



ESTA BOARD AGENDA

Regular Meeting

Friday, April 12, 2019 at 11:00am
City of Bishop Council Chambers
301 West Line St, Bishop, California

The Agenda is available at www.estransit.com

Chairperson: Jeff Griffiths

Vice-Chairperson: Bob Gardner

Board Members:

Kirk Stapp (Mammoth Lakes)
Karen Schwartz (Bishop)
Jim Ellis (Bishop)
Dan Totheroh (Inyo County)

Jeff Griffiths (Inyo County)
Jennifer Halferty (Mono County)
Bill Sauser (Mammoth Lakes)
Bob Gardner (Mono County)

Note: In compliance with the Americans with Disabilities Act, if an individual requires special assistance to participate in this meeting, please contact Eastern Sierra Transit at (760) 872-1901 ext. 15 or 800-922-1930. Notification 48 hours prior to the meeting will enable the Authority to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 13.102-35.104 ADA Title II)

Call to Order

Pledge of Allegiance

Roll Call

Public Comment: The Board reserves this portion of the agenda for members of the public to address the Eastern Sierra Transit Authority Board on any items not on the agenda and within the jurisdiction of the Board. The Board will listen to all communication, but in compliance with the Brown Act, will not take any action on items that are not on the agenda.

A. Information Agenda

- A-1 Executive Director Report
Reporting on ESTA activities and performance.
- A-2 Audited Financials
Receive and file (Amy Shepard)
- A-3 Financial Report
- A-4 Operations Report
- A-5 Previous Year Route Cost Analysis

- A-6 Triennial Audit and Organizational Assessment Recommendation Update Report on recommendations from the May 2018 Organizational Assessment and Triennial Audit Report issued April 2018
- A-7 Employee of the Quarter (Q1 2019)

B. Action Agenda

- B-1 Bi-Annual Service Analysis (Six-month service proposal)
- B-2 Charter Policy
- B-3 Approve Resolution 2019-03 providing Authorization to File and Execute Grant Application Pursuant to Section 5311(f) of the Federal Transit Act
- B-4 Approve Special Use Permit for 2019 Reds Meadow Shuttle Service
- B-5 Approve Special Use Permit for 2019 Bishop Creek Shuttle
- B-6 Approve 2019 Reds Meadow Shuttle Tickets Sales-Line Hosting agreement with Mammoth Mountain Ski Area

C. Consent Agenda The following items are considered routine and non-controversial by staff and will be approved by one motion if no member of the ESTA or public wishes an item removed. If discussion is desired by anyone, the item will be removed from the consent agenda and will be considered separately. Questions of clarification may be made by ESTA Board members, without the removal of the item from the Consent Agenda.

- C-1 Approval of Meeting Minutes of March 8, 2019
- C-2 Federal Year 2019 Certifications and Assurances

D. Board Member Comments

E. Adjournment

The next scheduled regular meeting will be **May 10, 2019** in Mammoth Lakes, Town of Mammoth Lakes Council Chambers, 2520 Main St., Ste Z at 9:00 am.

STAFF REPORT

Subject: Executive Director's Report
Presented by: Phil Moores, Executive Director

Safety:

Mike Ahles, a new trainer was promoted this month to assist in post-accident training. Mike has a stellar safety record driving in Mammoth under severe conditions. His expertise will make a difference and improve our accident rate.

Maintenance:

Video cameras were successfully installed on Mammoth 40-foot buses in March. ESTA, The Town, and The Mountain are working on maintenance challenges together. We had our first meeting in March to discuss potential collaborations. The ESTA Mammoth facility is underutilized and discussions will include how to better support ESTA and staff the maintenance bays.

Training:

We are recruiting for the summer service. Supervisor, Chris Usher completed Transit Safety Institute Bus Operator Instructor training last week. He is now certified to sign off on Verification of Transit Training hours during new Bus Operator training. Karie and Dawn attended HR training this week. I am conducting Drug and Alcohol training after the meeting today.

Planning:

A new Kern County transit center in Mojave is planned to break ground in June. I spoke with them and they plan to include ESTA in the parking plan. The annual Unmet Transit Needs process has begun and I am traveling the two counties taking comments from different communities. If they are reasonable to meet, I will make the recommendation to the Board. Regardless, I will evaluate and comment on all the requests.

There are three grant opportunities currently being worked on:

1. Low or No Emissions Vehicle 5339(c)
 - a. This competitive grant would assist ESTA in electric vehicle purchasing
2. 5339 Savings – Vehicle Replacement
 - a. ESTA is working directly with Caltrans to apply for 5339 savings left over from unused funds. We will almost certainly get enough to replace 2-4 trolleys. These trolleys were purchased in 2006.
3. Innovations in Transit Safety
 - a. The primary purpose of these competitively selected grants is to identify innovative solutions to reduce or eliminate human trafficking occurring on transit systems, protect transit operators from the risk of assault, and reduce crime on public transit vehicles and facilities.

STAFF REPORT

Subject: 2017/18 Audited Financial Report for the Eastern Sierra
Transit Authority

Presented by: Karie Bentley, Administration Manager

BACKGROUND:

The Transportation Development Act requires that claimants receiving funds for transit services from a County Transportation Commission submit to an annual certified fiscal audit.

ANALYSIS/DISCUSSION:

In compliance with the requirements of the Transportation Development Act, the Eastern Sierra Transit Authority has an audited financial report prepared each year for the preceding fiscal year. The audit was performed this year by the firm CliftonLarsonAllan (CLA). This was the first year of their contract with ESTA. CliftonLarsonAllan was chosen to perform the audit following a procurement conducted last year.

The audit for the fiscal year ending June 30, 2018 including the Management Report is included on the following pages and will be available for public viewing on ESTA's website.

RECOMMENDATION:

This item is presented for the information of the Board, which is requested to receive and file the report.



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Board of Directors
Eastern Sierra Transit Authority
Bishop, California

We have audited the financial statements of Eastern Sierra Transit Authority as of and for the years ended June 30, 2018 and 2016, and have issued our report thereon dated March 19, 2019. We have previously communicated to you information about our responsibilities under auditing standards generally accepted in the United States of America and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. Professional standards also require that we communicate to you the following information related to our audit.

Significant audit findings

Qualitative aspects of accounting practices

Accounting policies

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Eastern Sierra Transit Authority are described in Note 1 to the financial statements.

The Authority changed accounting policies related to Postemployment Benefits Other Than Pensions (OPEB) by adopting Governmental Accounting Standards Board (GASB) Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other than Pensions*. The cumulative effect of the change resulted in a decrease to net position of \$519,898 as of the beginning of the fiscal year.

We noted no transactions entered into by the entity during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

- Management believes receivables are fully collectible based on historical experience. Accordingly, no allowance for doubtful accounts is included in the financial statements.

Board of Directors
Eastern Sierra Transit Authority
Bishop, California
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- Management's estimate of OPEB liability is derived from actuarial valuations obtained from experts. We compared the liability reported in the financial statements to the actuarial report prepared and issued for the year under audit. Considering the total liability at year-end is based on a third-party actuarial, the liability amount was deemed reasonable.
- Management's estimate of pension liability is derived from actuarial valuations obtained from PERS. We compared the liability reported in the financial statements to the actuarial report prepared and issued for the year under audit and tested underlying census data.

Financial statement disclosures

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. There were no particularly sensitive financial statement disclosures.

The financial statement disclosures are neutral, consistent, and clear.

Supplementary Information

With respect to the Required Supplementary Information—Pensions (collectively, the required supplementary information) accompanying the financial statements, on which we were engaged to report in relation to the financial statements as a whole, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period or the reasons for such changes, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves. We have issued our report thereon dated March 19, 2019.

Difficulties encountered in performing the audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Uncorrected misstatements

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management did not identify and we did not notify them of any uncorrected financial statement misstatements. Management has corrected all such misstatements.

Corrected misstatements

None of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

Board of Directors
Eastern Sierra Transit Authority
Bishop, California
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Disagreements with management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. No such disagreements arose during our audit.

Management representations

We have requested certain representations from management that are included in the management representation letter dated March 19, 2019

Management consultations with other independent accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the entity's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Significant issues discussed with management prior to engagement

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to engagement as the entity's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our engagement.

This communication is intended solely for the information and use of the Board of Directors and management of Eastern Sierra Transit Authority and is not intended to be, and should not be, used by anyone other than these specified parties.



CliftonLarsonAllen LLP

Roseville, California
March 19, 2019

EASTERN SIERRA TRANSIT AUTHORITY
FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2018

**EASTERN SIERRA TRANSIT AUTHORITY
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INDEPENDENT AUDITORS' REPORT

Board of Directors
Eastern Sierra Transit Authority
Bishop, California

We have audited the accompanying financial statements of Eastern Sierra Transit Authority (ESTA), which comprise the statement of net position as of June 30, 2018, and the related statements of revenues, expenses, and changes in net position, and cash flows for the year then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

(1)

Board of Directors
Eastern Sierra Transit Authority

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Eastern Sierra Transit Authority as of June 30, 2018, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

Implementation of New Accounting Standards

As disclosed in the notes to the financial statements, ESTA implemented GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions* during fiscal year 2018. Our opinion is not modified with respect to this matter.


Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, schedule of ESTA's proportionate share of the net pension liability and schedule of contributions, and other postemployment benefits (OPEB) plan schedule of changes in ESTA's net OPEB liability and related ratios be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated March 19, 2019, on our consideration of ESTA's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of ESTA's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering ESTA's internal control over financial reporting and compliance.



CliftonLarsonAllen LLP

Roseville, California
March 19, 2019

**EASTERN SIERRA TRANSIT AUTHORITY
MANAGEMENT'S DISCUSSION AND ANALYSIS
JUNE 30, 2018**

The following Management's Discussion and Analysis (MD&A) of the Eastern Sierra Transit Authority (ESTA) financial performance provides an introduction to the financial statements for the year ended June 30, 2018. The information contained in this MD&A should be considered in conjunction with the information contained in ESTA's financial statements.

OVERVIEW OF THE FINANCIAL STATEMENTS

ESTA's financial statements are prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America promulgated by the Governmental Accounting Standards Board. ESTA is structured as an enterprise fund. ESTA's revenues are recognized when earned, not when received. Expenses are recognized when incurred, not when paid. Capital assets are capitalized and, with the exception of land, are depreciated over their useful lives. See the notes to the financial statements for a summary of ESTA's significant accounting policies.

Following this discussion and analysis are the basic financial statements of ESTA.

ESTA's basic financial statements are designed to provide readers with a broad overview of ESTA's financial status.

The statement of net position presents information on all of ESTA's assets and deferred outflows of resources and liabilities and deferred inflows of resources with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of ESTA's financial position.

$$\text{Net Position} = (\text{Assets} + \text{Deferred Outflows of Resources}) - (\text{Liabilities} + \text{Deferred Inflows of Resources})$$

The statement of revenues, expenses, and changes in net position presents information showing the change in ESTA's net position during the fiscal year. All changes in net position are reported as soon as the underlying event occurs, regardless of timing of related cash flows. Thus, revenues and expenses are recorded and reported in this statement for some items that will result in cash flows in future periods.

The statement of cash flows relates to the flows of cash and cash equivalents. Consequently, only transactions that affect ESTA's cash accounts are recorded in this statement. A reconciliation of the statement of cash flows is provided at the bottom of the statement to assist in understanding the difference between cash flows from operating activities and operating income.

The notes to the financial statements provide additional information that is essential to a full understanding of the data provided in the basic financial statements.

**EASTERN SIERRA TRANSIT AUTHORITY
 MANAGEMENT'S DISCUSSION AND ANALYSIS
 JUNE 30, 2018**

FINANCIAL HIGHLIGHTS

On June 30, 2018, the assets and deferred outflows of ESTA exceeded its liabilities and deferred inflows by \$6,972,483 (net position). Of this amount, \$4,234,395 (unrestricted net position) may be used to meet ESTA's ongoing obligations to citizens and creditors and \$2,738,088 is ESTA's net investment in capital assets.

ESTA's capital assets (e.g., land, infrastructure and equipment) decreased by \$726,099 due to \$394,636 of capital asset additions and \$89,205 of retirements offset by the annual depreciation of existing assets.

Long-term liabilities increased by \$219,296 due to the initial recognition of the total other postemployment benefits liability of \$610,279 and a decrease to the net pension liability of \$390,983.

FINANCIAL POSITION

Condensed Statement of Net Position

	2018	2017	Variance	Change
Assets:				
Current and Other Assets	\$ 5,039,778	\$ 4,307,567	17.00 %	\$ 732,211
Capital Assets	2,738,088	3,464,187	(20.96)	(726,099)
Total Assets	<u>7,777,866</u>	<u>7,771,754</u>	0.08	6,112
Deferred Outflows	917,552	1,014,683	(9.57)	(97,131)
Liabilities:				
Current Liabilities	637,010	431,646	47.58	205,364
Long-Term Liabilities	760,267	540,971	40.54	219,296
Total Liabilities	<u>1,397,277</u>	<u>972,617</u>	43.66	424,660
Deferred Inflows	325,658	127,126	156.17	198,532
Net Position:				
Net Investment in Capital Assets	2,738,088	3,464,187	(20.96)	(726,099)
Unrestricted	4,234,395	4,222,507	0.28	11,888
Total Net Position	<u>\$ 6,972,483</u>	<u>\$ 7,686,694</u>	(9.29)	<u>\$ (714,211)</u>

As shown in the schedule above, at June 30, 2018, ESTA's total assets are \$7,777,866. The total assets held increased \$6,112 from the June 30, 2017 balance of \$7,771,754. The increase in total assets was due primarily to the \$751,577 increase in Due from Other Governments. Deferred outflows of \$917,552 represent contributions made by ESTA during fiscal year 2017/18 after the pension and OPEB liability measurement date of June 30, 2017 and other pension related deferred outflows.

The largest portion of ESTA's net position reflects its unrestricted portion. These funds may be used to meet ESTA's ongoing obligations to citizens and creditors.

**EASTERN SIERRA TRANSIT AUTHORITY
MANAGEMENT'S DISCUSSION AND ANALYSIS
JUNE 30, 2018**

**Changes in Net Position
Years Ended June 30, 2018 and 2017**

	2018	2017	Variance	Change
Revenues:				
Operating	\$ 1,882,467	\$ 1,882,654	-0.01%	\$ (187)
Nonoperating	3,081,579	2,747,417	12.16%	334,162
Total Revenues	<u>4,964,046</u>	<u>4,630,071</u>	7.21%	<u>333,975</u>
Expenses:				
Operating Expenses	5,581,493	5,158,750	8.19%	422,743
Nonoperating Expenses	139,629	-	100.00%	139,629
Total Expenses	<u>5,721,122</u>	<u>5,158,750</u>	10.90%	<u>562,372</u>
Capital Contributions	<u>562,763</u>	<u>138,572</u>	306.12%	<u>424,191</u>
Change in Net Position	(194,313)	(390,107)	50.19%	195,794
Net Position - Beginning	7,686,694	8,076,801	-4.83%	(390,107)
Prior Period Adjustment	(519,898)	-	100.00%	(519,898)
Net Position - Ending	<u>\$ 6,972,483</u>	<u>\$ 7,686,694</u>	-9.29%	<u>\$ (714,211)</u>

Revenues – ESTA's revenues for fiscal year 2017/18 increased by 7.21% or \$333,975. The increase was related primarily to additional State funding due to SB-1 legislation, increased Federal revenue for operation of expanded Reno/Lancaster service, and increases in other agency contributions. There were also increases to miscellaneous revenue which includes insurance and utility billings to the Town of Mammoth Lakes.

Expenses – ESTA's expenses for fiscal year 2017/18 increased 10.90% or \$562,372. Non-operating expenses increased by \$139,629 due to the return of unused funding in 2018. While this funding is still available to ESTA, it should be paid on a reimbursement basis. Operating expenses increased by 8.19% from the prior fiscal year primarily due to the implementation of GASB 75 that resulted in the reporting of a postemployment benefits liability and increased pension expenses.

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets – ESTA's investment in capital assets as of June 30, 2018 amounted to \$2,738,088 (net of accumulated depreciation and related debt). This investment in capital assets includes land, land improvements, and equipment. The \$726,099 decrease is due to depreciation of \$1,120,735.

Additional information on ESTA's capital assets can be found in Note 3 of this report.

Long-term liabilities - At June 30, 2018, ESTA reported \$760,267 related to net pension and OPEB liabilities.

Additional information on ESTA's long-term liabilities can be found in Notes 5 and 6 of this report.

**EASTERN SIERRA TRANSIT AUTHORITY
MANAGEMENT'S DISCUSSION AND ANALYSIS
JUNE 30, 2018**

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

Eastern Sierra Transit, like most employers in the Eastern Sierra region has been experiencing increased challenges in recruiting and retaining employees. Much of this is believed to be related to an acute shortage of available housing in the region. Particularly in Mammoth Lakes, the growth of the short-term rental market (Air BNB, VRBO), has moved many properties from the long-term rental inventory to short term. Increased employee compensation may be needed in future years to address this situation.

The current administration at the federal level has threatened to reduce funding to nearly every federal department, including the Department of Transportation. This may reduce federal funding in the future for programs such as the Inter-city bus service funded under Section 5311(f).

ESTA anticipates working on the new administration building which is partially funded with the 2018 FTA 5339 Bus & Bus Facilities Infrastructure Investment Program grant and will continue applying for additional funding.

REQUEST FOR INFORMATION

This financial report is designed to provide a general overview of ESTA's finances for all those with an interest in ESTA's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Eastern Sierra Transit Authority Executive Director, at P.O. Box 1357, Bishop, CA 93515 or the Inyo County Auditor-Controller at P.O. Drawer R, Independence, CA 93526.

**EASTERN SIERRA TRANSIT AUTHORITY
 STATEMENT OF NET POSITION
 JUNE 30, 2018**

ASSETS

CURRENT ASSETS

Cash	\$	3,863,822
Accounts Receivable		203,100
Due From Other Governments		751,577
Interest Receivable		12,258
Prepaid Expenses		209,021
Total Current Assets		5,039,778

Capital Assets, Net of Accumulated Depreciation		2,738,088
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Total Assets		7,777,866
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DEFERRED OUTFLOWS OF RESOURCES

Deferred Other Postemployment Benefits		859
Deferred Pensions		916,693
		917,552

LIABILITIES AND NET POSITION

CURRENT LIABILITIES

Accounts Payable and Accrued Liabilities		371,864
Salaries Payable		120,958
Compensated Absences		142,538
Unearned Revenue		1,650
Total Current Liabilities		637,010

NONCURRENT LIABILITY

Net Other Post Employment Benefits Liability		610,279
Net Pension Liability		149,988
Total Noncurrent Liabilities		760,267

Total Liabilities		1,397,277
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DEFERRED INFLOWS OF RESOURCES

Deferred Pensions		325,658
		325,658

NET POSITION

Net Investment in Capital Assets		2,738,088
Unrestricted		4,234,395
Total Net Position		\$ 6,972,483

See accompanying Notes to Financial Statements.

**EASTERN SIERRA TRANSIT AUTHORITY
 STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION
 YEAR ENDED JUNE 30, 2018**

OPERATING REVENUES	
Fare Revenues	\$ 1,882,467
Total Operating Revenues	1,882,467
 OPERATING EXPENSES	
Salaries and Benefits	2,694,624
Fuel	454,961
Vehicle Maintenance	575,870
Professional and Other Services	181,844
Depreciation Expense	1,120,735
Insurance	185,761
Rents	180,219
Miscellaneous Expenses	36,934
Parts and Supplies	51,595
Utilities	59,638
Advertising	39,312
Total Operating Expenses	5,581,493
 OPERATING LOSS	 (3,699,026)
 NONOPERATING REVENUES	
Local Transportation Fund Allocation	1,240,646
State Transportation Fund Allocation	349,860
Intergovernmental Revenues	595,269
Capital Grants	562,763
Operating Assistance	876,958
Return of Unused Funding	(139,629)
Other Revenues	16,888
Use of Money and Property	1,958
Total Nonoperating Revenues	3,504,713
 CHANGE IN NET POSITION	 (194,313)
Net Position - Beginning of Year - Restated	7,166,796
 NET POSITION - END OF YEAR	 \$ 6,972,483

See accompanying Notes to the Financial Statements.

**EASTERN SIERRA TRANSIT AUTHORITY
 STATEMENT OF CASH FLOWS
 YEAR ENDED JUNE 30, 2018**

CASH FLOWS FROM OPERATING ACTIVITIES	
Receipts from Customers	\$ 1,901,446
Other Operating Expenses	(1,743,565)
Payroll and Related Fringe Benefits	(2,613,728)
Net Cash Used by Operating Activities	(2,455,847)
 CASH FLOWS FROM INVESTING ACTIVITIES	
Received for Use of Money and Property	(1,395)
Net Cash Used by Investing Activities	(1,395)
 CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES	
Local Transportation Fund Allocation	1,240,646
State Transit Assistance Allocation	349,860
Operating and Capital Grants	595,269
Operating Assistance	590,612
Other Revenues	16,888
Net Cash Provided by Noncapital Financing Activities	2,793,275
 CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES	
Capital Grants	155,012
Payments for Capital Asset Purchases	(394,636)
Net Cash Used by Capital and Related Financing Activities	(239,624)
NET INCREASE IN CASH AND CASH EQUIVALENTS	96,409
Cash and Cash Equivalents - Beginning of Year	3,767,413
CASH AND CASH EQUIVALENTS - END OF YEAR	\$ 3,863,822

See accompanying Notes to the Financial Statements.

**EASTERN SIERRA TRANSIT AUTHORITY
 STATEMENT OF CASH FLOWS
 YEAR ENDED JUNE 30, 2018**

RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES

Operating Income (Loss)	\$ (3,699,026)
Adjustments to Reconcile Operating Loss to Net Cash Provided (Used) by Operating Activities:	
Depreciation	1,120,735
(Increase) Decrease in:	
Accounts Receivable	18,879
Prepaid Expense	42,769
Deferred Pensions	97,990
Deferred Other Postemployment Benefits	(859)
Increase (Decrease) in:	
Accounts Payable and Accrued Liabilities	(20,200)
Salaries Payable	85,835
Unearned Revenue	100
Net Pension Liability	(390,983)
Net Other Postemployment Liability	90,381
Deferred Pensions	198,532
	198,532
Net Cash Provided (Used) by Operating Activities	\$ (2,455,847)

NONCASH CAPITAL AND FINANCING ACTIVITIES

Repayment of Operating Assistance	\$ 139,629
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See accompanying Notes to the Financial Statements.

**EASTERN SIERRA TRANSIT AUTHORITY
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2018**

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity

The Eastern Sierra Transit Authority (ESTA) was established in 2007 by a joint powers agreement between Inyo County, Mono County, the City of Bishop, and the Town of Mammoth Lakes to operate a regional transportation system in the eastern Sierra region.

As required by Governmental Accounting Standards Board (GASB) Statement No. 14, *The Financial Reporting Entity*, ESTA has reviewed criteria to determine whether other entities with activities that benefit ESTA should be included within its financial reporting entity. The criteria include, but are not limited to, whether the entity has a significant operational and financial relationship with ESTA.

ESTA has determined that no other outside entity meets the above criteria and, therefore, no agency has been included as a component unit in ESTA's financial statements. In addition, ESTA is not aware of any entity that has such a relationship to ESTA that would result in ESTA being considered a component unit of that other entity.

Basis of Presentation

ESTA reports the activity relevant to its operations in an enterprise fund. The enterprise fund is used to account for operations that are financed and operated in a manner similar to private business enterprises, where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges, or where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other policies. Unrestricted net position for the enterprise fund represents the net position available for future operations.

Measurement Focus and Basis of Accounting

Accounting and financial reporting treatment applied to a fund is determined by its measurement focus. The enterprise fund is accounted for on a flow of economic resources measurement focus. This measurement focus emphasizes the determination of increased/decreased net position. The accrual basis of accounting is used for the enterprise fund. Under this method, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred.

Operating Revenues — Revenues from the sale of tickets and passenger rides are recognized as income when the related service is provided.

Nonoperating Revenues — ESTA receives substantial funds that are not reported as operating revenues. For example, ESTA receives operating assistance from the Town of Mammoth Lakes. These funds are recognized as revenue when all applicable eligibility requirements are met. ESTA receives annual allocations from the Local Transportation and State Transit Assistance funds of the two counties it provides services in. These allocations are recognized into income as received. ESTA also receives a number of grants from various sources. These are recognized into income as eligibility requirements are met.

**EASTERN SIERRA TRANSIT AUTHORITY
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2018**

The following is a description of ESTA's main funding sources:

Passenger Revenue

Passenger fares consist of fare charges to the users of the system.

Operating Assistance

As mentioned above, the Town of Mammoth Lakes, a member of the Joint Powers Authority, provides operating assistance to ESTA. These revenues are not included as a component of fare revenues, but instead are reported as nonoperating revenues.

Federal Transit Administration (FTA)

FTA revenues are funded by a federal gas tax and revenues of the federal general fund. ESTA receives Section 5311 and Section 5316 grants which are used for operations. In addition, ESTA has received funds from Sections 5310 and 5320 as well as American Recovery and Reinvestment Act of 2009 (ARRA) funds, which have been used for capital assistance.

Transportation Development Act (TDA)

TDA provides funding for public transit operators. This is also known as Local Transportation Fund (LTF) funding. This state fund is one quarter of a percent of the sales taxes assessed in the multi-jurisdictional region. The Inyo County and Mono County Local Transportation commissions are responsible for apportionment of these funds within both Inyo and Mono Counties. This funding is highly dependent on local economic activity.

State Transit Assistance (STA)

STA funding comes from the Public Transportation Act (PTA) which derives its revenue from the state sales tax on gasoline. These funds are designated as discretionary or formula. The former is appropriated by the legislature. The latter is a formula based on population and fares generated.

Budgetary Information

State law requires the adoption of an annual budget for the enterprise fund, which must be approved by the board of directors. The budget is prepared on an accrual basis. The board of directors adopts an annual budget for transit operations. The executive director shall have the authority to transfer funds between line items, not to exceed \$5,000 or 20% for any one line item, whichever is greater, with the limits of the overall budget. The executive director shall report, on a regular basis, any such transfers to and from budgeted line items. Budget amendments in excess of \$5,000 or 20% of a line item, whichever is greater, shall require board approval.

Cash and Cash Equivalents

For purposes of the statement of cash flows, ESTA considers all highly liquid investments with a maturity of three months or less when purchased to be cash and cash equivalents.

**EASTERN SIERRA TRANSIT AUTHORITY
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2018**

Investments

Investments consist of funds deposited in the pooled fund with Inyo County. Investments are stated at market value. Such investments are within the state statutes and ESTA's investment policy.

Capital Assets

Capital assets are stated at historical cost. The cost of normal maintenance and repairs is charged to operations as incurred. Improvements are capitalized and depreciated over the remaining useful lives of the related properties. Depreciation is computed using the straight-line method over estimated useful lives as follows:

Buildings and Improvements	40 to 50 Years
Buses and Maintenance Vehicles	4 to 12 Years
Light-Rail Structures and Light-Rail Vehicles	25 to 45 Years
Other Operating Equipment	5 to 15 Years

It is the policy of ESTA to capitalize all capital assets with an individual cost of more than \$5,000, and a useful life in excess of one year.

Compensated Absences

ESTA's policy allows employees to accumulate earned but unused comprehensive leave and compensated time off, which will be paid to employees upon separation from ESTA's service, subject to a vesting policy.

