



San Bernardino County  
Transportation Authority



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**AGENDA**  
**Mountain/Desert Policy Committee**

**January 20, 2017**

**9:30 AM**

**Location**

*Mojave Desert Air Quality Management District*  
14306 Park Avenue, Victorville, CA 92392

**Mountain/Desert Policy Committee Membership**

**Chair**

*Bill Jahn, Mayor Pro Tem*  
*City of Big Bear Lake*

*Bill Holland, Council Member*  
*City of Hesperia*

*Robert A. Lovingood*  
*Board of Supervisors*

**Vice Chair**

*Vacant*

*Ed Paget, Mayor*  
*City of Needles*

*James Ramos*  
*Board of Supervisors*

*Rich Kerr, Mayor*  
*City of Adelanto*

*Joel Klink, Council Member*  
*City of Twentynine Palms*

*Janice Rutherford*  
*Board of Supervisors*

*Curt Emick, Council Member*  
*Town of Apple Valley*

*Jim Kennedy, Council Member*  
*City of Victorville*

*Julie McIntyre, Mayor*  
*City of Barstow*

*Rick Denison, Mayor Pro Tem*  
*Town of Yucca Valley*

**San Bernardino County Transportation Authority  
San Bernardino Council of Governments**

**AGENDA**

**Mountain/Desert Policy Committee**

**January 20, 2017**

**9:30 AM**

**Location**

**Mojave Desert Air Quality Management District  
14306 Park Avenue, Victorville, CA 92392**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional “*Meeting Procedures*” and agenda explanations are attached to the end of this agenda.

**CALL TO ORDER**

(Meeting Chaired by Bill Jahn)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
- iv. Agenda Notices/Modifications – Betty Pineda

**Possible Conflict of Interest Issues**

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

**1. Information Relative to Possible Conflict of Interest**

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Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

**Presenter: Andrea Zureick**

**This item is prepared for review by Board and Committee members.**

**DISCUSSION ITEMS**

**Discussion - Administrative Matters**

**2. Election of Mountain/Desert Policy Committee Vice Chair**

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That the Committee conduct an election for a committee member to serve as Vice Chair of the San Bernardino County Transportation Authority Mountain/Desert Policy Committee for the remainder of Fiscal Year 2016/2017.

**Presenter: Andrea Zureick**

**This item is not scheduled for review by any other policy committee or technical**

**advisory committee.**

**Discussion - Project Delivery**

**3. US-395 Phase I Right-of-Way Agreement with the City of Victorville**

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That the Mountain/Desert Policy Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Authority:

Approve Cooperative Agreement 17-1001597 with the City of Victorville regarding roles and responsibilities of each agency for the Plans Specifications and Estimates (PS&E), Right-of-Way (ROW), Construction, and Project Close Out Phases of the portion of the US 395 Phase 1 Project located within Victorville’s jurisdictional boundaries.

**Presenter: Paula Beauchamp**

**This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft agreement.**

**4. Preview of the Hearings to Consider Resolution of Necessity for Parcels for US 395 Phase I Project in/near the Cities of Adelanto and Victorville**

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That the following be reviewed and recommended to proceed to Hearings for Resolutions of Necessity by the Board of Directors, acting in its capacity as the San Bernardino County Transportation Authority, at a regularly scheduled Board meeting:

A. Conduct public hearings to consider condemnation of real property required for the US 395 Phase I Project in the Cities of Adelanto and Victorville; and

B. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-010 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Hassan Mohrekesh, Trustee of the Ozzie Mohrekesh Trust dated February 21, 2006 (hereinafter “Mohrekesh Property”) (Assessor’s Parcel Number [APN] 3103-511-06; Caltrans Parcel Number [CPN] 23847). The Resolution must be approved by at least a two-thirds majority; and

C. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-011 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Madan Mohan Aggarwal (hereinafter “Aggarwal Property”) (APN 3135-321-10; CPN 23849). The Resolution must be approved by at least a two-thirds majority; and

D. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-012 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Leu, Liu & Associates, a general partnership (hereinafter “Leu, Liu & Associates Property”) (APN 3103-551-04 and 3103-551-02; CPN 23862). The Resolution must be approved by at least a two-thirds majority; and

E. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-013 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Jong Peter Park and Jung

Im Park, Trustees of the Park Family Trust dated March 7, 2007 (as the community property of Jong Peter Park and Jung Im Park) (hereinafter “Park Family Trust Property”) (APN 3128-541-08; CPN 24006). The Resolution must be approved by at least a two-thirds majority; and

F. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-014 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Moon Suk Han and Soon Hee Han, husband and wife as joint tenants (hereinafter “Han & Hee Property”) (APN 3128-231-04; CPN 23827). The Resolution must be approved by at least a two-thirds majority; and

G. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-016 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Kristy Moon and Jenny Moon, in joint tenancy with right of survivorship (hereinafter “Moon Property”) (APN 0459-342-05; CPN 23834). The Resolution must be approved by at least a two-thirds majority.

**Presenter: Timothy Byrne**

**This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA’s General Counsel has reviewed this item and the draft resolutions.**

### **Comments from Board Members**

Brief comments from Board Members

### **Public Comment**

Brief comments by the General Public

## **ADJOURNMENT**

### **Additional Information**

Attendance  
Acronym List  
Mission Statement

**The next Mountain/Desert Policy Committee Meeting will be February 17, 2017**

## Meeting Procedures and Rules of Conduct

**Meeting Procedures** - The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

**Accessibility** - The meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, CA.

**Agendas** – All agendas are posted at 1170 W. 3<sup>rd</sup> Street, 1st Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino and our website: [www.gosbcta.com](http://www.gosbcta.com).

**Agenda Actions** – Items listed on both the “Consent Calendar” and “Discussion” contain recommended actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors or unanimous vote of members present as provided in the Ralph M. Brown Act Government Code Sec. 54954.2(b).

**Closed Session Agenda Items** – Consideration of closed session items excludes members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

**Public Testimony on an Item** – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a “Request to Speak” form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for each item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. Members of the public requesting information be distributed to the Board of Directors must provide 40 copies of such information in advance of the meeting, except for noticed public hearings. Information provided as public testimony is not read into the record by the Clerk.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

**Agenda Times** – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

**Public Comment** – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board’s authority. Matters raised under “Public Comment” may not be acted upon at that meeting. “Public Testimony on any Item” still applies.

