

AGENDA
Board of Directors Meeting
February 6, 2019

*******Start Time: 10:00 a.m. (CLOSED SESSION)*******
1170 W. 3rd Street, San Bernardino, CA 92410, 2nd Fl. (The Super Chief)

******Convene Regular Meeting at 10:30 a.m.******

LOCATION

San Bernardino County Transportation Authority
Santa Fe Depot – First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA

Board of Directors

President

Darcy McNaboe, Mayor
City of Grand Terrace

Vice-President

Frank Navarro, Mayor
City of Colton

Gabriel Reyes, Mayor
City of Adelanto

Art Bishop, Council Member
Town of Apple Valley

Julie McIntyre, Mayor
City of Barstow

Bill Jahn, Council Member
City of Big Bear Lake

Eunice Ulloa, Mayor
City of Chino

Ray Marquez, Council Member
City of Chino Hills

Acquanetta Warren, Mayor
City of Fontana

Bill Holland, Mayor Pro Tem
City of Hesperia

Larry McCallon, Mayor Pro Tem
City of Highland

Rhodes “Dusty” Rigsby, Mayor
City of Loma Linda

John Dutrey, Mayor
City of Montclair

Edward Paget, Vice Mayor
City of Needles

Alan Wapner, Mayor Pro Tem
City of Ontario

L. Dennis Michael, Mayor
City of Rancho Cucamonga

Toni Momberger, Council Member
City of Redlands

Deborah Robertson, Mayor
City of Rialto

John Valdivia, Mayor
City of San Bernardino

Joel Klink, Mayor Pro Tem
City of Twentynine Palms

Debbie Stone, Mayor
City of Upland

Jim Cox, Council Member
City of Victorville

David Avila, Mayor Pro Tem
City of Yucaipa

Rick Denison, Council Member
Town of Yucca Valley

Robert Lovingood, Supervisor
County of San Bernardino

Janice Rutherford, Supervisor
County of San Bernardino

Dawn Rowe, Supervisor
County of San Bernardino

Curt Hagman, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Janice Benton, Caltrans
Ex-Officio Member

Ray Wolfe, *Executive Director*

Eileen Teichert, *General Counsel*

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

AGENDA

Board of Directors

February 6, 2019

*****10:00 a.m. (CLOSED SESSION)*****

**1170 W. 3rd St., 2nd Fl. (The Super Chief)
San Bernardino, CA**

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)--2 cases

- a. Southern California Gas Company v. Riverside County Transportation Commission*
California Court of Appeal, Fourth Appellate District, Division 2, Case No. E069462
- b. Los Angeles County Metropolitan Transportation Authority v. Southern California Gas Company*
California Court of Appeal, Second Appellate District, Division 4, Case No. B288686

2. CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIMS

Pursuant to Government Code Section 54956.95

Claimant: Shimmick Construction Company, Inc.
Agency: SBCTA

3. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957

Title: General Counsel

4. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Darcy McNaboe, Board President
Unrepresented Employee: General Counsel

**** Convene Regular Meeting at 10:30 a.m. ****

1170 W. 3rd Street, 1st Floor Lobby Board Room, San Bernardino

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 Darcy McNaboe)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
 - Calendar of Events
- iv. Agenda Notices/Modifications

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

Pg. 14

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

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

CONSENT CALENDAR

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up immediately following the vote on the Consent Calendar.

Consent - Administrative Matters

2. Measure I Revenue

Pg. 16

Receive report on Measure I receipts for Measure I 2010-2040. **Presenter: Hilda Flores**

This item has not received prior policy committee or technical advisory committee review.

Consent - Project Delivery

3. Archibald Avenue Improvement Project at State Route 60 Agreements

Pg. 18

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 2 to Cooperative Agreement 15-1001150 (R14138) with the City of Ontario (City), increasing the City's contribution in the amount of \$5,894,350.00 for a total contribution of \$15,588,293.00, and San Bernardino County Transportation Authority's (SBCTA) contribution in the amount of \$2,083,089.00, funded by \$1,310,000.00 in Trade Corridor Improvement Funds (TCIF) and \$773,089.00 in Measure I Valley Freeway Interchange Program funds, for a total contribution of \$6,952,146.00 for the combined cost estimate for all phases of the Archibald Avenue Improvement Project at State Route 60 (Project) to \$22,540,439.00 and revising the agreement termination date to December 31, 2022.

B. Approve Amendment No. 1 to Contract C14169 (16-1001328) with Michael Baker International, Inc., adding additional scope, thus increasing the contract not-to-exceed amount by \$137,191.00 to \$2,108,134.45, and extending the termination date to December 31, 2022.

C. Approve additional contingency to Contract C14169 (16-1001328) in the amount of \$13,719.10 for a total contingency amount of \$210,813.45, and authorize the Executive Director or designee to release contingency as necessary for the Project.

D. Approve TCIF Baseline Agreement No. 19-1002106 with the California Transportation Commission (CTC), the California Department of Transportation (Caltrans) and the City of Ontario for the Archibald Avenue Improvement Project, and authorize the Executive Director to execute the final TCIF Baseline Agreement after approval as to form by General Counsel.

Presenter: Paula Beauchamp

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on January 10, 2019. SBCTA General Counsel and Procurement Manager have reviewed this item and the draft amendments.

Consent - Transit

4. Redlands Passenger Rail Project- Downing Construction Contingency Increase

Pg. 38

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve an increase in contingency for Contract No. 17-1001699 with Downing Construction, Inc. for 'Early Utilities Relocations' for water and sewer utilities located in the Cities of San Bernardino and Loma Linda in support of the Redlands Passenger Rail Project, in an amount of \$312,613, totaling a new not-to-exceed amount of \$659,960.

B. Authorize the Executive Director, or his designee, to release contingency as necessary for completion of the project.

Presenter: Andres Ramirez

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on January 10, 2019. SBCTA General Counsel and Procurement Manager have reviewed this item.

Consent Calendar Items Pulled for Discussion

Items removed from the Consent Calendar shall be taken under this item in the order they were presented on the agenda.

DISCUSSION ITEMS

Discussion - Transit

5. Hearings to Consider Adoption of Resolutions of Necessity for Parcel Acquisition for Redlands Passenger Rail Project in the City of Redlands

Pg. 41

That the Board of Directors, acting as the San Bernardino County Transportation Authority:

A. Conduct public hearings to consider condemnation of interests in real property required for the Redlands Passenger Rail Project in the City of Redlands; and

B. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 19-068 authorizing and directing General Counsel, or her designees, to prepare, commence and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property for RPRP from: Union Pacific Railroad Company, a Delaware Corporation; formerly known as Southern Pacific Transportation Company, a Delaware Corporation; successor by merger to Southern Pacific Company, a Delaware Corporation; successor by merger to (and who acquired title as) Southern Pacific Railroad Company, a California Corporation; (Project No. RPRP-545R-091; Assessor's Parcel Number [APN] 0170-181-46, Project No. RPRP-547R/551R-093; Assessor's Parcel Numbers [APN] 0170-181-46, 0170-181-49; Project No. RPRP-558R-095; Assessor's Parcel Number [APN] 0170-181-49). The Resolution must be approved by at least a two-thirds majority.