Federal, State, and Local Grant Funds

Grants are accounted for in accordance with the purpose for which the funds are intended. Approved grants for the acquisition of land, building, and equipment are recorded as revenues as the related expenses are incurred. Approved grants for operating assistance are recorded as revenues in which the related grant conditions are met. Advances received on grants are recorded as a liability until related grant conditions are met. The Transportation Development Act (TDA) provides that any funds not earned and not used may be required to be returned to their source.

When both restricted and unrestricted resources are available for the same purpose ESTA uses restricted resources first.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Allowance for Doubtful Accounts

Accounts receivable consist entirely of amounts due from other governmental agencies for operating and capital grants. Management believes its accounts receivable to be fully collectible, and, accordingly, no allowance for doubtful accounts is required.

**EASTERN SIERRA TRANSIT AUTHORITY
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2018**

NOTE 2 CASH AND INVESTMENTS

Cash and investments consisted of the following at June 30, 2018:

Deposits Held in the County of Inyo Investment Pool	\$ 3,739,757
Deposits Held in Financial Institutions	123,865
Imprest Cash	200
Total	<u>\$ 3,863,822</u>

Custodial Credit Risk

At June 30, 2018, the carrying amount of the deposits held at banks was \$123,865 and the bank balances totaled \$123,865. The bank balances are insured by the FDIC for \$250,000. State law requires that the collateral be equal to or greater than 100% of all public deposit that is held with the pledging financial institution if government securities are used or 150% if mortgages are used as the collateral.

Authorized Investments

California statutes authorize ESTA to invest idle or surplus funds in a variety of credit instruments as provided for in California Government Code Section 53600, Chapter 4 — Financial Affairs.

The Government Code allows investments in the following instruments:

- Securities of the United States government, or its agencies
- Small Business Administration loans
- Certificates of Deposit (or Time Deposits) Negotiable Certificates of Deposit
- Commercial paper and medium-term corporate notes
- Local Agency Investment Fund (State Pool and County Pool) Demand Deposits
- Repurchase Agreements (Repos)
- Passbook Savings Account Demand Deposits
- Reverse Repurchase Agreements
- County Cash Pool

The bulk of ESTA's assets are held in an investment pool with the County of Inyo. More information about the County's investments can be found in the County's financial statements.

**EASTERN SIERRA TRANSIT AUTHORITY
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2018**

Cash in County Treasury

Cash in Inyo County is held by the Inyo County treasurer in an investment pool. The County maintains a cash and investment pool in order to facilitate the management of cash. Cash in excess of current requirements is invested in various interest-bearing securities. Information regarding categorization and fair value of investments can be found in the County's financial statements. The treasurer's investments and policies are overseen by the Inyo County Treasury Oversight Committee.

Government Accounting Standards Board Statement No. 40 requires additional disclosures about a government's deposits and investment risks that include custodial risk, credit risk, concentration risk, and interest rate. ESTA did not have a deposit or investment policy that addresses specific types of risks.

Required risk disclosures for ESTA's investment in the Inyo County Investment Pool at June 30, 2018 were as follows:

Credit Risk	Not rated
Custodial Risk	Not applicable
Concentration of Credit Risk	Not applicable
Interest Rate Risk	671 days average maturity

The fair value of ESTA's investment in the Inyo County Investment Pool is determined on an amortized cost basis which approximates fair value.

NOTE 3 CAPITAL ASSETS

Capital assets consisted of the following at June 30, 2018:

	Balance 7/1/2017	Additions	Deletions	Balance 6/30/2018
Capital assets, not being depreciated				
Construction in progress	\$ -	\$ 23,189	\$ -	\$ 23,189
Total capital assets not being depreciated	<u>-</u>	<u>23,189</u>	<u>-</u>	<u>23,189</u>
Capital assets, being depreciated				
Structures and improvements	551,453	-	(6,981)	544,472
Equipment	9,092,957	371,447	(82,224)	9,382,180
Total capital assets, being depreciated	<u>9,644,410</u>	<u>371,447</u>	<u>(89,205)</u>	<u>9,926,652</u>
Less accumulated depreciation for				
Structures and improvements	(51,869)	(26,676)	6,981	(71,564)
Equipment	(6,128,354)	(1,094,059)	82,224	(7,140,189)
Total accumulated depreciation	<u>(6,180,223)</u>	<u>(1,120,735)</u>	<u>89,205</u>	<u>(7,211,753)</u>
Capital Assets, Net	<u>\$ 3,464,187</u>	<u>\$ (726,099)</u>	<u>\$ -</u>	<u>\$ 2,738,088</u>

Depreciation expense was \$1,120,735 for the year ended June 30, 2018.

**EASTERN SIERRA TRANSIT AUTHORITY
 NOTES TO THE FINANCIAL STATEMENTS
 YEAR ENDED JUNE 30, 2018**

NOTE 4 FARE REVENUE RATIO

ESTA is required to maintain a fare revenue-to-operating expense ratio of 10% in accordance with the Transportation Development Act. The fare revenue-to-operating expense ratio for ESTA is calculated as follows for the year ended June 30, 2018:

Fare Revenues	\$ 1,882,467
Operating Expenses	5,581,493
Less: Allowable Exclusions:	
Depreciation and Amortization	(1,120,735)
Net Operating Expenses	\$ 4,460,758
Fare Revenue Ratio	42.20%

NOTE 5 LEASES

Operating Leases

ESTA leases office space and grounds under non-cancellable leases. Total costs for these leases was \$180,219 for the year ended June 30, 2018. The future minimum lease payments are as follows:

<u>Year Ending June 30,</u>	<u>Amount</u>
2019	\$ 21,492
2020	19,836
2021	1,350
Total	\$ 42,678

ESTA also leases office and garage space from the town of Mammoth Lakes. This lease is cancellable by ESTA and is paid for on a month to month basis at a rate of \$12,500 per month.

NOTE 6 EMPLOYEES' RETIREMENT PLAN (DEFINED BENEFIT PLAN)

Plan Description

ESTA's defined benefit pension plan, the California Public Employee's Retirement System, provides retirement and disability annual cost of living adjustments, and death benefits to plan members and beneficiaries. The California Public Employee's Retirement System (CalPERS) is a cost sharing multiple-employer plan administered by CalPERS, which acts as a common investment and administrative agent for participating public employers within the state of California. A menu of benefit provisions as well as other requirements are established by state statutes within the Public Employee's Retirement Law. ESTA selects optional benefit provisions from the benefit menu by contract with CalPERS and adopts those benefits through local ordinance (other local methods). CalPERS issues a separate report.

**EASTERN SIERRA TRANSIT AUTHORITY
 NOTES TO THE FINANCIAL STATEMENTS
 YEAR ENDED JUNE 30, 2018**

Funding Policy

Active plan members in ESTA's defined pension plan are required to contribute either 8%, 7%, or 6.25% of their annual covered salary depending upon the plan in which the employee participates. ESTA is required to contribute the actuarially determined remaining amounts necessary to fund the benefits for its members. The fiscal year 2017/2018 employer rates are as follows:

Tier	Misc.	PEPRA
Tier 1	9.5390 %	6.5330 %
Tier 2	8.4180 %	N/A

The actuarial methods and assumptions used are those adopted by the CalPERS board of administration. The contribution requirements of the plan members are established by state statute and the employer contribution rate is established and may be amended by CalPERS. Per the employee Memorandum of Understanding, ESTA pays the plan members' contribution on their behalf for employees hired on or before December 31, 2012.

Actuarial Assumptions

ESTA's net pension liability is measured as its proportionate share of the total pension liability, less the proportionate share of the pension plan's fiduciary net position. The net pension liability of the cost sharing plan is measured as of June 30, 2017, using an annual actuarial valuation as of June 30, 2016 rolled forward to June 30, 2017 using standard update procedures. A summary of principal assumptions and methods used to determine the net pension liability is shown below.

- Discount Rate/Rate of Return – 7.15%, - reduced from 7.65% in the previous valuation
- Inflation Rate – 2.75%
- Salary increases – Varies by Entry Age and Service
- COLA Increases – up to 2.75%
- Post-Retirement Mortality – Derived using CalPERS' Membership Data for all Funds

The actuarial assumptions used in the June 30, 2017 valuation were based on the results of an actuarial experience study for the period from 1997 to 2011. The Experience Study Report can be obtained at CalPERS' website under Forms and Publications.

**EASTERN SIERRA TRANSIT AUTHORITY
NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2018**

The long-term expected rate of return on pension plan investments (7.15%) was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense, and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation.

<u>Asset Class</u>	<u>New Strategic Allocation</u>	<u>Real Return Years 1 - 10 (a)</u>	<u>Real Return Years 11 + (b)</u>
Global Equity	47.00 %	4.90 %	5.38 %
Fixed Income	19.00	0.80	2.27
Inflation Sensitive	6.00	0.60	1.39
Private Equity	12.00	6.60	6.63
Real Estate	11.00	2.80	5.21
Infrastructure and Forestland	3.00	3.90	5.36
Liquidity	2.00	(0.40)	(0.90)
	<u>100.00 %</u>		

(a) An expected inflation of 2.50% used for this period.

(b) An expected inflation of 3.00% used for this period.

Detailed information about the pension fund's fiduciary net position is available in the separately issued CalPERS comprehensive annual financial report which may be obtained by contacting CalPERS.

Net Pension Liability

At June 30, 2018, ESTA reported a liability of \$149,988 in the statement of net position for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2017 and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2016. ESTA's proportion of the net pension liability was based on a projection of ESTA's long-term share of contributions to the pension plan relative to the projected contributions of all pension plan participants, which was actuarially determined.

Sensitivity of Net Pension Liability to Changes in the Discount Rate

The following presents the net pension liability of ESTA's proportionate share of the Plan as of the measurement date calculated using the discount rate of 7.15%, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage point lower (6.15%) or 1 percentage point higher (8.15%) than the current rate.

	<u>1% Decrease 6.15%</u>	<u>Discount Rate 7.15%</u>	<u>1% Increase 8.15%</u>
ESTA's Proportionate Share of the Net Pension Plan Liability	\$ 592,796	\$ 149,988	\$ (216,754)

**EASTERN SIERRA TRANSIT AUTHORITY
 NOTES TO THE FINANCIAL STATEMENTS
 YEAR ENDED JUNE 30, 2018**

Pension Expense and Deferred Outflows/Inflows of Resources Related to Pensions

Pension expense represents the change in the net pension liability during the measurement period, adjusted by actual contributions and the deferred recognition of changes in investment gain/loss, actuarial gain/loss, actuarial assumptions or method, and plan benefits. During the year ended June 30, 2018, ESTA recognized a pension expense of \$95,722. At June 30, 2018, ESTA reported deferred outflows of resources and deferred inflows of resources related to pension from the following sources.

	Deferred Outflows of Resources	Deferred Inflows of Resources
Changes in Assumptions	\$ 134,336	\$ 10,243
Differences between Expected and Actual Experience	1,083	15,511
Differences between Projected and Actual Investment Earnings	30,381	-
Differences between Employer Contributions and Proportionate Share of Contributions	506,405	-
Change in Employer's Proportion Pension Contributions Made Subsequent to Measurement Date	54,305	299,904
	190,183	-
	\$ 916,693	\$ 325,658

The \$190,183 reported as deferred outflows of resources related to contributions subsequent to the June 30, 2017, measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2019. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expenses as follows:

Year Ending June 30,	Amount
2019	\$ 177,906
2020	143,851
2021	97,133
2022	(18,038)
Total	\$ 400,852

NOTE 7 OTHER POSTEMPLOYMENT BENEFITS PLAN

Plan Description

Plan administration. ESTA sponsors healthcare coverage under the California Public Employees Medical and Hospital Care Act ("PEMHCA"), commonly referred to as PERS Health. PEMHCA provides health insurance through a variety of Health Maintenance Organization (HMO) and Preferred Provider Organization (PPO) options.

**EASTERN SIERRA TRANSIT AUTHORITY
 NOTES TO THE FINANCIAL STATEMENTS
 YEAR ENDED JUNE 30, 2018**

Benefits provided. Employees hired before January 1, 2013 are eligible for ESTA-paid retiree medical benefits upon attainment of age 50 and 5 years CalPERS service. Employees hired on or after January 1, 2013 are eligible for ESTA-paid retiree medical benefits upon attainment of age 52 and 5 years CalPERS service.

ESTA contributes the PEMHCA minimum under the unequal method (5% times number of years ESTA has been in PEMHCA). ESTA joined PEMHCA in 2007, therefore for 2017, ESTA contributes 50% of the PEMHCA minimum (\$128), or \$64 per month to its retirees. In 2018, this amount is 55% of the PEMHCA minimum (\$133), or \$73.15 per month. The 2019 PEMHCA minimum is \$136, and ESTA will contribute \$81.60 per month towards retirees. In addition to the PEMHCA minimum, ESTA pays administrative fees of 0.23% per premium. Also, survivor benefits are available.

Plan membership. At July 1, 2017, membership consisted of the following:

Inactive plan members or beneficiaries currently receiving benefit payments	3
Active plan members	42

Contributions – ESTA currently finances benefits on a pay-as-you-go basis.

Net OPEB Liability

ESTA's Net OPEB Liability was measured as of June 30, 2017 and the Total OPEB Liability used to calculate the Net OPEB Liability was determined by an actuarial valuation as of July 1, 2017 (June 30, 2017). Standard actuarial update procedures were used to project/discount from valuation to measurement dates.

Actuarial Assumptions

The total OPEB liability was determined using the following actuarial assumptions, applied to all periods included in the measurement, unless otherwise specified:

Salary increases	3.00 percent
Medical cost trend rate	6.00 percent for 2017; 5.00 percent for 2018 and later years
PEMHCA minimum increase	3.5 percent after 2019
Age adjustment factor	3.00 percent
Percent married	60 percent

Pre-retirement mortality rates were based on the RP-2014 Employee Mortality Table for Males or Females, as appropriate, without projection. Post-retirement mortality rates were based on the RP-2014 Health Annuitant Mortality Table for Males or Females, as appropriate, without projection.

**EASTERN SIERRA TRANSIT AUTHORITY
 NOTES TO THE FINANCIAL STATEMENTS
 YEAR ENDED JUNE 30, 2018**

Discount rate. GASB 75 requires a discount rate that reflects the following:

- a) The long-term expected rate of return on OPEB plan investments – to the extent that the OPEB plan’s fiduciary net position (if any) is projected to be sufficient to make projected benefit payments and assets are expected to be invested using a strategy to achieve that return;
- b) A yield or index rate for 20-year, tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher – to the extent that the conditions in (a) are not met.

To determine a resulting single (blended) rate, the amount of the plan’s projected fiduciary net position (if any) and the amount of projected benefit payments is compared in each period of projected benefit payments. The discount rate used to measure ESTA’s Total OPEB liability is based on these requirements and the following information:

<u>Reporting Date</u>	<u>Measurement Date</u>	<u>Long-Term Expected Return of Plan (if any)</u>	<u>Municipal Bond 20-Year High Grade Rate Index</u>	<u>Discount Rate</u>
June 30, 2018	June 30, 2017	4.00%	3.13%	3.13%

Changes in the Net OPEB Liability

The table below shows the changes in the Total OPEB liability, the Plan Fiduciary Net Position, and the Net OPEB liability as of the measurement date June 30, 2017

	<u>Increase (Decrease)</u>		
	<u>Total OPEB Liability</u>	<u>Plan Fiduciary Net Position</u>	<u>Net OPEB Liability</u>
Balance - June 30, 2016	\$ 522,014	\$ -	\$ 522,014
Change in the Year:			
Service Cost	74,075	-	74,075
Interest on Total OPEB Liability	16,306	-	16,306
Benefit Payments ¹	(2,116)	-	(2,116)
Contributions - Employer ¹	-	2,116	2,116
Benefit Payments	-	(2,116)	(2,116)
Net Changes	<u>88,265</u>	<u>-</u>	<u>88,265</u>
Balance - June 30, 2017	<u>\$ 610,279</u>	<u>\$ -</u>	<u>\$ 610,279</u>

¹ Amount includes implicit subsidy associated with benefits paid

**EASTERN SIERRA TRANSIT AUTHORITY
 NOTES TO THE FINANCIAL STATEMENTS
 YEAR ENDED JUNE 30, 2018**

If an actuarially determined contribution is calculated for a single or agent employer, the employer is required to present in required supplementary information a schedule covering each of the 10 most recent fiscal years that includes information about the actuarially determined contribution, contributions to the OPEB plan, and related ratios. If a single or agent employer does not have information about an actuarially determined contribution but has a contribution requirement that is established by statute or contract, the employer is required to present a schedule covering each of the 10 most recent fiscal years that includes information about the statutorily or contractually required contribution rate, contributions to the OPEB plan, and related ratios.

Sensitivity of the Net OPEB Liability to Changes in the Discount Rate

The following presents the net OPEB liability of ESTA, as well as what ESTA's net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower or 1-percentage-point higher than the current discount rate.

	1% Decrease 2.13%	Discount Rate 3.13%	1% Increase 4.13%
Net OPEB Liability	\$ 696,979	\$ 610,279	\$ 539,370

The following presents the net OPEB liability of ESTA, as well as what ESTA's net OPEB liability would be if it were calculated using healthcare cost trend rates that are 1-percentage-point lower or 1-percentage-point higher than the current healthcare cost trend rates.

	1% Decrease (5.00% decreasing to 4.00%)	Trend Rate (6.00% decreasing to 5.00%)	1% Increase (7.00% decreasing to 6.00%)
Net OPEB Liability	\$ 537,309	\$ 610,279	\$ 699,254

ESTA implemented Governmental Accounting Standards Board (GASB) Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other than Pensions* and restated net position for the cumulative effect as follows:

Net position at July 1, 2017 as previously stated	\$ 7,686,694
Net OPEB liability adjustment	<u>(519,898)</u>
Net position at July 1, 2017 as restated	<u><u>\$ 7,166,796</u></u>

**EASTERN SIERRA TRANSIT AUTHORITY
 REQUIRED SUPPLEMENTARY INFORMATION
 YEAR ENDED JUNE 30, 2018**

Other Postemployment Benefits Plan (OPEB) – Schedule of Changes in the Net OPEB Liability and Related Ratios

Last 10 Fiscal Years*

	FY 2017
Total OPEB Liability	
Service Cost	\$ 74,075
Interest	16,306
Benefit Payments	(2,116)
Net Changes in Total OPEB Liability	88,265
Total OPEB Liability - beginning	522,014
Total OPEB Liability - ending (a)	\$ 610,279
 Plan Fiduciary Net Position	
Contributions - Employer	\$ 2,116
Benefit Payments	(2,116)
Net Change in Plan Fiduciary Net Position	-
Plan Fiduciary Net Position - beginning	-
Plan Fiduciary Net Position - ending (b)	\$ -
 ESTA's Net OPEB Liability - ending (a) - (b)	 \$ 610,279
 Plan Fiduciary Net Position as a Percentage of the Total OPEB Liability	 0.00%
 Covered Employee Payroll	 \$ 1,285,438
 ESTA's Net OPEB Liability as a Percentage of Covered Employee Payroll	 47.48%
 Measurement Date	 6/30/2017

* Additional years will be presented as they become available

**EASTERN SIERRA TRANSIT AUTHORITY
 REQUIRED SUPPLEMENTARY INFORMATION
 YEAR ENDED JUNE 30, 2018**

Schedule of ESTA's Proportionate Share of the Net Pension Liability (Last 10 Fiscal Years*):

	Reporting Fiscal Year Ended June 30, Measurement Date as of June 30,			
	2015	2016	2017	2018
	2014	2015	2016	2017
ESTA's Proportion of the Net Pension Liability	Varies by plan	0.0166 %	0.0156 %	0.0166 %
ESTA's Proportionate Share of the Net Pension Liability	\$ 413,616	\$ 387,894	\$ 540,971	\$ 149,988
ESTA's Covered Employee Payroll	\$ 1,366,206	\$ 1,582,603	\$ 1,517,088	\$ 1,296,176
ESTA's Proportionate Share of the Net Pension Liability as a Percentage of its Covered Payroll	30.27 %	24.51 %	35.66 %	11.57 %
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	79.87 %	83.27 %	80.22 %	75.39%

CalPERS — Schedule of ESTA Contributions (Last 10 Fiscal Years*)

	FY 2015	FY 2016	FY 2017	FY 2018
Actuarially Determined Contribution	\$ 183,362	\$ 209,515	\$ 227,073	\$ 190,183
Total Actual Contributions	(183,362)	(209,515)	(690,642)	(190,183)
Contribution Deficiency (Excess)	\$ -	\$ -	\$ (463,569)	\$ -
ESTA's Covered-Employee Payroll	\$ 1,582,603	\$ 1,517,088	\$ 1,296,176	\$ 1,285,438
Contributions as a Percentage of Covered Payroll	11.59%	13.81%	53.28%	14.80%

*Amounts presented above were determined as of 6/30. Additional years will be presented as they become available.



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**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

Board of Directors
Eastern Sierra Transit Authority
Bishop, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Eastern Sierra Transit Authority (ESTA), as of and for the year ended June 30, 2018, and the related notes to the financial statements, and have issued our report thereon dated March 19, 2019.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered ESTA's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of ESTA's internal control. Accordingly, we do not express an opinion on the effectiveness of ESTA's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. *A material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Board of Directors
Eastern Sierra Transit Authority

Compliance and Other Matters

As part of obtaining reasonable assurance about whether ESTA's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



CliftonLarsonAllen LLP

Roseville, California
March 19, 2019



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**REPORT ON COMPLIANCE OVER FINANCIAL REPORTING BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH THE STATUTES, RULES,
AND REGULATIONS OF THE CALIFORNIA TRANSPORTATION DEVELOPMENT ACT
AND THE ALLOCATION INSTRUCTIONS AND RESOLUTIONS OF THE LOCAL
TRANSPORTATION COMMISSION**

Board of Directors
Eastern Sierra Transit Authority
Bishop, California

We have audited the financial statements of the Eastern Sierra Transit Authority (ESTA) as of and for the year ended June 30, 2018 and have issued our report thereon dated March 19, 2019. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

As part of obtaining reasonable assurance about whether the Eastern Sierra Transit Authority's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. Additionally, we performed tests to determine that allocations made and expenditures paid by the Mono County Local Transportation Commission and Inyo County Transportation Commission were made in accordance with the allocation instructions and resolutions of the Commission and in conformance with the California Transportation Development Act. Specifically, we performed each of the specific tasks identified in the California Code of Regulations Section 6667 that are applicable to the Eastern Sierra Transit Authority. In connection with our audit, nothing came to our attention that caused us to believe the Eastern Sierra Transit Authority failed to comply with the Statutes, Rules, and Regulations of the California Transportation Development Act and the allocation instructions and resolutions of the Local Transportation Commission. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion.

Board of Directors
Eastern Sierra Transit Authority

In November 2006, California voters passed a bond measure enacting the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006. Of the \$19.925 billion of state general obligation bonds authorized, \$4 billion was set aside by the state as instructed by statute as the Public Transportation Modernization Improvement and Service Enhancement Account (PTMISEA). These funds are available to the California Department of Transportation for intercity rail projects and to transit operators in California for rehabilitation, safety, or modernization improvements; capital service enhancements or expansions; new capital projects; bus rapid transit improvements; or for rolling stock procurement, rehabilitation, or replacement.

During the fiscal year ended June 30, 2018, ESTA received \$202,037 of PTMISEA funds. As of June 30, 2018, ESTA had expended \$25,429 of the PTMISEA funds and had unexpended funds of \$176,608 remaining.

This report is intended solely for the information and use of the Eastern Sierra Transit Authority, the Mono County Local Transportation Commission, the Inyo County Local Transportation Commission, management, the California Department of Transportation, and the State Controller's Office and is not intended to be, and should not be, used by anyone other than these specified parties.



CliftonLarsonAllen LLP

Roseville, California
March 19, 2019

STAFF REPORT

Subject: Financial Report – FY 2018/19

Presented by: Karie Bentley, Administration Manager

The year-to-date roll-up budget unit summary and fund balance reports for the 2018/19 fiscal year as of March 25, 2019 are included on the following pages.

Maintenance and fuel expenses reflect invoicing from the Town of Mammoth Lakes through December, 2018. Fuel expense per gallon is 22% below the budgeted amount at this point in the year.

The table below summarizes the revenue and the expenses by major expense category.

