tape recording of a meeting to facilitate the preparation of the minutes: (a) any person has a right to inspect the tape, which includes the right to listen to the tape on equipment provided by the public agency, (b) any person has a right to receive a copy of the tape, which includes the right to buy a duplicate copy from the agency or to make a duplicate copy on his own equipment, but does not include the right to have a written transcript made, and (c) the tape recording may be destroyed at any time if the purpose for which it was made and retained was solely to facilitate the preparation of the minutes of the meeting, and if the tape was made or retained for the additional purpose of preserving its informational content for public reference, it may not be lawfully destroyed except as expressly authorized by state law.

Tapes made of executive sessions are to be maintained as confidential and are exempt from the disclosure provisions of the law.

Staff tells me that the meetings are recorded only to be able to prepare minutes following the meeting. The MCAG office does not currently have equipment to make copies of tapes (dubbing), but could offer the opportunity to listen to them at the office.

It would seem appropriate for the YARTS Board to make a decision on a couple of the issues raised above.

1. Does the Board want the tapes from the meetings made as simply a method of preparing minutes of the meetings or does it want the tapes retained so as to preserve the tape's information content for public reference?
2. If the tapes were retained only for the recording of minutes, what would be an appropriate date for their destruction? (I.E. after the written minutes are approved by the Board.)
3. If the tapes are to be retained for their informational content, does the Board wish to invest in equipment that will allow the copying of the tapes for sale to the public or have the public use their own equipment? (It is the recommendation of Counsel that the original copy of the tapes be protected from alteration by having staff do the copying, which would require a small investment in equipment capable of making the copies.)
4. If tapes are to be sold to the public, the price has to be the actual copy cost under Public Records Act.

REQUESTED ACTION

Provide direction to staff as to how meeting recording tapes are to be handled.

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: GRANT FUNDING UPDATE

5311(f) – Intercity Bus Program Grant

5311(f) funding is year specific, meaning that it must be used in the fiscal year it was approved. YARTS received approval for FY 2007 – 2008 funding under this program in the amount of \$400,000 for a second year. The program has a maximum allowable grant limit of \$200,000 per application; however, Caltrans realized that the plight of YARTS, because of the rockslide on Hwy 140, puts extra strain on the service and responded to our request for the larger amount. With their approval, there was conversation about the need for YARTS to also seek other forms of funding and there were also expressed concerns about YARTS having sufficient match for funding. 5311(f) funding for operations requires a 44.6% match.

One of the funding sources recommended was the possibility of Caltrans funding through “construction mitigation funding” when the repairs to the highway begin. It had been anticipated that that construction would begin in the summer of 2008, but there is now question about that as additional environmental reviews for the project may well delay the work. No commitments have been made to YARTS, at this time, that such funding will be available.

For the past five years, there was a March deadline for filing for funding under the 5311(f) program. With that timeline, approvals were usually made in July or August and funding became available in October, after a contract was signed. In 2008, that has changed and the deadline for filing is now August 29, 2008 with actual funding likely to be available in November, or later. There has been no mention whether the late funding date will alter the limitation on this funding that it be spent in the fiscal year it is awarded.

There are basically two types of 5311(f) programs, Operating Assistance and Capital Assistance. Under the Capital program, there is a category for equipment (computers, software, equipment) and staff intends to file an application under this program to purchase electronic fare boxes. The exact amount of the application is yet to be determined, but the work is in progress. The grant, if successful, will require a 20% match, which VIA has agreed to provide.

5320 – Alternative Transportation in Parks and Public Lands (ATPPL) (2)

2007 – YARTS filed a successful application for funding under this program seeking \$264,600. The funding is for the leasing of buses. The plan is to use the ATPPL funding to cover the leasing of all of the buses for one year and use the savings to add service during the critical peak visitor season. This program will allow YARTS to add two round trip runs from the start of the summer schedule on May 19, 2008 through August 31, 2008. We will also be able to add one round trip run during the months of September and October. Actual receipt of the funding is delayed by the grant not making in onto the FTIP approval list. The funding is good until expended and does not require a match.