Presenter: Andres Ramirez

This item was reviewed and recommended for approval (11-0-1; Abstained: Hagman) to proceed to Hearings of Resolutions of Necessity by the Board of Directors without a quorum of the Board present at the Board of Directors Metro Valley Study Session on January 10, 2019. SBCTA General Counsel has reviewed this item and the draft resolution.

Discussion - Project Delivery

Pg. 71

6. Hearings to Consider Resolutions of Necessity for Property Interests for the Interstate 10 (“I-10”) Corridor Contract 1 Project (the “Project”) in the Cities of Montclair, Upland and Ontario

That the Board, acting as the San Bernardino County Transportation Authority:

A. Conduct public hearings to consider condemnation of interests in real property required for the Project in the Cities of Montclair, Upland and Ontario.

B. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 19-062 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property for the Project from: CT Retail Properties Finance II, LLC, (Assessor’s Parcel Number [APN] 1008-242-07) (hereinafter “CT Retail Property”). 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. 19-046 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property for the Project from: Monte Vista County Water District, (APN 1009-142-01) (hereinafter “MVCWD Property”). 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. 19-047 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property for the Project from: Richmond American Homes of Maryland, Inc., a Maryland corporation, successor by merger to Richmond American Homes of California, Inc., a Colorado corporation and the City of Montclair (APN 1009-153-58) (hereinafter “Richmond American Property (-58)”). 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. 19-048 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property for the Project from: Richmond American Homes of Maryland, Inc., a Maryland corporation, successor by merger to Richmond American Homes of California, Inc., a Colorado corporation (APN 1009-153-60) (hereinafter “Richmond American Property (-60)”). 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. 19-053 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring an interest in real property for the Project from: Norberto Sotelo and Lisa Sotelo, Husband and Wife as joint tenants (APN 1047-272-04) (hereinafter “Sotelo Property”). The Resolution must be approved by at least a two-thirds majority.

Presenter: Paula Beauchamp

The Resolution in Recommendation B was reviewed and recommended (12-0-0) to proceed to Hearings of Resolutions of Necessity by the Board of Directors without a quorum of the Board present at the Board of Directors Metro Valley Study Session on January 10, 2019. Resolutions in Recommendations C through F were reviewed and recommended (11-0-1; Abstained: Wapner) to proceed to Hearings of Resolutions of Necessity by the Board of Directors without a quorum of the Board present at the Board of Directors Metro Valley Study Session on December 13, 2018. SBCTA General Counsel has reviewed this item and the draft resolutions.

7. Interstate 10 Corridor Contract 1 - Design-Build Notice to Proceed 2 Issuance Pg. 152

That the Board, acting as the San Bernardino County Transportation Authority:

Authorize the Executive Director or designee to issue Notice to Proceed 2 (NTP2) to Lane-Security Paving Joint Venture (Contract No. 17-1001599) prior to financial close for the Interstate 10 (I-10) Corridor Contract 1 Project.

Presenter: Paula Beauchamp

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel has reviewed this item.

8. Santa Fe Depot Basement Structural Repairs Award Construction Contract Pg. 154

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve award of Construction Contract No. 18-1001867 for the Santa Fe Depot Basement Structural Repairs Project to Truesdell Corporation of California, Inc. in the amount of \$333,333.00.

B. Approve Allowances and Contingency for the construction phase of the Santa Fe Depot Basement Structural Repairs Project in the amount of \$151,333.30.

Presenter: Paula Beauchamp

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel and Procurement Manager have reviewed this item and the draft contract.

9. US 395 Phase 1 Widening - Award Construction Contract Pg. 160

That the Board, acting as the San Bernardino County Transportation Authority:

A. Award Construction Contract No. 18-1001967 based on the competitive low bid process for the US 395 Phase 1 Widening Project to C.A. Rasmussen, Inc. in an amount of \$21,356,078.35.

B. Approve Allowances/Contingency for the construction phase of the US 395 Phase 1 Widening Project totaling \$6,193,226.84 and authorize, as required, the Executive Director to release as necessary.

C. Approve a budget amendment to include \$4,000,000 of Senate Bill 1 Trade Corridor Enhancement Program (TCEP) funds in Fiscal Year 2018/2019 for Task No. 0820, Freeway Projects.

Presenter: Timothy Byrne

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel and Procurement Manager have reviewed this item and the draft contract.

Discussion - Administrative Matters

10. Appointments to Independent Taxpayer Oversight Committee Pg. 166

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Approve the appointment of Gerry Newcombe to the Independent Taxpayer Oversight Committee (ITOC), with a term ending December 31, 2020.

B. Approve the appointment of Rick Gomez to the Independent Taxpayer Oversight Committee (ITOC), with a term ending December 31, 2022.

Presenter: Duane Baker

This item has not received prior policy committee or technical advisory committee review. The applications have been reviewed by the Executive Committee on January 9, 2018.

11. Award Contract 19-1002035 with Alliant Insurance Services

Pg. 171

That the Board, acting as the San Bernardino County Transportation Authority, approve the award of Contract 19-1002035 with Alliant Insurance Services for Risk Management and Broker Services for a two-year period starting in Fiscal Year 2019/2020, in the amount of \$56,840, with three one-year options to extend, for a total not-to-exceed amount of \$148,655.

Presenter: Eric Dahlen

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel and Procurement Manager have reviewed this item and the draft contract.

Discussion - Legislative/Public Outreach

12. Award of Sole Source Contract to 20/20 Network Media

Pg. 183

That the Board acting as the San Bernardino County Transportation Authority:

A. Find it's appropriate and in the best interest of San Bernardino County Transportation Authority (SBCTA) to approve sole source Contract No. 19-1002105 with 20/20 Network; and

B. Award Contract No. 19-1002105 to 20/20 Network for media services in the amount of \$180,000 with two (2) one-year options for a total not-to-exceed amount of \$300,000.

Presenter: Otis Greer

This item has not received prior policy committee or technical advisory committee. SBCTA Procurement Manager, Risk Manager, and General Counsel have reviewed this item and the contract.

13. Amendment to the 2019-2020 Legislative State Platform

Pg. 188

That the Board of Directors, acting as the San Bernardino County Transportation Authority approve an amendment to the 2019-2020 State Legislative Platform to oppose any efforts to "Pass any legislation to authorize a multi-county revenue measure for environmental programs."