ESTA Operating Expenses FY18-19			
% of fiscal year →			73.4%
Category	Budget	Actual Year To Date	% of Budget
Total Revenue	5,237,282	3,161,219	60.4%
EXPENSES			
Total Salaries	2,003,628	1,371,798	68.5%
Total Benefits	792,182	424,895	53.6%
Total Insurance	339,976	293,761	86.4%
Total Maintenance	615,480	360,872	58.6%
Facilities	246,694	174,297	70.7%
Total Services	211,400	147,065	69.6%
Fuel	632,752	286,946	45.3%
Other	218,050	68,500	31.4%
Total Expenses	5,060,162	3,128,136	61.8%

COUNTY OF INYO

Budget to Actuals with Encumbrances by Key/Obj

Ledger: GL

As of 3/25/2019

Object	Description	Budget	Actual	Encumbrance	Balance	%
Key: 153299 - EASTERN SIERRA TRANSIT						
OPERATING						
Revenue						
4061	LOCAL TRANSPORTATION TAX	1,279,564.00	785,593.92	0.00	493,970.08	61.39
4065	STATE TRANSIT ASST	397,932.00	92,584.00	0.00	305,348.00	23.26
4301	INTEREST FROM TREASURY	24,000.00	29,711.28	0.00	(5,711.28)	123.79
4498	STATE GRANTS	57,985.00	39,744.00	0.00	18,241.00	68.54
4499	STATE OTHER	71,626.00	0.00	0.00	71,626.00	0.00
4555	FEDERAL GRANTS	453,001.00	110,207.90	0.00	342,793.10	24.32
4599	OTHER AGENCIES	878,855.00	546,724.65	0.00	332,130.35	62.20
4819	SERVICES & FEES	2,069,319.00	1,523,057.63	0.00	546,261.37	73.60
4959	MISCELLANEOUS REVENUE	5,000.00	33,595.56	0.00	(28,595.56)	671.91
	Revenue Total:	<u>5,237,282.00</u>	<u>3,161,218.94</u>	<u>0.00</u>	<u>2,076,063.06</u>	<u>60.35</u>
Expenditure						
5001	SALARIED EMPLOYEES	1,525,159.00	892,652.55	0.00	632,506.45	58.52
5003	OVERTIME	69,218.00	92,407.85	0.00	(23,189.85)	133.50
5005	HOLIDAY OVERTIME	131,197.00	92,590.23	0.00	38,606.77	70.57
5012	PART TIME EMPLOYEES	278,054.00	294,147.85	0.00	(16,093.85)	105.78
5021	RETIREMENT & SOCIAL SECURITY	47,606.00	28,757.09	0.00	18,848.91	60.40
5022	PERS RETIREMENT	225,009.00	127,270.98	0.00	97,738.02	56.56
5031	MEDICAL INSURANCE	326,565.00	156,446.29	0.00	170,118.71	47.90
5043	OTHER BENEFITS	38,493.00	21,645.41	0.00	16,847.59	56.23
5045	COMPENSATED ABSENCE EXPENSE	143,459.00	87,786.43	0.00	55,672.57	61.19
5047	EMPLOYEE INCENTIVES	11,050.00	2,988.87	0.00	8,061.13	27.04
5111	CLOTHING	4,600.00	2,017.28	0.00	2,582.72	43.85
5152	WORKERS COMPENSATION	124,786.00	99,935.00	0.00	24,851.00	80.08
5154	UNEMPLOYMENT INSURANCE	45,000.00	32,996.97	0.00	12,003.03	73.32
5158	INSURANCE PREMIUM	170,190.00	160,829.00	0.00	9,361.00	94.49
5171	MAINTENANCE OF EQUIPMENT	586,980.00	349,917.01	21,600.00	215,462.99	63.29
5173	MAINTENANCE OF EQUIPMENT-	18,500.00	10,795.47	0.00	7,704.53	58.35
5191	MAINTENANCE OF STRUCTURES	10,000.00	160.00	0.00	9,840.00	1.60
5211	MEMBERSHIPS	2,300.00	825.00	0.00	1,475.00	35.86
5232	OFFICE & OTHER EQUIP < \$5,000	14,500.00	408.09	0.00	14,091.91	2.81
5238	OFFICE SUPPLIES	7,600.00	5,918.19	0.00	1,681.81	77.87
5253	ACCOUNTING & AUDITING SERVICE	48,500.00	30,900.00	0.00	17,600.00	63.71
5260	HEALTH - EMPLOYEE PHYSICALS	6,200.00	1,300.25	0.00	4,899.75	20.97
5263	ADVERTISING	51,200.00	24,290.08	0.00	26,909.92	47.44
5265	PROFESSIONAL & SPECIAL SERVICE	105,500.00	90,574.25	0.02	14,925.73	85.85
5291	OFFICE, SPACE & SITE RENTAL	194,694.00	128,715.00	0.00	65,979.00	66.11
5311	GENERAL OPERATING EXPENSE	51,830.00	38,158.39	0.00	13,671.61	73.62
5331	TRAVEL EXPENSE	5,000.00	2,233.41	0.00	2,766.59	44.66
5332	MILEAGE REIMBURSEMENT	21,220.00	18,939.88	0.00	2,280.12	89.25
5351	UTILITIES	52,000.00	45,582.43	0.00	6,417.57	87.65
5352	FUEL & OIL	632,752.00	286,946.29	0.00	345,805.71	45.34
5539	OTHER AGENCY CONTRIBUTIONS	60,000.00	0.00	0.00	60,000.00	0.00
5901	CONTINGENCIES	51,000.00	0.00	0.00	51,000.00	0.00
	Expenditure Total:	<u>5,060,162.00</u>	<u>3,128,135.54</u>	<u>21,600.02</u>	<u>1,910,426.44</u>	<u>62.24</u>
NET OPERATING		<u>177,120.00</u>	<u>33,083.40</u>	<u>(21,600.02)</u>	<u>165,636.62</u>	

CAPITAL ACCOUNT

COUNTY OF INYO
Budget to Actuals with Encumbrances by Key/Obj

Ledger: GL

As of 3/25/2019

Object	Description	Budget	Actual	Encumbrance	Balance	%
Revenue						
4066	PTMISEA	303,936.00	9,498.00	0.00	294,438.00	3.12
4495	STATE GRANTS - CAPITAL	54,766.00	0.00	0.00	54,766.00	0.00
Revenue Total:		<u>358,702.00</u>	<u>9,498.00</u>	<u>0.00</u>	<u>349,204.00</u>	<u>2.64</u>
Expenditure						
5640	STRUCTURES & IMPROVEMENTS	120,000.00	9,498.00	0.00	110,502.00	7.91
5650	EQUIPMENT	74,766.00	0.00	0.00	74,766.00	0.00
5655	VEHICLES	183,936.00	0.00	0.00	183,936.00	0.00
Expenditure Total:		<u>378,702.00</u>	<u>9,498.00</u>	<u>0.00</u>	<u>369,204.00</u>	<u>2.50</u>
NET CAPITAL ACCOUNT		<u>358,702.00</u>	<u>9,498.00</u>	<u>0.00</u>	<u>349,204.00</u>	
TRANSFERS						
Revenue						
Expenditure						
5798	CAPITAL REPLACEMENT	170,520.00	0.00	0.00	170,520.00	0.00
Expenditure Total:		<u>170,520.00</u>	<u>0.00</u>	<u>0.00</u>	<u>170,520.00</u>	<u>0.00</u>
NET TRANSFERS		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	
153299 Total:		<u>(13,400.00)</u>	<u>33,083.40</u>	<u>(21,600.02)</u>	<u>(24,883.38)</u>	

COUNTY OF INYO
UNDESIGNATED FUND BALANCES

AS OF 06/30/2019

	Claim on Cash 1000	Accounts Receivable 1100,1105,1160	Loans Receivable 1140	Prepaid Expenses 1200	Accounts Payable 2000	Loans Payable 2140	Deferred Revenue 2200	Computed Fund Balance	Encumbrances	Fund Balance Undesignated
ESTA - EASTERN SIERRA TRANSIT AUTHORI										
1532 EASTERN SIERRA TRANSIT	2,446,566	11,200	65,600		19,469			2,503,897	21,600	2,482,297
1533 ESTA ACCUMULATED	1,028,950							1,028,950		1,028,950
1534 ESTA GENERAL RESERVE	516,602							516,602		516,602
1535 ESTA BUDGET STAB	206,639							206,639		206,639
1536 REDS MEADOW ROAD	57,009							57,009		57,009
6813 JARC-LONE PINE/BISHOP	3,398					34,000		(30,602)		(30,602)
6814 JARC-MAMMOTH EXPRESS	25,941							25,941		25,941
6817 GOOGLE TRANSIT PHASE 2	55							55		55
6818 CAPP-CLEAN AIR PROJECT	2,923							2,923		2,923
6819 MOBILITY MANAGEMENT 14	2,227							2,227		2,227
6820 NON-EMERGENCY TRAN REIM	3,573				546	16,100		(13,073)		(13,073)
6821 BISHOP YARD-ESTA	10,751					15,500		(4,749)		(4,749)
6822 LCTOP-ELECTRIC VEHICLE	26,471							26,471		26,471
6823 PTMISEA-CAPITAL PROJECT	178,451							178,451		178,451
ESTA Totals	4,509,556	11,200	65,600		20,015	65,600		4,500,741	21,600	4,479,141
Grand Totals	4,509,556	11,200	65,600		20,015	65,600		4,500,741	21,600	4,479,141

STAFF REPORT

Subject: Operations Report
Presented by: Phil Moores, Executive Director

Ridership increased 16.4% in February 2019 compared to last year. Passengers per service hour continues to be strong at around 29 PSH. Bishop Dial-a-Ride wait times, road calls, and customer comments met the monthly goals. Accidents however, were high with four preventables in February. While the accidents are fairly small the staff is concerned and continues to discuss ideas to curb the trend. Driver inexperience and heavy snowfall are certainly contributing to the accidents. We missed around 55 trips in February due to weather conditions.

MONTHLY OPERATIONS REPORT

	Feb-19	Jan-19	Percent Change	Feb-18	Percent Change
PASSENGERS					
Adult	126,444	142,377	-11.2%	108,647	16.4%
Senior	1,613	1,646	-2.0%	1,660	-2.8%
Disabled	704	813	-13.4%	816	-13.7%
Wheelchair	240	283	-15.2%	349	-31.2%
Child	12,599	14,520	-13.2%	13,663	-7.8%
Child under 5	284	330	-13.9%	270	5.2%
Total Passengers	141,884	159,969	-11.3%	125,405	13.1%
FARES	\$33,706.85	\$32,618.95	3.3%	\$34,947.55	-3.6%
SERVICE MILES	73,017	88,437	-17.4%	79,860	-8.6%
SERVICE HOURS	4,870	5,588	-12.9%	4,937	-1.3%
Passengers per Hour	29.13	28.63	1.8%	25.40	14.7%

RIDERSHIP COMPARISON				
REPORT MONTH - THIS YEAR/LAST YEAR				
Route	Feb-19	Feb-18	Variance	% Change
Mammoth Express	446	346	100	28.9%
Lone Pine to Bishop	174	173	1	0.6%
Lone Pine DAR	331	360	-29	-8.1%
Tecopa	8	6	2	33.3%
Walker DAR	94	134	-40	-29.9%
Bridgeport to G'Ville	14	40	-26	-65.0%
Benton to Bishop	33	24	9	37.5%
Bishop DAR	3,279	3,286	-7	-0.2%
Nite Rider	300	321	-21	-6.5%
Mammoth FR	27,317	24,449	2,868	11.7%
Mammoth DAR	309	293	16	5.5%
Reno	408	535	-127	-23.7%
Lancaster	378	300	78	26.0%
MMSA	108,157	94,600	13,557	14.3%
TOTALS	141,884	125,405	16,479	13.1%

PASSENGERS PER SERVICE HOUR				
REPORT MONTH - THIS YEAR/LAST YEAR			PAX MILES/ SVC HOUR	
Route	Feb-19	Feb-18	% Change	
Mammoth Express	6.17	4.90	25.9%	
Lone Pine to Bishop	1.96	1.97	-0.8%	
Lone Pine DAR	2.49	2.71	-8.1%	
Tecopa	0.60	0.42	43.3%	
Walker DAR	0.69	0.94	-26.2%	
Bridgeport to G'Ville	0.53	1.52	-65.4%	
Benton to Bishop	2.13	1.78	19.8%	
Bishop DAR	3.97	3.93	1.2%	
Nite Rider	5.04	5.35	-5.8%	
Mammoth FR	33.09	27.81	19.0%	
Mammoth DAR	2.11	1.81	16.6%	
Reno	1.61	2.17	-25.8%	127.10
Lancaster	1.86	1.52	22.3%	211.58
MMSA	55.16	48.49	13.8%	
Total	29.13	25.40	14.7%	

oute	Fares	Adults	Snr	Dis	W/C	Child	Free	Total Pax	Yd Hrs	Svc Hours	Yd Mi	SVC MILES	AVG FARE	REV/SVC MILE	PAX / SVC HR	MI / SVC HR	PAX / SVC MI
Feb-19																	
Mammoth Express	\$2,464.00	407	26	3	1	6	3	446	82	72	3,094	3,013	5.52	.82	6.17	42.8	0.15
Lone Pine Express	\$896.00	104	38	14	13	4	1	174	108	89	4,521	4,106	5.15	.22	1.96	50.9	0.04
Lone Pine DAR	\$885.00	13	163	55	41	59	0	331	139	133	1,456	1,456	2.67	.61	2.49	10.9	0.23
Tecopa	\$41.00	2	6	0	0	0	0	8	13	13	267	267	5.13	.15	.60	19.9	0.03
Walker DAR	\$228.30	1	4	89	0	0	0	94	145	136	476	360	2.43	.63	.69	3.5	0.26
Bridgeport to G'Ville	\$77.00	0	8	6	0	0	0	14	32	27	864	584	5.50	.13	.53	32.4	0.02
Benton to Bishop	\$188.00	13	14	6	0	0	0	33	30	16	1,266	680	5.70	.28	2.13	81.7	0.05
Specials	\$0.00	171	0	0	0	23	0	194	16	16	47	39	N/A	N/A			
Bishop DAR	\$7,611.00	1,217	1,221	431	168	84	158	3,279	892	825	9,335	8,586	2.32	.89	3.97	11.3	0.38

Nite Rider	\$1,229.40	242	16	35	5	2	0	300	63	60	967	967	4.10	1.27	5.04	16.3	0.31
Mammoth FR	\$0.00	25,213	0	0	0	2,104	0	27,317	878	826	10,441	9,542	N/A	N/A	33.09	12.6	2.86
Mammoth DAR	\$572.40	178	10	0	0	1	120	309	147	146	568	505	1.85	1.13	2.11	3.9	0.61
Reno	\$6,658.00	310	43	31	11	12	1	408	276	254	11,082	10,568	16.32	.63	1.61	43.6	0.04
Lancaster	\$6,656.75	294	64	16	1	2	1	378	227	204	9,525	9,253	17.61	.72	1.86	46.8	0.04
MMSA	\$0.00	97,837	0	18	0	10,302	0	108,157	2,078	1,961	22,128	20,696	N/A	N/A	55.16	11.3	5.23
June Lake Shuttle	\$6,200.00	442	0	0	0	0	0	442	113	94	2,629	2,395	14.03	2.59	4.71	28.0	0.18
Total	\$33,706.85	126,444	1,613	704	240	12,599	284	141,884	5,240	4,870	78,666	73,017	.24	.46	29.13	16.2	1.94

Feb-18																	
Mammoth Express	\$1,659.90	300	32	4	0	3	7	346	83	71	3,325	3,274	4.80	.51	4.90	47.1	0.11
Lone Pine Express	\$875.50	101	50	17	3	2	0	173	106	88	4,558	4,198	5.06	.21	1.97	52.0	0.04
Lone Pine DAR	\$891.60	16	205	68	13	58	0	360	139	133	1,424	1,424	2.48	.63	2.71	10.7	0.25
Tecopa	\$30.00	0	6	0	0	0	0	6	15	14	353	353	5.00	.08	.42	24.5	0.02
Walker DAR	\$371.70	11	11	112	0	0	0	134	152	143	907	821	2.77	.45	.94	6.4	0.16
Bridgeport to G'Ville	\$266.00	4	36	0	0	0	0	40	32	26	872	592	6.65	.45	1.52	33.1	0.07
Benton to Bishop	\$133.00	2	14	8	0	0	0	24	29	14	1,297	658	5.54	.20	1.78	96.1	0.04
Specials	\$0.00	183	0	31	8	24	0	246	33	27	457	358	N/A	N/A			
Bishop DAR	\$7,481.40	1,164	1,133	432	306	62	189	3,286	896	837	9,561	8,759	2.28	.85	3.93	11.4	0.38
Nite Rider	\$1,225.80	241	13	35	14	8	10	321	60	60	899	899	3.82	1.36	5.35	15.0	0.36
Mammoth FR	\$0.00	22,627	0	0	0	1,822	0	24,449	930	879	12,188	11,426	N/A	N/A	27.81	13.9	2.14
Mammoth DAR	\$656.40	177	14	39	3	3	57	293	162	162	997	917	2.24	.72	1.81	6.2	0.32
Reno	\$8,933.75	381	81	45	2	23	3	535	281	247	11,543	10,600	16.70	.84	2.17	46.7	0.05
Lancaster	\$4,857.50	205	65	21	0	5	4	300	221	198	9,727	9,525	16.19	.51	1.52	49.2	0.03
MMSA	\$0.00	82,943	0	4	0	11,653	0	94,600	2,061	1,951	24,869	23,606	.00	.00	48.49	12.7	4.01
June Lake Shuttle	\$7,565.00	292	0	0	0	0	0	292	108	87	2,741	2,450	25.91	3.09	3.34	31.3	0.12
Total	\$34,947.55	108,647	1,660	816	349	13,663	270	125,405	5,307	4,937	85,718	79,860	.28	.44	25.40	17.4	1.57

VARIANCE BY ROUTE (RAW NUMBERS) – February 2019 to February 2018																	
ROUTES	FARES	ADULTS	SNR	DIS	W/C	CHILD	FREE	TOTAL PAX	YD HOURS	SVC HOURS	YD MILES	SVC MILES	AVG FARE	REV/SVC MILE	PAX / SVC HR	MI / SVC HR	PAX / SVC MI
Mammoth Express	\$804.10	107	-6	-1	1	3	-4	100	-1	2	-231	-261	0.73	0.31	1.27	-4.30	0.04
Lone Pine Express	\$20.50	3	-12	-3	10	2	1	1	2	1	-37	-92	0.09	0.01	-0.02	-1.14	0.00
Lone Pine DAR	-\$6.60	-3	-42	-13	28	1	0	-29	0	0	32	32	0.20	-0.02	-0.22	0.24	-0.03
Tecopa	\$11.00	2	0	0	0	0	0	2	-1	-1	-86	-86	0.13	0.07	0.18	-4.58	0.01

Walker DAR	-\$143.40	-10	-7	-23	0	0	0	-40	-8	-7	-431	-461	-0.35	0.18	-0.25	-2.85	0.10
Bridgeport to G'Ville	-\$189.00	-4	-28	6	0	0	0	-26	0	0	-8	-8	-1.15	-0.32	-0.99	-0.67	-0.04
Benton to Bishop	\$55.00	11	0	-2	0	0	0	9	1	2	-31	22	0.16	0.07	0.35	-14.40	0.01
Bishop DAR	\$129.60	53	88	-1	-138	22	-31	-7	-4	-11	-226	-173	0.04	0.03	0.05	-0.12	0.01
Nite Rider	\$3.60	1	3	0	-9	-6	-10	-21	3	-1	68	68	0.28	-0.09	-0.31	1.27	-0.05
Mammoth FR	\$0.00	2586	0	0	0	282	0	2868	-52	-54	-1747	-1884	N/A	N/A	5.28	-1.21	0.72
Mammoth DAR	-\$84.00	1	-4	-39	-3	-2	63	16	-15	-16	-429	-412	-0.39	0.42	0.30	-2.28	0.29
Reno	-\$2,275.75	-71	-38	-14	9	-11	-2	-127	-5	7	-461	-32	-0.38	-0.21	-0.56	-3.09	-0.01
Lancaster	\$1,799.25	89	-1	-5	1	-3	-3	78	6	6	-202	-272	1.42	0.21	0.34	-2.43	0.01
MMSA	\$0.00	14,894	0	14	0	-1,351	0	13,557	17	10	-2,741	-2,910					

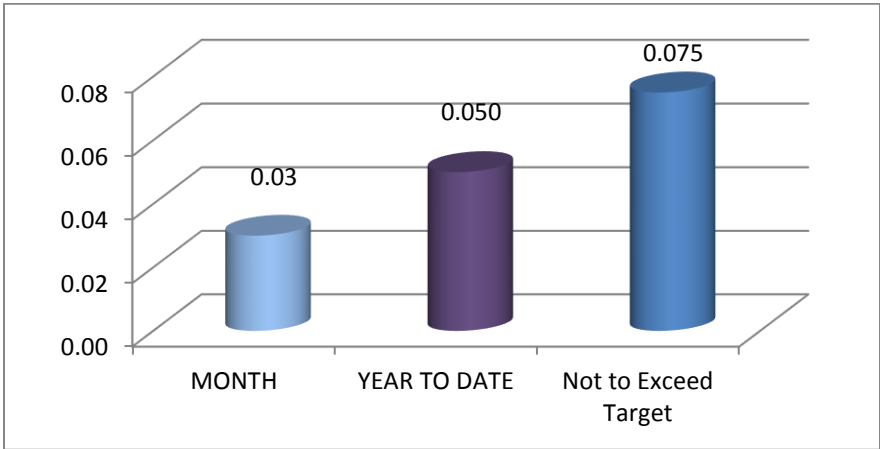
VARIANCE BY ROUTE (PERCENTAGE) – February 2019 to February 2018																	
Route	Fares	Adults	Snr	Dis	W/C	Child	Free	Total Pax	Yd Hrs	Total Svc Hours	Yd Mi	TOT SVC MILES	AVG FARE	REV/SVC MILE	PAX / SVC HR	MI / SVC HR	PAX / SVC MI
Mammoth Express	48%	36%	-19%	-25%		100%	-57%	29%	-1%	2%	-7%	-8%	15%	61%	26%	-9%	40%
Lone Pine Express	2%	3%	-24%	-18%	333%	100%		1%	2%	1%	-1%	-2%	2%	5%	-1%	-2%	3%
Lone Pine DAR	-1%	-19%	-20%	-19%	215%	2%		-8%	0%	0%	2%	2%	8%	-3%	-8%	2%	-10%
Tecopa	37%		0%					33%	-8%	-7%	-24%	-24%	3%	81%	43%	-19%	76%
Walker DAR	-39%	-91%	-64%	-21%				-30%	-5%	-5%	-48%	-56%	-12%	40%	-26%	-45%	60%
Bridgeport to G'Ville	-71%	-100%	-78%					-65%	0%	1%	-1%	-1%	-17%	-71%	-65%	-2%	-65%
Benton to Bishop	41%	550%	0%	-25%				38%	5%	15%	-2%	3%	3%	37%	20%	-15%	33%
Bishop DAR	1.7%	4.6%	7.8%	-0.2%	-45.1%	35.5%	-16.4%	-0.2%	-0.4%	-1.4%	-2.4%	-2.0%	1.9%	3.8%	1.2%	-1.0%	1.8%
Nite Rider	0%	0%	23%	0%	-64%	-75%	-100%	-7%	4%	-1%	8%	8%	7%	-7%	-6%	8%	-13%
Mammoth FR		11%				15%		12%	-6%	-6%	-14%	-16%	N/A	N/A	19%	-9%	34%
Mammoth DAR	-13%	1%	-29%	-100%	-100%	-67%	111%	5%	-9%	-10%	-43%	-45%	-17%	58%	17%	-37%	92%
Reno	-25%	-19%	-47%	-31%	450%	-48%	-67%	-24%	-2%	3%	-4%	0%	-2%	-25%	-26%	-7%	-24%
Lancaster	37%	43%	-2%	-24%		-60%	-75%	26%	3%	3%	-2%	-3%	9%	41%	22%	-5%	30%
MMSA		18%		350%		-12%		14%	1%	1%	-11%	-12%					

Customer Comments

There were five comments received for the month of February 2019.

- 2/4: Customer called to compliment Red Line driver on their driving skill and safe driving during white-out conditions.
- 2/7: Customer called to complain about Purple Line driver driving at an unsafe speed for road/weather condition on Lupin Street.
- 2/14: Motorist called to complain about bus passing another vehicle causing her to have to back up in poor visibility (heavy snow).
- 2/22: Customer left message to complain the Green Line was not reliable which caused him to be late to work. Bus tracker indicated no more than a 5-minute delay on Green Line on the day of the described incident.
- 2/23: Customer wrote on complain the he waited almost an hour for Blue Line.

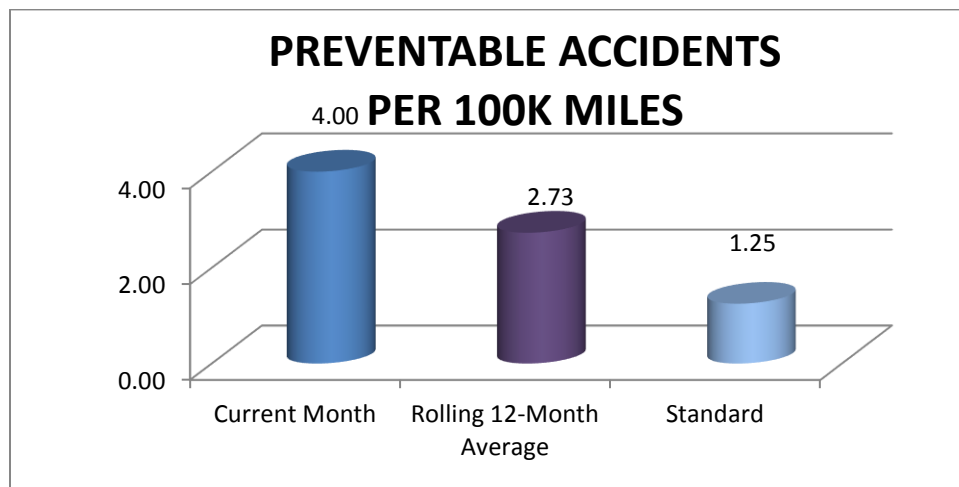
COMPLAINTS PER 1,000 PASSENGERS



Accident/Incidents

There were four preventable accidents in February 2019.

- 2/5: Driver sideswiped a parked vehicle while pulling toward the curb to drop off a Dial-a-Ride passenger at Suddenlink.
- 2/9: Driver backed into a parked vehicle while backing bus in parking lot after dropping off several disabled passengers.
- 2/10: Driver scrapped the rear bumper of a parked vehicle in the Sierra Nevada Lodge.
- 2/17: Driver backed bus into a snow bank causing minor body damage.



Missed Runs

There were approximately 55 missed/late runs in February 2019. Service in or around the Mammoth Lakes area was temporarily suspended twice for several hours due to extreme winter weather/low visibility conditions during February 2019.

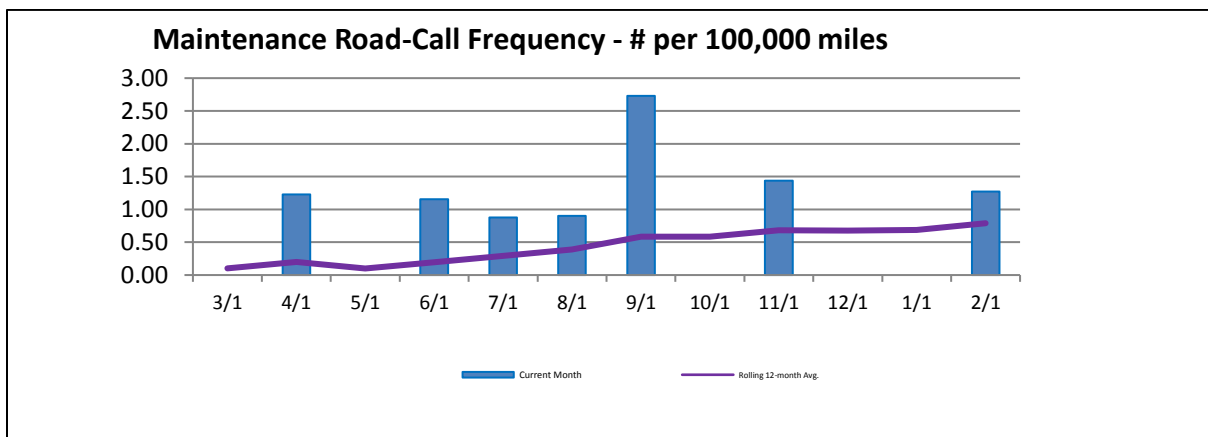
- 2/4: June Lake AM run cancelled due to closure of Hwy 395. Reno Route forced to discontinue at Hwy 203 due to closure. Two Mammoth Express runs cancelled.
- 2/5: Mammoth DAR, Blue Line, Yellow Line, Green Line, Mammoth Express runs were suspended due to extreme white-out conditions.
- 2/6: Purple line missed run due to getting stuck behind abandoned vehicle on Lupin Street.
- 2/10: Purple run missed due to broken chain set.
- 2/11: Red Line missed departure due to broken chain set.
- 2/14: All routes suspended in Mammoth Lakes due to white-out conditions for approximately four hours. Two Mammoth Express runs cancelled.
- 2/17: Blue Line missed two runs due to mechanical issue/vehicle swap.
- 2/20: Blue line missed two runs due to chain-up. Red Line missed two runs due to mechanical issue/vehicle swap. Yellow Line missed one run due to stuck car on Lake Mary Road.

- 2/27: Blue line missed one run due to chain-up. Green line missed one run due to chain-up.

Road Call Frequency

There was one Road Call during the month of February 2019. The rolling 12-month road call frequency is 0.79 per 100,000 miles traveled.

- 2/4: Reno Route stuck in snow drift on Hwy 395 near Mammoth Yosemite Airport. Had to be pulled out by ESTA/Mr. K's towing with assistance from CHP and Mono Sheriff.



Bishop Area Dial-A-Ride Wait Times

Wait times for the Bishop Area Dial-A-Ride (Mon. through Fri., 7:00 a.m. – 6:00 p.m.)

FEBRUARY 2019

		PERCENT	GOAL
IMMEDIATE RESPONSE TRIPS			
Total Trips:	2,098	81.0%	
Average Wait Time (min.):	13		< 20 Minutes
Trips > 30 Minute Wait:	113	5.4%	< 5%
ADVANCE RESERVATION TRIPS			
Total Trips:	492	19.0%	
On Time Trips (± 10 min.)	402	81.7%	
TOTAL SCHEDULED TRIPS			
	2,590		
No-Shows Including Checkpoints	219	8.5%	
No-Shows Excluding Checkpoints	123	4.7%	
Cancellations	87	3.4%	

STAFF REPORT

Subject: Cost and Performance by Route FY17/18
Initiated by: Phil Moores, Executive Director

BACKGROUND

A recommendation of ESTA's initial triennial performance audit was to establish a methodology to determine operating costs on a route level. This methodology was established in 2013 and is updated annually.