2008 – When the first ATPPL application was filed, we were given an opportunity to say if we wanted to file in future years. YARTS application included amounts for 2008, 2009 and 2010. Each year requires a new application. Having been approved for the first year does not assure funding in subsequent years, but we are being told, improves the chances. The 2008 application was filed on January 31, 2008. Last year, the announcement of successful applications was made in August.

5304 – Transportation Planning Grants

In January 2008, staff filed an application for a “Transit Technical Planning Assistance grant in the amount of \$92,500 with a total project cost of \$100,000 (\$7500 match). The grant is intended to fund a new YARTS Short Range Transit Plan (SRTP). The current SRTP was approved October 2003 for the years 2004 – 2009, however current realities have basically rendered the SRTP no longer useful in most areas. Estimated time of grant award announcements is currently said to be summer of 2008, PENDING THE APPROVAL OF THE STATE BUDGET.

Appropriation Request

In February, staff filed an Appropriations Request with Congressman Radanovich’s office in the amount of \$400,000. There are no guarantees on these requests either for approval or for the amount that might be approved. They are not competitive in the sense that the above-mentioned grant applications are, but are every bit as uncertain. Notice of approval, or not, would likely come in the late fall of 2008.

5309 (Earmarks)

YARTS currently has two 5309 grants available for use. This type of funding is typically used for capital costs, but can be used for the cost of contracting for buses, which is how YARTS has used the funding and how it was designated for YARTS. If used for the cost of contracting, the required match is 60%. If used for capital, the match is 20%.

The two available earmark grants are:

\$388,711 with a balance of \$388,711 - filed July 2005

\$247,500 with a balance of \$247,500 – currently being filed

Because of the onerous match that is required for this funding, YARTS has used it as a last resort, favoring other forms of funding that have a lower match requirement.

This funding has also been very useful in carrying YARTS through times when the other forms of funding, even though approved, have not been made available in a timely way. The past year is an example of that problem.

Examples: YARTS 5311(f) grant application was filed in March of 2007, but not finally approved until late November and the contract was not executed until January of 2008. Also, the ATPPL application was approved in August of 2007 however, the funding availability was not posted on the FTA TEAM site until January of 2008.

REQUESTED ACTION

For information and discussion only.

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: PUBLIC HEARING - YARTS PROPOSED BUDGET – 2008 / 2009

In accordance with the YARTS Joint Powers Agreement, the annual budget is to be presented to the Board of Commissioners for their consideration on or before April 15 of each year. Prior to adoption, a public hearing is required to be held.

Attached for your consideration and action is the FY 2008 / 2009 YARTS Operating Budget. The budget details cost and revenues for the fiscal year beginning July 1, 2008.

The budget you see before you reflects staff's best estimate of what the operating costs will be as well as projected revenue for the fiscal year.

On the Expenditures side of the budget, Service Contract costs were projected to increase by 5.5% to account for increasing fuel costs and other CPI increases. Management costs were projected to increase by 10%. Part is due to CPI increases and part is due to an accounting requirement imposed on MCAG by Caltrans regarding how indirect costs must be accounted for and billed.

On the Revenues side, the budget projects again receiving \$400,000 from Caltrans under the 5311(f) program and approval of a second years' funding by the alternative Transportation in Parks and Public Lands (ATPPL) program. It also anticipates retention of the Amtrak contract to provide their Thruway Service between Merced and Yosemite.

Both the 5311(f) and the ATPPL program are competitive granting programs so there is no assurance that the funding will be received. The Amtrak contract is now approved through October 2008 (verbally, still waiting for written confirmation), but it is at the discretion of Amtrak and their funding source, which is Caltrans Rail.

This information is not submitted to you as a form of pessimism, but rather a realistic note of caution about the status of the proposed budget. A detail of the grant funding and current pending applications is presented in a separate staff report.

Operating budget revisions will be required throughout the year as funding potentials change, much as they were this past year.

Capital Funding is not shown in this year's budget, but may have to be added later in the year, depending on the timing of project starts. We are trying to work through the approvals process on the revised plan for the Park and Ride lot in Mariposa, but it may take some time.

We received a grant of \$582,597 for construction of the lot(s). According to the engineer's preliminary estimate of the Mariposa job, it appears that that project alone will far exceed the funding that is available. According to the engineer, in the past couple of years, construction costs have risen dramatically. He has been asked to review the plans for savings and that work is taking place now.