Presenter: Otis Greer

This item has not received prior policy committee or technical advisory committee.

Public Comment

Brief Comments from the General Public

Comments from Board Members

Brief Comments from Board Members

Executive Director's Comments

Brief Comments from the Executive Director

ADJOURNMENT

Additional Information

Attendance	Pg. 192
Acronym List	Pg. 194

Agency Reports

Mobile Source Air Pollution Reduction Review Committee Agency Report (*No report this month*)

Committee Membership

Representatives on SCAG Committees	Pg. 197
Appointments to External Agencies	Pg. 198
Committee Membership	Pg. 200

Mission Statement

Mission Statement	Pg. 205
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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 SBCTA 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. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd 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 SBCTA offices located at 1170 W. 3rd Street, 2nd Floor, San Bernardino and our website: 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!

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



Important Dates to Remember...

February 2019

SBCTA Meetings – Cancelled: None

SBCTA Meetings – Scheduled:

General Policy Committee	Feb 13	9:00 am	SBCTA Lobby, 1st Floor
Transit Committee Meeting	Feb 14	9:00 am	SBCTA Lobby, 1st Floor
Metro Valley Study Session	Feb 14	9:30 am	SBCTA Lobby, 1st Floor
I-10/I-15 Corridor Joint Sub-Committee	Feb 14	10:00 am	SBCTA Lobby, 1st Floor
Mountain/Desert Committee	Feb 15	9:30 am	Mojave Desert AQMD

Other Meetings/Events:

None			
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SBCTA Offices will be CLOSED:

- **February 18th, President's Day**

For additional information, please call SBCTA at (909) 884-8276

Minute Action

AGENDA ITEM: 1

Date: February 6, 2019

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:

Item No.	Contract No.	Principals & Agents	Subcontractors
3	C14169	Michael Baker International, Inc. <i>Brandon Reyes</i>	C-Below Civil Works Cogstone Earth Mechanics Fehr & Peers Overland, Pacific, and Cutler Power Engineers Stantec
4	17-1001699	Downing Construction <i>Michelle LaVanway</i>	Golden State Boring & Pip Jacking, Inc. Underground Builders Inc. Hardy & Harper, Inc.
5B	APNs 0170-181-46 0170-181-49	Union Pacific Railroad Company, a Delaware Corporation	
6B	APN 1008-242-07	CT Retail Properties Finance II, LLC	
6C	APN 1009-142-01	Monte Vista County Water District	
6D	APN 1009-153-58	Richmond American Homes of Maryland, a Maryland Corporation	

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority

Board of Directors Agenda Item

February 6, 2019

Page 2

Item No.	Contract No.	Principals & Agents	Subcontractors
6E	APN 1009-153-60	Richmond American Homes of Maryland, a Maryland Corporation	
6F	APN 1047-272-04	Norberto Sotelo and Lisa Sotelo	
8	18-1001867	Truesdell Corporation of California, Inc. <i>Kurt L. Clink</i>	None
9	18-1001967	C.A. Rasmussen, Inc. <i>Charles Rasmussen</i>	Cal Stripe Case Pacific DC Hubs Construction Integrity Rebar Placers Power Up Enterprises Reycon Construction Statewide Traffic Safety & Signs
11	19-1002035	Alliant Insurance Services <i>Courtney Ramirez</i>	None
12	19-1002105	20/20 Network <i>Steve Lambert</i>	None

Financial Impact:

This item has no direct impact on the budget.

Reviewed By:

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

Responsible Staff:

Approved
Board of Directors
Date: February 6, 2019
Witnessed By:

Minute Action

AGENDA ITEM: 2

Date: February 6, 2019

Subject:

Measure I Revenue

Recommendation:

Receive report on Measure I receipts for Measure I 2010-2040.

Background:

Sales tax revenue collections for Measure I 2010 through 2040 began on April 1, 2010. Cumulative total receipts for Fiscal Year 2018/2019 as of December 31, 2018 were \$90,919,372.

Included is a summary of the current Measure I receipts by quarter and cumulative total since its inception. The quarterly receipts represent sales tax collection from the previous quarter taxable sales. For example, receipts for October through December represent sales tax collections from July through September.

Measure I revenue for the 2018/2019 Fiscal Year budget are estimated at \$162.8 million. Actual Measure I receipts for Fiscal Year 2018/2019 October through December are \$49,358,825, in comparison to \$42,305,693 received during the quarter ending December 2017/2018, with an increase of 16.7%.

Financial Impact:

Measure I revenues for the second quarter of Fiscal Year 2018/2019 exceeded prior years' collections. Measure I revenues are expected to exceed budgeted amount for Fiscal Year 2018/2019.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: February 6, 2019

Witnessed By:

Entity: San Bernardino County Transportation Authority

Summary of SBCTA Measure I Receipts 2010-2040

Fiscal Year	July- September	October- December	January- March	April- June	Fiscal Year Total	Cumulative Total To Date
Receipts Prior to FY 2010/11						\$7,158,800
Fiscal Year 2010/11	28,188,907	29,207,950	28,808,766	29,397,456	115,603,079	\$122,761,879
Fiscal Year 2011/12	31,027,319	33,547,956	32,757,419	33,476,051	130,808,745	\$253,570,624
Fiscal Year 2012/13	34,279,449	35,076,980	34,336,570	34,309,171	138,002,171	\$391,572,794
Fiscal Year 2013/14	35,430,012	35,403,641	36,843,452	35,789,045	143,466,150	\$535,038,944
Fiscal Year 2014/15	37,253,007	38,007,716	38,225,122	37,132,591	150,618,437	\$685,657,380
Fiscal Year 2015/16	39,298,056	40,309,825	40,950,261	38,929,588	159,487,730	\$845,145,110
Fiscal Year 2016/17	41,123,141	40,742,242	41,465,217	39,801,939	163,132,539	\$1,008,277,649
Fiscal Year 2017/18	43,117,814	42,305,693	44,007,900	39,149,611	168,581,018	\$1,176,858,666
Fiscal Year 2018/19	41,560,547	49,358,825	0	0	90,919,372	\$1,267,778,039
% Increase Over 17/18	-3.61%	16.67%	-100.00%	-100.00%	-46.07%	

Minute Action

AGENDA ITEM: 3

Date: February 6, 2019

Subject:

Archibald Avenue Improvement Project at State Route 60 Agreements

Recommendation:

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 2 to Cooperative Agreement 15-1001150 (R14138) with the City of Ontario (City), increasing the City's contribution in the amount of \$5,894,350.00 for a total contribution of \$15,588,293.00, and San Bernardino County Transportation Authority's (SBCTA) contribution in the amount of \$2,083,089.00, funded by \$1,310,000.00 in Trade Corridor Improvement Funds (TCIF) and \$773,089.00 in Measure I Valley Freeway Interchange Program funds, for a total contribution of \$6,952,146.00 for the combined cost estimate for all phases of the Archibald Avenue Improvement Project at State Route 60 (Project) to \$22,540,439.00 and revising the agreement termination date to December 31, 2022.