ANALYSIS

The financial reports for FY 2017/18 were finalized earlier this year. With this information, it is possible to update the analysis of the operating cost per route, as recommended in the Triennial Performance Audit.

The operating cost per route takes into consideration the following operating cost categories and is detailed in the table below:

- Vehicle Maintenance
- Fuel
- Operating Salaries & Benefits
- Other Operating Expenses

2017/18 Operating Cost by Route

FY 2017-18		Operating Statistics			Operating Expenses					Performance	
Route	Type	Total Pax	Svc Hours	Svc Miles	Maint	Fuel	Salaries & Benefits	Other	Total	Pax/hr	Cost Per Hour
MMSA	Cor	480,770	10,131	124,937	71,661	59,232	502,308	102,639	735,840	47.5	72.63
Mammoth FR	Cor	378,701	16,791	212,405	121,830	100,701	832,522	170,113	1,225,166	22.6	72.97
Reds Meadow	Cor	128,587	3,592	45,476	26,084	21,560	178,093	36,391	262,128	35.8	72.98
Bishop DAR	Par	43,992	10,940	117,190	67,217	55,560	542,413	110,834	776,023	4.0	70.94
Reno	Cor	7,950	3,313	138,682	79,544	65,749	164,247	33,561	343,101	2.4	103.57
Lancaster	Cor	5,728	2,583	124,625	71,482	59,085	128,076	26,170	284,812	2.2	110.26
Mammoth Express	Com	4,500	1,005	44,292	25,405	20,999	49,814	10,179	106,397	4.5	105.90
Nite Rider	DAR	4,415	847	12,240	7,021	5,803	41,996	8,581	63,401	5.2	74.85
Lone Pine DAR	DAR	4,317	1,759	18,407	10,558	8,727	87,222	17,823	124,329	2.5	70.68
Mammoth DAR	Par	3,745	2,201	7,258	4,163	3,441	109,114	22,296	139,013	1.7	63.17
Lone Pine to Bishop	Com	3,571	1,256	55,904	32,065	26,504	62,254	12,721	133,544	2.8	106.36
Charter	Chr	3,200	213	1,986	1,139	942	10,561	2,158	14,800	15.0	69.48
Walker DAR	DAR	2,130	1,837	12,487	7,162	5,920	91,081	18,611	122,774	1.2	66.84
June Lake Winter*	MD	1,323	356	9,816	5,630	4,654	17,651	3,607	31,542	3.7	88.60
The Limited	MD	1,185	80	1,402	803	664	3,961	809	6,237	14.8	77.97
Bishop Creek*	MD	657	280	8,723	5,003	4,136	13,883	2,837	25,859	2.3	92.35
Bridgeport to G'Ville	LL	501	326	7,188	4,123	3,408	16,182	3,307	27,019	1.5	82.79
Benton to Bishop	LL	362	171	7,646	4,386	3,625	8,462	1,729	18,202	2.1	106.65
June Lake Summer*	MD	338	456	6,271	3,597	2,973	22,609	4,620	33,799	0.7	74.12
Tecopa	LL	113	152	4,099	2,351	1,943	7,517	1,536	13,348	0.7	88.04
Total		1,076,085	58,287	961,034	551,223	455,624	2,889,967	590,520	4,487,334	18.5	76.99

* Data is from calendar year to capture a full season dataset.

Legend: Cor=Core, Chr=Charter, DAR=Dial-a-Ride, Par=Paratransit Required, MD=Market Development, LL=Lifeline, Com=Commuter

YEAR OVER YEAR COMPARISON

In total, the average operating cost per service hour for all of the routes remained flat from \$76.89 to \$76.99.

STAFF REPORT

Subject: Organizational Assessment and Triennial Audit Recommendations Update
Initiated by: Karie Bentley, Administration Manager

BACKGROUND:

In October 2017, the ESTA Board approved award of a contract to The Matrix Consulting Group to perform an Organizational Assessment of the Authority. The Organizational Assessment report is available on ESTA's website at:

<https://www.estransit.com/wp-content/uploads/2018/05/ESTA-Organizational-Assessment-Final-Report.pdf>

Additionally, Michael Baker International completed the triennial performance audit of ESTA for the three-year period ending June 30, 2016. The report is available here:

https://www.estransit.com/wp-content/uploads/2018/12/FY-2014-16_TDA-Performance-Audit_ESTA_Final.pdf

At the request of the Board, the status of these recommendations is being reported on quarterly.

ANALYSIS/DISCUSSION:

Efforts continue to document procedures, cross train administrative staff and improve administrative support in areas where employees indicated concerns with existing practices.

ESTA's on-boarding and new hire training underwent major changes this season in an effort work on this area of concern. Overall, retention has greatly improved. Approximately twenty new drivers have been onboarded since October. Around fourteen of them have completed training and are driving or in the processes of being licensed to drive. This is a huge improvement from the previous seasonal recruitment where retention was around 25%. Despite this successful recruitment, ESTA is still experiencing driver shortages and has lost a number of seasoned drivers this fiscal year.

Payroll software research has been underway since February. The complexity of both the PERS calculations and cost tracking for various routes has presented challenges. Discussion continues with several providers. Calls have been made to CalPERS in hopes of finding more compatible choices to evaluate.

Ten additional on-board video camera systems were installed on ESTA's fleet in March 2019.

Fleet replacement strategy is being reviewed and the Executive Director has reached out to ESTA's member agencies for input and possible assistance. Contracts for services are also being reviewed to insure adequate funds for capital replacement are included in contract rates.

Fleet maintenance, especially during winter months has presented a number of challenges in Mammoth. The Executive Director is actively reviewing maintenance strategies with the Town of Mammoth Lakes and looking for a creative solution.

The monthly operations report has some of the new recommended performance standards, and other changes are in process.

Tables listing the recommendations of the organizational assessment and the Triennial Audit follow this report along with a brief status report.

FINANCIAL CONSIDERATIONS

The Organizational Assessment and Triennial Audit Recommendation Update is presented at this time for the Board’s information and consideration. Any costs associated with the recommendations will be provided as they become known.

RECOMMENDATION

The Organizational Assessment and Triennial Audit update is presented at this time as an information item for the Board.

Triennial Audit Recommendations:

1. Ensure vehicle maintenance is conducted within maintenance parameters. <i>(High Priority)</i>	Fleet maintenance in Mammoth Lakes is under review.
2. Study feasibility of bringing 45-day vehicle inspections in-house. <i>(Medium Priority)</i>	This task is pending.
3. Include comparison of performance against new standards in the monthly operations report. <i>(Medium Priority)</i>	Some new standards have been incorporated into the monthly operations report.
4. Continue working with Mono and Inyo LTCs and Caltrans to procure additional on-board video cameras for the bus fleet. <i>(Medium Priority)</i>	Ten video systems were installed in March 2018. Staff is working to identify funding for additional camera systems.

Summary of Organizational Assessment Recommendations

Rec. #	Recommendation	Priority	Status
1	ESTA should adopt a new organizational structure that consolidates all administrative activities under an Administrative Manager position.	1	Done
2	ESTA should adopt revised position titles and job duty descriptions for the administrative positions.	1	Done
3	ESTA should adopt salary levels that are competitive with the market for administrative and supervisory staff positions.	1	Done
4	ESTA should consider adding 1.5 administrative support positions to its staff including making the current half-time clerical position in Bishop full-time and adding a full-time clerical position to the Mammoth Lakes terminal.	1	Bishop half-time clerical position has been made full time. Half-time admin staff in Mammoth is being reconsidered as there is little work in shoulder season.
5	ESTA should assign back-up dispatch duties to the added clerical positions so that professional staff currently backing up the dispatchers can focus on more technical duties.	1	Done
6	ESTA should work to improve administrative support areas where employees indicated concerns with existing practices.	2	Not yet formally addressed although informal efforts are being made to address employee concerns.
7	ESTA should develop a procedures manual covering all key administrative processes.	3	Procedures continue to be documented.
8	ESTA should develop an annual training plan to ensure that a minimum of two staff are proficient in critical administrative functional areas and processes.	4	Administration Manager is cross training the Admin. Spec. I & III in a number of areas. Administration Manager is also working to understand Executive Director Responsibilities
9	ESTA should assess the feasibility of acquiring an integrated financial/personnel management system that includes time keeping/payroll functionality.	2	Payroll software research is underway.
10	ESTA should have a systems/data security audit completed by a qualified company specializing in cyber security.	1	Not yet started.
11	ESTA should develop a workforce plan to project retirements and replacement for critical positions.	4	Not yet started.
12	ESTA should review its fleet operations to ensure the most cost-effective and beneficial models are in place for replacing, fueling, and maintaining its buses and other vehicles.	4	Fleet replacement strategy is being reviewed. Fleet maintenance in Mammoth under review.

STAFF REPORT

Subject: Employee of the Quarter

Presented by: Phil Moores, Executive Director

ESTA has an Employee of the Quarter program which rotates between the Mammoth Lakes and Bishop yards. The program is sustained by coworker nominations and a selection committee comprised of drivers, office staff, and supervisors. Winners are selected for outstanding professionalism and customer service. This month's winner is from the Bishop yard and demonstrates a bullet proof attitude every day. She lifts the spirits of everyone in the room, and her customers love her as much as we do. Ask her about her classic car collection when you get a chance, she drives them to work and they are beautiful! Please join me in congratulating Melinda Scott as this quarter's winner!

STAFF REPORT

Subject: Six-Month Service Recommendations

Presented by: Phil Moores, Executive Director

BACKGROUND:

ESTA's Service Change Policy includes a plan for bi-annual service planning sessions to allow the Board an opportunity to review and approve the services proposed to be operated for the coming six months.

ANALYSIS/DISCUSSION:

The following pages detail the specific routes that are planned to be operated or discontinued by Eastern Sierra Transit for what is considered the summer season, from April through September of 2018. Table 1 contains operating statistics and Table 2 provides descriptions of the routes.

Transit services are defined as follows and categorized in Tables 1 and 2:

Fixed Route – This type of bus service follows a defined route and stops only at designated stops.

Demand Response – This service runs on scheduled trips assigned to vehicles after a call in from a passenger.

Core (Cor) – A core service carries the majority of passengers and serves higher population areas with a fixed route approach.

Commuter (Com) – A commuter route operates during peak travel periods and is designed to deliver passengers to and from work on a fixed route.

Dial-a-Ride (DAR) – This demand response service is a door-to-door service that fits nicely in small communities that do not have sufficient population density to support a fixed route.

ADA Paratransit (Par) – Also a demand response service, this is a federally mandated service designed to serve the disabled community. The Americans with Disabilities Act of 1990 requires a transit agency to provide a service that compliments the regularly schedule fixed routes that a disabled person cannot use.

Market Development (MD) – This is an experimental service that tests a previously unserved area for potential. The prescribed method for introducing

new service is a three-year schedule. Year one is considered a marketing outreach, and year two is a telling year where ridership either increases, stays flat, or declines. In cases where ridership increases in the second year, a third year is recommended. In cases where ridership declines or remains flat in the second year, a third year is not recommended without significant changes to attempt improvement.

Lifeline (LL) – This service is designed to connect remote low-density populations to important services in higher density cities. Typically, it runs infrequently, but provides citizens access to medical, government, and other services not available otherwise.

Charter (Chr) – Charters are bus trips not part of regular services. They are requested and paid for to provide exclusive service outside the regular routes of a transit system. They are irregularly scheduled and sometimes exclude the general public. ESTA is required to evaluate, track, and report on all charter services through a federal website.

Table 1

FY 2017-18		Operating Statistics			Operating Expenses					Performance	
Route	Type	Total Pax	Svc Hours	Svc Miles	Maint	Fuel	Salaries & Benefits	Other	Total	Pax/hr	Cost Per Hour
MMSA	Cor	480,770	10,131	124,937	71,661	59,232	502,308	102,639	735,840	47.5	72.63
Mammoth FR	Cor	378,701	16,791	212,405	121,830	100,701	832,522	170,113	1,225,166	22.6	72.97
Reds Meadow	Cor	128,587	3,592	45,476	26,084	21,560	178,093	36,391	262,128	35.8	72.98
Bishop DAR	Par	43,992	10,940	117,190	67,217	55,560	542,413	110,834	776,023	4.0	70.94
Reno	Cor	7,950	3,313	138,682	79,544	65,749	164,247	33,561	343,101	2.4	103.57
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Mammoth DAR	Par	3,745	2,201	7,258	4,163	3,441	109,114	22,296	139,013	1.7	63.17
Lone Pine to Bishop	Com	3,571	1,256	55,904	32,065	26,504	62,254	12,721	133,544	2.8	106.36
Charter	Chr	3,200	213	1,986	1,139	942	10,561	2,158	14,800	15.0	69.48
Walker DAR	DAR	2,130	1,837	12,487	7,162	5,920	91,081	18,611	122,774	1.2	66.84
June Lake Winter*	MD	1,323	356	9,816	5,630	4,654	17,651	3,607	31,542	3.7	88.60
The Limited	MD	1,185	80	1,402	803	664	3,961	809	6,237	14.8	77.97
Bishop Creek*	MD	657	280	8,723	5,003	4,136	13,883	2,837	25,859	2.3	92.35
Bridgeport to G'Ville	LL	501	326	7,188	4,123	3,408	16,182	3,307	27,019	1.5	82.79
Benton to Bishop	LL	362	171	7,646	4,386	3,625	8,462	1,729	18,202	2.1	106.65
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Tecopa	LL	113	152	4,099	2,351	1,943	7,517	1,536	13,348	0.7	88.04
Total		1,076,085	58,287	961,034	551,223	455,624	2,889,967	590,520	4,487,334	18.5	76.99

* Data is from calendar year to capture a full season dataset.

Legend: Cor=Core, Chr=Charter, DAR=Dial-a-Ride, Par=Paratransit Required, MD=Market Development, LL=Lifeline, Com=Commuter

Table 2

Planned ESTA Services April 2019 through September 2019											
Route	Type	Days of Week							Hours	Service Period	Description
		S	M	T	W	T	F	S			
Walker DAR	DAR		X	X	X	X	X		8am -4:30pm	year-round	1 bus
Bridgeport - Gardnerville	LL						X		11am -6:30pm	year-round	1 roundtrip on Wednesday
June Lake Summer	MD	X							8am -5pm	summer	MMSA employees/summ er lake circulator
June Lake Winter	MD	X								winter	MMSA employees
Mamm oth DAR	Par		X	X	X	X	X		8am -5pm	year-round	Provides ADA paratransit backup
Purple Line	Cor	X	X	X	X	X	X		7am -6pm	year-round	1 bus with 30-minute headways
The Limited	MD	X							7:40am -3pm	School Days Only	one a.m . trip and one p.m . trip-school kids
Mamm oth Winter Trolley	Cor	X	X	X	X	X	X		5:40p-2am	Through April 21	3 buses until 10pm . Reduced service till 2am
Mamm oth Shoulder Season Trolley	Cor	X	X	X	X	X	X		7am -10pm	mid-April to mid-June Labor Day till Nov.	2 buses with 30-minutes service until 10pm . Reduced till 2am
Mamm oth Summer Trolley	Cor	X	X	X	X	X	X		7am -2am	May 26-Nov 16	3 buses with 20-minutes service until 10pm . Reduced till 2am
Mamm oth Lakes Basin Trolley	Cor	X	X	X	X	X	X		8am -6pm	June 16-Labor Day after Labor Day till Oct. 1	2 buses with 30-m inutes service, 3 on Sat. 1 bus with 60-m inute service and 2 on Sat.
Red Line	Cor	X	X	X	X	X	X		7am -5:30pm	Thru April	3 buses with 20-minute service As many as 6 buses on busy days
Blue Line	Cor	X	X	X	X	X	X		7am -5:20pm	Thru April	1 bus with 15-m inute service
Green Line	Cor	X	X	X	X	X	X		7:30am -5:30pm	Thru April	1 bus with 15-m inute service
Yellow Line	Cor	X	X	X	X	X	X		7:30am -5:30pm	Thru April	1 bus with 20-m inute service
Mamm oth Express	Com		X	X	X	X	X		see schedule	year-round	8 trips daily
395 Reno	Cor		X	X	X	X	X		see schedule	year-round	1 roundtrip daily
395 Lancaster	Cor		X	X	X	X	X		see schedule	year-round	1 roundtrip daily
Benton - Bishop	LL				X			X	8:30am leave 2:30pm return	year-round	1 roundtrip daily, 2 days per week
Bishop DAR	DAR	X	X	X	X	X	X	X	7am -5:30pm (M-F) 8:30am -6pm (Sat) 8am -1pm (Sun)	year-round	Door-to-door service in Bishop
Nite Rider	DAR						X	X	6pm -2am	year-round	Friday and Saturday nights (and New Years Eve & Tri-county Fair Sunday)
Bishop Creek Shuttle	MD	X	X	X	X	X	X	X	8am -9:45a 4pm -5:45pm	Weather permitting June 16-Labor Day	2 trips dparting Bishop 8am and 4pm
Lone Pine - Bishop	Com		X	X	X	X	X		see schedule	year-round	6 trips daily
Lone Pine DAR	DAR		X	X	X	X	X		7:30am -3:30pm	year-round	1 bus - door-to-door service
Tecopa - Pahrum p	LL				X				9am -1:30pm	year-round	1 roundtrip two Wednesdays per month
Reds Meadow Shuttle	Cor	X	X	X	X	X	X	X	7am -9pm	June 16-Labor Day	6 buses with 20-minute service
Reds Meadow Valley Shuttle	Cor	X						X	8:30am -4pm	4 weekends after Labor Day	1 bus with one a.m . trip in, and one p.m . trip out, then circulator in the Valley

Legend: Cor=Core, Chr=Charter, DAR=Dial-a-Ride, Par=Paratransit Required, MD=Market Development, LL=Lifeline, Com=Commuter

The proposed services and service discontinuations for the coming six months include the following:

- Summer seasonal shuttle service to **Bishop Creek Recreation Area** is proposed to be continued. This service is considered “market development” and with a 62% ridership increase in year two, a third year is recommended.
- **Bridgeport to Gardnerville** extension – The route operates on Wednesdays only, from Bridgeport to Gardnerville. At a recent Unmet Transit Needs meeting in Walker, I received a request to extend the service to Carson City. The extension adds 16 miles each way. More research into the community and impact to the driver schedule is necessary, but this request is reasonable to meet.
- The **June Lake Winter/Summer Shuttles** are market development routes that have both seen a marked decline in ridership. Ridership on

both shuttles are down 50% in 2018. Both shuttles are recommended for discontinuation. The shuttles cost ESTA around \$64.5k annually. Perhaps the community could consider a vanpool for its Bishop based employees and a volunteer driver program for local transportation needs. This will reduce ESTA's demand for drivers in Mammoth. Public input is recommended, and this can be arranged at future Board meetings in Mammoth. Also, the change would be presented to the LTC.

- **The Limited** route (service to upper Old Mammoth Road area) is scheduled to operate through the end of the school year in June 2019. This route has been provided by the Mammoth DAR vehicle on school days only. Continuation of this route is not recommended for the following reasons:
 - Ridership is almost exclusively 4-7 individual school children, averaging 4 children per day of service. This small sample of the neighborhood population does not justify the expense and driver necessary to serve the area. Especially when considering ESTA's driver shortages.
 - Delivering this service has made the DAR unavailable to ADA eligible and regular DAR passengers. ESTA is required to have ADA complimentary service available during fixed route hours. Breaking it away from the DAR service would require another peak driver for a very short service time.
 - A driver break analysis reveals that the recovery time at the Athletic Club is occasionally sufficient and sometimes non-existent. A Red Line extension is not advisable.
 - There is no viable turn-around point above the Athletic Center for the 40-foot vehicles currently used on the Red Line.
 - This route is unpublished in its current form. Also, it has not been running Monday thru Friday, but only when school is in session. It is a combination of the Red and Purple lines. The permanent addition of this new route running Monday thru Friday would require new marketing materials and additional costs. The added service hours would further erode the productivity. Without the school children the additional costs are not justified.
 - On a related note, the Athletic Club bus stop forces passengers to enter the bus from the street side due to loop inclines and configuration. This stop should be evaluated for improvements.

- Public input is recommended, and this can be arranged at future Board meetings in Mammoth. Also, the change would be presented to the LTC.
- Consistent with last spring, the Red Line will transition to Trolley service as activity on the Mountain winds down.
- Reds Meadow service is expected to begin once the road is repaired and approved for travel.
- All other services approved for operation in FY18-19 are proposed to continue in FY19-20.

FINANCIAL CONSIDERATIONS

The transit service detailed on the preceding pages are included in the ESTA FY 2018/19 budget and are consistent with the revenues included in the budget. The revenues and expenses for the routes that are approved to operate beyond June 30, 2019 will be included in the FY 2019/20 budget.

RECOMMENDATION

The Board is requested to approve the Eastern Sierra Transit services planned to be operated through September 2019.

STAFF REPORT

Subject: ESTA Charter Policy

Presented by: Phil Moores, Executive Director

BACKGROUND:

ESTA receives around 40 charter requests every year. A charter is defined as:

1. Transportation provided by ESTA at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:
 - a. A third party pays the transit provider a negotiated price for the group;
 - b. Any fares charged to individual members of the group are collected by a third party;
 - c. The service is not part of the transit provider's regularly scheduled service, or is offered for a limited period of time; or
 - d. A third party determines the origin and destination of the trip as well as scheduling; or
2. Transportation provided by ESTA to the public for events or functions that occur on an irregular basis or for a limited duration and:
 - a. A premium fare is charged that is greater than the usual or customary fixed route fare; or
 - b. The service is paid for in whole or in part by a third party.

To this point, ESTA's charter policy has consisted of a table of charter rates. Without the guidance of a policy, the rates have not been applied consistently.

Each charter provided by ESTA requires extensive management as dictated by state and federal regulations.

ANALYSIS/DISCUSSION:

ESTA is a qualified Federal Transit Administration subgrantee. ESTA's role as a public agency is to treat all citizens, groups, and political jurisdictions equally. Consequently, pricing of all charter services must be determined on a uniform basis. Additionally, ESTA must certify compliance with Federal charter service regulations as part of its annual Certifications and Assurances to the FTA.

FINANCIAL CONSIDERATIONS

There are minor financial benefits to charging the charter rates in a more consistent manner. An additional issue to consider is the staff time needed to comply with the regulations. Charter notifications, scheduling, reporting,

negotiations, communications, and invoicing take a considerable amount of time.

RECOMMENDATION

The Board is requested to approve the Eastern Sierra Transit Authority Charter Policy and authorize the Executive Director to manage, deny, and/or approve ESTA charter services.



ESTA Charter Services Policy and Procedures **Effective April 12, 2019**

POLICIES & PROCEDURES FOR CHARTER SERVICES

ARTICLE I, PURPOSE

The purpose of this document is to establish the Eastern Sierra Transit Authority (ESTA) policy and procedures governing the operation of charter bus service incidental to normal public transit services. Specifically, the purpose of this policy is to implement California Code of Regulations 49 CFR 604, 49 USC 5301, and 23 USC 103(e)(4), 142(a), 142(c) which protects private charter operators from unauthorized competition from recipients of Federal financial assistance under Federal Transit Laws.

ARTICLE II, BACKGROUND

ESTA is the local public transit service provider in Inyo and Mono Counties. ESTA is a qualified Federal Transit Administration subgrantee. ESTA's role as a public agency is to treat all citizens, groups, and political jurisdictions equally. Consequently, pricing of all charter services must be determined on a uniform basis. Additionally, ESTA must certify compliance with Federal charter service regulations as part of its annual Certifications and Assurances to the FTA.

ESTA is governed by its eight-member Board of Directors, comprised of representatives from the cities of Mammoth Lakes and Bishop, and the counties of Inyo and Mono. The Board is charged with budget-making and policy development responsibilities.

ARTICLE III, DEFINITIONS

- (1) "Federal Transit Laws" means 49 U.S.C. 5301 et seq., and includes 23 U.S.C. 103(e)(4), 142(a), and 142(c), when used to provide assistance to public transit agencies for purchasing buses and vans.
- (2) "Administrator" means the Administrator of the Federal Transit Administration or his or her designee.
- (3) "Charter service" means, but does not include demand response service to individuals:
 - (a) Transportation provided by ESTA at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:
 - (i) A third party pays the transit provider a negotiated price for the group;
 - (ii) Any fares charged to individual members of the group are collected by a third party;
 - (iii) The service is not part of the transit provider's regularly scheduled service, or is offered for a limited period of time; or
 - (iv) A third party determines the origin and destination of the trip as well as

- scheduling; or
- (b) Transportation provided by ESTA to the public for events or functions that occur on an irregular basis or for a limited duration and:
 - (i) A premium fare is charged that is greater than the usual or customary fixed route fare; or
 - (ii) The service is paid for in whole or in part by a third party.
 - (4) "Charter hours" means total hours operated by drivers, buses, or vans while in charter service including:
 - (a) 30 minutes for a pre-trip vehicle safety inspection and 10 minutes for a post-trip inspection daily;
 - (b) Hours operated while carrying passengers for hire, plus
 - (c) Associated deadhead hours.
 - (5) "Exclusive" means service that a reasonable person would conclude is intended to exclude members of the public.
 - (6) "Government official" means an individual elected or appointed at the local, state, or Federal level.
 - (7) "Interested party" means an individual, partnership, corporation, association, or other organization that has a financial interest that is affected by the actions of ESTA providing charter service under the Federal Transit Laws. This term includes states, counties, cities, and their subdivisions, and tribal nations.
 - (8) "Program purposes" means transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities, and or low-income individuals); this does not include exclusive service for other groups formed for purposes unrelated to the special needs of the targeted populations identified herein.
 - (9) "Qualified human service organization (QHSO)" means an organization that serves persons who qualify for human service or transportation-related programs or services due to disability, income, or advanced age. This term is used consistent with the President's Executive Order on Human Service Transportation Coordination (February 24, 2004).
 - (10) "Registered charter provider" means a private charter operator that wants to receive notice of charter service requests directed to ESTA and has registered on FTA's charter registration Web site.
 - (11) "Registration list" means the current list of registered charter providers and qualified human service organizations maintained on FTA's charter registration website.

ARTICLE IV, EXCEPTIONS

The purpose of this subpart is to identify the limited exceptions under which ESTA may provide community-based charter services. Although the FTA identifies a total of six possible exceptions, ESTA will only consider four exceptions that are applicable to its operating environment:

- (1) Government officials on official government business:
 - (a) ESTA may provide charter service to government officials (Federal, State, and local) for official government business, which can include non-transit related purposes, if ESTA:
 - (i) Provides the service in its geographic service area;

- (ii) Does not generate revenue from the charter service, except as required by law; and
- (iii) After providing such service, records the following:
 - (1) The government organization's name, address, phone number, and email address;
 - (2) The date and time of service;
 - (3) The number of passengers (specifically noting the number of government officials on the trip);
 - (4) The origin, destination, and trip length (miles and hours);
 - (5) The fee collected, if any; and
 - (6) The vehicle number for the vehicle used to provide the service.

ESTA shall be limited annually to 80 charter hours for providing trips to government officials for official government business. At least one ESTA government official must be on-board the charter.