I have also asked the engineer to evaluate the project to see if it can be split into a phased development, which would allow us to proceed with a portion of the project (that would be useable when complete) and, at the same time, look for additional funding to complete the remainder. It is essential that we proceed with some part of it as soon as we can so as to not jeopardize the existing funding.

REQUESTED ACTION

After a public hearing, adopt the FY 2008 / 2009 Operating Budget and direct staff to proceed with its implementation.

Attachment: Proposed Budget FY 2008 / 2009

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: AGREEMENT FOR SERVICES

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

In 2004, the YARTS Joint Powers Authority and MCAG again signed an Agreement of Services for the day-to-day operation of YARTS. The service period was from July 1, 2004 through June 30, 2005, but would be extended annually through written consent of the parties, for a period of five years consistent with the provisions of the agreement.

It is time to revisit the agreement, as this is the last regularly scheduled meeting of the YARTS Board before the end of the fiscal year.

A copy of the agreement for services is attached for your review.

REQUESTED ACTION

Authorize the Chair to sign an extension of the Services Agreement for a period of one year, from July 1, 2008 through June 30, 2009.

Attachment: Agreement for Services dated July 2004.

ITEM 9

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: ROBIN LAMAS, ADMINISTRATIVE ASSISTANT

**RE: YARTS DISADVANTAGED BUSINESS ENTERPRISE (DBE) PLAN FOR
FY 2008/09**

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

The FY 2008/09 DBE plan is unchanged from last year. A resolution is required to adopt the plan for the FY 2008/09.

REQUESTED ACTION

Adopt Resolution 2008/04-07-01 approving the FY 2008/09 YARTS Disadvantaged Business Enterprise (DBE) Plan.

Attachment: Resolution 2008/04-07-01

RESOLUTION 2008/04-07-01

**RESOLUTION OF THE YOSEMITE AREA REGIONAL TRANSPORTATION
SYSTEM (YARTS) JOINT POWERS AUTHORITY APPROVING THE
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PLAN
FY 2008/09**

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

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

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

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

The foregoing resolution was introduced at the regular meeting of the Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority on April 7, 2008, by _____ who moved its adoption, which motion was duly seconded by _____ and which was adopted by the following vote:

AYES:

NOES:

ABSENT:

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

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

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: VIA ADVENTURES RATE ADJUSTMENT REQUEST

Attached is a copy of a letter and supporting documentation from VIA Adventures requesting an adjustment in the vehicle/hour rate effective May 1, 2008. The vehicle/hour rate is the amount that YARTS is billed by VIA Adventures for each hour the buses actually operate in fulfilling the YARTS schedule. The request is based on the increased cost of fuel since the time of the contract bid was made.

Under the provisions of the contract, Section 1:

“The vehicle/hour prices shall be adjusted annually after year one based on the California Consumer Price Index (CPI) for the prior year along with other factors, which may, in YARTS sole discretion, be considered in determining the increase, in any. In addition to the annual review, YARTS or the Contractor shall have the right to open negotiations in the event that: a.) The total cost of fuel increases or decreases by 15% or more beyond the CPI adjustment from the cost as of March 1, 2007.” And b.) “The annual cost of insurance increases or decreases by more than 20% beyond the CPI adjustment from the budget amount.”

Contracted vehicle/hour service rates are on a sliding scale based on an anticipated 10,980 service hours annually. YARTS will pay more for service if the usage goes down, less if it exceeds the 10,980 service hours projected. (See attached Exhibit A-3 from the contract.) Currently, invoices project a Total Constructive (billing) Rate of \$124.77 per service hour.

On Exhibit A-3, the “Contracted Service Hour Rates” include all costs except that of the buses. The “Total Constructive Rate” has the bus costs included in the total.

Fuel costs, according to the documentation provided by VIA, increased from an average price of \$2.381 per gallon in March of 2007 to \$3.57 in March of 2008. The increase is \$1.189 per gallon or 49.9% for the one-year period. March of 2007 is the base period for the computation because that was the timeframe that the contract proposal was constructed. This basis is confirmed in the contract.