B. Approve Amendment No. 1 to Contract C14169 (16-1001328) with Michael Baker International, Inc., adding additional scope, thus increasing the contract not-to-exceed amount by \$137,191.00 to \$2,108,134.45, and extending the termination date to December 31, 2022.

C. Approve additional contingency to Contract C14169 (16-1001328) in the amount of \$13,719.10 for a total contingency amount of \$210,813.45, and authorize the Executive Director or designee to release contingency as necessary for the Project.

D. Approve TCIF Baseline Agreement No. 19-1002106 with the California Transportation Commission (CTC), the California Department of Transportation (Caltrans) and the City of Ontario for the Archibald Avenue Improvement Project, and authorize the Executive Director to execute the final TCIF Baseline Agreement after approval as to form by General Counsel.

Background:

The Archibald Avenue Improvement Project (Project) is the ninth highest priority in the Measure I 2010-2040 Freeway Interchange Program. On June 4, 2014, the SBCTA Board approved Memorandum of Understanding (MOU) C14137 with the City. On September 3, 2014, the Board approved Cooperative Agreement 15-1001150 with the City delineating roles, responsibilities and funding for project delivery. On April 9, 2015, the Board awarded Contract C14169 (16-1001328) to Michael Baker International, Inc. (Designer) for preparation of the Project Initiation Documents, Project Report and Environmental Document, the Plans, Specifications and Estimate (PS&E), and support services for both the Right-of-Way (ROW) and construction phases. On September 6, 2017, the Board approved Amendment No. 1 to Cooperative Agreement 15-1001150 to allow SBCTA's Board to hear and adopt the Resolutions of Necessity (RON) for the Project. On September 5, 2018, the Board approved Contract 18-1001876 with Southstar Engineering and Consulting, Inc. for Construction Management Services. On November 7, 2018, the Board held RON hearings and adopted six (6) RONs for the Project. SBCTA is the lead agency for all phases of work.

Entity: San Bernardino County Transportation Authority

Recommendation A

The ROW consultant continues negotiations with property owners and possession of all property rights necessary for Project implementation is estimated to be completed in spring 2019. The Designer submitted 95% plans to Caltrans, SBCTA and the City in November 2018. The City has requested replacement of the existing asphalt in the project limits with Portland Cement Concrete (PCC) and this option will be included in the project plans. The Project was initially scoped and budgeted for grinding and overlay of the existing asphalt pavement. In order to add the PCC to the Project, the Designer contract and the Cooperative Agreement with the City will need to be amended to include additional funds. SBCTA considers the PCC a betterment and all construction costs will be covered 100% by the City if it decides to exercise this option. If the City chooses to implement PCC as part of the Project, it would likely realize benefits and cost savings as compared to implementing this improvement at another time. The addition of PCC will extend the Project construction duration and increase design and management costs.

The Project cost estimate has been escalated to account for recent increases in construction costs. In addition, the agreement needs to be amended to account for California Transportation Commission (CTC) allocation of Trade Corridor Improvement Funds (TCIF) to the Project. TCIF savings will be used as part of SBCTA's contribution for Project Construction. In order to take advantage of the available TCIF savings, the Project has to be ready to list (RTL) by May 2019. The revised funding table in Amendment No. 1 of Cooperative Agreement 15-1001150 with the City reflects the TCIF funds.

Amendment No. 2 to Cooperative Agreement 15-1001150 with the City also extends the termination date to December 31, 2022. The City contribution will increase by \$5,894,350.00 to \$15,588,293.00 and the SBCTA contribution will increase by \$2,083,089.00, which will be funded by \$1,310,000.00 million TCIF and \$773,089.00 Measure I Valley Freeway Interchange Program funds, for a total of \$6,952,146.00. The total Project cost is estimated to be \$22,540,439.00.

Recommendations B and C

The agreement with Michael Baker International, Inc., executed in 2015, included a general scope for the design phase. Additional funds are required to comply with City standards, including wall aesthetics, lighting, and pavement selection as well as the State Water Board Trash Implementation Program.

Amendment No. 1 to Contract 16-1001328 with Michael Baker International, Inc., adds the additional effort and detail to the Scope of Work, extends the termination date to December 31, 2022, and increases the contract amount by \$137,191.00, for a total not-to-exceed amount of \$2,108,134.45. Staff is also recommending allocation of 10% of the cost of the additional work as contingency for Contract 16-1001328 in the amount of \$13,719.10 and to authorize the Executive Director or designee to release contingency as necessary.

Recommendation D

In April 2008, the CTC adopted TCIF Programming, and the San Bernardino County region received a total of \$121 million in TCIF. According to the CTC-adopted TCIF program savings policy, any TCIF project savings can be reprogrammed for construction of other eligible projects

Board of Directors Agenda Item

February 6, 2019

Page 3

within the region with CTC's approval. Eligible projects must also meet the December 2019 construction contract award deadline. SBCTA has a total of \$1,310,000.00 million of TCIF savings from other TCIF projects available for reprogramming. These savings were made available during the final project closeout phase after project completion.

As part of the reprogramming and allocation of TCIF funding, a baseline agreement between SBCTA, the City of Ontario, Caltrans and the CTC is required. The agreement must be approved by all parties prior to the allocation of TCIF at the June 2019 CTC meeting. Upon allocation of the TCIF funds, staff will be able to proceed with construction and advertise for construction bids in August 2019 and award by the December 2019 deadline. Staff is recommending that the Board approve TCIF Baseline Agreement No. 19-1002106 and authorize the Executive Director to execute the final agreement after final approval as to form by General Counsel.

Financial Impact:

This item is consistent with the adopted Fiscal Year 2018/2019 Budget under Task No. 0830 Interchange Projects, Sub-Task No. 0894 SR 60 Archibald Avenue Interchange.

Reviewed By:

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on January 10, 2019. SBCTA General Counsel and Procurement Manager have reviewed this item and the draft amendments.