(2) Petitions to the FTA Administrator:

- (a) ESTA may petition the Administrator for an exception to the charter service regulations to provide charter service directly to a customer for:
 - (i) Events of regional or national significance;
 - (ii) Hardship (only for non-urbanized areas under 50,000 in population or small urbanized areas under 200,000 in population); or
 - (iii) Unique and time sensitive events (e.g., funerals of local, regional, or national significance) that are in the public's interest.
- (b) The petition to the Administrator shall include the following information:
 - (i) The date and description of the event;
 - (ii) The type of service requested and the type of equipment;
 - (iii) The anticipated number of charter hours needed for the event;
 - (iv) The anticipated number of vehicles and duration of the event; and
- (1) For an event of regional or national significance, the petition shall include a description of how registered charter providers were consulted, how registered charter providers will be utilized in providing the charter service, a certification that the recipient has exhausted all of the registered charter providers in its geographic service area, and submit the petition at least 90 days before the first day of the event described in paragraph (b)(i) of this section;
- (2) For a hardship request, a petition is only available if the registered charter provider has deadhead time that exceeds total trip time from initial pickup to final drop-off, including wait time. The petition shall describe how the registered charter provider's minimum duration would create a hardship on the group requesting the charter service; or
- (3) For unique and time sensitive events, the petition shall describe why the event is unique or time sensitive and how providing the charter service would be in the public's interest.
- (c) Upon receipt of a petition that meets the requirements set forth in paragraph (b) of this section, the Administrator shall review the materials and issue a written decision denying or granting the request in whole or in part. In making this decision, the Administrator may seek such additional information as the Administrator deems necessary. The Administrator's

decision shall be filed in the Petitions to the Administrator docket, number FTA-2007-0022 at [http:// www.regulations.gov](http://www.regulations.gov) and sent to the recipient.

- (d) Any exception granted by the Administrator under this section shall be effective only for the event identified in paragraph (b)(i) of this section.
- (e) ESTA shall send its petition to the Administrator by facsimile to (202) 366-3809 or by e-mail to ombudsman.charterservice@dot.gov.
- (f) ESTA shall retain a copy of the Administrator's approval for a period of at least three years and shall include it in the quarterly report posted on the charter registration Web site.

(3) Qualified Human Services Organizations:

- (a) ESTA may provide charter service to a qualified human service organization (QHSO) for the purpose of serving persons:
 - (i) With mobility limitations related to advanced age;
 - (ii) With disabilities; or
 - (iii) With low income.
- (b) If an organization serving persons described in paragraph (a) of this section receives funding, directly or indirectly, from the programs listed in Appendix A of 49 CFR 604, the QHSO shall not be required to register on the FTA charter registration Web site.
- (c) If a QHSO serving persons described in paragraph (a) of this section does not receive funding from any of the programs listed in Appendix A of 49 CFR 604, the QHSO shall register on the FTA charter registration Web site in accordance with 49 CFR 604.15.
- (d) ESTA providing charter service under this exception, whether or not the QHSO receives funding from Appendix A of 49 CFR 604 programs, and after providing such charter service, shall record:
 - (i) The QHSO's name, address, phone number, and e-mail address;
 - (ii) The date and time of service;
 - (iii) The number of passengers;
 - (iv) The origin, destination, and trip length (miles and hours);
 - (v) The fee collected, if any; and
 - (vi) The vehicle number for the vehicle used to provide the service.

(4) When no other registered charter provider responds to notice from ESTA:

When ESTA receives a request to provides charter services other than described in sections (1), (2), or (3) of this subpart, notification per 49 CFR 604.14 is required.

- (a) ESTA may provide charter service, on its own initiative or at the request of a third party, if no registered charter provider responds to the notice issued per 49 CFR 604.14:
 - (i) Within 72 hours for charter service requested to be provided in less than 30 days; or
 - (ii) Within 14 calendar days for charter service requested to be provided in 30 days or more.
- (b) ESTA shall not provide charter service under this section if a registered charter provider indicates an interest in providing the charter service set out in the notice issued pursuant to §604.14 and the registered charter

- provider has informed the recipient of its interest in providing the service.
- (c) The notification to the registered charter providers shall include:
 - (i) E-mail notice of the request shall be sent by the close of business on the day ESTA receives the request unless ESTA received the request after 2 p.m., in which case ESTA shall send the notice by the close of business the next business day;
 - (ii) E-mail notice sent to the list of registered charter providers shall include:
 - (1) Customer name, address, phone number, and e-mail address (if available);
 - (2) Requested date of service;
 - (3) Approximate number of passengers;
 - (4) Whether the type of equipment requested is (are) bus(es) or van(s); and
 - (5) Trip itinerary and approximate duration; and
 - (iii) If ESTA intends to provide service that meets the definition of charter service under 49 CFR 604.3(c)(2), the email notice must include the fare ESTA intends to charge for the service.
 - (d) ESTA shall retain an electronic copy of the e-mail notice and the list of registered charter providers that were sent e-mail notice of the requested charter service for a period of at least three years from the date the e-mail notice was sent.
 - (e) If a recipient receives an "undeliverable" notice in response to its email notice, the recipient shall send the notice via facsimile. The recipient shall maintain the record of the undeliverable e-mail notice and the facsimile sent confirmation for a period of three years.
 - (f) After providing the service, ESTA shall record:
 - (i) The group's name, address, phone number, and e-mail address;
 - (ii) The date and time of service;
 - (iii) The number of passengers;
 - (iv) The origin, destination, and trip length (miles and hours);
 - (v) The fee collected, if any; and
 - (vi) The vehicle number for the vehicle used to provide the service.

ARTICLE V, POLICIES AND PROCEDURES

- (1) When ESTA provides charter service in accordance with one or more of the exceptions above they shall maintain the required notice and records in an electronic format for a period of at least three years from the date of the service. ESTA may maintain the required records in other formats in addition to the electronic format.
- (2) In addition to the requirements identified in paragraph (1) of this section, the records required shall include a clear statement identifying which exception ESTA relied upon when it provided the charter service.
- (3) ESTA shall post the records required on the FTA charter registration website 30 days after the end of each calendar quarter (i.e., January 30th, April 30th, July 30th, and October 30th). A single document or charter log may include all charter service trips provided during the quarter.
- (4) ESTA may exclude specific origin and destination information for safety and security reasons from the reporting in (3). If ESTA excludes such information, the record of the service shall describe the reason why such information was excluded and provide generalized information instead of providing specific origin and destination information.

ARTICLE VI, OPERATIONAL REQUIREMENTS

- (1) Geographical Charter Service Area: ESTA will offer incidental charter services with an origin within Inyo and Mono counties only.
- (2) Charter Vehicle Capacity: Each vehicle's passenger capacity is limited to its number of seats, including authorized wheelchair positions. Baggage or other property must be carried onto the vehicle by the passenger, and will be limited as to the quantity, weight, and/or size that can be safely transported. Any article that creates, in the opinion of the bus operator or other ESTA supervisor, a hazardous condition or that is likely to damage the vehicle will not be transported.
- (3) Safety Concerns on Charter Service Operations: In the interest of safety, ESTA reserves the right to refuse to operate charter service when environmental conditions dictate, including inaccessible destination sites, inclement weather, etc. Wherever practical, ESTA will cooperate with the requesting party in revising the route in order to successfully provide the charter service.
- (4) Charter Service Schedule: ESTA endeavors to maintain a mutually-agreed upon schedule but cannot guarantee arrival or departure times due to accidents, breakdowns, road conditions, inclement weather, and/or other circumstances beyond its control. ESTA assigns qualified bus operators that have been instructed to drive at speed limits prescribed by law or that are required to operate safely. ESTA shall not be held responsible for personal property that is left on its vehicles.
- (5) Charter Employee / Bus Assignments: ESTA reserves the right to assign employees to a specific job, and to substitute or replace employees without notice. Wherever possible, requests for specific bus operators will be honored.
- (6) Charter Vehicle Breakdowns: Vehicles furnished by ESTA are inspected by maintenance staff before being put into charter service to ensure safe operation. Should mechanical failure require the replacement of a vehicle originally assigned, the replacement vehicle may be of a different type; every effort will be made to provide a similar vehicle. The requesting party will not be charged for time delays or additional miles traveled specifically related to replacing the faulty vehicle, or for any other delays that were the direct fault of ESTA.
- (7) Dealing with Objectionable Passengers on Charter Services: ESTA reserves the right to refuse to transport a person:
 - a. Under the influence of alcohol or drugs, and/or
 - b. Whose conduct is such, or likely to become such, as to make him/her objectionable to other persons. Persons who conduct themselves in an objectionable manner will be reported to law enforcement officials.
- (8) Limited Availability of Charter Services in Peak Periods: For the purpose of this Policy and Procedures, peak periods are defined as Monday through Friday from 7:00 AM to 7:00 PM. ESTA reserves the right to operate limited charter bus service, where appropriate, during peak periods where regularly scheduled services will not be adversely affected.
- (9) Charter Vehicle Service Hours and Miles: The requesting party will be charged according to the vehicle service hours operated; a minimum of four vehicle service hours will be charged for each chartered vehicle. The

following definitions will be used:

a. A vehicle service hour is defined as that incremental amount of time that each chartered vehicle is in service, from the time that the vehicle departs from the dispatched point on its way to the party's requested location until the time it returns to the ESTA garage or point where the vehicle engages in another service. Vehicle service hours include idle time and deadhead time, as well as vehicle safety check-out time (30 minutes) and check-in time (10 minutes).

b. A vehicle service mile is defined as the incremental miles traveled that each chartered vehicle is in service, from the vehicle departure point at the dispatched point on its way to the party's requested location until the miles accumulated in reaching the ESTA garage or point where the vehicle engages in another service.

All charter vehicle service hours and miles will be deducted from the "useful life" of each vehicle used as defined by the FTA.

(10)Charter Rates: Rates will be determined annually as part of the ESTA budget-making process or as amended by the ESTA Board (see Appendix A).

(11)Damage to Vehicles on Charter Services: All expenses related to repairing damage to vehicles resulting from acts of the contracting party or its users shall be charged to the contracting party, and will be payable upon presentation of invoice (or retention of deposit, as appropriate). Damage repairs completed by ESTA staff will be billed at \$100.00 per hour, in addition to any parts and associated materials. Repairs completed by outside vendors will be charged at the full invoice cost, plus 5 percent for overhead charges. If the vehicle is rendered inoperable, the chartering party will be charged \$100.00 per day that the vehicle is not available for regular ESTA service. Finally, damage includes the cleaning of biohazard waste material (i.e., vomit or urine), which will be charged at a rate of \$100 per incident.

(12)Payments for Charter Service: All customers booking charter service with ESTA must pay-in-full for service on a cash basis. Payment in full must be made within 30 calendar days from the receipt of the invoice. A deposit may also be required.

(13)Cancellations of Charter Service: Any party seeking to cancel scheduled charter services must do so at least 48 hours prior to the scheduled charter start time. If not canceled according to this requirement, the party will be charged 25 percent of the original estimated costs for the service or two vehicle service hours per bus requested (whichever is less).

(14)All parties ESTA considers for charter service must complete an application (Appendix B) and sign the agreement (Appendix C).

(15)Charter Bus Drivers will complete a daily trip sheet (Appendix D) which is available upon request.

APPENDIX A

Charter Rates

Effective Date: April 12, 2019

The following rates are approved by the ESTA Board of Directors.

Charter Type	Minimum Hours	Minimum Charter Fare	Each additional Hour	Time at Destination
Private Charter	4	\$340.00	\$85.00	\$85.00
QHSO Charters	4	\$340.00	\$85.00	\$25.00

To estimate the cost of the charter, follow these guidelines:

- (1) Charged at \$85.00/hr.
 - a. 30 minutes for pre-trip vehicle safety inspection and 10 minutes for post-trip inspection daily,
 - b. Drive time to/from destinations including travel to/from layover locations,
 - c. All deadhead time, and
 - d. Time at destination.
- (2) For QHSO charters, the time at destination (d) above is charged at \$25.00/hr. This is the time spent not driving and waiting for the event to finish.



APPENDIX B

Charter Application

Please answer the questions below. This application is not a guarantee of service. Eastern Sierra Transit Authority (ESTA) is a federally funded agency. The California Code of Regulations 49 CFR 604 requires extensive notifications, data gathering, and reporting in order for ESTA to provide charter services. There are conditions which prevent ESTA from providing certain charter services including, but not limited to, orders from the ESTA Board of Directors.

1. Business Name: _____

2. Address: _____

3. Contact Person's Name: _____

4. Phone #'s: _____ Email: _____

5. List dates, times, locations, and total hours of each day's service (Use extra pages if needed. If the service is a loop, indicate in the notes section):

1. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

2. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

3. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

4. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

5. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

6. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

6. Frequency of service expected. For example, every 30 minutes, hourly, out and back trip, etc.

7. Approximate number of total passengers from all services requested: _____

8. Maximum number of passengers on a vehicle at the same time: _____

9. Number of wheelchairs/mobility devices that must be tied down: _____

10. Any other special accommodations? _____

11. Are you a Qualified Human Services Organization? Circle one: Yes or No

11. Comments: _____



ESTA Charter Agreement

ESTA requires that all recipients of charter services sign and agree to the terms of ESTA Charter Services Policy and Procedures. By signing below, you declare that you read, understand, and agree to the terms stated in this Policy.

Signature

Date

Print Name

ESTA Office Use Only
Charter Approved: _____ ESTA Executive Director
Charter Denied: _____ ESTA Executive Director
Reason for Denial: _____

Charter Driver Trip Sheet

Please complete one trip sheet per day of charter service. Use multiple sheets if necessary.

Date: _____ Name of Charter: _____

First Trip

Deadhead: _____

In service: _____

Layover: _____

Deadhead: _____

In service: _____

Deadhead: _____

Second Trip

Deadhead: _____

In service: _____

Layover: _____

Deadhead: _____

In service: _____

Deadhead: _____

Third Trip

Deadhead: _____

In service: _____

Layover: _____

Deadhead: _____

In service: _____

Deadhead: _____

Enter all time in Hours and/or minutes.	
Pre-trip:	0 hr. 30 min
Total Deadhead:	____hr.____min
In Service Hours:	____hr.____min
Total Layover*:	____hr.____min
Post-trip	0 hr. 10 min
Total Hours:	____hr.____min
*QHSO's are charged \$25/hr at layover	

STAFF REPORT

Subject: Resolution Authorizing the Executive Director for the Eastern Sierra Transit Authority, to File and Execute Applications Pursuant to Section 5311, and 5311(f) of the Federal Transit Act

Initiated by: Karie Bentley, Administration Manager

BACKGROUND:

The Eastern Sierra Transit Authority regularly applies for funding through Section 5311 of the Federal Transportation Act for operating assistance for rural transit service in Inyo and Mono Counties, and through Section 5311(f) for operating assistance for the intercity routes that ESTA operates north to Reno and South to Lancaster.

ANALYSIS/DISCUSSION:

FTA Section 5311 and 5311(f) funds are available to Inyo and Mono County to be used to augment operational and or capital costs. FTA Section 5311 funds are apportioned annually by formula to each County to be used for public transportation projects only in nonurbanized areas. Section 5311 funds may be used for capital, operating or administrative assistance to state or local agencies that are operators of public transportation services. The FTA Section 5311 funds apportioned to Inyo and Mono Counties require a 50% match, which is satisfied with our ongoing State Local Transportation Funds (LTF). Federal Transportation Administration (FTA) Section 5311(f) funds have been applied for annually to provide operating and capital assistance for the 395 Route bus routes to Reno and Lancaster. This is a competitive grant for inter-city bus service from nonurbanized areas connecting to urbanized areas. The FTA Section 5311 (f) funds require a 45% local match.

ESTA is still waiting for 5311 apportionment estimates for FY 2019/20 but for FY 2018/19, the Section 5311 apportionment amounts were \$106,243 for Inyo County, and \$81,358 for Mono County. We anticipate that FY 2019/20 numbers will be similar. ESTA just received the grant application for this year's Section 5311(f) funding but anticipates that \$290,000 in federal funding will be requested for the operating costs of the Reno and Lancaster routes.

FINANCIAL

Federal funding for FY 2019/20 under the Section 5311 and 5311(f) programs is expected to be approximately \$477,601. These grants would require, at maximum, a total of \$421,729 in matching funds. These matching funds will be provided from LTF allocations provided through the Inyo and Mono County Local Transportation Commissions, as has been the practice in previous years. The federal revenue and required matching funds will be included in the FY 2019/20 budget to be presented to the Board next month.

RECOMMENDATION

Approve Resolution 2019-03 authorizing the Executive Director to file and execute applications and supporting documentation on behalf of Eastern Sierra Transit Authority with the Department of Transportation to aid in the financing of planning, operating and/or capital assistance projects pursuant to Sections 5311 and 5311(f) of the Federal Transit Act.

AUTHORIZING RESOLUTION
RESOLUTION NO. 2019-03

A RESOLUTION OF THE EASTERN SIERRA TRANSIT AUTHORITY BOARD OF DIRECTORS, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT GRANT APPLICATIONS UNDER FTA SECTION 5311 (49 U.S.C. SECTION 5311) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND TO AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN ALL CORRESPONDING CONTRACTS, CERTIFICATIONS AND REIMBURSEMENT REQUESTS RELATING TO THE AFOREMENTIONED GRANTS ON BEHALF OF THE AUTHORITY.

WHEREAS, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support capital/operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act (**FTA C 9040.1F and FTA C 9050.1**); and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 grants for transportation projects for the general public for the rural transit and intercity bus; and

WHEREAS, Eastern Sierra Transit Authority desires to apply for said financial assistance to permit operation of service/purchase of capital equipment in Inyo and Mono Counties; and

WHEREAS, the Eastern Sierra Transit Authority has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Directors does hereby Authorize the Executive Director to file and execute applications on behalf of with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5311 of the Federal Transit Act (**FTA C 9040.1F and FTA C 9050.1**), as amended.

That Executive Director is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

That Executive Director is authorized to provide additional information as the Department may require in connection with the application for the Section 5311 projects.

That Executive Director is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 project(s).

PASSED AND ADOPTED by the Board of Directors of the Eastern Sierra Transit Authority, which provides transit service in Inyo and Mono Counties, State of California, at a regular meeting of said Commission or Board Meeting held on April 12, 2019 the by the following vote:

AYES:

NOES:

ABSENT:

Name: **Jeff Griffiths**

Title: **Chairperson**

Signature: _____

Date: _____

ATTEST:

By

Linda Robinson, Board Clerk

STAFF REPORT

Subject: 2019 Reds Meadow Shuttle Special Use Permit

Presented by: Phil Moores, Executive Director

BACKGROUND:

ESTA has operated or subcontracted the operation of the Reds Meadow shuttle service since 2009 through either a Challenge Cost Share Agreement or, beginning in 2012, a Special Use Permit with the U.S. Forest Service.

ANALYSIS/DISCUSSION:

ESTA's operation of the Reds Meadow shuttle since 2012 has been governed by a Special Use Permit that is issued for each summer season's operation.

The Special Use Permit for the 2019 Reds Meadow season is based on and includes all material aspects of the 2018 Permit. It is expected that the term of the Permit shall not exceed 180 days in length and will expire no later than November 30, 2019. Other provisions from previous years that are expected to be incorporated in the 2019 Permit include:

- Non-exclusive use: Other uses that do not materially interfere with ESTA's authorized use will be permitted.
- Description of applicable annual fees (3% of gross revenue)
- Requirement for Forest Service review of proposed fare pricing
- Requirement for submittal of annual operating plan

The 2019 Special Use Permit application and Operating Plan are attached for the Board's review.

FINANCIAL CONSIDERATIONS

The operation of the Reds Meadow Shuttle service under a Forest Service Special Use Permit allows the Authority to apply excess program income to the Authority's fund balance in order to strengthen the Authority's financial position overall and to provide a financial cushion for the operation of the Shuttle service. In FY 2019/20, it is projected that the Reds Meadow Shuttle will generate \$490,000 in revenues, which will include a \$60,000 contribution to the maintenance fund for the rehabilitated Reds Meadow Road. The revenues and expenses for the 2019 Reds Meadow Shuttle service is included in the FY 2019/20 Budget.

RECOMMENDATION

The Board is requested to authorize the Eastern Sierra Transit Authority to enter into a Special Use Permit to be issued by the U.S. Forest Service for the operation of the Reds Meadow Shuttle service in 2019, and to authorize the Executive Director to execute all required documents for the Permit.

Fee Determination

for temporary special use permits (FS-2700-3f)

Applicant Name: Eastern Sierra Transit Authority

Period of Use: June 16, 2019 - August 19, 2019

Service Days Requested*: 98

Estimated Gross Revenue: \$490,000.00

Flat fee for Temporary use Permits (FSH 2709.11 37.21b)

Number of Service Days	Flat Fee	Maximum Gross Revenue for Each Bracket of Service Days*
1 to 50	\$150	\$10,000
51 to 100	\$300	\$20,000
101 to 150	\$450	\$30,000
151 to 200	\$600	\$40,000

*A service day is counted for service to a client for any part of a day on National Forest System lands. If the gross revenue exceeds the bracket maximum, then a fee of 3% of the gross will apply.

Attach a rate sheet.

Holder Signature: 

Date: 4/18/19

Print Name: Phil Moores

Reviewed by: _____ Date: _____

Title: _____

2. DESCRIPTION OF PROPOSED ACTIVITY

see attached service plan.

3. ADVERTISING. Provide a current brochure and current advertising materials or website address.

see attached

4. CLIENT CHARGES. Provide a description of client charges and fees and what they cover. Attach a current rate sheet.

attached

5. GUIDE IDENTIFICATION

ESTA bus operators

6. OPERATING PLAN. Attach two signed copies of an operating plan that addresses client and visitor safety, evacuation and emergency procedures, and resource protection with respect to your proposed operations and location.

attached

7. LIABILITY INSURANCE. The holder will be required to obtain liability insurance in an amount satisfactory to the authorized officer (see FSM 2713.1). The insurance policy must name the United States as an additional insured. A copy of the certificate of insurance must be provided to the authorized officer prior to issuance of a permit.

Evidence of Insurance will be emailed: akachulis@fs.fed.us

8. CLIENT'S ACKNOWLEDGMENT OF RISK FORM. If you plan to use an acknowledgment of risk form, attach a copy.

Use Code: 153
Authorization ID:
Contact Name:
Expiration Date:

FS-2700-3f (10/09)
OMB No. 0596-0082

SPECIAL USE APPLICATION & TEMPORARY PERMIT FOR OUTFITTING AND GUIDING
Authority: Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h)
(Ref.: FSH 2709.11, section 41.53)

PART I - APPLICATION

1. APPLICANT INFORMATION

Applicant Name: Phil Moores
Business Name: Eastern Sierra Transit Authority
Applicant's Complete Address: 703 Airport Rd., Bishop, CA 93515
Telephone Number: 760-822-1901 Fax Number: 760-784-9566
E-mail Address: pmoores@estransit.com
Website: estransit.com

As an applicant, are you:

<input type="checkbox"/> Individual	If yes, are you a citizen of the United States?
<input type="checkbox"/> Corporation	If yes, provide a copy of your state certificate of good standing.
<input type="checkbox"/> Limited Liability Company	If yes, provide a copy of your state certificate of good standing.
<input type="checkbox"/> Partnership or Association	If yes, provide a copy of your partnership or association agreement.
<input type="checkbox"/> State Government or Agency	(Includes state universities)
<input checked="" type="checkbox"/> Local Government or Agency	(Includes high schools)
<input type="checkbox"/> Nonprofit	(Please attach a copy of your IRS Form 990)

Under the Regulatory Flexibility Act, a small entity is a firm that is "independently owned and operated" and "not dominant in its field of operation." The United States Small Business Administration has developed size standards to identify what is considered a small business. Under these standards, a business with annual receipts of less than \$6.5 million constitutes a small business for recreation industries. Additionally, a small organization is any nonprofit enterprise that is independently owned and operated and not dominant in its field. A small government jurisdiction is a government of a city, county, town, township, village, school district, or special district with a population of less than 50,000.

Under these criteria, are you a small entity? NO

9. EXPERIENCE. List all permits for outfitting and guiding on National Forest System lands that you have held in the past 3 years. If you received a performance evaluation from the Forest Service, attach a copy. If you are relying on outfitting and guiding experience with other federal or state agencies, list any permits that you have held with those agencies in the past 3 years and provide a copy of any performance evaluations received. List all citations or violations received in association with outfitting and guiding activities.

2018

use code: 153

Authorization: ID: MLD18041

Contact Name: Eastern Sierra Transit Authority

10. SIGNATURE. I hereby certify that I am of legal age and am authorized to do business in the State or Commonwealth of California. I have personally examined the information contained in this application and certify that this information is correct to the best of my knowledge. I hereby acknowledge that this is an application only, and that the use and occupancy of National Forest System lands is not authorized until a special use permit is signed and issued by an authorized officer.

Printed Name: Phil Moores Signature: Phil Moores Date: 4/8/19

Printed Name: _____ Signature: _____ Date: _____

18 U.S.C. § 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction. Anyone who knowingly or willfully makes or uses any false statements or representations shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Advertising Requirements

The following nondiscrimination language is required in all advertising for federally assisted programs which includes all activities operating under special use permit. The text size shall be no smaller than the smallest font of the advertisement. The entire statement is expected in all web-based advertising and any print advertisement, including 11"x17" and larger flyers and posters.

"In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)"

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information is also available in languages other than English.

To file a complaint alleging discrimination, complete the [USDA Program Discrimination Complaint Form](#), AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office or write a letter addressed to USDA and provided in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (a) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (b) fax: (202) 690-7442; or (c) email: program.intake@usda.gov."

"USDA is an equal opportunity provider, employer, and lender."

Alternative: if there is not enough room for the entire statement, include:

"This institution is an equal opportunity provider."

This is appropriate for postcards and small print advertising.

Similarly, when an **audio or video presentation** does not reasonably lend itself to including the full statement, the presentation will, at a minimum include the following statement, presented in a conspicuous and meaningful manner:

"This institution is an equal opportunity provider."

The following statement of affiliation is required in all advertising.

"'Your Company Name Here' operates under permit on the Inyo National Forest."

**2019 Operating Plan
Business Name:**

Phil Moores

Prepared By

4/8/19

Date

Reviewed By-Special Use Permit Admin.

Date

Approved by District Ranger
Mammoth & Mono Lake Ranger Districts

Date

**2019 OPERATING PLAN
INYO NATIONAL FOREST**

I. GENERAL OVERVIEW OF OPERATIONS

SEB APPENDIX A

A. Business Name:

1. Legal Business Entity (e.g. Non-profit Corporation, dba, Inc., LLC):
2. Holder Authorized Agent:
3. Address:
4. Phone Number(s):
5. Fax Number:
6. e-mail:
7. Web Address:

B. Operating Season or Dates and Areas of Operations (including all days that clients are under your care and guidance):

C. Description of proposed activities:

D. Estimated service days:

E. Total number of trips:

F. Total Estimated Revenue (for entire trip duration whether on Inyo NF land or not)

G. Total number of clients and total number of guides and client to guide ratio:

H. Describe any Temporary Facilities to be used (portable shelters, rock hardware, etc.)

I. Are you contracting any guiding of your business? Independent /subcontractors?

J. First Aid Training. List yourself and your employees and indicate the level of training and the expiration date of the certifications.

K. Will you use any type of radio communication system for general operations or for emergencies? Describe system:

L. Explain your emergency procedures in case of accidents or other emergencies:

M. Explain in detail how operations will be run (describe use on Forest):

N. **Provide basic, daily itineraries for each type of trip:**

O. Explain methods for disposing of trash and waste (toilets, litter, etc.):

P. Describe Leave No Trace/Low Impact /Tread Lightly! Practices Used:

Q. **RESERVED SITES – NONE**

This permit does not include reserved sites.