VIA has documented that it uses four gallons of fuel per service hour. The increased fuel costs add \$4.75 per service hour to the cost of operation, which represents 4.5% increase in the Contracted rate taking it to \$112.60 based on the fuel increases.

An evaluation of the actual billable hours makes it appear that the total for fiscal year 2007-2008 is anticipated to exceed the 105% step and may result in an adjustment to the contracted and constructive rates. The adjustment, if necessary, for the increased usage will come in the form of a check from VIA Adventures after the end of the contract year, May 30, 2008.

Even though there is a mention of a CPI adjustment in the letter from VIA, it is not being requested at this time. CPI calculation charts currently only allow comparisons through December of 2007. It would be more accurate and fair to make the CPI calculation after the state has published figures that more closely cover the contract period. Staff and VIA agreed to hold the consideration of the CPI until your next meeting, which is projected to be in July or August.

REQUESTED ACTION

Approve a rate increase effective May 1, 2008 based on documented fuel cost increases, which takes the new Contracted Rate of \$112.60 and a new Constructive Rate of \$129.52 per service hour, as defined by the contract between YARTS and VIA Adventures.

Attachments: Exhibit A-3 of the contract between YARTS and VIA Adventures
Letter of March 14, 2008 from VIA Adventures, Inc.
Supporting documents from VIA Adventures

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: A MORE REGIONAL YARTS

Chairperson Bauer asked that an item be put on the agenda that would prompt a discussion regarding the current status of YARTS becoming a more regional provider of public transit in the Yosemite region.

Perspective

In October of 2006, with the approval of the YARTS Board, Chairperson Bauer sent letters to elected officials and others in all of the counties that make up the Yosemite region. The letters went to officials in Madera, Fresno, Merced, Mariposa, Mono, Tuolumne, and Stanislaus Counties and invited a conversation about the future of YARTS and whether it should provide a more regional transit presence in the region.

Responses came back from all areas and most were positive or at least encouraging. The Fresno/Madera area, along the Hwy 41 corridor, had the strongest response. Three meetings were subsequently held in Fresno. One at the Fresno Council of Governments office was open to all interested parties and included people from both Madera and Fresno counties. The Fresno Conference and Visitors Bureau sponsored a "by invitation" meeting and Supervisor Bauer and I also met with members of the Fresno Mayor's staff. Supervisor Bauer also made an appearance in front of the Madera County Supervisors during this time frame.

The approach that has been taken from the outset is not one of selling YARTS to the people who met with us, but rather to let them know that YARTS is interested in talking to anyone who would like to see YARTS transit service in their area. We also made an effort to educate about the way the service operates and the history of YARTS service to that time. All of this was taking place during the timeframe just following the Ferguson rockslide on Hwy 140 and the challenges that it had brought to YARTS operations.

More Recently

National Parks Conservation Association

Staff has learned that the National Parks Conservation Association (NPCA), Fresno Office, has, as part of its long-range strategic plan, the intent to actively pursue options to provide public transit to Yosemite National Park and Kings Canyon National Park from Fresno. YARTS is specifically mentioned in that plan.

Fresno Conference and Visitors Bureau

The Fresno Convention and Visitors Bureau (CVB) recently developed a strategic plan to guide them for the next three years. Among the many goals they set was to “Work to establish YARTS service from Fresno into Yosemite National Park and developing public transportation from Fresno to Kings Canyon National Park.”

Laura Whitehouse, the new President/CEO of the Fresno CVB, has a long history of supporting YARTS as an option to provide transit service out of Fresno. Copies of the Strategic Plan will be available to you at the meeting.

Supervisor Tom Wheeler, Madera County

At the meeting that Supervisor Bauer attended in Madera, that Board of Supervisors assigned newly elected District 5 Supervisor, Tom Wheeler, who resides in the Oakhurst area, the task of looking into transit on Hwy 41 and the possibility of YARTS providing that service. Since that time, staff has fielded questions from the Supervisor and provided information to him that, to staff, seemed timely.

Picayune Rancheria of the Chukchansi Indians

Staff recently had an email from Margaret Arechiga, who works for the Chukchansi Tribal government in the Coarsegold area, asking about the possibility of transit service on Hwy 41 that would/could stop at the tribe’s Chukchansi Gold Casino. In a subsequent phone conversation, staff informed Ms. Arechiga of the current status of the possibility for service on Hwy 41. She indicated she would carry our discussion to the tribal leaders.