Responsible Staff:

Paula Beauchamp, Director of Project Delivery and Toll Operations

Approved
Board of Directors
Date: February 6, 2019

Witnessed By:

General Contract Information

Contract No: 15-1001150 (R14138) Amendment No.: 2 Sole Source? N/A

Vendor No.: 01570 Vendor/Customer Name: City of Ontario

Description: For all Phases of Archibald Improvements at SR 60 Project

Estimated Start Date: 07/02/2014 Expiration Date: 12/31/2021 Revised Expiration Date: 12/31/2022

List Any SBCTA Related Contracts Nos.: 16-1001328

Dollar Amount							
Original Contract		\$	9,693,943.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	5,894,350.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	15,588,293.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	15,588,293.00

Contract Authorization

Board of Directors Date: 02/06/2019 Board Item # 5420

Contract Management (Internal Purposes Only)

Receivable Receivable No Budget Adjustment

Accounts Payable											
Total Contract Funding: \$						Total Contingency: \$					
GL: 1					-	GL: 1					-
GL: 2					-	GL: 2					-
GL: 3					-	GL: 3					-
GL: 4					-	GL: 4					-
GL: 5					-	GL: 5					-
GL: 6					-	GL: 6					-
GL: 7					-	GL: 7					-
GL: 8					-	GL: 8					-
GL: 9					-	GL: 9					-
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GL: 13					-	GL: 13					-
GL: 14					-	GL: 14					-
GL: 15					-	GL: 15					-
GL: 16					-	GL: 16					-
GL: 17					-	GL: 17					-
GL: 18					-	GL: 18					-
GL: 19					-	GL: 19					-
GL: 20					-	GL: 20					-

Accounts Receivable											
Total Contract Funding: \$						15,588,293.00					
Funding Agreement No: <u>15-1001150</u>						Reversion Date: _____					
GL: 1	6010	40	0830	0894	42416003	15,588,293.00	GL: 1				-
GL: 2						-	GL: 2				-
GL: 3						-	GL: 3				-
GL: 4						-	GL: 4				-
GL: 5						-	GL: 5				-
GL: 6						-	GL: 6				-

Andrea Nieto

Paula Beauchamp

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: 15-1001150-02 CSS (5420 : Archibald Avenue Improvement Project at State Route 60 Agreements)

AMENDMENT NO. 2

TO COOPERATIVE AGREEMENT R14138 (15-1001150)

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF ONTARIO

FOR

**PLANNING, PROJECT REPORT AND ENVIRONMENTAL DOCUMENT,
PLANS, SPECIFICATIONS AND ESTIMATE (PS&E), RIGHT-OF-WAY (ROW),
AND CONSTRUCTION PHASES FOR THE INTERCHANGE AT ARCHIBALD
AVENUE AND STATE ROUTE 60 IN THE CITY OF ONTARIO**

THIS AMENDMENT No. 2 (AMENDMENT) is made and entered into by and between the San Bernardino County Transportation Authority (hereinafter referred to as AUTHORITY) and the City of Ontario ((hereinafter referred to as CITY). AUTHORITY and CITY may be referred to herein as a “PARTY” and collectively “PARTIES”.

RECITALS

1. AUTHORITY and CITY entered into Agreement R14138, also known as 15-1001150 (AGREEMENT) on September 17, 2014, to delineate roles, responsibilities, and funding commitments relative to the Project Management, Planning, Environmental, PS&E, ROW and Construction activities of the Interchange at Archibald Avenue and State Route 60 in the City of Ontario (PROJECT);
2. AUTHORITY and CITY entered into Amendment No. 1, on September 20, 2017, to authorize AUTHORITY to acquire any necessary ROW for the PROJECT by eminent domain in AUTHORITY’s name in accordance with California Code of Civil Procedure, Section 1245.235, and to set out the PARTIES’ agreement that AUTHORITY will, upon completion of the PROJECT, convey by quit claim deed to CITY all PROJECT acquired ROW located within CITY’s Facilities, and the CITY will accept such ROW within thirty (30) days following AUTHORITY’s request to accept such acquired ROW and at no expense to AUTHORITY; and
2. PARTIES now seek to amend the AGREEMENT for the following reasons:

- a) To increase the Project estimated total cost to \$22,540,439; and
- b) To modify the termination date.

IT IS THEREFORE MUTUALLY AGREED TO AMEND THE AGREEMENT AS FOLLOWS:

1. Article I. PARTIES AND TERM, subarticle B is amended to read as follows:

“B. This Agreement shall terminate upon completion of the AUTHORITY's management of the planning, environmental, design, right of way (to include both ROW acquisition and utility relocation work), construction, property conveyance and close out of the PROJECT, except that the indemnification provisions shall remain in effect until terminated or modified, in writing, by mutual agreement. Should any claims arising out of this Agreement be asserted against one of the Parties, the Parties agree to terminate this Agreement at such time as the claims are settled, dismissed or paid. ”

2. Article II. RECITALS, subarticles F, H and I is amended to read as follows:

“F. WHEREAS, the PROJECT is estimated to cost a total of \$22,540,439 which includes \$335,190 for the AUTHORITY to provide project management services for the Planning, Environmental, PS&E, ROW, and Construction phases of the Project, and \$26,954 for the AUTHORITY to provide project management services to start the Project and prepare the original agreements; and”

“H. WHEREAS, the CITY desires AUTHORITY to provide project management services for the Planning, Environmental, PS&E, ROW, and Construction phases, estimated at \$335,190, and understands it is the sole responsibility of CITY to pay 100% of actual AUTHORITY project management costs in accordance with AUTHORITY Policy 40005/VFI-34, with the exception of \$26,954 that were expended by the AUTHORITY in management services before the original agreement was executed; and”

“I. WHEREAS, the remaining PROJECT cost, aside from AUTHORITY project management costs and betterments, for the Planning, Environmental, PS&E, ROW, and Construction phases is estimated at \$20,428,295 which shall be funded with 66.1% Development Share funds and 33.9% Public Share funds, as defined by the Nexus Study and the SANBAG Measure I 2010-2014 Strategic Plan. CITY shall compensate AUTHORITY 100% of any additional project scope as requested by the CITY as it is required per Measure I Strategic Plan Policy 40005.”

3. Article III. AUTHORITY RESPONSIBILITIES, subarticle C is amended to read as follows:

“C. To contribute towards the Planning, Environmental, PS&E, ROW, and Construction phases of the PROJECT cost an amount not to exceed \$6,952,146 as shown in Attachment A. The actual cost of a specific phase may ultimately vary from the estimates provide in Attachment A, however, under no circumstances is the total combined AUTHORITY contribution to exceed \$6,952,146 without an amendment to this Agreement.”

4. Article IV. CITY RESPONSIBILITIES, is amended to amend subarticle A and to add subarticles H, I and J, as follows:

“A. To reimburse AUTHORITY for the actual costs incurred estimated at \$15,253,103 towards the Planning, Environmental, PS&E, ROW, and Construction phases of the PROJECT cost and \$335,190 for AUTHORITY management for an amount not to exceed \$15,588,293 as shown in Attachment A. The actual cost of a specific phase may ultimately vary from the estimates provided in Attachment A, however, under no circumstances is the total combined CITY contribution to exceed \$15,588,293 without an amendment to this Agreement.”