R. **DESCRIBE EDUCATION COMPONENT OF PERMITTED ACTIVITIES**

II. **FOREST SERVICE STANDARDS AND GUIDELINES AND AUTHORIZED USE**

- A. This permit does not authorize use on other federal lands, private lands, wilderness areas or research natural areas. It is the permit holder's responsibility to know and inform participants of land line locations.
- B. Participants must remain on trail within the Schulman Grove and Patriarch Grove interpretive areas. Areas outside of these two interpretive sites/trails are open to cross country (unless posted otherwise). Travel so as to not create a visible path. Do not collect any materials from within the Ancient Bristlecone Pine Forest. (Prohibited by law)
- C. Remain on established trails and boardwalks at all Mono Lake destinations. Participants are encouraged to carpool. Do not park in the Navy Beach parking area.
- D. Do not climb on or otherwise disturb tufa towers.
- E. Do not block or prohibit the public's access to any location.
- F. **Wilderness access is not authorized.**
- G. Do not disturb any amphibians or sage grouse.
- H. The District Ranger may withhold authorization for the holder to use all or part of an assigned amount of service days for reasons of resource protection, public health and safety, or because of permit violations.
- I. The permittee, as well as his or her employees, agents, guests, and customers, shall abide by all current Forest Service regulations. The permittee is wholly responsible for any actions of these persons. Clientele shall be informed of all regulations regarding National Forest regulations, as discussed in the Operating Plan.
- J. **The permittee shall furnish a report of actual use and financial report within thirty (30) days of the close of the season's operations.**
- K. **All advertising, including circulars, brochures, advertising, and other materials, or on its World Wide Web site, signs, or letterheads must be approved by the Forest Service prior to publication.**
- L. Motorized vehicle use shall be restricted to existing roads and trails designated on the 2015 Motorized Vehicle Use Map. Park vehicles so as not to block gates, driveways, travel ways.

M. Take care to protect habitat by avoiding wet meadows, avoid disturbance to riparian habitat along lakeshores and by depositing human waste or other wastewater 200 feet or more from any surface water. Be aware that chemicals such as sunscreen or insect repellent on your skin can affect localized water quality along streams banks or lake shores. Amphibian species are directly affected by these chemicals. **California State Code 14 CCR § 40 instructs that you must not, among other things, capture, collect, intentionally kill or injure, possess, or transport any native amphibian species.** Be vigilant in your "Leave no Trace" practices, and ensure that your clients do the same. Careful use of the wilderness resource will protect the species and help to allow the continuance of commercial services.

N. We expect our permittees to conduct their operations in a manner which protects not only the natural resources of the Inyo National Forest but also our rapidly disappearing cultural resources. The ethical treatment of archeological sites and sensitive cultural areas should clearly be a concern of everyone who uses our forests. This should be a particular concern of our permittees and their clients. Archeological sites may be observed, but artifacts of any kind are not to be disturbed, removed or destroyed.

Indiscriminate dissemination of locational data; GPS coordinates, detailed maps or photographs revealing the presence of cultural resources will always result in the disappearance of archeological sites and violations of federal laws such as Archaeological Resources Protection Act, National Historic Preservation Act and Native American Graves and Repatriation Act.

O. The introduction and spread of non-native plant species and its potential for ecosystem impacts is one of the greatest threats currently facing public lands. Weeds can be spread to new areas in many ways, including in the clothing or shoes of unsuspecting hikers. In order to prevent the spread of weeds into undeveloped areas, outfitter/guide permittees and their clients will check boots, socks, and clothing, and vehicle tires, as applicable, for "hitch-hiking" seeds or other plant parts prior to entering permit areas. Any weeds will be disposed of in trash receptacles. The permit holder will take all steps necessary to prevent the introduction and spread of noxious weeds on National Forest System Lands, including:

- a. Check clothing and equipment for weed seeds prior to and upon leaving forest lands.
- b. Stay on established roads and trails.
- c. Wash vehicles, including undercarriage, prior to driving on forest lands to prevent establishing new weed populations.
- d. Avoid traveling through or camping in weed infested areas.
- e. Report only small or new infestations of weeds to the permit administrator.

III. SAFETY AND ACCIDENT HANDLING

A. **Incident Notification.** The holder shall be required to contact the authorized officer as soon as practicable after the following incidents that occur on National Forest System (NFS) lands within the authorized area:

1. Any incident resulting in death, permanent disability, or personal injuries that are life-threatening or that are likely to cause permanent disability;
2. Any failure of a structural, mechanical, electrical component and its primary connection, or operator error, which impairs the operation or function of a passenger ropeway in a way that could affect public safety, or any ropeway incident that requires reporting to State authorities;
3. A search and rescue operation to locate a person; or

i. Any incident that had or has high potential for serious personal injury, significant property damage, or significant environmental or other natural resource damage, including but not limited to avalanches, landslides, flooding, fire, structural failures or release of hazardous substances.

B. **Method of Notification.** The authorized officer shall determine protocol for how the notification must be made. Notification may be tailored to the unique characteristics of the permitted operation. Report incidents to the assigned permit administrator. All injuries or accidents of clients or employees occurring on National Forest Lands will be reported at the earliest opportunity to the Permit Administrator, White Mountain Ranger District Office (760-873-2510).

C. **Contents of Notification.** When notifying the authorized officer of an incident, the holder shall be required to specify when, where, and how it occurred, and who was present or affected by the event.

- D. All guides who work alone with their clients will have, as a minimum, a current wilderness first responder card or equivalent first aid certificate..
- E. All major searches or rescue operations will involve the County Sheriff's Department. Emergency Dispatch numbers will be known by all employees.
- F. Requests for helicopter rescues will be coordinated through the Sheriff's Department. Forest Supervisor approval must be obtained prior to all flight for life rescue in any Wilderness area.

IV. TITLE VI COMPLIANCE

A. Non-discrimination policy

1. Permit Holder and employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, sex (in educational activities), national origin, age or disability, by curtailing or by refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally and that the holder and employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964, as amended, section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments, and the Age Discrimination Act of 1975.
2. Holder shall include and require compliance with the above nondiscrimination provisions in any third party agreement made with respect to the operations under this permit.
3. Signs setting forth this policy of nondiscrimination to be furnished by the Forest Service will be conspicuously displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.
4. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

B. Public notification of non-discrimination policy

1. The following **nondiscrimination statement shall be posted** in the Holder's office where visible to clients and employees. The nondiscrimination statement shall also be included (in full) on **all printed and electronic materials** that are produced for public distribution or information:

"In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information is also available in languages other than English.

To file a complaint alleging discrimination, complete the [USDA Program Discrimination Complaint Form, AD-3027](http://www.ascr.usda.gov/complaint_filing_cust.html), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office or write a letter addressed to USDA and provided in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (a) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (b) fax: (202) 690-7442; or (c) email: program.intake@usda.gov."

"USDA is an equal opportunity provider, employer, and lender."

2. If the size of printed material is too small to permit the full statement to be included, the material will at minimum include the statement, in print size no smaller than the text: **"This institution is an equal opportunity provider."** It is expected that the full text be included in all but the smallest print advertising.

3. Printed material also must include the following statement: "*Holder* operates under a permit from the Inyo National Forest."

C. Equal Access To Federal Programs

In addition to the above non-discrimination policy, the holder agrees to insure that its program and activities are open to the general public on an equal basis and without regard to any non-merit factor.

I. GENERAL OVERVIEW OF OPERATIONS

This operating plan outlines the expectations and requirements of Eastern Sierra Transit Authority (ESTA), the Inyo National Forest and the Devils Postpile National Monument National Park Service for the Reds Meadow Shuttle service.

1. Shuttle Fees

- a. Shuttle fares are as follows:
- | | |
|--|-----------|
| Adult (over 15 years old) daily pass: | \$8.00 |
| Child (aged 3 – 15 years old) daily pass: | \$4.00 |
| Infant (< 2 years old): | no charge |
| Adult 3-day pass (good for 3 out of 5 days): | \$16.00 |
| Child 3-day pass (good for 3 out of 5 days): | \$8.00 |
| Adult season pass (good for all of 2016): | \$40.00 |
| Child season pass (good for all of 2016): | \$20.00 |
| Dog: | no charge |
- b. ESTA or its surrogate will collect passenger fares during all hours of shuttle operations and provide sufficient staffing and/or ticket vending machines to minimize passenger wait time for ticket purchase.
- ESTA, or its surrogate, will sell shuttle tickets from a dedicated ticket sales window at the Adventure Center or bus loading area from 8:00a.m. until 5:00p.m. Hours may be reduced on Reduced Schedule service days. Tickets may be purchased aboard the bus, or at MMSA outlets on these days.
 - When tickets are not being sold from the Adventure Center or loading area, passengers may purchase tickets from shuttle drivers.
 - ESTA, or its surrogate, will accept all major credit cards and cash for payment of shuttle fares at ticket sales outlets.
 - Shuttle drivers need only accept cash and need not guarantee correct change for tickets sold aboard the bus.
- c. Passengers boarding the shuttle within the Reds Meadow Valley will be charged fares as follows:
- Passengers initiating shuttle transportation within the Reds Meadow Valley must pay the fare to use the shuttle. The fare is valid for a round-trip, including the trip back into the Valley, if desired.
 - Passengers who paid the exception vehicle fee to stay in Reds Meadow Valley must pay the fare to use the shuttle to travel out or into the Valley. The fare is valid for a round-trip.
 - All passengers who travel only to stops within the Reds Meadow Valley will be allowed to ride without paying a fare.
- d. ESTA or its surrogate will honor concessionaire or employee passes created by the Forest Service.
- The Forest Service will limit distribution of concessionaire and employee passes to:
 - Forest Service or National Park Service staff who live or work in Reds Meadow Valley,
 - Red's Meadow Resort staff who live or work in the Reds Meadow Valley,
 - Campground concessionaire staff that live or work in the Reds Meadow Valley, and
 - Outfitters and guides with Special Use Permits to operate in Reds Meadow Valley (pass is not valid for their customers).
 - ESTA may document the use of Forest Service season passes to demonstrate the financial impact to revenues.
- e. On-duty Forest Service and National Park Service staff may ride the shuttle at no cost (including work related travel or travel to or from living quarters or duty stations), as room allows.
- f. All adjustments to the Reds Meadow Shuttle fare structure shall be subject to review and approval by the Forest Service.

2. Shuttle Route

- a. Reds Meadow Shuttles will operate into and out of Reds Meadow Valley between the Mammoth Mountain Adventure Center or The Village depending on schedule, and the Red's Meadow Resort. Each trip will include stops, if requested by passengers or waiting passengers are present, at the following locations: Agnew Meadows, Starkweather Lake, Upper Soda Springs campground, Pumice Flats campground, Minaret Falls campground, Devils Postpile Ranger Station, Sotcher Lake, Reds Meadow campground, Rainbow Falls trailhead and the Red's Meadow Resort.
- Designated shuttles will begin their route at The Village in the Town of Mammoth Lakes.
 - All shuttles will stop at Devils Postpile Ranger Station.
 - Inbound shuttles that are operating in addition to the scheduled times do not need to continue beyond the Devils Postpile Ranger Station and may return direct to the Adventure Center.
 - Outbound shuttles departing from Reds Meadow Resort that are full and have no passengers wishing to disembark at the Devils Postpile Ranger Station need not stop at the Devils Postpile.
- b. The route name, "Reds Meadow-Devils Postpile," "Reds Meadow," or "Devils Postpile" shall be clearly displayed on the shuttle's integral route sign, when the vehicle is so equipped, or alternatively on a sign placed on the front of the shuttle.
- A sign indicating the route direction shall be clearly displayed on the front of the shuttle.

3. Shuttle Schedule

- ESTA will operate the Reds Meadow Shuttle service daily between the anticipated start date of, June 16, 2019 and scheduled end date, September 5, 2019.
- ESTA will, at a minimum, follow the shuttle schedule attached as Appendix D from June 16, 2019 through August 19, 2019, plus the 3-day Labor Day holiday weekend.
- Upon agreement between ESTA and the Forest Service, ESTA may operate the mandatory shuttle service on days prior to June 16, 2019. In the event this early season service is operated, the schedule for the service will be developed and agreed to by ESTA and the Forest Service.
- ESTA or its surrogate will provide sufficient shuttle capacity to meet ridership demand to minimize passenger waiting time. Average passenger wait time greater than 30 minutes is considered excessive.
- The Forest Service and ESTA shall jointly develop any revised schedule to appropriately address increased or decreased demand during the operating season, if necessary. ESTA will coordinate any regular adjustments to the shuttle schedule with the Forest Service.

4. Promotional material
 - a. ESTA will design informative /shuttle promotional material that includes, at a minimum:
 - Dates of operations,
 - Hours of operation and daily schedule,
 - Fare structure,
 - Ticket outlet locations and methods of payment,
 - Route map with boarding and alighting locations,
 - Dog ridership information, and
 - US Forest Service and National Park Service logos and any required verbiage.
 - b. Forest Service shall approve of all informative/shuttle promotional material developed by ESTA.
 - c. ESTA will produce and distribute approved shuttle promotional material.
 - d. Forest Service and National Park Service will provide artwork, logos and any required verbiage, in an acceptable format, to ESTA for use on all shuttle schedules, and promotional material.
 - e. Forest Service, National Park Service and ESTA will provide schedule, fare and pertinent rider information (information in Section 1.4.a.) about the Reds Meadow Shuttle service on agency websites.
 - f. Forest Service will distribute promotional media to Inyo National Forest welcome and visitor centers, campgrounds within the Reds Meadow Valley and the Red's Meadow Resort and pack station.
 - g. ESTA will distribute promotional material to Mammoth Mountain Ski Area, The Village, Chambers of Commerce, Yosemite Area Regional Transportation System (YARTS) and key information outlets in the greater Mammoth Mountain area.
 - h. Forest Service and National Park Service will be responsible for any interpretive or promotional material for display or distribution at shuttle stops or on shuttle vehicles.
 - i. ESTA will make available two interior advertising card spaces per bus for Forest Service or National Park Service interpretive or promotional information.
5. Employee education and public interaction
 - a. ESTA will ensure all ESTA staff and surrogate staff that interacts with the public is courteous and respectful to the visiting public.
 - b. To ensure ESTA or its surrogate staff provide excellent customer service and are knowledgeable about the area, Forest Service and/or National Park Service will provide personnel, for up to four (4) hours, for Reds Meadow Shuttle staff orientation training on the history, resources and recreational opportunities in the Reds Meadow Valley. This training is intended to empower shuttle drivers, customer service agents and ticket sales staff with basic, accurate answers to common visitor questions. ESTA, or its surrogate, will make employees who have not previously completed this orientation available for orientation training prior to the inception of shuttle service.
 - c. National Park Service will produce and provide copies of a shuttle driver informational tool of the history, resources and recreational opportunities in the Reds Meadow Valley to ESTA for distribution to Reds Meadow Shuttle staff.
 - d. Forest Service and/or National Park Service staff may provide on-shuttle interpretative discussion.
 - e. ESTA or its surrogate will solicit, document and respond to passenger inquiries, comments, and complaints within 72 hours of receipt of such and provide a copy of each with response to the Forest Service Program Manager on a weekly basis. Serious complaints, such as those involving safety or visitor injuries, must be addressed immediately and reported to the Forest Service Program Manager in the most expeditious manner.
 - f. ESTA, Forest Service and National Park Service will share copies of all customer comments and complaints received.
6. Coordination
 - a. Forest Service and ESTA will develop a program budget that provides the greatest level of service while maximizing the limited resources available for this program.
 - b. All sub-contracts or sub-agreements to this agreement shall be coordinated between ESTA and the Forest Service.
 - c. Forest Service and ESTA will coordinate shuttle operation beginning and ending dates.
 - d. Forest Service will arrange and ESTA will attend a pre-season planning meeting, operating season meetings, as needed, and a post-season wrap-up meeting with appropriate agency staff and key stakeholders.
 - e. Forest Service and National Park Service will direct groups requesting transportation into the Reds Meadow Valley to ESTA for proper handling.
 - f. Forest Service will monitor shuttle service and coordinate any adjustments to schedule or route with ESTA.
 - g. ESTA will provide any details about schedule changes or other pertinent information useful to the public to Mammoth Mountain Ski Area, The Village, Chambers of Commerce, Yosemite Area Regional Transportation System (YARTS) and key information outlets in the greater Mammoth Mountain area.
 - h. The Minaret Vista Checkpoint will coordinate with ESTA or its surrogate to allow large RVs, vehicles towing trailers, tour buses and other large vehicles to follow Reds Meadow shuttle buses into and out of the Reds Meadow Valley.
 - i. ESTA will provide two-way radio capability to the Minaret Vista Station to allow radio contact with shuttle drivers and supervisor.
 - j. Forest Service will allow ESTA to house a 2-way radio repeater in the Minaret Vista Station.
7. Reporting
 - a. ESTA will submit to the Forest Service Program Manager operations reports in the format prescribed in Appendix E. Reports shall be provided in electronic format. Reports shall be submitted twice during the operating season, first at the end of July and then at the end of the operating season
 - b. ESTA will submit a season-end operation report to the Forest Service Program Manager, within 30 days of cessation of shuttle service. The report shall include, at a minimum, a compilation of weekly and monthly performance statistics detailing the following:
 - Total Fare Revenue
 - Average Passenger Fare
 - Total Vehicle Service Hours
 - Total Vehicle Service Miles
 - Passengers per Vehicle Service Hour
 - Average Number of Buses Utilized per Day
 - Peak Number of Buses Utilized per Day
 - Total Number of Missed Runs

- Total Number of Maintenance Road Calls
 - Operating Statistics for the Intra-Valley Shuttle, if operated
- c. A season end report detailing net program income/loss; operating expense per shuttle trip; operating expense and revenue per passenger; farebox recovery ratio; year-to-year comparisons of key financial and operational statistics; and, a general review of the season's shuttle service including proposed improvements or amendments to future operations will be provided within 30 days of the expiration of the special use permit.
 - d. Forest Service Program Manager will coordinate the distribution of reports to the National Park Service.
 - e. Forest Service agrees to maintain passenger entrance and exit count data at the Minaret Vista Station (on a calculator, ESTA provided computer enabled with a data entry form, or other mutually agreeable equipment) and to provide information from this count data to ESTA's Dispatcher or Operation's Supervisor to assist with planning for daily service out of the Valley.
8. Emergency Procedures and Safety
- a. Standee passengers on shuttles shall be allowed. ESTA shall minimize the need for standee passengers through the provision of sufficient service capacity to meet demand. ESTA may permit a limited number of standees on shuttle vehicles, at its discretion, given the passenger is capable of properly restraining themselves and does not present a safety hazard to himself/herself or other passengers, will not block aisle ways with carry-on items and the vehicle meets federal regulations regarding standing passengers. No passenger will be required to stand.
 - b. ESTA will provide Forest Service Program Manager a copy of insurance documentation to support coverage as required under the Special Use Permit.
 - c. ESTA will provide written verification to the Forest Service Program Manager that a vehicle safety inspection has been performed on each bus and that each bus passed the inspection. The vehicle safety inspection must be performed prior to transporting passengers.
 - i. The minimum requirements for passing the vehicle safety inspection shall be those specified by the California Highway Patrol for transit buses.
 - ii. Prior to operation each day, a vehicle inspection will be completed as required by law. Vehicle Inspection Reports will be carried in all vehicles at all times.
 - d. ESTA will provide the Forest Service with copies of all collision and incident reporting protocol and forms that will be used in the event of a safety or security incident.
 - e. In the case of any shuttle collisions or incidents requiring medical attention, law enforcement assistance, or any other potentially serious situations, ESTA will follow their established protocol for such incidents.
 - i. Any collision or incident requiring medical attention or involving a fatality shall be reported to the Forest Service Program Manager immediately.
 - ii. Any incident that will block or delay traffic should be communicated as soon as is reasonable to the Minaret Vista Checkpoint.
 - iii. The Forest Service Program Manager shall be notified of all collisions or incidents within 24 hours.
 - iv. ESTA or its surrogate shall provide copies of all collision or incident reports to the Forest Service Program Manager within 72 hours.
 - f. Emergency dispatch numbers will be known by all employees.
 - i. Owens Valley Interagency Communications Center (Dispatch): **760-873-2488**
 - ii. Reds Meadow Shuttle supervisor: **760-920-3359**
 - iii. ESTA Mammoth Supervisor: **760-914-0354**
 - iv. ESTA Executive Director: **760-872-1901**
 - v. ESTA Administration: **760-872-1901**
 - g. Minor searches within Devils Postpile National Monument will be coordinated through National Park Service. Minor searches include visitors on day hikes where family members or groups have become separated and are reported missing. Contact National Park Service staff at the Devils Postpile Ranger Station or at the **emergency contact line: 760-934-8170**
 - h. On major searches, the National Park Service will serve as the initial contact to the Mono County Sheriff's Department; otherwise the reporting party should call 911. All major searches or rescue operations will involve the Mono County Sheriff's Department.
 - i. Requests for helicopter rescues will be coordinated through the Mono County Sheriff's Department. Forest Supervisor approval must be obtained prior to all flight for life rescues in any Wilderness area. Approval from the Park Superintendent or their designee must be obtained prior to all flight for life rescues in the Devils Postpile National Monument.
 - j. Reds Meadow shuttle drivers will maintain a maximum travel speed within the Reds Meadow Valley to provide a safe and scenic tour for passengers. The maximum speed limit on the entrance/exit grade and Devils Postpile National Monument road is 15 miles per hour and 25 miles per hour on the Valley road. Travel speeds should be slower under adverse driving conditions.
 - k. Reds Meadow shuttle drivers will be trained and demonstrate skill on the proper operation of the shuttle vehicle and passing of vehicles in the Reds Meadow Valley operating environment where variable roadway width, steep grades, curvilinear and single lane road sections present operational challenges.
 - l. ESTA or its surrogate will maintain the exterior and interior cleanliness of all vehicles in satisfactory condition at all times.
 - i. Shuttle windows should be cleaned daily.
 - m. Forest Service will maintain and clean the bus stops in the Reds Meadow Valley.
 - n. Idling of shuttles will be in accordance with the California Air Resources Board.
 - o. Forest Service will maintain vegetation along roadways as to minimize damage to shuttle vehicles.
9. Modifications within the scope of the instrument shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.

Appendix B – Trip Itinerary

The Reds Meadow Shuttle service operates along approximately 15 linear miles from The Village in the Town of Mammoth Lakes to the Reds Meadow Resort at the end of the paved road in the Reds Meadow Valley. The Shuttle makes a limited number of morning stops at the Mammoth Lakes Park & Ride, and The Village. The primary boarding location for the Shuttle is at Adventure Center at Mammoth Mountain Ski Area. The shuttle then makes stops at the Minaret Vista, Agnew Meadows, Starkweather Lake, Upper Soda Springs Campground, Pumice Flat Campground, Minaret Falls Campground, Devils Postpile National Monument, Sotcher Lake, Reds Meadow Campground, Rainbow Falls Trailhead and Reds Meadow Resort. The shuttle provides at least 20-minute frequency service from 10:00am until 4:00pm. During the early morning hours (7:00a.m. to 10:00a.m.) and late afternoon/evening hours (4:00p.m. to 8:30p.m.) the shuttle operates with 45-minute frequency. Early season (prior to June 16, 2019, if operated) and late season (after August 19, 2019) service may be on a more limited schedule.



Appendix D - Shuttle Schedule

Shuttle to run continuous service 7:15am to 8:30pm daily. At least hourly service from The Village will be provided between 7:15a.m. and 8:45a.m., and 30-minute frequency will be available from 9:00a.m. until 5:00p.m. on the Mammoth Mountain Bike Park Shuttle on a space-available basis. Additional shuttles will be added to the minimum level of service from the Adventure Center to meet service demand, including advance group reservations.

Typical day - minimum level of service

6	Minimum number of vehicles in service per day
3	Scheduled pick-up times at The Village (7:15am, 8:00am, 8:45am, then every 30 minutes or less until 5:00pm using the Mammoth Bike Park Shuttle connection)
28	Minimum number of round trips per day
1,120	Minimum inbound passenger capacity
520	Peak period* inbound passenger capacity

Peak Service Holiday weekends - minimum level of service

11	Minimum number of vehicles in service per day
3	Scheduled pick-up times at The Village
47	Minimum number of round trips per day
1,880	Minimum inbound passenger capacity
1,000	Peak period* inbound passenger capacity

Reduced schedule - minimum level of service (prior to June 16 if operated and, August 19 - September 5 excluding the Labor Day weekend)

4	Number of vehicles in service per day
3	Scheduled pick-up times at The Village
22	Number of round trips per day
960	Total passenger capacity

*Peak period is 9:00am – 1:00pm

2019 Daily Schedule

June 16, 2019 - August 19, 2019 plus Labor Day Weekend
(reduced schedule to be operated before and after these dates)

Pickup/Departure: Every 45 minutes from 7:45 am to 10:00 am,
& 4:00 pm to 7:00pm;
Every 20 minutes from 10:00 am to 4:00 pm

Departure from the Village to Mammoth Mountain Adventure Center
7:15 AM
8:00 AM
8:45 AM
Departure from Mammoth Mountain Adventure Center to Reds Meadow Resort
7:30 AM
8:15 AM
9:00 AM
9:45 AM
from 10:00 am until 4:00 p.m., a bus will depart from the Adventure Center every 20 minutes or less
4:45 PM
5:30 PM
6:15 PM
7:00 PM
Departure from Reds Meadow Resort to Mammoth Mountain Adventure Center
8:15 AM
9:00 AM
9:45 AM
10:30 AM
from 10:30 a.m. until 4:45 p.m., a bus will depart from Reds Meadow Resort every 20 minutes or less
5:30 PM
6:15 PM
7:00 PM
7:45 PM

Appendix E

Weekly and monthly report templates.