California Intercity Bus Study

Over the past year, Caltrans has been conducting an Intercity Bus (rural transit) Study and preparing a document to reflect their findings. The intent of the study was to look for underserved areas and to seek opportunities for connectivity between existing services. Intercity bus service is that which connects rural areas to metro areas where Greyhound, Amtrak and others provide transit services to the nation.

In January 2008, the draft of that study was made available for review and comment. Hwy 41 from Fresno to Yosemite was mentioned in the discussion of underserved areas or areas that would satisfy the definition of intercity service but currently do not have service.

According to a Caltrans spokesperson, the final version of the study is anticipated sometime in March, but no decision has been made about when it will be released, at this time.

Tuolumne County

Staff was recently contacted by the manager of a 200-space RV Park in Groveland regarding the possibility of YARTS providing service in that area. We spent considerable conversation time on how public transit works and is paid for and on the history of the YARTS service. Staff suggested that she contact her elected Supervisors in Tuolumne County to further her quest.

REQUESTED ACTION

For information and discussion and to provide staff with direction for future efforts.

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: PARK AND RIDE PROJECTS UPDATE

YARTS has two park and ride projects that we have been working on; one in the town of Mariposa on Joe Howard Street, and one in Midpines (now in the Midpines County Park).

Town of Mariposa

Plans for this project have been revised and are complete, with one exception. The engineer is still waiting for PG&E to provide information necessary to complete the electrical drawings. All other sheets have been submitted to the regulatory agencies, including the Planning Department in Mariposa, and we are being told that all will have their comments back to the engineer prior to the end of March. There is still unanswered of whether the plan will be required to go back in front of the Planning Commission and that will not be resolved until the Planning Department has finished with their review.

The engineer has done preliminary cost estimates on the lot in Mariposa. It appears that today's costs are substantially higher than the estimate done when the project was first initiated. His estimate puts the cost of the project at \$900,000 to \$1,000,000.

YARTS received a grant from the Alternative Transportation in Parks and Public Lands (ATPPL) program in the amount of \$587,000. That amount leaves YARTS short \$400,000 to \$500,000 to finish the project. Exact numbers will be more readily available after the final reviews are complete.

To make up the difference, staff has been pursuing two parallel paths. The engineer has been asked to review the project to see if it can be split into two segments that would allow the work to start on a first phase within the funding available. At the same time, staff has been looking for a funding source to provide the amount needed to complete the project.

Midpines County Park

In late February, the Midpines Planning Advisory Committee again reaffirmed to Supervisor Aborn their interest in seeing the County or Mariposa develop some sort of a long-term agreement with YARTS for the use of the Midpines County Park as a Park and Ride facility for YARTS.

Following the meeting, Supervisor Aborn called to discuss the idea with me. Mr. Aborn told me that there were potential changes being discussed for the park and the fire station at that park, and that he was concerned about making commitments that might inhibit the future plans. He also felt that the 20-year commitment that staff had sought from the County was too long and that a 10-year commitment might be a better option.

We parted with the understanding that the shorter term would probably be acceptable to YARTS and that YARTS would work with the County to assure that future planning would not be effected.

REQUESTED ACTION

For information and discussion.

ITEM 13

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: ELECTION OF OFFICERS FOR FY 2008-2009

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

The new officers would assume office effective July 1, 2008 and serve for one year.

REQUESTED ACTION

Elect a Chair and a Vice-Chair for FY 2008-2009.

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: FY 2008-2009 MEETING DATES

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

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

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

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

April 7, 2008 – Last meeting of this fiscal year (07-08) – Merced County

August 4, 2008 – Moved from July because of staff vacations – Mono County

October 27, 2008 – Mariposa County

January 12, 2009 – Merced County

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

In the past, YARTS Board meetings have been held on the first Monday of the month, however there is no requirement for this timing and the Board of Commissioners can alter this routine at their discretion. The suggested meeting dates above reflect variations from the first Monday routine to accommodate holidays and staffing availability.

REQUESTED ACTION

Establish the date of the regularly scheduled meetings for the YARTS AAC and JPA for fiscal year 2008-2009.