**Disruptive or Prohibited Conduct** – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive or prohibited conduct includes without limitation addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, bringing into the meeting any type of object that could be used as a weapon, including without limitation sticks affixed to signs, or otherwise preventing the Board from conducting its meeting in an orderly manner. Your cooperation is appreciated!

**SANBAG General Practices for Conducting Meetings  
of  
Board of Directors and Policy Committees**

**Attendance.**

- The Chair of the Board or a Policy Committee (Chair) has the option of taking attendance by Roll Call or Self-Introductions. If attendance is taken by Roll Call, the Clerk of the Board will call out by jurisdiction or supervisorial district. The Member or Alternate will respond by stating his/her name. If attendance is by Self-Introduction, the Member or Alternate will state his/her name and jurisdiction or supervisorial district.
- A Member/Alternate, who arrives after attendance is taken, shall announce his/her name prior to voting on any item.
- A Member/Alternate, who wishes to leave the meeting after attendance is taken but before remaining items are voted on, shall announce his/her name and that he/she is leaving the meeting.

**Basic Agenda Item Discussion.**

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.
- The “aye” votes in favor of the motion shall be made collectively. Any Member who wishes to oppose or abstain from voting on the motion, shall individually and orally state the Member’s “nay” vote or abstention. Members present who do not individually and orally state their “nay” vote or abstention shall be deemed, and reported to the public, to have voted “aye” on the motion.

**The Vote as specified in the SANBAG Bylaws.**

- Each Member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

**Amendment or Substitute Motion.**

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he or she would like to amend his or her motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is voted upon first, and if it fails, then the original motion is considered.

- Occasionally, a motion dies for lack of a second.

### **Call for the Question.**

- At times, a Member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

### **The Chair.**

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Chair.

### **Courtesy and Decorum.**

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

*Adopted By SANBAG Board of Directors January 2008  
Revised March 2014  
Revised May 4, 2016*



### *Minute Action*

AGENDA ITEM: 1

**Date:** *January 20, 2017*

**Subject:**  
Information Relative to Possible Conflict of Interest

**Recommendation:**  
Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

**Background:**  
In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

<b>Item No.</b>	<b>Principals &amp; Agents</b>
4	Mohrekeshe Ozzie 2-21-6
	Aggarwal Madan Mohan
	Leu Liu & Associates
	Park Family Trust <i>Jong Peter Park &amp; Jung Im Park</i>
	Moon Suk Han & Soon Hee Han
	Kristy Moon & Jenny Moon

**Financial Impact:**  
This item has no direct impact on the budget.

**Reviewed By:**  
This item is prepared for review by Board and Committee members.

**Responsible Staff:**  
Andrea Zureick, Director of Fund Administration

Approved  
Mountain-Desert Committee  
Date: January 20, 2017  
Witnessed By:

*Entity: San Bernardino County Transportation Authority*

## ***Minute Action***

AGENDA ITEM: 2

***Date:*** January 20, 2017

***Subject:***

Election of Mountain/Desert Policy Committee Vice Chair

***Recommendation:***

That the Committee conduct an election for a committee member to serve as Vice Chair of the San Bernardino County Transportation Authority Mountain/Desert Policy Committee for the remainder of Fiscal Year 2016/2017.

***Background:***

As a result of the recent changes to the SBCTA Board membership, the Mountain/Desert Policy Committee Vice Chair position has become vacant. This item provides for an election to be conducted, which will identify the Vice Chair of the Committee to serve until June 30, 2017. A complete listing of SANBAG policy committees, membership, and chairs is attached to this item for reference.

Although it is not necessary or required for the Vice Chair to assume the position of Chair at the conclusion of the term, if this were to occur, the duties of the Chair include participation in legislative advocacy efforts; serving on the General Policy Committee; representing SBCTA at public events; and representing Policy Committee recommendations at SBCTA Board meetings.

***Financial Impact:***

This item has no impact on the Fiscal Year 2016/2017 budget.

***Reviewed By:***

This item is not scheduled for review by any other policy committee or technical advisory committee.

***Responsible Staff:***

Andrea Zureick, Director of Fund Administration

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Approved  
Mountain-Desert Committee  
Date: January 20, 2017

Witnessed By:

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*Entity: San Bernardino County Transportation Authority*

## San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p><b>General Policy Committee</b>                      Membership consists of the following:                      SBCTA President, Vice President, and Immediate Past President                      4 East Valley (3 City, 1 County)                      4 West Valley (3 City, 1 County)                      4 Mt/Desert (3 City, 1 County)                      City members shall be SBCTA Board Members elected by caucus of city SBCTA Board Members within the subarea.                      All Policy Committee and Board Study Session Chairs are included in this policy committee.                      All City members serving as Board officers, Committee chairs, or Board Study Session Chair, are counted toward their subareas City membership.                      Supervisors collectively select their representatives. The SBCTA Vice President shall serve as Chair of the General Policy Committee.</p>	<p>Makes recommendations to Board of Directors and:                      (1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity;                      (2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization;                      (3) Serves as policy review committee for any program area that lacks active policy committee oversight.                      Committee has authority to approve contracts in excess of \$25,000 with notification to the Board of Directors.                      (Brown Act)</p>	<p>Alan Wapner, Ontario, Vice President (Chair)                      Robert A. Lovingood, Supervisor, President (Vice Chair)</p> <p><u>West Valley</u>                      Alan Wapner, Ontario, Vice President                      L. Dennis Michael, Rancho Cucamonga                      Curt Hagman, Supervisor                      Bill Holland, City of Hesperia</p> <p><u>East Valley</u>                      Frank Navarro, Colton (Chair – MVSS)                      Darcy McNaboe, Grand Terrace                      Rhodes “Dusty” Rigsby, Loma Linda                      James Ramos, Supervisor (Chair - TC)</p> <p><u>Mountain/Desert</u>                      Bill Jahn, Big Bear Lake (Chair – MDC)                      Joel Klink, Twentynine Palms                      Robert A. Lovingood, Supervisor, President                      Bill Holland, City of Hesperia</p>	<p>6/30/2017                      6/30/2017                      6/30/2017                      6/30/2017                      6/30/2017                      6/30/2017                      6/30/2017                      6/30/2017                      6/30/2017                      6/30/2017                      6/30/2017                      6/30/2017                      6/30/2017</p>
<p><b>Transit Committee</b>                      Membership consists of 11 SBCTA Board Members:                      9 Valley-members, two being Southern California Regional Rail Authority (SCRRA) primary (*) and two being SCRRA alternate (**) members.                      2 Mountain/Desert Board Members who serve on the Board of a Mountain/Desert transit agency.                      SCRRA members and alternates serve concurrent with their term on the SCRRA Board of Directors as appointed by the SBCTA Board.                      Other members are appointed by the SBCTA President for 2-year terms.</p>	<p>Provides policy guidance and recommendations to the SBCTA Board of Directors and Southern California Regional Rail Authority (SCRRA) delegates with respect to commuter rail and transit service.                      * SCRRA Primary Member                      ** SCRRA Alternate Member                      (Brown Act)</p>	<p>James Ramos, Supervisor** (Chair)                      Bill Jahn, Big Bear Lake (Vice Chair)                      Paul Eaton, Montclair*                      Jon Harrison, Redlands                      Robert A. Lovingood, Supervisor                      Larry McCallon, Highland*                      L. Dennis Michael, Rancho Cucamonga                      Dick Riddell, Yucaipa                      Deborah Robertson, Rialto                      Alan Wapner, Ontario**                      R. Carey Davis, San Bernardino</p>	<p>Indeterminate (6/30/2017)                      Indeterminate (6/30/2017)                      Indeterminate                      12/31/2018                      12/31/2017                      Indeterminate                      12/31/2017                      12/31/2018                      12/31/2018                      Indeterminate                      12/31/2018</p>