REDS MEADOW SHUTTLE WEEKLY REPORT

SVC DATE	8/7/2017	8/8/2017	8/9/2017	8/10/2017	8/11/2017	8/12/2017	8/13/2017	
SVC HOURS	59.85	50.70	49.50	52.33	59.98	63.30	59.17	56.40 Average/Day
SVC MILES	766	656	661	661	776	822	775	731.00 Average/Day
RIDERS IN	1,148	1,109	971	988	1,081	1,441	1,172	1,130.00 Average/Day
RIDERS OUT	1,058	1,202	968	1,002	1,041	1,458	1,220	1,135.57 Average/Day
RUNS	37	31	32	32	39	41	37	35.57 Average/Day
PK RIDERS IN	607	512	411	601	690	691	595	606.71 Average/Day
PK RIDERS OUT	130	132	105	153	178	178	171	149.57 Average/Day
PK RUNS	12	10	12	12	15	13	12	12.29 Average/Day
VEH_COUNT	9	7	7	7	8	9	8	7.86 Average/Day
FARES	\$6,974	\$7,453	\$6,344	\$6,263	\$7,083	\$9,515	\$7,523	\$51,155 Total
DOGS	29	50	20	39	31	42	40	251 Total
BIKES	0	0	0	0	0	0	0	0 Total

Reds Meadow/Devis Postpile Shuttle 2017 Operating Season - Monthly Report (preliminary)																	
AUGUST																	
Date	# Shuttle Trips	Inbound Passenger Count ¹	Total Passenger Trips ²	Village Boardings	Ticket Sales - Ticket Office								On-Board Ticket Sales			Total Fare Revenue	
					Adult	Child	< 2	3 of 5 Days		Season Pass		Ticket Office \$\$	Adult	Child	Fare		
								Adult	Child	Adult	Child						
8/1	36	1315	2600	2	893	304							\$7,467	18	4	\$142	\$7,609
8/2	31	1100	2228	27	809	258							\$6,695	27	0	\$189	\$6,884
8/3	34	1049	2365	11	742	271		3	2				\$6,336	36	28	\$442	\$6,778
8/4	48	1595	3145	9	1236	367		6					\$10,204	56	5	\$368	\$10,572
8/5	46	1435	3095	50	1119	317					1		\$9,136	77	1	\$549	\$9,685
8/6	34	1222	2736	18	888	289		4	1				\$7,436	40	0	\$280	\$7,716
8/7	37	1148	2361	22	794	265		7	2	1			\$6,767	29	1	\$207	\$6,974
8/8	31	1109	2627	25	815	264		2	2	1			\$6,840	77	11	\$613	\$7,453
8/9	32	971	2117	16	738	196							\$5,950	50	11	\$394	\$6,344
8/10	32	988	2193	28	664	284		7	2				\$5,898	49	9	\$365	\$6,263
8/11	39	1081	2365	22	820	262							\$6,788	41	2	\$295	\$7,083
8/12	41	1441	2925	12	1107	303		2	2				\$9,005	70	5	\$510	\$9,515
8/13	37	1172	2414	13	903	220		2					\$7,229	42	0	\$294	\$7,523
8/14	32	933	1989	14	711	206		8					\$5,913	33	3	\$243	\$6,156
8/15	34	991	2183	5	696	217							\$5,796	41	1	\$292	\$6,088
8/16	29	761	1473	20	550	153					8		\$4,638	37	0	\$267	\$4,905
8/17	28	763	1711	9	581	152							\$4,595	26	3	\$194	\$4,789
8/18	33	847	1819	29	667	141					8	2	\$5,361	60	5	\$440	\$5,801
8/19	36	1106	2160	18	903	201							\$7,125	39	3	\$291	\$7,416
8/20	34	969	2205	3	773	141					3	3	\$6,069	40	0	\$282	\$6,351
8/21	29	564	1098	7	439	179					8		\$3,473	65	1	\$459	\$3,932
8/22	28	571	1236	28	442	76					5	2	\$3,538	57	8	\$424	\$3,962
8/23	29	546	1090	19	428	75							\$3,296	40	2	\$288	\$3,584
8/24	28	526	1196	16	436	55							\$3,272	55	0	\$400	\$3,672
8/25	29	735	1411	7	580	90					2		\$4,448	60	2	\$428	\$4,876
8/26	28	907	1915	25	767	100							\$5,769	82	1	\$578	\$6,347
8/27	28	729	1734	17	596	100					2	1	\$4,608	50	0	\$350	\$4,958
8/28	28	451	1027	11	386	51					2		\$2,934	53	0	\$371	\$3,305
8/29	28	400	971	14	319	41							\$2,397	39	1	\$277	\$2,674
8/30	29	383	669	12	309	33					2		\$2,323	44	1	\$313	\$2,636
8/31	28	346	781	11	294	23					3		\$2,192	32	0	\$236	\$2,428
Total	1,016	28,154	59,839	520	21,405	5,521	0	86	25	5	0	\$173,498	1,465	108	\$10,781	\$184,279	

1 - Passenger count from Trip Sheets
2 - Total count of passenger boardings at all stops

STAFF REPORT

Subject: 2019 Bishop Creek Shuttle Special Use Permit
Initiated by: Phil Moores, Executive Director

BACKGROUND:

ESTA is entering the third year of a summer seasonal service providing two daily round-trips from Bishop to recreation sites in the Bishop Creek Recreation Area. The second year showed a 62% increase in ridership, and it is recommended to continue for a third year.

ANALYSIS/DISCUSSION:

A Special Use Permit issued by the Inyo National Forest is necessary for the operation of the Bishop Creek Shuttle route due to the fact that the service delivers passengers to the Inyo National Forest. The Permit is similar in all material respects to the Permit issued in 2018.

Provisions in the Reds Meadow Shuttle Special Use Permit, which are expected to be included in the Bishop Creek Shuttle Special Use Permit include:

- Non-exclusive use: Other uses that do not materially interfere with ESTA's authorized use will be permitted.
- Land Use Fee of \$450.00
- Requirement for submittal of annual operating plan
- Requirement to acknowledge the Inyo National Forest, and non-discrimination provisions in all promotional and informational material.

The 2018 Special Use Permit Application and associated Annual Operating Plan are included for review by the Board. The 2019 permit and plan will be similar.

FINANCIAL CONSIDERATIONS

The Special Use Permit application indicates that total revenue for the service this summer will amount to around \$2,000. The Land Use Fee for this service will be \$450.00. The revenues and expenses for the Bishop Creek Shuttle will be included in the FY 2019/20 Budget.

RECOMMENDATION

The Board is requested to approve the submission of the Special Use Permit application and Annual Operating Plan for the operation of the Bishop Creek Shuttle in 2019, and to authorize the Executive Director to execute any additional required documents for the Permit.

Use Code: 153
Authorization ID: WMD18044
Contact Name: EASTERN SIERRA TRANSIT AUTHORITY
Expiration Date: 10/03/2018

FS-2700-3f (REV.02/17)
OMB No. 0596-0082

PART II - TEMPORARY SPECIAL USE PERMIT FOR OUTFITTING AND GUIDING
Authority: Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h)
(Ref. FSH 2709.11, section 41.53 and 37.21b)

EASTERN SIERRA TRANSIT AUTHORITY of PO BOX 1357 BISHOP CA UNITED STATES 93515 (the holder) is hereby authorized to use, subject to the terms of this permit, National Forest System lands described as: as shown in attached Exhibit(s). This authorization covers approximately N/A acres and/or 20 miles.

This temporary use permit is issued for the purpose of authorizing the following outfitting and guiding activities on National Forest System lands:

Operate a twice daily passenger shuttle service from the City of Bishop to the Bishop Creek Recreation area. Drop-off/Pick-up locations include South Lake and Lake Sabrina, and enroute stops where safe to stop a bus. Operating season estimated to be June 16 - September 3, 2018. 150 trips authorized: 2 trips a day, 15 passengers per trip.

Authorized Agent: John Helm, 760-872-1901

150 temporary use trips for Passenger Shuttle Service from the City of Bishop to the Bishop Creek Recreation Area and back. The quota for this use is an allocation of trips, which is described as two round-trips per day, and a maximum 30 passengers per trip.

N/A assigned sites for N/A
N/A grazing use (in head months (HMs))

The following appendices are attached to and made a part of this permit:

APPENDIX A - Operating Plan
APPENDIX B - Trip Itinerary – See Appendix A
APPENDIX C - Map of the Authorized Area – See Appendix A

I. GENERAL TERMS AND CONDITIONS

A. AUTHORITY. This permit is issued pursuant to Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h), and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. AUTHORIZED OFFICER. The authorized officer is the Forest Supervisor or a subordinate officer with delegated authority.

C. TERM. This permit shall expire at midnight on **10/03/2018**. The term for this temporary permit shall not exceed 180 days.

D. RENEWAL AND EXTENSION. This permit is not renewable. Upon expiration of the permit all use shall return to the temporary use pool.

E. AMENDMENT. This permit may be amended, provided that the total use authorized not exceed 200 service days or the equivalent in quotas and the term of the permit not exceed 180 days.

F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS. In exercising the

privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. NON-EXCLUSIVE USE. The use and occupancy authorized by this permit are not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

H. ASSIGNABILITY. This permit is not assignable or transferable.

II. OPERATIONS

A. OPERATING PLAN. The operating plan submitted in the application corresponding to this permit is incorporated as the operating plan for this permit and is attached as Appendix A. You would be required to notify the Forest Service in writing of any staff changes during your operating season.

B. TRIP ITINERARY. The trip itinerary submitted in the application corresponding to this permit is incorporated as the trip itinerary for this permit and is attached as Appendix B.

C. REQUIRED LICENSES. The holder shall obtain all licenses required for conducting the activities authorized by this permit.

D. CONDITION OF OPERATIONS. The holder shall maintain the permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this permit.

E. PROHIBITION ON USE OF MECHANIZED TRANSPORT OR MOTORIZED EQUIPMENT IN WILDERNESS AREAS. The holder shall not use mechanized transport or motorized equipment in wilderness areas and shall not use mechanized transport or motorized equipment in proposed or potential wilderness areas without prior written approval from the authorized officer.

F. PROHIBITION ON IMPEDING OR INTERFERING WITH OTHER USES. The holder shall perform the activities authorized by this permit so as not to impede or interfere with administrative or other authorized uses of National Forest System lands.

G. RESTRICTION OF MOTOR VEHICLE USE. The holder shall restrict motor vehicle use to designated roads, trails, and areas, unless specifically provided otherwise in the operating plan.

H. RESOURCE PROTECTION. The holder shall conduct all activities so as to prevent or minimize scarring, erosion, littering, and pollution of National Forest System lands, water pollution, and damage to watersheds. In addition, the holder shall take precautions at all times to prevent wildfire.

I. PERFORMANCE OF SUPPORT SERVICES. As a general rule, the holder shall conduct the day-to-day activities authorized by this permit. Activities that support the use authorized by this permit, such as food or shuttle services, may be conducted by a party other than the holder, but only with prior written approval from the authorized officer. The holder shall continue to be responsible for compliance with all the terms of this permit.

J. NONDISCRIMINATION

1. The holder and its employees shall not discriminate against any person on the basis of race, color, sex (in educational activities), national origin, age, or disability or by curtailing or refusing to furnish accommodations,

facilities, services, or use privileges offered to the public generally. In addition, the holder and its employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments Act of 1972, as amended, and the Age Discrimination Act of 1975, as amended.

2. The holder shall include and require compliance with the above nondiscrimination provisions in any third-party agreement made with respect to the operations authorized under this permit.

3. The Forest Service shall furnish signs setting forth this policy of nondiscrimination. These signs shall be conspicuously displayed at the public entrance to the premises and at other exterior or interior locations, as directed by the Forest Service.

4. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the violation occurs.

K. EQUAL ACCESS TO FEDERAL PROGRAMS. In addition to the above nondiscrimination policy, the holder agrees to ensure that its programs and activities are open to the general public on an equal basis and without regard to any non-merit factor.

L. SANITATION. The operation and maintenance of all sanitation and food service systems and facilities shall comply with applicable standards set by state and local health departments.

M. SIGNS AND TEMPORARY IMPROVEMENTS. Signs posted and temporary improvements installed on National Forest System lands must have prior written approval from the authorized officer.

N. NOXIOUS WEED/EXOTIC PLANT PREVENTION AND CONTROL. The holder shall be responsible for the prevention and control of noxious weeds and/or exotic plants arising from the authorized use. For purposes of this clause, noxious weeds and exotic plants include those species recognized as such by California Invasive Plant Council. The holder shall follow prevention and control measures required by Inyo National Forest. When determined to be necessary by the authorized officer, the holder shall develop a plan for noxious weed and exotic plant prevention and control. These plans must have prior written approval from the authorized officer and, upon approval, shall be attached to this permit as an appendix.

III. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR 214, and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. THIRD-PARTY RIGHTS. This permit is subject to all valid outstanding rights. Valid outstanding rights include those derived from mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.

C. ABSENCE OF THIRD PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs, damage to government-owned improvements covered by this permit, and all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. For purposes of clauses III.D, III.F, and II.H, "hazardous material" shall mean any hazardous substance, pollutant, contaminant, hazardous waste, oil,

and/or petroleum product, as those terms are defined under any federal, state, or local law or regulation.

E. INDEMNIFICATION OF THE UNITED STATES. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use and occupancy authorized by this permit. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use and occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause V.A of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous material, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

F. INSURANCE. The holder shall furnish proof of insurance, such as a certificate of insurance, to the authorized officer prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review the insurance policy and require any changes needed to ensure adequate coverage of the United States in connection with the authorized use and occupancy. The holder shall send an authenticated copy of any insurance policy obtained pursuant to this clause to the Forest Service immediately upon issuance of the policy. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under this clause. The holder shall give 30 days prior written notice to the Forest Service of cancellation of the insurance policy by the holder or any modification to the insurance policy by the holder. Additionally, the holder shall immediately notify the authorized officer of cancellation of the policy by the insurance company. Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the authorized officer on the anniversary date of this permit.

1. Liability. The holder shall have in force liability insurance covering losses associated with the use and occupancy authorized by this permit arising from personal injury or death and third-party property damage in the minimum amount of:

\$300,000.00 for injury or death to one person per occurrence,
\$300,000.00 for injury or death to more than one person per occurrence, and
\$25,000.00 for third-party property damage, per occurrence.

2. Depending on the holder's operations, the Forest Service may require the holder to demonstrate the availability of funds to address any release or threatened release of hazardous materials that may occur in connection with the holder's use and occupancy. Any requirements imposed would be established on a case-by-case basis by the authorized officer based on the degree of environmental risk from the holder's operations. The use and storage of normal maintenance supplies in nominal amounts generally would not trigger financial assurance requirements.

G. CONTRACTED SERVICES. The holder shall have in force an endorsement covering contracted services and equipment or, alternatively, shall procure a separate insurance policy that covers these services.

IV. LAND USE FEE

A. Land Use Fee. All fees must be paid in advance and are not refundable.

1. The land use fee for this permit is \$150 per 50 service days. **This permit authorizes 150 temporary use trips and the fee is \$450.00.**

2. Additionally, the assigned site fee is N/A and

3. The grazing fee is N/A.

B. ACCESS TO ACCOUNTING RECORDS. The holder shall make all of the accounting books and supporting records for the business activities authorized by this permit available for audit by the Forest Service or other federal agencies authorized to review Forest Service activities. The holder shall retain these records and make them available for review for five years after the end of the year they were generated, unless disposition is otherwise authorized by the Forest Service in writing.

V. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION. The authorized officer may revoke or suspend this permit in whole or in part:

1. For noncompliance with federal, state, or local laws and regulations;
2. For noncompliance with the terms of this permit;
3. For failure of the holder to exercise the privileges granted by this permit;
4. With the consent of the holder; or
5. At the discretion of the authorized officer, for specific and compelling reasons in the public interest.

B. NOTICE AND OPPORTUNITY TO TAKE CORRECTIVE ACTION. Prior to revocation or suspension under clause V.A, the authorized officer shall give the holder notice of the grounds for the action to be taken and a reasonable period, not to exceed 30 days, to complete corrective action prescribed by the authorized officer. Failure of the holder to take corrective action shall disqualify the holder from eligibility for another permit for three years.

C. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision must be in writing. Within 48 hours of the request of the holder, the superior of the authorized officer shall arrange for an on-the-ground review of the adverse conditions with the holder. Following this review, the superior shall take prompt action to affirm, modify, or cancel the suspension.

D. APPEALS AND REMEDIES. Any written decisions by the authorized officer relating to administration of this permit, including revocation or suspension decisions, are subject to the administrative appeal regulations at 36 CFR Part 214. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

E. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

VI. MISCELLANEOUS PROVISIONS

A. ADVERTISING. The holder shall not misrepresent in any way, either orally, in its circulars, brochures, advertising, and other materials, or on its website, signs, or letterheads, any aspect of the use authorized by this permit, including services provided by the holder, the status of this permit, or the area it covers. All of the holder's circulars, brochures, and advertising and its website regarding use of the permit area shall state that the permit area is located on the Inyo National Forest or National Grassland.

B. CURRENT ADDRESSES. The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for payment of fees.

C. SERVICES NOT PROVIDED. This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other service by a government agency, utility, association, or individual.

D. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a

corporation.

E. SUPERIOR CLAUSES. In the event of any conflict between any of the preceding printed clauses and any subsequent clauses or any provisions in the appendices attached to this permit, the preceding printed clauses shall control.

This permit is accepted subject to all its terms and conditions.

I have read and understand the terms and conditions and agree to abide by them.

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

Authorization is granted:

By: _____
HOLDER: **EASTERN SIERRA TRANSIT AUTHORITY**

By: _____
(Authorized Officer)
Name: **LINDA RIDDLE**
Title: **DISTRICT RANGER**

Title: _____

Date: _____

Date: _____

contact
By: _____
(Authorized Officer)
Name: **MARGIE DEROSE**
Title: **DEPUTY DISTRICT RANGER**
Date: _____

HOLDER MUST HAVE THIS PERMIT (OR A LEGIBLE COPY) IN POSSESSION DURING THE AUTHORIZED ACTIVITY

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

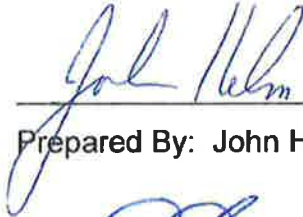
**2018 Annual Operating Plan
Bishop Creek Shuttle**

Business Name: EASTERN SIERRA TRANSIT AUTHORITY

Contact: JOHN HELM

Phone Number: 760.872.1901

Email: jhelm@estransit.com



Prepared By: John Helm

March 29, 2018
Date



Reviewed By: Special Use Permit Admin.

4/10/18
Date

Authorized Officer Signature
White Mountain & Mt. Whitney Ranger Districts

Date

**2018 OPERATING PLAN
INYO NATIONAL FOREST**

I. GENERAL OVERVIEW OF OPERATIONS

A. Business Name:

1. Legal Business Entity (e.g. Non-profit Corporation, dba, Inc., LLC):
EASTERN SIERRA TRANSIT AUTHORITY, a California Joint Powers Authority
2. Holder Authorized Agent:
JOHN HELM
3. Address
P.O. BOX 1357, BISHOP, CA 93515:
4. Phone Number(s):
760.872.1901
5. Fax Number:
760.784.9566
6. e-mail:
jhelm@estransit.com
7. Web Address:
www.estransit.com

B. Operating Season or Dates and Areas of Operations (including all days that clients are under your care and guidance):

ANTICIPATED OPERATING SEASON FOR THE 2018 BISHOP CREEK SHUTTLE IS JUNE 16 THROUGH SEPTEMBER 3.

C. Total Estimated Revenue (for entire trip duration whether on Inyo NF land or not)

\$2,000.00

D. Total number of clients and total number of guides and client to guide ratio:

ESTIMATE OF 500 PASSENGER TRIPS

E. Describe any Temporary Facilities to be used (portable shelters, rock hardware, etc.)

NONE

F. First Aid Training. List yourself and your employees and indicate the level of training and the expiration date of the certifications.

ESTA EMPLOYEES ARE NOT TRAINED IN FIRST AID AS THEY DO NOT USE THESE SKILLS ON A REGULAR BASIS. IF SOMEONE NEEDS MEDICAL ATTENTION, THE DRIVERS ARE TRAINED TO RADIO OR PHONE (911) FOR ASSISTANCE. ALL BUSES ARE EQUIPPED WITH A BASIC FIRST AID KIT WHICH CAN BE USED BY A DRIVER (IF EXPERIENCED IN FIRST AID CARE) OR BYSTANDER.

G. Will you use any type of radio communication system for general operations or for emergencies? Describe system:

ESTA USES A 2-WAY RADIO SYSTEM (VHF, 155.805), THAT IS BASED IN BISHOP. IT IS EXPECTED THAT MUCH OF THE ROUTE (ABOVE STARLITE ROAD) WILL NOT BE ABLE TO COMMUNICATE WITH THE MAIN ANTENNA AT THE BISHOP AIRPORT. CELL PHONES WILL ALSO BE USED WHERE POSSIBLE, HOWEVER, MUCH OF THE UPPER PART OF THE ROUTE IS NOT SERVED BY CELLULAR COMMUNICATIONS.

H. Explain your emergency procedures in case of accidents or other emergencies:

- IN THE CASE OF ANY SHUTTLE COLLISIONS OR INCIDENTS REQUIRING MEDICAL ATTENTION, LAW ENFORCEMENT ASSISTANCE, OR ANY OTHER POTENTIALLY SERIOUS SITUATIONS, ESTA WILL FOLLOW THEIR ESTABLISHED PROTOCOL FOR SUCH INCIDENTS WHICH INCLUDES:
 - DRIVER SHALL IMMEDIATELY NOTIFY THE DISPATCHER VIA TWO-WAY RADIO OR CELL PHONE ADVISING OF THE SITUATION THAT HAS OCCURRED AND, SPECIFICALLY, IF THERE ARE ANY INJURIES, SIGNIFICANT PROPERTY DAMAGE OR ROADWAY OBSTRUCTION. IF NECESSARY, DRIVER MAY ENLIST ASSISTANCE OF BYSTANDER TO ASSIST WITH COMMUNICATIONS THROUGH OTHER RESOURCES (E.G. LAND-LINE AT NEARBY RESORT).
 - DISPATCHER OR OPERATIONS SUPERVISOR WILL COORDINATE APPROPRIATE RESPONSE DEPENDING UPON THE SITUATION.
 - IMMEDIATE CARE OF ANY INJURED PERSONS, AND PROTECTING AGAINST FURTHER INJURY OR DAMAGE SHALL TAKE PRIORITY
- ANY COLLISION OR INCIDENT REQUIRING MEDICAL ATTENTION OR INVOLVING A FATALITY WILL BE REPORTED TO THE FOREST SERVICE PROGRAM MANAGER IMMEDIATELY.
- ANY INCIDENT THAT WILL BLOCK OR DELAY TRAFFIC WILL BE COMMUNICATED AS SOON AS IS REASONABLE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY (INYO COUNTY SHERIFF'S OFFICE OR CALIFORNIA HIGHWAY PATROL) VIA 911.
- THE FOREST SERVICE PROGRAM MANAGER WILL BE NOTIFIED OF ALL COLLISIONS OR INCIDENTS WITHIN 24 HOURS.
- ESTA OR ITS SURROGATE WILL PROVIDE COPIES OF ALL COLLISION OR INCIDENT REPORTS TO THE FOREST SERVICE PROGRAM MANAGER WITHIN 72 HOURS.

I. Explain in detail how operations will be run (describe use on Forest):

THE BISHOP CREEK RECREATION AREA SOUTHWEST OF BISHOP IS COMPRISED OF NUMEROUS LAKES AND STREAMS AND PROVIDES PRIMARY TRAILHEADS TO BISHOP PASS AND TO PAIUTE PASS WHICH CONNECT WITH THE PACIFIC CREST TRAIL AND THE JOHN MUIR TRAIL, AS WELL AS THE SABRINA BASIN TRAILHEAD ORIGINATING AT LAKE SABRINA. THESE TRAILHEADS SERVE AS POTENTIAL TRANSIT TRIP GENERATORS FOR THROUGH-HIKERS WHO WANT TO TAKE A BREAK FROM, OR TO REJOIN THE TRAIL. THE EXTENSIVE RECREATION (FISHING, HIKING, CAMPING) OPPORTUNITIES IN THIS AREA ALSO SERVE AS A DRAW FOR RESIDENTS AND VISITORS TO THE OWENS VALLEY. RECOGNIZING THESE FACTORS, THE EASTERN SIERRA TRANSIT AUTHORITY SHORT RANGE TRANSIT PLAN, COMPLETED IN 2015, IDENTIFIED A RECOMMENDATION THAT THE AUTHORITY LOOK TO IMPLEMENT A PILOT PROGRAM TO PROVIDE TRANSIT SERVICE TO NATIONAL FOREST RECREATION AREAS, SPECIFICALLY, THE BISHOP CREEK RECREATION AREA. IN RESPONSE TO THIS RECOMMENDATION, ESTA INITIATED, SEASONAL SUMMER TRANSIT SERVICE IN 2017 FROM BISHOP TO THE BISHOP CREEK RECREATION AREA WITH TWO DAILY ROUND TRIPS. ESTA PLANS TO OPERATE THIS SERVICE AGAIN IN 2018. THE SPECIFICS OF THIS PROPOSED SERVICE ARE DETAILED BELOW.

SERVICE DAYS/SEASON:

JUNE 16TH THROUGH SEPTEMBER 3, 2018, 7 DAYS/WEEK. THIS WOULD RESULT IN A TOTAL OF 80 SERVICE DAYS

SCHEDULE:

ONE ROUND-TRIP IN THE MORNING DEPARTING BISHOP VONS/KMART AT 8:00AM, MAKING STOPS AT CITY PARK, JOSEPH'S BUS STOP ON WARREN STREET, DMV BUS STOP ON WEST LINE STREET, AND ELK'S PARK ON WEST LINE STREET, THEN PROCEEDING TO SOUTH LAKE (8:45), AND LAKE SABRINA (9:10) BEFORE RETURNING TO BISHOP (9:45).

ONE ROUND TRIP IN THE AFTERNOON DEPARTING BISHOP VONS/KMART AT 4:00PM, MAKING STOPS AT CITY PARK, JOSEPH'S BUS STOP, DMV BUS STOP, AND ELK'S PARK, THEN PROCEEDING TO SOUTH LAKE (4:45), AND LAKE SABRINA (5:10) BEFORE RETURNING TO BISHOP (5:45).

THE BUS WILL MAKE "FLAG STOPS" AS REQUESTED AND AS ABLE BASED ON SAFETY CONSIDERATIONS. EXPECTED FLAG-STOP LOCATIONS WOULD INCLUDE, BUT ARE NOT LIMITED TO BUTTERMILK ROAD AT HWY 168, STARLITE DRIVE AT HWY 168, ASPENDELL, NORTH LAKE ROAD AT HWY 168, PARCHERS RESORT, TYEE LAKES TRAILHEAD, AND SOUTH FORK BISHOP CREEK VILLAGE, AS WELL AS ALL OF THE CAMPGROUNDS ALONG THE ROUTE.

THE BUS WILL USE THE PARKING LOT TURNAROUNDS AT SOUTH LAKE AND AT LAKE SABRINA TO TURN AROUND. ESTA PLANS TO OPERATE THE ROUTE WITH A 15-PASSENGER CUTAWAY STYLE BUS THAT IS ADA COMPLIANT (2 MOBILITY DEVICE SECUREMENT POSITIONS) AND HAS A BIKE RACK WHICH CAN HOLD TWO BIKES (SEE PHOTO BELOW).

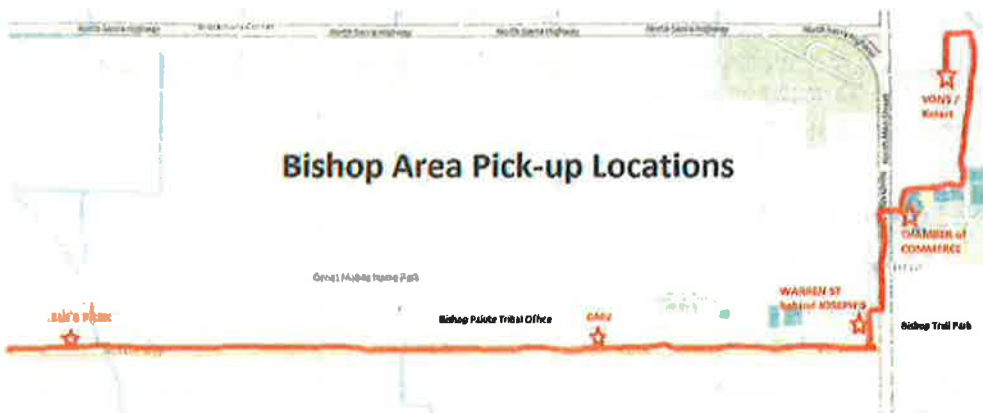


FARES:

\$5.00 FOR A ONE-WAY TRIP, \$2.50 FOR DISCOUNT CATEGORIES (SENIOR, DISABLED, YOUTH). TEN-RIDE PASSES WOULD BE OFFERED FOR A 10% DISCOUNT (\$45 / \$22.50).