MEMORANDUM

DATE: MARCH 31, 2008

TO: YARTS JOINT POWERS AUTHORITY

FROM: DICK WHITTINGTON, TRANSIT MANAGER

RE: MANAGERS REPORT

Following are some items that do not require an entire staff report, but are worth sharing.

Merced Airport

Ron Elliott, Merced Airport Superintendent, tells staff that Great Lakes Airlines should start flying out of Merced Airport around the first of April, replacing Mesa Air, which connects Merced to Las Vegas. Great Lakes will also make the connection to Las Vegas's McCarran International Airport.

Reports on Great Lakes Airlines say that they are serious about doing a good job in providing "Essential Service" in the locations that they are approved for and have actually improved ridership in some locations to the point that it is no longer needing to receive the subsidy from the federal government. It will be nice to have a committed carrier coming to Merced and we will make an effort to do some joint promotion with them, if possible.

Vision Airlines

Another intriguing potential is an inquiry to Merced County airports from Vision Airlines. Vision was a bidder for the Merced service, recommended by the Merced City Council, but was not chosen by the FAA.

Vision is primarily a tour carrier, which has recently been given their "121" licensing to carry regular passengers, and is interested in establishing a Merced County connection, as part of an expansion of service into California. It would allow them to bring travelers to the Yosemite region.

Currently they are talking about services that might include Long Beach; Concord; Reno, Nevada; Laughlin, Nevada; and Merced, as well as other locations.

Staff was invited to meet with Warren Kaplan, General Manager/COO for Vision, when the City hosted Vision into town on March 20, 2008. The meeting included a representative from VIA Adventures as well as other city staff and a representative from U.C. Merced.

While a number of hurdles are yet to be cleared, the potential for having two air carriers flying into Merced is an exciting prospect for YARTS and for the community.

Official California State Visitor's Guide

The 2008 edition of the State Visitor's Guide has just recently been published and YARTS is a participant in the guide. The YARTS ad appears in the special Yosemite Region "pull-out" section inserted around page 137.

The Guide is distributed to Visitor Bureaus all over the state and is mailed to all who contact the state about information on visiting California. The California Travel and Tourism Commission (CTTC) produce 500,000 copies of the magazine.

We will provide each of you who want one, a copy of the Guide at your meeting.

REQUESTED ACTION

For information and discussion only.

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

MINUTES

April 7, 2008

The regular meeting of the Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority held Monday, April 7, 2008, at the Merced County Association of Governments Conference Room, 369 W. 18th Street, Merced, CA, was called to order at 1:09 p.m. by Vice-Chair Dianne Fritz.

MEMBERS PRESENT

Vikki Magee-Bauer, Mono County Board of Supervisors (via teleconference)
Mike Nelson, Merced County Board of Supervisors
Dianne Fritz, Mariposa County Board of Supervisors

MEMBERS ABSENT

None

OTHERS PRESENT

Brad Aborn, Mariposa County Supervisor
Denise Demery, VIA Adventures
Kenneth Gosting, Transportation Involves Everyone
Laine Hendricks, National Parks Conservation Association
John Helms, Eastern Sierra Transit Authority (via teleconference)
Robin Lamas, YARTS staff
Terri Mejorado, Fresno City and County Convention and Visitors Bureau
Marty Nielson, Yosemite National Park
Curtis Riggs, VIA Adventures
Laura Whitehouse, Fresno City and County Convention and Visitors Bureau
Dick Whittington, YARTS staff

1. Introductions

2. Public Comment

Ken Gosting, Transportation Involves Everyone, commented that train 712 had a 100% “on time” rating and the overall performance record for Amtrak was 92%.

Mr. Gosting asked if the YARTS Authority Advisory Committee would fall under the need to fill out a Conflict of Interest Form 700. Staff will check with legal council and see if there is a need there.

Also Mr. Gosting was concerned that passengers using the YARTS bus would not be able to use their bicycles. Because of the turn radius of the buses going over the bridges around the Ferguson Rock slide, the bus racks are not being able to be used. Mr. Whittington stated that the drivers would allow passengers to bring their bikes on the bus and have them placed in the cargo section. This is at the driver’s judgment as passengers and wheelchairs have priority.