Attachment: SBCTA Policy Committee Membership (3355 : Election of Committee Vice-Chair)

### San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p><b>Mountain/Desert Committee</b>                      Membership consists of 12 SBCTA Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, Second, and Third Districts.</p>	<p>Provides ongoing policy level oversight related to the full array of SBCTA responsibilities as they pertain specifically to the Mountain/Desert subregion.                       The Committee also meets as the Mountain/Desert Measure I Committee as it carries out responsibilities for Measure I Mountain/Desert Expenditure Plan.                       (Brown Act)</p>	<p>Bill Jahn, Big Bear Lake (Chair)                      Bill Holland, Hesperia                      Curt Emick, Apple Valley                      Rick Denison, Yucca Valley                      Rich Kerr, Adelanto                      Joel Klink, Twentynine Palms                      Robert A. Lovingood                      Jim Kennedy, Victorville                      Julie McIntyre, Barstow                      Edward Paget, Needles                      James Ramos, Supervisor                      Janice Rutherford, Supervisor</p>	<p>Indeterminate (6/30/2017)                      Indeterminate (6/30/2017)                      Indeterminate                      Indeterminate                      Indeterminate                      Indeterminate                      Indeterminate                      Indeterminate                      Indeterminate                      Indeterminate                      Indeterminate</p>

**Policy Committee Meeting Times**

General Policy Committee	Second Wednesday, 9:00 a.m., SBCTA Office
Transit Committee	Second Thursday (following the Board of Directors meeting), 9:00 a.m., SBCTA Office
Mountain/Desert Committee	Third Friday, 9:30 a.m., Victorville, CA

NOTE: Policy Committee meetings will not be held in July of each year (effective 9/5/12).

### Board of Directors Study Sessions for Metro Valley Issues

STUDY SESSION	PURPOSE	MEMBERSHIP	TERMS
<p>Board of Directors Study Sessions for Metro Valley Issues                      Refer to SBCTA Policy 10007.</p>	<p>To review, discuss, and make recommendations for actions to be taken at regular meetings of the Board on issues relating to Measure I Projects in the Valley.                       (Brown Act)</p>	<p>Board of Directors                      Frank Navarro, Colton (Chair)                      Janice Rutherford, Supervisor (Vice Chair)</p>	<p>6/30/2017                      6/30/2017</p>

**Meeting Time:** Second Thursday (following the Board of Directors meeting), 9:30 a.m., SBCTA Office

### I-10 and I-15 Corridor Joint Sub-Committee

Joint Sub-Committee	PURPOSE	MEMBERSHIP
<p><b>I-10 and I-15 Corridor Joint Sub-Committee</b>                      In January 2015, the Board approved the change status of Express Lanes Ad Hoc Committee to the creation of the I-10 and I-15 Corridor Joint Sub-Committee of the Board of Directors Metro Valley Study Session and the Mountain/Desert Policy Committee (I-10 and I-15 Joint Sub-Committee). Members of the committee will be members of the SBCTA Board of Directors and will be appointed by the SBCTA Board President. The President will appoint the Chair and Vice-Chair of the Sub-Committee. The Sub-Committee will include a minimum of nine and a maximum of fourteen SBCTA Board members. Membership will be composed of a minimum of three representatives from the East Valley; and a minimum of two representatives from the Victor Valley. The Sub-Committee will meet as necessary immediately following the Metro Valley Study Session.</p>	<p>The purpose is to consider and make recommendations to the Board of Directors on the development of express lanes in San Bernardino County, in particular on the I-10 and I-15 Corridors.                       (Brown Act)</p>	<p>Alan Wapner, Ontario – Chair                      Josie Gonzales, Supervisor                      Robert A. Lovingood, Supervisor                      Larry McCallon, Highland                      L. Dennis Michael, Rancho Cucamonga                      Frank Navarro, Colton                      Dusty Rigsby, Loma Linda                      Deborah Robertson, Rialto                      Janice Rutherford, Supervisor</p>

Attachment: SBCTA Policy Committee Membership (3355 : Election of Committee Vice-Chair)

**Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)**

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)</p> <p>Membership consists of 13 members appointed by the SBCTA Executive Director.</p> <p>6 representing Public Transit Providers</p> <p>1 representing County Dept. of Public Works</p> <p>1 representing the Consolidated Transportation Services Agency</p> <p>5 representing Social Service Providers</p>	<p>Subject to the Transportation Development Act (TDA) Section 99238 – establishes PASTACC’s statutory responsibilities;</p> <p>(1)Review and make recommendations on annual Unmet Transit Needs hearing findings</p> <p>(2)Score and make recommendations for Federal Transit Administration Section 5310 Capital Grant Program applications</p> <p>(3) Assist SBCTA in developing public outreach approach on updating the Coordinated Public Transit/Human Services Transportation Plan</p> <p>(4) Review call for projects for Federal Transit Administration Section 5316, and 5317 grant applications</p> <p>(5) Monitor and make recommendations on Federal regulatory processes as they relate to transit and specialized transit</p> <p>(6) Monitor and disseminate information in reference to State level law and recommendations as they relate to transit and specialized transit</p> <p>(7) Receive annual reports on funded specialized programs funded through FTA Section 5316, 5317 and Measure I</p> <p>(8) Identify regional or county level areas of unmet needs</p> <p>(9) Address special grant or funding opportunities</p> <p>(10)Address any special issues of PASTACC voting and non-voting members (Brown Act)</p>	<p>Standing Membership –</p> <p>Barstow Area Transit, Manager *</p> <p>Morongo Basin Transit Authority, Manager *</p> <p>Mountain Area Regional Transit Authority, Manager *</p> <p>Needles Area Transit, Manager *</p> <p>Omnitrans, Manager *</p> <p>Victor Valley Transit Authority, Manager *</p> <p>County of San Bernardino Dept. of Public Work, Manager *</p> <p>Valley Transportation Services (VTS), Manager *</p> <p>At Large Membership –</p> <p>San Bernardino Dept. of Aging and Adult Services, Director *</p> <p>Inland Regional Center, Director *</p> <p>Inland Empire United Way 2-1-1, Director *</p> <p>Victor Valley Community Service Counsel, Director *</p> <p>Community Senior Services, Director *</p>	<p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>1/31/2017</p> <p>9/30/2017</p> <p>9/30/2017</p> <p>1/31/2017</p> <p>2/28/2018</p>

**Meeting Dates and Time:** Bi monthly, beginning in February, 2<sup>nd</sup> Tuesday of the month, 10:00 a.m., SBCTA Office

\* Manager or Director may designate alternate/s

Attachment: SBCTA Policy Committee Membership (3355 : Election of Committee Vice-Chair)

**Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan**

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan</p> <p>The ITOC shall provide citizen review to ensure that all Measure I funds are spent by the San Bernardino County Transportation Authority (hereby referred to as the Authority) in accordance with provision of the Expenditure Plan and Ordinance No. 04-01. The ordinance specifies that each member of the ITOC have certain credentials or experience as follows:</p> <ul style="list-style-type: none"> <li>A. One member who is a professional in the field of municipal audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector.</li> <li>B. One member who is a licensed civil engineer or trained transportation planner with at least five years of demonstrated experience in the fields of transportation and/or urban design in government and/or the private sector. No member shall be a recipient or sub-recipient of Measure “I” funding.</li> <li>C. One member who is a current or retired manager of a major publicly financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</li> <li>D. One member who is current or retired manager of a major privately financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</li> <li>E. One public member, who possesses the knowledge and skills which will be helpful to the work of the ITOC.</li> </ul> <p>In addition to the appointed members, the SBCTA Executive Director will serve as an ex officio member.</p>	<p>The ITOC shall review the annual audits of the Authority; report findings based on the audits to the Authority; and recommend any additional audits for consideration which the ITOC believes may improve the financial operation and integrity of program implementation.</p> <p>The Authority shall hold a publicly noticed meeting, which may or may not be included on the agenda of a regularly scheduled Board meeting, with the participation of the ITOC to consider the findings and recommendations of the audits.</p> <p>(Brown Act)</p>	<p>Vacancy (A)                      Vacancy (B)                      Vacancy (C)                      Norman Orfall (D)                      Mike Layne (E)                      Ray Wolfe, Ex-Officio</p>	<p>12/31/16                      12/31/16                      12/31/18                      12/31/18                      12/31/18</p>

**SBCTA Ad Hoc Committees**

COMMITTEE	PURPOSE	MEMBERSHIP
<p><b>Legislative</b></p> <p>In March 2013, the SBCTA Board President appointed this ad hoc committee.</p> <p>This committee will consist of the SBCTA Board Officers.</p>	<p>Review proposed legislation at the state and federal level. Provide direction to staff on positions consistent with the Board-adopted legislative platform.</p>	<p>President – Robert Lovingood, Supervisor                      Vice President – Alan Wapner, Ontario                      Immediate Past President – Vacant</p>

Attachment: SBCTA Policy Committee Membership (3355 : Election of Committee Vice-Chair)

<p><b>Council of Governments Ad Hoc Committee</b> In June 2016, the SBCTA Board President appointed this ad hoc committee.</p>	<p>To provide direction relative to the Council of Governments annual work plan.</p>	<p>Alan Wapner, Ontario – Chair Curt Emick, Apple Valley Josie Gonzales, Supervisor Bill Jahn, Big Bear Lake Larry McCallon, Highland L. Dennis Michael, Rancho Cucamonga Frank Navarro, Colton James Ramos, Supervisor Janice Rutherford, Supervisor</p>
<p><b>ByLaws Ad Hoc Committee</b> In December 2016, the Board of Directors authorized the reactivation of the Ad Hoc Committee and the President to make appointments.</p>	<p>To study the Bylaws and make recommendations to the Board on necessary or desirable Bylaws amendments.</p>	<p>Alan Wapner, Ontario Robert Lovingood, County of San Bernardino Janice Rutherford, County of San Bernardino Dusty Rigsby, Loma Linda</p>

**SBCTA Technical Advisory Committees**

COMMITTEE	PURPOSE	MEETING SCHEDULE
<p><b>Transportation Technical Advisory Committee (TTAC)</b> Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Administrative Officer.</p>	<p>SBCTA’s Transportation Technical Advisory Committee was formed by SBCTA management to provide input to SBCTA staff on technical transportation-related matters and formulation of transportation-related policy recommendations to the SBCTA Board of Directors. The TTAC is not a Brown Act committee.</p>	<p>Generally meets on the first Monday of each month at 1:30 PM, at SBCTA.</p>
<p><b>City/County Manager’s Technical Advisory Committee (CCM TAC)</b> The committee is made up of up to two representatives of the County Administrator’s Office and the city manager or administrator from each city and town in the County.</p>	<p>SBCTA’s City/County Manager’s Technical Advisory Committee was established in the Joint Powers Authority that established SBCTA. The primary role of the committee is to provide a forum for the chief executives of SBCTA’s member agencies to become informed about and discuss issues facing SBCTA. It also provides a forum for the discussion of items of mutual concern and a way to cooperate regionally in addressing those concerns. The CCM TAC is a Brown Act Committee.</p>	<p>Meets on the first Thursday of each month at 10:00 AM, at SBCTA.</p>
<p><b>Planning and Development Technical Forum (PDTF)</b> Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Chief Executive Officer.</p>	<p>The SBCTA Planning and Development Technical Forum was formed by SBCTA management to provide an opportunity for interaction among planning and development representatives of member agencies on planning issues of multijurisdictional importance. The PDTF is not a Brown Act Committee.</p>	<p>Meets the 4th Wednesday of each month at 2:00 p.m. at the Depot (in the SCAG Office).</p>
<p><b>Project Development Teams</b></p>	<p>Project Development Teams (PDTs) are assembled for all major project development activities by SBCTA staff. Teams are generally composed of technical representatives from SBCTA, member jurisdictions appropriate to the project, Caltrans, and other major stakeholder entities that have significant involvement in the project. PDTs make recommendations related to approaches to project development, evaluation of alternatives, and technical solutions. PDTs meet on a regular basis throughout the project phase to review progress and to provide technical input required for project development.</p>	<p>Varies with the PDT, at SBCTA.</p>