“H. To provide permits, inspections, reviews, acceptance of transfer of title of properties and oversight at no cost to AUTHORITY or to consultants and contractors contracted by AUTHORITY, for the work on the PROJECT.”

“I. CITY shall assist AUTHORITY 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.”

“J. CITY shall compensate AUTHORITY 100% of any additional project scope as requested by the CITY as it is required per Measure I Strategic Plan Policy 40005.”

5. All other terms and conditions of the AGREEMENT shall remain in full force and effect.

6. This AMENDMENT is deemed to be included and made part of the AGREEMENT.
7. This AMENDMENT is effective upon execution by SBCTA.

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

DRAFT

**SIGNATURE PAGE TO
AMENDMENT No. 1 TO COOPERATIVE AGREEMENT NO. R14138 (15-
1001150) BETWEEN
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
and CITY OF ONTARIO**

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

CITY OF ONTARIO

By: _____
Darcy McNaboe
President, Board of Directors

By: _____
Scott Ochoa
City Manager

Date: _____

Date: _____

APPROVED AS TO FORM

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Eileen Monaghan Teichert
General Counsel

By: _____
John Brown
CITY Attorney

CONCURRENCE:

By: _____
Jeffery Hill
Procurement Manager

Date: _____

Attachment: 15-1001150-02 (5420 : Archibald Avenue Improvement Project at State Route 60 Agreements)

Attachment A

PROJECT DESCRIPTION

The CITY and AUTHORITY are widening the existing northbound and southbound Archibald Avenue to add two left turn pockets, modifying the existing Archibald Avenue Bridge Undercrossing to accommodate the additional lands, and widening the on- and off- ramps. The CITY had requested that the AUTHORITY be lead on the PROJECT.

PROJECT FUNDING TABLE

Public Share or “Authority Share”: 33.9%

Nexus Development Impact Fee Share (DIF), or “City Share”: 66.1%

	AUTHORITY***	CITY	TOTAL*
Project Report and Environmental Document	\$ 255,172	\$ 497,549	\$ 752,721
Plan, Specification and Estimate	\$ 444,346	\$ 866,408	\$ 1,310,754
Right of Way Acquisition and Utility Relocations	\$ 559,350	\$ 1,090,650	\$ 1,650,000
Construction and Construction Management	\$ 5,666,324	\$ 11,048,496	\$ 16,714,820
Construction-PCC**		\$ 1,750,000	\$ 1,750,000
Oversight	\$ 26,954	\$ 335,190	\$ 362,144
	\$ 6,952,146	\$ 15,588,293	\$ 22,540,439

*Estimated Cost is based in estimated at completion costs.

**Construction Cost for PCC requested by the City (Betterment)

***Authority share for Construction includes \$1,310,000 of TCIF funds per MSI Strategic Plan Policy 40001 VS-30

PROJECT SCHEDULE

Milestones	Estimated Completion Date
Project Report and Environmental Approval	March 2018
Plan, Specification and Estimate Certification	May 2019
Right of Way Certification	May 2019
Construction Notice to Proceed	January 2021
Construction Acceptance	May 2021
Project Close Out Completion	December 2021

General Contract Information

Contract No: C14169 (16-1001328) Amendment No.: 1 Sole Source? No

Vendor No.: 03168 Vendor/Customer Name: Michael Baker International Inc.

Description: For all Phases of Archibald Improvements at SR 60 Project

Estimated Start Date: 07/01/2015 Expiration Date: 05/31/2020 Revised Expiration Date: 12/31/2022

List Any SBCTA Related Contracts Nos.: 15-1001150 & 19-1002100

Dollar Amount							
Original Contract		\$	1,970,943.45	Original Contingency		\$	197,094.35
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	137,191.00	Current Amendment		\$	13,719.10
Total/Revised Contract Value		\$	2,108,134.45	Total Contingency Value		\$	210,813.45
	Total Dollar Authority (Contract Value and Contingency)					\$	2,318,947.90

Contract Authorization

Board of Directors Date: 02/06/2019 Board Item # 5420

Contract Management (Internal Purposes Only)

Payable Other Contracts No Budget Adjustment

Accounts Payable																									
Total Contract Funding: \$										2,108,134.45		Total Contingency: \$										210,813.45			
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Accounts Receivable

Total Contract Funding: \$ -

Funding Agreement No:

Reversion Date:

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Andrea Nieto

Paula Beauchamp

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: C14169-01 CSS (5420 : Archibald Avenue Improvement Project at State Route 60 Agreements)

**AMENDMENT NO. 1
TO CONTRACT C14169 (16-1001328)
FOR PID, PA/ED, AND PS&E SERVICES
ON SR60/ARCHIBALD INTERCHANGE**

(MICHAEL BAKER INTERNATIONAL COMPANY)

This Amendment No. 1 to SBCTA Contract No. 16-1001328 is made by and between RBF CONSULTING A MICHAEL BAKER INTERNATIONAL COMPANY (“CONSULTANT”) and the San Bernardino County Transportation Authority (“SBCTA”). SBCTA and CONSULTANT are each a “Party” and collectively “Parties” herein.

RECITALS:

- A. On May 6, 2015, SBCTA and CONSULTANT entered into a Contracts for Project Initiation Documentation (PID), Project Report and Environmental Document (PA/ED), and Plans, Specifications and Estimate (PS&E) Services for the interchange at Archibald Avenue and State Route 60 in the city of Ontario.
- B. PARTIES now seek to amend the AGREEMENT to add scope of work and to increase the estimated cost by \$137,191 for performance of the additional scope of work for a total cost of \$2,108,134.

IT IS THEREFORE MUTUALLY AGREED TO AMEND THE AGREEMENT AS FOLLOWS:

- 1. All references in the Agreement to the San Bernardino County Transportation Authority as “SANBAG” shall mean “SBCTA”.
- 2. ARTICLE 4. PERFORMANCE PERIOD, subarticle 4.1 is amended to read as follows:

“4.1 This Contract shall go into effect upon approval by SBCTA’s Awarding Authority, and CONSULTANT shall commence work after written notification to proceed by SBCTA's Procurement Analyst. The Contract shall end on December 31, 2022, unless extended by written amendment.”
- 3. ARTICLE 5. ALLOWABLE COSTS AND PAYMENTS subarticles 5.2 and 5.11 are deleted and restated in their entirety as follows:

“5.2 In addition to the allowable incurred costs, SBCTA will pay CONSULTANT a fixed fee of \$107,362. The fixed fee is nonadjustable for the term of the Contract, except in the event of a significant change in the Scope of Work and such adjustment is made by contract amendment.”