J. Provide basic, daily itineraries for each type of trip:

THE ROUTE SCHEDULE AND ITINERARY ARE LISTED IN THE PRECEDING SECTION. MAPS SHOWING THE ROUTE AND THE BISHOP LOCATIONS ARE INCLUDED BELOW.



K. Explain methods for disposing of trash and waste (toilets, litter, etc.):

TRASH IS COLLECTED ABOARD THE BUSES IN A TRASH RECEPTACLE AND DISPOSED OF AT THE END OF THE DAY IN A DUMPSTER AT ESTA'S OPERATING FACILITY IN BISHOP AT THE EASTERN SIERRA REGIONAL AIRPORT.

L. Describe Leave No Trace/Low Impact /Tread Lightly! Practices Used:

ESTA'S OPERATION OF THE BISHOP CREEK SHUTTLE WILL BE OPERATED ALL ON DEVELOPED, PAVED ROADWAYS AND HAS NO ASPECT THAT IS CONDUCTED IN THE WILDERNESS. NONETHELESS, AS PART OF OUR EDUCATION OUTREACH, DRIVERS INFORM PASSENGERS OF LOW IMPACT FRONT-COUNTRY PRINCIPLES:

- **STICK TO TRAILS**

- STASH YOUR TRASH AND PICK UP WASTE
- LEAVE IT AS YOU FIND IT
- KEEP WILDLIFE WILD
- SHARE THE TRAILS AND MANAGE YOUR PET

M. RESERVED SITES – NONE

THIS PERMIT DOES NOT INCLUDE RESERVED SITES.

N. DESCRIBE EDUCATION COMPONENT OF PERMITTED ACTIVITIES

- THE BISHOP CREEK SHUTTLE'S PRIMARY PURPOSE IS TO PROVIDE SAFE, RELIABLE TRANSPORTATION FROM THE BISHOP AREA TO DESTINATIONS IN THE BISHOP CREEK RECREATION AREA. HOWEVER, ESTA DRIVERS WILL BE PROVIDED TRAINING AND INFORMATION ABOUT THE BISHOP CREEK RECREATION AREA AND WILL BE PREPARED TO SHARE THIS INFORMATION WITH PASSENGERS AS APPROPRIATE. SUCH INFORMATION WOULD LIKELY INCLUDE, BUT NOT BE LIMITED TO: AREA TRAILS AND TRAILHEADS, FISHING OPPORTUNITIES, ACCESS TO THRU-HIKE TRAILS, SAFETY PRECAUTIONS (WATER, LAYERS, TIME PLANNING, ETC.), FIRE RESTRICTIONS, WILDERNESS PERMIT REQUIREMENTS, AND NAMES OF PROMINENT GEOLOGIC FEATURES.

II. FOREST SERVICE STANDARDS AND GUIDELINES AND AUTHORIZED USE

- A. This permit does not authorize use on other federal lands, private lands, wilderness areas or research natural areas. It is the permit holder's responsibility to know and inform participants of land line locations.
- B. Participants must remain on trail within the Schulman Grove and Patriarch Grove interpretive areas. Areas outside of these two interpretive sites/trails are open to cross country (unless posted otherwise). Travel so as to not create a visible path. Do not collect any materials from within the Ancient Bristlecone Pine Forest. (Prohibited by law)
- C. Remain on established trails and boardwalks at all Mono Lake destinations. Participants are encouraged to carpool. Do not park in the Navy Beach parking area.
- D. Do not climb on or otherwise disturb tufa towers.
- E. Do not block or prohibit the public's access to any location.
- F. Wilderness access is not authorized.**
- G. Do not disturb any amphibians or sage grouse.
- H. The District Ranger may withhold authorization for the holder to use all or part of an assigned amount of service days for reasons of resource protection, public health and safety, or because of permit violations.
- I. The permittee, as well as his or her employees, agents, guests, and customers, shall abide by all current Forest Service regulations. The permittee is wholly responsible for any actions of these persons. Clientele shall be informed of all regulations regarding National Forest regulations, as discussed in the Operating Plan.
- J. The permittee shall furnish a report of actual use and financial report within thirty (30) days of the close of the season's operations.**
- K. All advertising, including circulars, brochures, advertising, and other materials, or on its World Wide Web site, signs, or letterheads must be approved by the Forest Service prior to publication.**
- L. Motorized vehicle use shall be restricted to existing roads and trails designated on the 2015 Motorized Vehicle Use Map. Park vehicles so as not to block gates, driveways, travel ways.
- M. Take care to protect habitat by avoiding wet meadows, avoid disturbance to riparian habitat along lakeshores and by depositing human waste or other wastewater 200 feet or more from any surface water. Be aware that chemicals such as sunscreen or insect repellent on your skin can affect localized water quality along streams

banks or lake shores. Amphibian species are directly affected by these chemicals. **California State Code 14 CCR § 40 instructs that you must not, among other things, capture, collect, intentionally kill or injure, possess, or transport any native amphibian species.** Be vigilant in your "Leave no Trace" practices, and ensure that your clients do the same. Careful use of the wilderness resource will protect the species and help to allow the continuance of commercial services.

- N. We expect our permittees to conduct their operations in a manner which protects not only the natural resources of the Inyo National Forest but also our rapidly disappearing cultural resources. The ethical treatment of archeological sites and sensitive cultural areas should clearly be a concern of everyone who uses our forests. This should be a particular concern of our permittees and their clients. Archeological sites may be observed, but artifacts of any kind are not to be disturbed, removed or destroyed.

Indiscriminate dissemination of locational data; GPS coordinates, detailed maps or photographs revealing the presence of cultural resources will always result in the disappearance of archeological sites and violations of federal laws such as Archaeological Resources Protection Act, National Historic Preservation Act and Native American Graves and Repatriation Act.

- O. The introduction and spread of non-native plant species and its potential for ecosystem impacts is one of the greatest threats currently facing public lands. Weeds can be spread to new areas in many ways, including in the clothing or shoes of unsuspecting hikers. In order to prevent the spread of weeds into undeveloped areas, outfitter/guide permittees and their clients will check boots, socks, and clothing, and vehicle tires, as applicable, for "hitch-hiking" seeds or other plant parts prior to entering permit areas. Any weeds will be disposed of in trash receptacles. The permit holder will take all steps necessary to prevent the introduction and spread of noxious weeds on National Forest System Lands, including:
- a. Check clothing and equipment for weed seeds prior to and upon leaving forest lands.
 - b. Stay on established roads and trails.
 - c. Wash vehicles, including undercarriage, prior to driving on forest lands to prevent establishing new weed populations.
 - d. Avoid traveling through or camping in weed infested areas.
 - e. Report only small or new infestations of weeds to the permit administrator.

III. SAFETY AND ACCIDENT HANDLING

A. **Incident Notification.** The holder shall be required to contact the authorized officer as soon as practicable after the following incidents that occur on National Forest System (NFS) lands within the authorized area:

1. Any incident resulting in death, permanent disability, or personal injuries that are life-threatening or that are likely to cause permanent disability;
 2. Any failure of a structural, mechanical, electrical component and its primary connection, or operator error, which impairs the operation or function of a passenger ropeway in a way that could affect public safety, or any ropeway incident that requires reporting to State authorities;
 3. A search and rescue operation to locate a person; or
- i. Any incident that had or has high potential for serious personal injury, significant property damage, or significant environmental or other natural resource damage, including but not limited to avalanches, landslides, flooding, fire, structural failures or release of hazardous substances.
- B. **Method of Notification.** The authorized officer shall determine protocol for how the notification must be made. Notification may be tailored to the unique characteristics of the permitted operation. Report incidents to the assigned permit administrator. All injuries or accidents of clients or employees occurring on National Forest Lands will be reported at the earliest opportunity to the Permit Administrator, White Mountain Ranger District Office (760-873-2510).
- C. **Contents of Notification.** When notifying the authorized officer of an incident, the holder shall be required to specify when, where, and how it occurred, and who was present or affected by the event.

D. All guides who work alone with their clients will have, as a minimum, a current wilderness first responder card or equivalent first aid certificate..

E. All major searches or rescue operations will involve the County Sheriff's Department. Emergency Dispatch numbers will be known by all employees.

F. Requests for helicopter rescues will be coordinated through the Sheriff's Department. Forest Supervisor approval must be obtained prior to all flight for life rescue in any Wilderness area.

IV. TITLE VI COMPLIANCE

A. Non-discrimination policy

1. Permit Holder and employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, sex (in educational activities), national origin, age or disability, by curtailing or by refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally and that the holder and employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964, as amended, section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments, and the Age Discrimination Act of 1975.
2. Holder shall include and require compliance with the above nondiscrimination provisions in any third party agreement made with respect to the operations under this permit.
3. Signs setting forth this policy of nondiscrimination to be furnished by the Forest Service will be conspicuously displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.
4. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

B. Public notification of non-discrimination policy

1. The following **nondiscrimination statement shall be posted** in the Holder's office where visible to clients and employees. The nondiscrimination statement shall also be included (in full) on **all printed and electronic materials** that are produced for public distribution or information:

"In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)"

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information is also available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office or write a letter addressed to USDA and provided in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (a) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (b) fax: (202) 690-7442; or (c) email: program.intake@usda.gov."

"USDA is an equal opportunity provider, employer, and lender."

2. If the size of printed material is too small to permit the full statement to be included, the material will at minimum include the statement, in print size no smaller than the text: **"This institution is an equal opportunity provider."** It is expected that the full text be included in all but the smallest print advertising.
3. Printed material also must include the following statement: **"Holder' operates under a permit from the Inyo National Forest."**

C. Equal Access To Federal Programs

In addition to the above non-discrimination policy, the holder agrees to insure that its program and activities are open to the general public on an equal basis and without regard to any non-merit factor.

STAFF REPORT

Subject: 2018 Reds Meadow Ticket Sales-Line Hosting Agreement
with Mammoth Mountain Ski Area

Initiated by: John Helm, Executive Director

BACKGROUND:

ESTA has operated the Reds Meadow Shuttle service since 2009. A component of this operation is the provision of ticket sales and line hosting. The Special Use permit with the U.S. Forest Service allows ESTA to contract with a third party to provide this service. Beginning in 2017, ESTA contracted the Reds Meadow Shuttle ticket sales service to Mammoth Mountain Ski Area. Line hosting support was also used last year.

ANALYSIS/DISCUSSION:

The operation of the Reds Meadow Shuttle service includes the requirement for the provision of the sale of tickets for the shuttle service. Prior to 2017, ESTA provided ticket sales directly using ESTA employees selling the tickets from an MMSA provided ticket window. This arrangement proved to be beneficial from both customer experience and financial perspective. In 2017, MMSA approached ESTA with a proposal to provide the Reds Meadow ticket sales service, which would include manning the outside ticket sales windows during busy periods. ESTA and MMSA entered into an agreement for these services for the 2017 season and the arrangement worked very well. An efficiency that MMSA can bring to the arrangement is the fact that their staff is already manning ticket sales outlets at the Adventure Center during slower periods (e.g. mid to late afternoon) and can address sales of the Reds Meadow Shuttle tickets without any additional operating cost. Prior to last summer, ESTA had to inefficiently staff the ticket office during these slow volume periods.

The agreement from last summer has been modified for this summer and includes provisions specifying that:

- MMSA has a non-exclusive right to sell Reds Meadow Shuttle tickets.
- MMSA shall provide a weekly report to ESTA detailing sales of the shuttle tickets
- MMSA shall remit the proceeds of the ticket sales to ESTA on a bi-weekly basis
- MMSA shall retain 2% of gross sales as an offset for credit card processing fees.

The draft agreement for the 2019 season is included on the following pages for the Board's review. The line hosting element of the agreement may need further work, but is expected to be successfully negotiated.

FINANCIAL CONSIDERATIONS (line hosting?)

The Agreement for the provision of Reds Meadow Shuttle ticket sales with MMSA includes a 2% fee charged to ESTA, primarily to offset credit card fees. ESTA pays a similar amount on credit card transactions. Based on the anticipated ticket sales (\$490,000.00) and service season (75 days), the total cost for the ticket sales service would amount to approximately \$20,000. This cost is comparable to the expense incurred by ESTA in the past when ticket sales were handled directly by ESTA staff.

RECOMMENDATION

The Board is requested to approve the agreement with Mammoth Mountain Ski Area for the sale of Reds Meadow Shuttle tickets and line hosting for the 2019 season and to authorize the Executive Director to execute the Agreement.

REDS MEADOW SHUTTLE – 2019 TICKET SALES AGREEMENT

- 1. AGREEMENT.** This Agreement is by and between Eastern Sierra Transit Authority, a joint powers agreement authority formed to provide public transportation in Inyo and Mono Counties (hereinafter referred to as "ESTA") and Mammoth Mountain Ski Area, LLC., a limited liability corporation incorporated in the State of California (hereinafter referred to as "MMSA").
- 2. TERM.** The Agreement shall commence on May 26, 2019 and shall end on September 29, 2019. The Agreement may be extended by mutual written consent of the parties.
- 3. PAYMENT.** In consideration for the sale of tickets for the Reds Meadow Shuttle, ESTA shall pay to MMSA a flat fee of \$140.00 for each day that the mandatory Reds Meadow Shuttle operates for the 2018 season plus 2% of the gross ticket sales as reimbursement for credit card fees. MMSA shall invoice ESTA in arrears for Ticket Sales on a monthly basis. All payments will be made to MMSA at Post Office Box 24, Mammoth Lakes, CA 93546.
- 4. ESTA DUTIES.** ESTA will have the following duties which it agrees will be faithfully executed during the term of this Agreement:
 - 4.1.** ESTA shall cooperate with MMSA in determining minor modifications to ticket sales practices to enhance the efficiency and effectiveness of the sales.
 - 4.2.** ESTA will remit payment to MMSA within fifteen days of receipt of invoice.
- 5. MMSA Duties.** MMSA shall have the following duties, which it agrees will be faithfully executed during the term of this Agreement:
 - 5.1** MMSA will provide all required equipment, materials, supplies, personnel and administration necessary for the sale of Reds Meadow shuttle tickets from ticket sales venues at Adventure Center, The Village, and the Mammoth Mountain Inn on all days that the mandatory Reds Meadow Shuttle operates.
 - 5.2.** Tickets will be available for purchase from the ticket venues from 8:00 a.m. until 5:30 p.m.
 - 5.3.** MMSA shall utilize its existing computerized ticketing system to process and print the tickets. Tickets will be identified by date and will serve as a day pass or multiple day pass (e.g. 3 out of 5 days) for one individual to ride the shuttle.
 - 5.4.** MMSA shall provide reports to ESTA on a weekly basis detailing ticket sales by day.
 - 5.5.** MMSA will provide line control equipment to queue passengers waiting for ticket sales and to board the buses
 - 5.6** MMSA shall remit the net proceeds from the ticket sales (gross proceeds minus credit card processing fees) to ESTA on a biweekly basis.
 - 5.7** MMSA shall make ticket sales personnel available for training regarding the Reds Meadow Shuttle to be presented by ESTA or the U.S. Forest Service. Such training shall not exceed four hours in length unless mutually agreed otherwise.
- 6. DEFAULT.** If MMSA fails to provide personnel for ticket sales, MMSA agrees to continue to provide space at the Adventure Center from which ESTA could sell tickets

- 7. INDEPENDENT CONTRACTOR.** ESTA and MMSA intend that MMSA's relationship to ESTA at all times and for all purposes under this agreement is to be that of independent contractor. MMSA is not to be considered an agent or employee of ESTA for any purpose, and neither MMSA nor any of MMSA's agents or employees are entitled to any of the benefits that ESTA provides for its employees. MMSA is solely and entirely responsible for its acts and the acts of its agents, subcontractors and employees during the performance of this agreement. MMSA is not an officer, employee, or agent of ESTA.
- 8. INDEMNITY & NOTICE.** To the extent authorized by the laws of the State of California, MMSA shall defend, indemnify and hold ESTA, its officials, officers, employees, and agents free and harmless from any and all liability from loss, damage, or injury to property or persons, including wrongful death, in any manner arising out or in connection with MMSA's performance of this Agreement, including the payment of attorney's fees. Further, MMSA shall defend at its own expense, including attorney's fees, ESTA, its officials, officers, employees and agents in any legal action based upon such negligent acts, omissions or willful misconduct. The foregoing indemnity shall not apply to the extent any such claim arises from the negligent act or willful misconduct of ESTA, its officials, officers, employees and agents, in which case ESTA shall indemnify and hold MMSA harmless against any and all claims, demands, damages, liabilities and costs. In connection with this mutual Indemnification, each of the parties to this Agreement shall maintain insurance coverage at all times during the term of the Agreement and any extensions to the term. ESTA and MMSA shall promptly notify the other party of any such claim within five days of its receipt.
- 9. ASSIGNMENT.** MMSA may not assign or transfer any of its rights or obligations under this Agreement without prior written consent of ESTA. If ESTA consents to such an assignment, MMSA will continue to remain liable for performance under this Agreement.
- 10. TERMINATION OR EXPIRATION OF LEASE.** Either party may terminate this agreement with thirty (30) days notice to the other party. In accordance with Section 6 of this Agreement, if the agreement is terminated prior to September 29, 2019, MMSA will continue to provide a facility for ticket sales at the Adventure Center.
- 17. GENERAL PROVISIONS.** ESTA and MMSA will pay all amounts due under this Agreement. If either party waives or delays enforcing any of its rights under this Agreement, it will not affect that party's ability to enforce its rights afterward. Notices under this Agreement must be in writing, properly addressed, and mailed U.S. Mail, and will be effective upon receipt. This Agreement shall constitute the entire agreement between the parties and may not be changed except by an instrument in writing, signed by both parties. This Agreement will be governed by the laws of the State of California.
- 18. NOTICES.** All notices and other information regarding this Agreement shall be mailed to the other party at the address listed below.
- | | |
|---|--|
| Executive Director
Eastern Sierra Transit Authority
P.O. Box 1357
Bishop, CA 93515 | Mr. Casey McCoy
Mammoth Mountain Ski Area
P.O. Box 24
Mammoth Lakes, CA 93546 |
|---|--|
- 20. ESTA'S WARRANTIES.** ESTA warrants that (a) ESTA is and shall at all times hereafter be duly organized, validly existing and in good standing under the laws of the State of California and it has duly authorized the execution, delivery and performance of this Agreement; (b) this Agreement has been duly and validly executed and delivered by ESTA and constitutes the valid and binding obligation of the ESTA.
- 20. FORCE MAJEURE AND NO CONSEQUENTIAL DAMAGES.** MMSA shall not be liable for any failure or delay in delivery of services pursuant to this Agreement, or for any failure to perform any provision thereof, resulting from fire or other casualty, riot, strike or other labor difficulty, governmental regulation or restriction or any cause beyond MMSA's control. In no event shall MMSA be liable for any inconveniences, loss of profits, or any other consequential, incidental or special damages resulting from any defect in or any theft,

damage, loss or failure of any asset beyond MMSA's control, and there shall not be any abatement or set off of charges for services delivered because of the same.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the ____ day of April, 2019.

EASTERN SIERRA TRANSIT AUTHORITY

MAMMOTH MOUNTAIN SKI AREA

Signed: _____

Signed: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EASTERN SIERRA TRANSIT AUTHORITY

**Minutes of Friday, March 8, 2019
Regular Meeting**

The meeting of the Board of Directors of the Eastern Sierra Transit Authority was called to order at 9:05 a.m. on Friday, March 8, 2019 at the City of Bishop Council Chambers, Bishop, California. The following members were present: Dan Totheroh, Jim Ellis, Karen Schwartz, Jeff Griffiths, Kirk Stapp and Bill Sauser. Bob Gardner and Jennifer Halferty were absent. Director Stapp led the pledge of allegiance.

Public Comment	Debra Ray made a comment.
Executive Director Report	Mr. Moores reported on ESTA activities and performance and introduced Joe Warta as the new Operations Supervisor for Mammoth Lakes.
Financial Report	Ms. Bentley presented the Financial Report for the period ending February 26, 2019.
Operations Report	Mr. Moores presented the Operations Report.
Employee of the Quarter	Mr. Moores introduced Debra Ray as the Employee of the Quarter for the fourth quarter of 2018.
Preliminary FY19-20 Budget	Mr. Moores presented Preliminary Budget for FY 2019-20
Low Carbon Transit Operations Program FY 2018-19 Funds	Moved by Director Totheroh and seconded by Director Stapp to approve and adopt Resolution 2019-01 authorizing the execution of the Certificates and Assurances and Authorized Agent forms for the Low Carbon Transit Operations Program (LCTOP) for the following project(s): Mammoth Express Fixed Route Service \$25,527 Mammoth Express Pass Fare Reduction \$9,828 Electric Vehicle \$61,568 Motion carried 6-0 with Directors Halferty and Gardner absent.
Consent Agenda	Moved by Director Totheroh and seconded by Director Stapp to approve consent agenda consisting of: <ul style="list-style-type: none"> • Approval of Meeting Minutes of January 11, 2019 • Adopt Resolution 2019-02 adopting and approving an amendment an amendment of ESTA’s Conflict of Interest Code. • Approve an update Authorized Agent for PTMSEA

	Motion carried 6-0 with Directors Halferty and Gardner absent.
Board Member Reports	None
Adjournment	The Chairperson adjourned the meeting at 10:50 a.m. The next regular meeting of the Eastern Sierra Transit Authority Board of Directors is scheduled for April 12, 2019 in the City of Bishop Council Chambers 301 West Line St, Bishop, California at 11:00 am.

Recorded & Prepared by:

Linda Robinson
Board Clerk
Eastern Sierra Transit Authority

Minutes approved:

STAFF REPORT

Subject: Federal Fiscal Year 2019 Certifications and Assurances

Initiated by: Phil Moores, Executive Director

BACKGROUND

The Eastern Sierra Transit Authority, which is considered a sub-recipient by the California Department of Transportation (Caltrans) for federal funding, submits required certifications and assurances to Caltrans on an annual basis in conjunction with receipt of Federal funding for its transportation programs.

ANALYSIS/DISCUSSION:

In order to receive Federal Transit Administration (FTA) assistance, recipients and sub-recipients must provide certain certifications and assurances required by Federal law or regulation. Submittal of these certifications and assurances is required on an annual basis.

The FTA Certifications and Assurances for 2019 have been consolidated into 21 groups. At a minimum, a Subrecipient must provide the assurances in Group 01 and, if the Subrecipient requests more than \$100,000, the Subrecipient must also provide the Lobbying certification in Group 02. Depending on the nature of the Subrecipient and its Project, the Subrecipient may need to provide some of the certifications and assurances in Groups 03 through 21. However, instead of selecting individual groups of certifications and assurances, the Subrecipient may make a single selection that will encompass all groups of certifications and assurances applicable to all FTA programs. The Preface states that applicants are responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its project, itself, any subrecipient, or any other third party participant in its project. The type of project and subrecipient will determine which certifications and assurances apply. The Certifications and Assurances clearly state that any provision of an Assurance that does not apply will not be enforced. For this reason, and in accordance with the practice in previous years after consultation with legal counsel, staff has determined to select the option agreeing to comply with all applicable provisions of Groups 01 – 21.

The FY 2019 Federal Certifications and Assurances have been forwarded to John Vallejo, Assistant County Counsel Inyo County, for his review. Affirmation of the Certifications and Assurances by ESTA's legal counsel is required as part of the submittal.

The FY 2019 Federal Certifications and Assurances are included on the following pages for the Board's information.

FINANCIAL CONSIDERATIONS

Approval and submittal of the FY2019 Certifications and Assurances is required in order to receive federal operating and capital assistance. ESTA's FY2018/19 budget includes \$453,001 in federal funding. Staff estimates potentially \$900,000 in federal financial assistance in ESTA's FY2019/20 budget. \$457,000 of this is 5339 grant funds for the new facility which is given on a reimbursement schedule.

RECOMMENDATION

The Board is requested to authorize the Executive Director to sign the Federal Fiscal Year 2019 Certifications and Assurances binding ESTA's compliance with these certifications and assurances for Federal Transit Administration assistance programs.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

This certification appears on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
 - (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 C.F.R. Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 C.F.R. Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated

- against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
- (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 C.F.R. Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 C.F.R. Part 24.
- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R. Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 C.F.R. Part 1201.
- (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.

- (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
- (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget's standard form 424D "Assurances—Construction Programs" and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 C.F.R. 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R. Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost

Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. Part 200, particularly 2 C.F.R. §§ 200.317–200.326 “Procurement Standards;

- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 C.F.R. Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 C.F.R. § 180.300. Additionally, each applicant must disclose any information required by 2 C.F.R. § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;
- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

CATEGORY 2. TAX LIABILITY AND FELONY CONVICTIONS.

Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. As prescribed by U.S. DOT Order 4200.6, FTA requires each applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 3. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 C.F.R. § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 C.F.R. Part 20.

3.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 4. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

4.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 C.F.R. § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 C.F.R. Part 604, the terms and conditions of which are incorporated herein by reference.

4.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 C.F.R. § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 C.F.R. § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 C.F.R. § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 5. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it has, or will develop, a transit asset management plan in compliance with 49 C.F.R. Part 625.

CATEGORY 6. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

6.1. Rolling Stock Buy America Reviews.

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 C.F.R. § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 C.F.R. Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 C.F.R. Part 663.

6.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 C.F.R. § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 C.F.R. Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 7. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;

- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
 - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 8. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
 - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
 - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
 - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
 - (2) It has determined that otherwise eligible local transit needs are being addressed.

CATEGORY 9. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

CATEGORY 10. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).

Making this certification will incorporate by reference the applicable certifications in Category 7 or Category 8.

CATEGORY 11. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 7, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 7 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 7, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 12. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, this certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4).

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 C.F.R. Part 625.

CATEGORY 13. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 7 for the Urbanized Area Formula Grants Program, Category 9 for the Fixed Guideway Capital Investment Grants program, and Category 12 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 7, 9, and 12 by reference.

CATEGORY 14. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 C.F.R. § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 C.F.R. Part 655.

CATEGORY 15. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 C.F.R. §§ 659.43, 672.31, and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 C.F.R. part 659, "Rail Fixed Guideway Systems; State Safety Oversight";
- (b) Compliant with the requirements of 49 C.F.R. part 672, "Public Transportation Safety Certification Training Program"; and
- (c) Compliant with the requirements of 49 C.F.R. part 674, "State Safety Oversight".

CATEGORY 16. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 C.F.R. Part 37, it must make the following certification. This certification is required by 49 C.F.R. § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;

- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 17. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 18. CONSTRUCTION HIRING PREFERENCES.

If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Consolidated Appropriations Act, 2019, Pub. L. 116-6, div. G, title I, § 191.

The applicant certifies the following:

- (a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
- (b) That the applicant will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

- (c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

FTA FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

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

Name of Applicant: _____

The Applicant certifies to the applicable provisions of categories 01–18. _____

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 Tax Liability and Felony Convictions	_____
03 Lobbying	_____
04 Private Sector Protections	_____
05 Transit Asset Management Plan	_____
06 Rolling Stock Buy America Reviews and Bus Testing	_____
07 Urbanized Area Formula Grants Program	_____
08 Formula Grants for Rural Areas	_____
09 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
10 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____
11 Enhanced Mobility of Seniors and Individuals with Disabilities Programs	_____
12 State of Good Repair Grants	_____
13 Infrastructure Finance Programs	_____
14 Alcohol and Controlled Substances Testing	_____
15 Rail Safety Training and Oversight	_____
16 Demand Responsive Service	_____
17 Interest and Financing Costs	_____
18 Construction Hiring Preferences	_____

FEDERAL FISCAL YEAR 2019 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE

PAGE

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2019)

AFFIRMATION OF APPLICANT

Name of the Applicant: _____

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 2019, 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 2019.

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 _____ 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 _____ 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.