Attachment: SBCTA Policy Committee Membership (3355 : Election of Committee Vice-Chair)

	The PDTs are not Brown Act Committees.	
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## *Minute Action*

AGENDA ITEM: 3

**Date:** *January 20, 2017*

**Subject:**

US-395 Phase I Right-of-Way Agreement with the City of Victorville

**Recommendation:**

That the Mountain/Desert Policy Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Authority:

Approve Cooperative Agreement 17-1001597 with the City of Victorville regarding roles and responsibilities of each agency for the Plans Specifications and Estimates (PS&E), Right-of-Way (ROW), Construction, and Project Close Out Phases of the portion of the US 395 Phase 1 Project located within Victorville's jurisdictional boundaries.

**Background:**

On May 4, 2005, the Board of Directors approved Contract C05019 with Caltrans to perform the Project Approval and Environmental Document (PA&ED) phase of the US-395 project. Caltrans approved the Initial Study with the Mitigated Negative Declaration on December 30, 2009. The project was divided into nine segments to make project funding and delivery more manageable. On June 5, 2013, the Board of Directors approved Cooperative Agreement C13147 with Caltrans for the design of Phase I (Segments 5, 6, 7 and 8). Phase I will widen US-395 to four lanes and add turn lanes between State Route 18 to Chamberlain Way in the Cities of Adelanto and Victorville. Caltrans is responsible for providing design services, while the San Bernardino County Transportation Authority (SBCTA) as the sponsor of the project is responsible for reimbursing Caltrans for their costs. On March 4, 2015, the SBCTA Board of Directors approved Cooperative Agreement No. 15-1001175 for the ROW for Phase I. Under this agreement, SBCTA will be the lead for all ROW tasks associated with acquisition and utility relocation; Caltrans will provide the ROW Engineering and be responsible for issuing the ROW Certification; and the California Transportation Commission (CTC) would hear the Resolutions of Necessity. Amendment 1 to the Cooperative Agreement with Caltrans, executed on March 14, 2016, reversed roles for vesting and transferred the responsibility for hearings for Resolutions of Necessity from the CTC to SBCTA.

**The new Cooperative Agreement** No. 17-1001597 with the City of Victorville (CITY) defines roles and responsibilities of the parties relative to the Project, addressing betterment, long term property ownership, and coordination. There is no cost associated with the agreement.

As the Project progresses, SBCTA will provide the CITY with an opportunity to review and comment on the PS&E, ROW and Construction documents, with the CITY responsible for providing comments within two weeks of receipt of the documents. The agreement also addresses any requests made by the CITY for betterments and/or additional work. These requests will require SBCTA's analysis for feasibility. Once it has been determined that

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the new work is acceptable to all parties, a funding source for such work will be identified, and both work and funding will be acknowledged in a new agreement or an amendment to this agreement prior to the incorporation of the additional work into the Project.

These agreements require that SBCTA provide all necessary ROW services to acquire property for the Project through negotiated purchases of property, or if necessary, through eminent domain. This agreement addresses those portions of the right of way that lie under the jurisdiction of the CITY for either transportation and/or utility use. Under this agreement, for property which lies under the jurisdiction of the CITY, voluntary acquisitions will be directly acquired in the name of the CITY, and for property acquired by eminent domain, the CITY will accept title within thirty days of presentation of quitclaim deeds.

Under this agreement the CITY is responsible for providing permits, inspections, reviews, acceptance of the transfer of title of properties and oversight at no cost to SBCTA or to consultants and contractors contracted by SBCTA, for the work on the Project. In addition, the cities shall assist SBCTA as requested, and when necessary, exercise its rights under utility relocation law or under any franchise agreement, to cause each utility to relocate or rearrange its utility facilities.

A similar agreement for US-395 is in process with the City of Adelanto, 17-1001596, and is scheduled for the February Mountain Desert Policy Committee meeting.

Cooperative Agreement 17-1001597 is scheduled to be approved at the Victorville City Council Meeting, prior to final approval by the SBCTA Board. SBCTA staff recommends that the Board approve Cooperative Agreement No. 17-1001597 for the US-395 Phase I Project.

***Financial Impact:***

This item imposes no impact on the Fiscal Year 2016/2017 budget.

***Reviewed By:***

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft agreement.

***Responsible Staff:***

Paula Beauchamp, Director of Project Deliver

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Approved  
Mountain-Desert Committee  
Date: January 20, 2017

Witnessed By:

**Contract Summary Sheet**

**General Contract Information**

Contract No: 17-1001597 Amendment No.: 0 Vendor No.: 02324  
 Vendor/Customer Name: \_\_\_\_\_ City of Victorville Sole Source?  Yes  No  
 Description: US 395 Agreement  
 Start Date: 2/1/2016 Expiration Date: 12/31/2019 Revised Expiration Date: \_\_\_\_\_  
 Has Contract Term Been Amended?  No  Yes - Please Explain \_\_\_\_\_  
 List Any Related Contracts Nos.: 17-1001596

Dollar Amount			
Original Contract	\$ -	Original Contingency	\$ -
Revised Contract (Inclusive of Prior Amendments)	\$ -	Revised Contingency (Inclusive of Prior Amendments)	\$ -
Current Amendment	\$ -	Contingency Amendment	\$ -
TOTAL CONTRACT VALUE	\$ -	TOTAL CONTINGENCY VALUE	\$ -
		TOTAL DOLLAR AUTHORITY (Contract Value and Contingency)	\$ -

**Contract Authorization**

Executive Director Date: \_\_\_\_\_  
 Executive Director Action: \_\_\_\_\_  
 Board of Directors Date: 2/1/2017  
 Board of Directors Action: To approve agreement 17-1001597 with the City of Victorville