“5.11 The total amount payable by SBCTA to CONSULTANT including the fixed fee shall not exceed \$2,108,134.”

4. All references in the AGREEMENT to Work and Scope of Work shall mean the SCOPE OF WORK described in Exhibit A to the Agreement and Exhibit A-1, attached to and incorporated into this AMENDMENT.
5. All references in the AGREEMENT to Approved Cost Proposal shall mean the Approved Cost Proposal in Exhibit B to the Agreement and Exhibit B-1, attached to and incorporated into this AMENDMENT.
6. All other terms and conditions of the AGREEMENT shall remain in full force and effect.
7. This AMENDMENT is deemed to be included and made part of the AGREEMENT.
8. This AMENDMENT will be effective upon execution by SBCTA.

IN WITNESS WHEREOF, the Parties have duly executed this Amendment No. 1 below.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

MICHAEL BAKER INTERNATIONAL

By: _____
Darcy McNaboe
President, Board of Directors
Date: _____

By: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Eileen Monaghan Teichert
General Counsel
Date: _____

CONCURRENCE:

By: _____
Jeffery Hill
Procurement Manager
Date: _____

EXHIBIT A-1

ADDITIONAL SCOPE OF WORK

EXHIBIT "A"

SCOPE OF SERVICES

100 Project Management

ENGINEER will be responsible for overall project management, liaison with CALTRANS and other affected agencies, and progress monitoring and maintenance of PROJECT files. ENGINEER will supervise, coordinate, monitor and review project for conformance with Caltrans standards, policies and procedures.

Additional Effort/Deliverables:

Coordination and management efforts to scope, monitor and help execute additional tasks herein along with coordination of the City related PCC request.

255 CIRCULATE, REVIEW AND PREPARE FINAL PS&E PACKAGE

255.20.05 FINAL ROADWAY PS&E

Alt Bid Set

CONSULTANT will prepare 100 percent level plans for the Alternate Bid Package

Additional Effort/Deliverables:

The City of Ontario has requested that Archibald be fully reconstructed with PCC and the decision to best add this option to the project is to make it an alternate bid package for the contractor to bid to. This alternate bid package will show the sheets that are to be changed if the PCC option was selected for construction by the City and SBCTA. Along with the sheet assumptions listed below, there will need to be optional specification updates made as well.

Assumptions:

- It is assumed the following sheets will need updating: Typical Cross Sections, Layouts, Construction Details and Stage Construction Plans for a total of 25 sheets.
- The Stage Construction Plans will add 2 stages to the current plan to rebuild the existing pavement along Archibald Avenue to PCC.
- The intersection staging complexities will be left up to the contractor guided by the specs and notes on the plans. Complex staged intersection plans will not be created.

255.40 RESIDENT ENGINEER'S PENDING FILE

Maintenance Agreement Exhibits

CONSULTANT will meet with the Resident Engineer (RE) and functional units and provide the necessary information for the RE file, which includes Cooperative Agreements.

Additional Effort/Deliverables:

CONSULTANT will prepare Maintenance Agreement Exhibits (up to 10), which will be basic interchange exhibits that will need to be recreated for the maintenance agreement.

Assumptions:

- The exhibits show very basic graphical information of each interchange

270.40 RESPOND TO INQUIRIES/REQUEST FOR INFORMATION (RFI'S)

CONSULTANT will draft responses to contractor inquiries and RFIs as requested by the Resident Engineer. CONSULTANT shall assist with the resolution of utility related issues that may arise during construction, including design modifications as needed and as approved by the SBCTA PROJECT MANAGER.

Additional Effort/Deliverables:

Coordination and RFI efforts due to various changes in project scope and details during PS&E phase.

TRADE CORRIDOR IMPROVEMENT FUND PROJECT BASELINE AGREEMENT

1. PARTIES AND DATE

- 1.1** This Project Baseline Agreement (Agreement) for the SR-60 Archibald Interchange Improvement Project effective on _____, is made by and between the California Transportation Commission (Commission), the California Department of Transportation (Caltrans), and the San Bernardino County Transportation Authority and City of Ontario (Project Sponsor), sometimes collectively referred to as the “Parties”.

2. RECITAL

- 2.1** Whereas at its December 5th, 2018 Meeting the California Transportation Commission amended the Trade Corridor Improvement Fund and included in this program of projects the SR-60 Archibald Interchange Improvement Project, the parties are entering into this Project Baseline Agreement to document the project cost, schedule, scope and benefits, as detailed on the Project Programming Request Form attached hereto as Exhibit A, the Project Study Report/Project Study Report Equivalent attached hereto as Exhibit B, and the Project Benefits Form as attached hereto as Exhibit C, as the baseline for project monitoring by the California Transportation Commission and its Project Delivery Council. The undersigned Project Sponsor certifies that the funding sources cited are committed and expected to be available; the estimated costs represent full project funding; and the scope and description of benefits is the best estimate possible.

3. GENERAL PROVISIONS

The Project Sponsor and Caltrans agree to abide by the following provisions:

- 3.1** To meet the requirements of Government Code Section 8879.23(c)(1), as added by Proposition 1B, and to Government Code Section 8879.50, as enacted through implementing legislation in 2007 (Senate Bill 88 and Assembly Bill 193).
- 3.2** To adhere to the provisions of the California Transportation Commission Resolution TCIF-P-0708-01, “Adoption of Program of Projects for the Trade Corridors Improvement Fund (TCIF),” dated April 10, 2008.
- 3.3** To adhere to the California Transportation Commission’s Trade Corridor Improvement Fund Guidelines.
- 3.4** To adhere to the California Transportation Commission’s Accountability Implementation Plan and policies, and program and baseline amendment processes.
- 3.5** The Sponsoring Agency agrees to secure funds for any additional costs of the project. Any change to the funding commitments outlined in this agreement requires an amendment.