3. Minutes of the January 14, 2008 YARTS Joint Powers Authority meeting

Commissioner Nelson moved to approve the minutes of the January 14, 2008 YARTS Joint Powers Authority meeting.

Seconded by Commissioner Magee-Bauer.

MOTION CARRIED UNANIMOUSLY.

4. Information/Discussion Only

- a. VIA Monthly Service Reports for December 2007 – February 2008
- b. Ridership History by Fiscal Year – Hwy 140 and Hwy 395/120 East
- c. YARTS Revenue History by Fiscal Year
- d. Hwy 140 – Summer 2008 Schedule

So noted.

5. Recorded Meeting Tapes and Public Access to Same

Dick Whittington gave a review of the agenda staff report. In addition, he stated that the YARTS AAC recommended the meeting tapes be retained for 30 days after the approval of the minutes. The meeting tapes will be available for review during this time should anyone from the public wish to listen to the tapes at the MCAG offices. Mr. Whittington stated YARTS would purchase a piece of equipment to make a recorded copy of the tape of the meeting should the public request a copy.

Commissioner Nelson moved to formalize the tapes as for minutes only and to keep the tapes for 30 days after the minutes are approved.

Seconded by Commissioner Magee-Bauer.

MOTION CARRIED UNANIMOUSLY.

6. Grant Funding Update

So noted.

7. PUBLIC HEARING – YARTS Proposed Budget – FY 2008 / 2009

Dick Whittington gave a review of the proposed budget for YARTS for FY 2008/2009. He stated that the budget was larger than last year partially due to a new service contract with VIA Adventures, which included increases services, added runs in summer, CPI and fuel adjustments. The proposed budget does not show a capitol budget at this time, as there are questions about weather or not YARTS will be doing anything of a capitol nature in this fiscal year.

Public Hearing – Open at 2:00 p.m.

Ken Gosting, Transportation Involves Everyone, stated at the San Joaquin Valley Rail community meeting both Amtrak and rail division confirmed they were extending the YARTS bus contract.

No comments were received in regards to the YARTS proposed budget for FY 2008/2009.

Public Hearing – Closed at 2:02 p.m.

Commissioner Magee-Bauer moved to adopt the FY 2008/2009 Operating Budget and directed staff to proceed with its implementation.

Seconded by Commissioner Nelson.

MOTION CARRIED UNANIMOUSLY.

8. Agreement for Services

Commissioner Nelson moved to authorize the Chair to sign an extension of the Services Agreement for a period of one year, from July 1, 2008 through June 30, 2009.

Seconded by Commissioner Magee-Bauer.

After discussion as to Commissioner Nelson being the Chair of the MCAG Governing Board and his signature was on the Agreement for Services extension, Commissioner Nelson and Commissioner Magee-Bauer rescinded the motion.

Commissioner Magee-Bauer moved to authorize the Chair to sign an extension of the Services Agreement for a period of year, from July 1, 2008 through June 30, 2009.

Seconded by Commissioner Fritz.

Commissioner Nelson – Abstained.

MOTION CARRIED.

9. YARTS Disadvantaged Business Enterprise (DBE) Plan for FY 2008/09

Commissioner Nelson moved to adopt Resolution 2008/04-07-01 approving the FY 2008/2009 YARTS Disadvantaged Business Enterprise (DBE) Plan and approve Vice-Chair Fritz to sign the resolution.

Seconded by Commissioner Magee-Bauer.

MOTION CARRIED UNANIMOUSLY.

10. VIA Adventures Rate Adjustment Request

Dick Whittington gave a review of VIA Adventures request for a rate adjustment in the vehicle/hour rate effective May 1, 2008, based on fuel cost increases. The proposed budget that was passed under Item 7 took the fuel increase and CPI into consideration.

Commissioner Nelson moved to approve a rate increase effective My 1, 2008, based on documented fuel cost increases which takes the new Contracted Rate of \$112.60 and a new Constructive Rate of \$129.52 per service hour, as defined by the contract between YARTS and VIA Adventures.

Seconded by Commissioner Fritz.

MOTION CARRIED UNANIMOUSLY.