**Contract Management: Payable/Miscellaneous**

Invoice Warning: 20% Renewals: \_\_\_\_\_ Type:  Capital  PAA  Other  
 Retention: \_\_\_\_\_ % Maximum Retention: \$ \_\_\_\_\_  
 Services:  Construction  Intrgrnt/MOU/COOP  A & E Services  Other Professional Services  
 Disadvantaged Business Enterprise (DBE) Goal \_\_\_\_\_ %

**Contract Management: Receivable**

E-76 and/or CTC Date \_\_\_\_\_ (Attach Copy)  Program Supplement No.: \_\_\_\_\_  
 Finance Letter  Reversion Date: \_\_\_\_\_  EA No.: \_\_\_\_\_

**All of the above MUST be submitted to FINANCE including originals, amendments and miscellaneous transaction changes**

**Additional Information**

Project Manager: Andrea Nieto

Attachment: 17-1001597 CSS (3182 : US-395 Phase I Agreement with Victorville)

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**COOPERATIVE AGREEMENT NO. 17-1001597****BETWEEN****SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY****AND****CITY OF VICTORVILLE****FOR****FOR THE US 395 WIDENING PROJECT IN THE CITIES OF ADELANTO AND VICTORVILLE**

THIS COOPERATIVE AGREEMENT (“Agreement”) is made and entered into by and between the San Bernardino County Transportation Authority ( “SBCTA”) and the City of VICTORVILLE (“CITY”), (SBCTA and CITY may be referred to herein as a “Party” and collectively “Parties”).

**WHEREAS**, SBCTA is the lead agency for all phases of a project located in the City of ADELANTO and the City of VICTORVILLE on US 395 to widen the road between SR 18 and Chamberlain Way from one (1) to two (2) lanes each direction, and to install turn lanes and signals at various intersections within the project limits (“Project”); and

**WHEREAS**, the Parties consider the PROJECT to be high priority and are willing to participate in funding the PROJECT pursuant to the provisions of Measure I 2010-2040 Expenditure Plan; and

**WHEREAS**, the PROJECT cost for all phases shall be funded by Federal, State and Victor Valley Measure Local Highway Funds; and

**WHEREAS**, the Parties wish to delineate roles, and responsibilities relative to the Right-of-Way (“ROW”), Construction, and Project Close Out activities of the PROJECT as defined on the Caltrans Project Management Handbook.

**NOW, THEREFORE**, in consideration of the foregoing recitals and the mutual promises herein, the Parties agree as follows:

**I. SBCTA RESPONSIBILITIES**

SBCTA agrees:

- A. To be lead agency on project management and to diligently undertake and complete all phases of work on the PROJECT, including the selection and retention of consultants. Performance of services under these consultant contracts shall be subject to the technical

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direction of SBCTA's Director of Project Delivery, or his designee, with input and consultation from CITY.

- B. To provide all necessary ROW services to acquire right-of-way for the PROJECT through negotiated purchases of property, or if necessary, through eminent domain. Voluntary acquisitions may be acquired in the name of the jurisdiction in which the property lies.
- C. To coordinate with Caltrans for District 8 condemnation evaluation and condemnation panel review meetings related to property acquisitions, if necessary, and to provide all documents necessary for Hearings of Resolutions of Necessity to be conducted before the San Bernardino County Transportation Commission in the event voluntary acquisition is not agreed to after the making of a statutory offer.
- D. To provide services related to utility coordination and relocation.
- E. To include CITY in Project Development Team (PDT) meetings and related communications on PROJECT progress as well as to provide CITY with copies of PDT meeting minutes and action items.
- F. To provide CITY an opportunity to review and comment on the Plans, Specifications and Estimate (PS&E), ROW, and Construction documents.
- G. To address, prior to incorporation in the PROJECT, any requests made by the CITY for any betterments and/or additional work and the source of funding of same under separate agreements approved between the Parties.

## II. CITY RESPONSIBILITIES

CITY agrees:

- A. To designate a responsible staff member that will be CITY's representative in attending the PDT meetings, receiving day-to-day communication and reviewing the Project documents.
- B. To complete review and provide comments on the PROJECT documents within two (2) weeks of receiving the review request from SBCTA.
- C. To accept title to properties acquired for the PROJECT and under the jurisdiction of the City upon close of escrow for voluntary purchases, and within thirty (30) days of presentation of quitclaim deeds for property acquired by SBCTA through eminent domain.
- D. To provide permits, inspections, reviews, acceptance of the transfer of title of properties and oversight at no cost to SBCTA or to consultants and contractors contracted by SBCTA, for the work on the PROJECT. CITY's City Manager is authorized to act on behalf of CITY under this section of the Agreement.

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- E. City shall assist SBCTA as requested, and when necessary, to exercise its rights under utility relocation law or under any franchise agreement, to cause each utility to relocate or rearrange its utility facilities. City will accept title to non-exclusive utility easements to accommodate utility relocation where needed.

### III. MUTUAL RESPONSIBILITIES

The Parties agree:

- A. To abide by all applicable federal, state and local laws and regulations pertaining to the PROJECT, including policies in the applicable program in the Measure I 2010-2040 Strategic Plan, as amended, as of the Effective Date of this Agreement.
- B. This Agreement will be considered terminated upon completion of SBCTA's ROW (to include both ROW acquisition and utility relocation work), construction, property conveyance and Project Close Out.
- C. The Recitals to this Agreement are true and correct and are incorporated into this Agreement.
- D. All signatories hereto warrant that they are duly authorized to execute this Agreement on behalf of said Parties and that by executing this Agreement, the Parties hereto are formally bound to this Agreement.
- E. Except on subjects preempted by federal law, this Agreement shall be governed by and construed in accordance with the laws of the State of California.
- F. If any clause or provisions of this Agreement is fully and finally determined by a court of competent jurisdiction to be illegal, invalid or unenforceable under applicable present or future laws, then it is the intention of the Parties that the illegal, invalid or unenforceable clause or provision shall be deemed severed from this Agreement and the remainder of this Agreement shall not be affected but shall remain in full force and effect.
- G. This Agreement cannot be amended or modified in any way except in writing, signed by all Parties hereto.
- H. Neither this Agreement, nor any of the Parties' rights, obligations, duties, or authority hereunder may be assigned in whole or in part by either Party without the prior written consent of the other Party in its sole, and absolute, discretion. Any such attempt of assignment shall be deemed void and of no force and effect.
- I. No waiver of any default shall constitute a waiver of any other default whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.
- J. In the event of litigation arising from this Agreement, each Party to this Agreement shall bear its own costs, including attorney(s) fees.

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- K. This Agreement may be signed in counterparts, each of which shall constitute an original. This Agreement is effective and shall be dated on the date executed by SBCTA.
- L. Any notice required, authorized or permitted to be given hereunder or any other communications between the Parties provided for under the terms of this Agreement shall be in writing, unless otherwise provided for herein, and shall be served personally or by reputable courier addressed to the relevant party at the address/fax number stated below:

If to SBCTA: Paula Beauchamp  
 Director of Project Delivery  
 1170 West Third Street, Second Floor  
 San Bernardino, CA 92410-1715  
 Telephone: (909) 884-8276

If to CITY: Brian Gengler  
 City Engineer  
 P.O. Box 5001  
 Victorville, CA 92393-500  
 Telephone: (760) 955-5156

-----SIGNATURES ON FOLLOWING PAGE-----

Attachment: 17-1001597 US 395 City of Victorville FINAL [Revision 8] (3182 : US-395 Phase I Agreement with Victorville)

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IN WITNESS THEREOF, this Agreement has been executed by the Parties hereto.

**SAN BERNARDINO COUNTY  
TRANSPORTATION COMMISSION**

**CITY OF VICTORVILLE**

By: \_\_\_\_\_  
Robert A. Lovingood  
President, Board of Directors

By: \_\_\_\_\_  
Gloria Garcia, Mayor  
City of Victorville

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM**

**ATTEST**

By: \_\_\_\_\_  
Eileen Monaghan Teichert  
General Counsel

By: \_\_\_\_\_  
Carolee Bates, City Clerk

By: \_\_\_\_\_  
Jeffery Hill  
Procurement Manager

By: \_\_\_\_\_  
Chuck Buquet, Risk Manager

By: \_\_\_\_\_  
Andre de Bortnowsky, City Attorney

Attachment: 17-1001597 US 395 City of Victorville FINAL [Revision 8] (3182 : US-395 Phase I Agreement with Victorville)



## *Minute Action*

AGENDA ITEM: 4

**Date:** *January 20, 2017*

**Subject:**

Preview of the Hearings to Consider Resolution of Necessity for Parcels for US 395 Phase I Project in/near the Cities of Adelanto and Victorville

**Recommendation:**

That the following be reviewed and recommended to proceed to Hearings for Resolutions of Necessity by the Board of Directors, acting in its capacity as the San Bernardino County Transportation Authority, at a regularly scheduled Board meeting:

- A. Conduct public hearings to consider condemnation of real property required for the US 395 Phase I Project in the Cities of Adelanto and Victorville; and
- B. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-010 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Hassan Mohrekesh, Trustee of the Ozzie Mohrekesh Trust dated February 21, 2006 (hereinafter “Mohrekesh Property”) (Assessor’s Parcel Number [APN] 3103-511-06; Caltrans Parcel Number [CPN] 23847). The Resolution must be approved by at least a two-thirds majority; and
- C. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-011 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Madan Mohan Aggarwal (hereinafter “Aggarwal Property”) (APN 3135-321-10; CPN 23849). The Resolution must be approved by at least a two-thirds majority; and
- D. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-012 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Leu, Liu & Associates, a general partnership (hereinafter “Leu, Liu & Associates Property”) (APN 3103-551-04 and 3103-551-02; CPN 23862). The Resolution must be approved by at least a two-thirds majority; and
- E. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-013 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Jong Peter Park and Jung Im Park, Trustees of the Park Family Trust dated March 7, 2007 (as the community property of Jong Peter Park and Jung Im Park) (hereinafter “Park Family Trust Property”) (APN 3128-541-08; CPN 24006). The Resolution must be approved by at least a two-thirds majority; and

*Entity: San Bernardino County Transportation Authority*

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F. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-014 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Moon Suk Han and Soon Hee Han, husband and wife as joint tenants (hereinafter “Han & Hee Property”) (APN 3128-231-04; CPN 23827). The Resolution must be approved by at least a two-thirds majority; and

G. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 17-016 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests from: Kristy Moon and Jenny Moon, in joint tenancy with right of survivorship (hereinafter “Moon Property”) (APN 0459-342-05; CPN 23834). The Resolution must be approved by at least a two-thirds majority.

**Background:**

Steady progress has been made towards the start of construction on the US 395 Phase I Project (Project). One of the remaining critical path items is right-of-way acquisition. The San Bernardino County Transportation Authority (SBCTA) Board, has authorized the acquisition of property necessary for this Project. Some parcels are being acquired through negotiated sale. The purpose of this agenda item is to present information regarding the upcoming Hearings for Resolutions of Necessity for six (6) properties needed for construction of the Project which have not reached settlement. SBCTA’s right-of-way agent, Epic Land Solutions, Inc. (Epic) presented offers to each property owner. The property owners are:

- Hassan Mohrekesh, Trustee of the Ozzie Mohrekesh Trust dated February 21, 2006;
- Madan Mohan Aggarwal;
- Leu, Liu & Associates, a general partnership;
- Jong Peter Park and Jung Im Park, Trustees of the Park Family Trust dated March 7, 2007 (as the community property of Jong Peter Park and Jung Im Park);
- Moon Suk Han and Soon Hee Han, husband and wife as joint tenants;
- Kristy Moon and Jenny Moon, in joint tenancy with right of survivorship;

Although negotiations are ongoing, dialogue with the property owners for the parcels listed has not yet resulted in settlements, and these parcels need to be acquired through eminent domain which requires compliance with a statutorily-prescribed process. During the eminent domain process, SBCTA’s right-of-way agent will continue to negotiate with the property owners and attempt to achieve negotiated sales for the necessary property interests.

SBCTA is authorized to acquire property by eminent domain pursuant to the California Public Utilities Code Sections 130220.5 and 130809(b). Eminent domain will allow SBCTA to obtain legal rights to the properties needed for the Project if a negotiated sale cannot be reached. Since the process takes several months, it is necessary to start this process now to ensure that the property interests are obtained to meet the scheduled start of construction in late 2018.