11. A More Regional YARTS

Dick Whittington gave a review of the staff report. Under the “Perspective” section of the report, the staff report stated responses came back from all areas and most were positive or at least encouraging. Ken Gosting, Transportation Involves Everyone, stated that the responses from Madera County were in reluctance towards YARTS and that the staff report wording implied otherwise. Dick Whittington stated that he should have included that when he and Commissioner Magee-Bauer met at the Fresno COG not everyone in the room thought that having YARTS on Hwy 41 was a great idea and there was considerable negativity expressed. Commissioner Magee-Bauer stated that the negativity was expressed by members who reside outside of Fresno County at the small group meeting after the meeting with the Fresno COG; the Fresno COG gave no indication one way or the other of approval or opposition to YARTS.

Dick Whittington stated that in the next YARTS agenda he will have a revised report.

12. Park and Ride Project Update

So noted.

13. Election of Officers for FY 2008-2009

Commissioner Nelson moved to nominate Commissioner Fritz as the Chair for FY 2008-2009.

Seconded by Commissioner Magee-Bauer.

MOTION CARRIED UNANIMOUSLY.

Commissioner Nelson moved to nominate Commissioner Magee-Bauer as Vice-Chair for FY 2008-2009.

Seconded by Commissioner Fritz.

MOTION CARRIED UNANIMOUSLY.

14. FY 2008-2009 Meeting Dates

Commissioner Magee-Bauer moved to approve the following meeting dates and locations:

August 4, 2008 – Mammoth Lakes in Mono County

October 27, 2008 – Mariposa County

January 12, 2009 Merced County

April 6, 2009 – Merced County

Seconded by Commissioner Fritz.

MOTION CARRIED UNANIMOUSLY.

15. Managers’ Report

Dick Whittington gave a review of the staff report.

16. Oral Report – National Park Service Report

Marty Nielson gave the report from the National Park Service. The report is attached herein:

NPS Report -- YARTS Board Meeting -- April 7, 2008

Ninth Circuit Court Rules on the Merced River Plan (MRP)

-On March 27, 2008 the Ninth Circuit issued a ruling denying the NPS appeal to overturn the decision of the District Court which had found that the MRP was inadequate and that a completely new MRP was needed.

-As a result of the November 2006 ruling by the District Court, the park initiated a new MRP planning effort with a deadline of September of 2009 for completion.

-The park continues to develop a new plan. However, we continue to believe the original MRP is valid and protects the river. Among other things, the court rejected the user capacity program (VERP) saying it was "reactive" and action would only be taken after degradation occurs. However, the park disagrees and contends that VERP is widely applied in other national parks and user capacity experts (both from academia and land mgt. agencies) agree this is the best way to manage the river.

-The decision has huge implications, both in Yosemite National Park and in managing Wild & Scenic Rivers nationwide.

Tioga Road Corridor

-Consistent with the past two years, park road crews are scheduled to start plowing the Tioga Pass Road on May 1.

-The April 1 survey is considered the benchmark for the season, and is used to determine water allocations throughout the state. Water content of the snow pack is 99% of average for the Tuolumne drainage and 94% of average for the Merced drainage. Tuolumne Meadows Total settled snow depth: 45" as of April 2

Reconstruct El Portal Road at the "narrows"

-This project has the following traffic impacts:

Monday through Saturday – 30 minute delays from 6:00 a.m. until 10:00 p.m.

Night closures will occur on Sunday through Thursday nights from 10:00 pm until 6:00 am with an opening at 11:00 pm for shift workers.

-Much of the cut and fill has been completed. In addition to that continuing work, the contractor is beginning the shotcrete overlay, facing the surface with rock and placing rip rap.

Tunnel View

-Vegetation has been cleared from this historic vista. The Yosemite Fund is to sign a contract for the masonry work, drainage and walkways improvements.

Gateway Partners Meeting

-The next Gateway Partners meeting will be held on April 10th from 10:00 a.m. to 2:00 p.m. in The Cliff Room at Yosemite Lodge.

17. Board of Commissioners Remarks

So noted.

THERE BEING NO FURTHER BUSINESS OF THE YARTS JOINT POWERS AUTHORITY, THE MEETING WAS ADJOURNED AT 3:16 PM.