In order to adopt the Resolutions of Necessity, SBCTA must make the four findings discussed below for each of the parcels. The issue of the amount of just compensation for these property interests is not addressed by these Resolutions of Necessity and is not to be considered at the hearings. The four necessary findings are:

**1. The public interest and necessity require the Project.**

The Project is located in/near the Cities of Victorville and Adelanto, where if no improvements are made to the highway, the existing and future traffic congestion will not be mitigated. The proposed improvements are necessary to reduce existing and future traffic congestion. The congestion is reduced by increasing capacity and enhanced traffic operations.

The Project includes the following improvements:

- Addition of one 12-foot lane in each direction
- 14-foot median with rumble strip
- Improvements at four intersections
- Widening of Joshua Wash Bridge

On the US 395 Phase I Project, the construction limits extend from Palmdale Road (State Route 18) to Chamberlaine Way.

**2. The Project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.**

During the environmental phase of the Project three alternatives were studied. The Project Development Team (PDT) selected alternative 2 to construct as it included the least right-of-way impacts to the community and relieves congestion, enhancing the operational efficiency and improving access to local services. The proposed design minimizes the property required for the Project, but still requires partial acquisitions, permanent utility easements, permanent maintenance easements and the relinquishment of access rights to the highway in some areas. During the design phase, considerations had been taken that would provide access to adjacent properties where access to those properties would be affected by the Project. Epic Land Solutions, Inc. have had numerous communications with the property owners about their needs in order to design the Project in a manner that causes the least private injury while accomplishing the greatest public good through construction of the Project.

**3. The properties sought to be acquired are necessary for the Project.**

While some of the Project is being constructed within existing right-of-way, some acquisition from the subject properties is needed to allow existing roadbed widening, sound wall, drainage systems, and required utility relocations. For the subject properties, the following right-of-way interests are required:

- Mohrekesh Property: A partial acquisition, utility easement and access rights are needed from the Mohrekesh property. (APN 3103-511-06; CPN 23847) A portion of this property is needed to allow for the construction of the US 395 Phase I Project.
- Aggarwal Property: A partial acquisition, utility easement and access rights are needed from the Aggarwal property. (APN 3135-321-10; CPN 23849) A portion of this property is needed to allow for the construction of the US 395 Phase I Project.
- Leu, Liu and Associates Property: A partial acquisition, utility easement and access rights are needed from the Leu, Liu and Associates property. (APN 3103-551-04 and 3103-551-02; CPN 23862) A portion of this property is needed to allow for the construction of the US 395 Phase I Project.

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- Park Family Trust Property: A utility easement and access rights are needed from the Park Family Trust property. (APN 3128-541-08; CPN 24006) A portion of this property is needed to allow for the construction of the US 395 Phase I Project.
- Han & Hee Property: A partial acquisition and access rights are needed from the Han & Hee property. (APN 3128-231-04; CPN 23827) A portion of this property is needed to allow for the construction of the US 395 Phase I Project.
- Moon Property: A partial acquisition is needed from the Moon property. (APN 0459-342-05; CPN 23834) A portion of this property is needed to allow for the construction of the US 395 Phase I Project.

**4. Offers required by Section 7267.2 of the Government Code have been made to the owner or owners of record.**

The subject properties were appraised and offers for the full amount of the appraisals were made to the owner or owners of record in accordance with Section 7267.2 of the Government Code.

- The offer for the Mohrekesh Property (APN 3103-511-06; CPN 23847) was presented on 8/10/2016.
- The offer for the Aggarwal Property (APN 3135-321-10; CPN 23849) was presented on 8/18/2016.
- The offer for the Leu, Liu and Associates Property (APN 3103-551-04 and 3103-551-02; CPN 23862) was presented on 8/10/2016.
- The offer for the Park Family Trust Property (APN 3128-541-08; CPN 24006) was presented on 8/10/2016.
- The offer for the Han & Hee Property (APN 3128-231-04; CPN 23827) was presented on 8/9/2016.
- The offer for the Moon Property (APN 0459-342-05; CPN 23834) was presented on 9/14/2016.

Upon completion of the Project, SBCTA will transfer properties acquired for this Project to Caltrans or to the appropriate City for those real property interests that will be incorporated into the State Highway System or the City facility, respectively.

***Financial Impact:***

This item has no impact on the SBCTA Fiscal Year 2016/2017 budget under Task No. 0820 - Freeway Projects, subtask 0891 - US 395 Widen SR-18/Chamberlain/City Adelanto.

***Reviewed By:***

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA's General Counsel has reviewed this item and the draft resolutions.

***Responsible Staff:***

Timothy Byrne, Project Delivery Manager

Approved  
Mountain-Desert Committee  
Date: January 20, 2017

Witnessed By:

**MOUNTAIN/DESERT POLICY COMMITTEE ATTENDANCE RECORD – 2016**

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Rich Kerr</b> City of Adelanto			**	X	**	X*	**	**			X	**
<b>Curt Emick</b> Town of Apple Valley	X*	X*	**	X	**	X	**	**	X			**
<b>Julie McIntyre</b> City of Barstow			**	X	**	X	**	**	X	X	X	**
<b>Bill Jahn</b> City of Big Bear Lake	X	X	**	X	**	X	**	**	X	X	X	**
<b>Eric Schmidt</b> City of Hesperia	X	X	**	X	**		**	**		X	X	**
<b>Ed Paget</b> City of Needles	X	X	**		**	X	**	**	X			**
<b>Joel Klink</b> City of Twentynine Palms	X	X	**	X*	**		**	**	X	X	X	**
<b>Ryan McEachron</b> City of Victorville	X	X	**	X	**		**	**	X	X	X	**
<b>George Huntington</b> Town of Yucca Valley	X	X	**		**	X	**	**	X	X	X	**
<b>Robert Lovingood</b> County of San Bernardino	X	X	**	X	**	X	**	**	X		X	**
<b>Janice Rutherford</b> County of San Bernardino			**		**		**	**				**
<b>James Ramos</b> County of San Bernardino			**		**		**	**				**

\*Non-voting City Representative attended  
+ Measure I Committee representative

\*\*The Mountain/Desert Committee did not meet  
x\*Alternate Attended

\*\*\* New SANBAG Board Member

X = Member attended meeting.  
MDCatt16.doc

Empty box = Member did not attend meeting

Crossed out box = Not a Board Member at the time.

Communication: Attendance (Additional Information)

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. SANBAG staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
S RTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 <sup>st</sup> Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

*San Bernardino Associated Governments*



**MISSION STATEMENT**

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993  
Reaffirmed March 6, 1996