- 3.6 To report to the California Transportation Commission on a quarterly basis on the progress made toward the implementation of the project, including scope, cost, and schedule.
- 3.7 To report to the California Transportation Commission on the progress, on a quarterly basis, and outcomes, at the end of the environmental phase, of the environmental process with regard to air quality impacts due to emissions from diesel or other particulates and related mitigation strategies. Whereas the Bond Act mandates that the Commission shall allocate TCIF for trade infrastructure improvements in a manner that places emphasis on projects that improve trade corridor mobility while reducing emissions of diesel particulate and other pollutant emissions, the Department of Transportation, the Sponsoring Agency, and the Corridor Coalition understand and agree that the California Transportation Commission will only allocate TCIF to projects that can demonstrate compliance with applicable environmental requirements. If environmental clearance is conditioned to the implementation of mitigation measures, the sponsoring agency must commit, in writing, to the implementation of those mitigation measures.
- 3.8 To maintain and make available to the California Transportation Commission and/or its designated representative, all work related documents, including engineering and financial data, during the course of the project and retain those records for four years from the date of the final closeout of the project. Financial records will be maintained in accordance with Generally Accepted Accounting Principles.
- 3.9 The California Transportation Commission and/or its designated representative, has the right to audit the project records, including technical and financial data, of the Department of Transportation, the Sponsoring Agency, and any subconsultants at any time during the course of the project and for four years from the date of the final closeout of the project. Audits will be conducted in accordance with Generally Accepted Government Auditing Standards.

4. SPECIFIC PROVISIONS AND CONDITIONS

4.1 Project Schedule and Cost

See Project Programming Request Form, attached as Exhibit A.

4.2 Project Scope

See Project Study Report/Project Study Report Equivalent, attached as Exhibit B.

4.3 Project Benefits

See Project Benefits Form, attached as Exhibit C.

4.4 Other Project Specific Provisions and Conditions

**SIGNATURE PAGE
TO
TRADE CORRIDOR IMPROVEMENT FUND
PROJECT BASELINE AGREEMENT**

Dr. Raymond Wolfe	Date
Executive Director	
San Bernardino County Transportation Authority	

Name	Date
City Manager	
City of Ontario	

Laurie Berman	Date
Director	
California Department of Transportation	

Susan Bransen	
Executive Director	
California Transportation Commission	

Minute Action

AGENDA ITEM: 4

Date: February 6, 2019

Subject:

Redlands Passenger Rail Project- Downing Construction Contingency Increase

Recommendation:

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve an increase in contingency for Contract No. 17-1001699 with Downing Construction, Inc. for 'Early Utilities Relocations' for water and sewer utilities located in the Cities of San Bernardino and Loma Linda in support of the Redlands Passenger Rail Project, in an amount of \$312,613, totaling a new not-to-exceed amount of \$659,960.

B. Authorize the Executive Director, or his designee, to release contingency as necessary for completion of the project.

Background:

In an effort to minimize risk on the Redlands Passenger Rail Project (RPRP), the San Bernardino County Transportation Authority (SBCTA), using lessons learned from the construction of the Downtown San Bernardino Passenger Rail Project and the Omnitrans sbX Project, elected to complete as many utility relocations as possible prior to awarding the mainline railroad construction contract. On December 19, 2017, the SBCTA Board approved Contract No. 17-1001699, for the RPRP Early Utilities Relocations within the Cities of San Bernardino and Loma Linda, to Downing Construction, Inc., for an amount of \$3,473,473. The SBCTA Board also approved a 10% contingency amount, totaling a not-to-exceed amount of \$347,347.

The Early Utility Project is nearing completion. Construction is complete for the majority of locations with the exception of the Ennis Street 54-inch sewer protection, Stoddard Avenue to D Street 33-inch sewer relocation, and Stoddard Avenue 8-inch water and 8-inch sewer relocations. To date, \$282,754.69 of the original contingency has been expended during the course of nine (9) utility relocations, for unforeseen delays related to the availability of Metrolink forces. Based upon unforeseen conditions detailed below and an opportunity to resolve a Southern California Edison (SCE) utility conflict, staff is requesting an increase of \$312,613 in the contingency for Contract No. 17-1001699, for a revised total of \$659,960. In accordance with Contract No. 17-1001644 between SBCTA, City of San Bernardino, and the San Bernardino Municipal Water Department; the City of San Bernardino is responsible for an estimated \$239,925 of the additional cost. The remaining funding of \$72,688 will be funded with State Transit Assistance Funds.

Stoddard Avenue 8" Sewer (Utility License No. RRND007421): Construction plans were based upon an average existing sewer depth of 11 feet 5 inches. After construction potholing, the actual existing sewer depth was determined to be 5 feet 7 inches. This change in condition requires the existing sewer to be lowered by 5 feet 6 inches and an additional 169 feet of 8-inch sewer is required to relocate this facility. Based upon these changes, this licensed facility will require a contract change order value of \$162,341.

Entity: San Bernardino County Transportation Authority

Stoddard Avenue to D Street 33-inch Sewer (Utility License No. RRND007429): Three significant changes to the plan became necessary as a result of potholing this utility. It was determined that an existing sewer service to an adjoining facility would conflict with the proposed sewer and would need to be connected using a manhole structure. Secondly, the upstream manhole where the proposed sewer was to be tied into was determined to be unserviceable and required replacement. Finally, an adjoining property's sewer service tied into a portion of the sewer line proposed to be abandoned. As a result, this service must be re-routed and connected into the new upstream manhole of the proposed sewer line. The resulting changes will require a contract change order value of \$85,560.

The final piece of this contingency increase is to perform traffic control, trench excavation, install conduit, obtain SCE inspection approval, backfill and asphalt replacement to assist SCE relocate their facility at D Street. Until this facility is relocated, the contractor cannot complete the 33-inch sewer replacement. This course of action will not only allow the SCE utility to be relocated approximately three (3) months ahead of schedule, but will also avoid shifting the early utility work into the RPRP mainline construction window. The cost for this work is \$64,712. If the work is not completed by SBCTA's contractor, SCE will complete the work later, potentially at greater cost.

The alternative to increasing the contingency would be to remove one or more utilities from this contract and include it in the mainline contract. This would result in greater cost as a result of escalation and added constraint risk to the upcoming mainline bid, which is currently out for advertisement. In addition, it would require additional staff work to complete design efforts and issue an addendum to the mainline invitation for bids.

Financial Impact:

This item is consistent with the SBCTA Fiscal Year 2018/2019 adopted budget.

Reviewed By:

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on January 10, 2019. SBCTA General Counsel and Procurement Manager have reviewed this item.

Responsible Staff:

Andres Ramirez, Chief of Transit and Rail Programs

Approved
Board of Directors
Date: February 6, 2019

Witnessed By:

General Contract Information

Contract No: 17-1001699 Amendment No.: 1 Sole Source? No

Vendor No.: 03352 Vendor/Customer Name: Downing Construction, Inc.

Description: Redlands Passenger Rail Project Early Utilities Relocation

Estimated Start Date: 05/07/2018 Expiration Date: 12/25/2018 Revised Expiration Date: 12/25/2019

List Any SBCTA Related Contracts Nos.: _____

Dollar Amount							
Original Contract		\$	3,473,473.00	Original Contingency		\$	347,347.00
Prior Amendments		\$	-	Prior Amendments			
Current Amendment		\$	-	Current Amendment		\$	312,613.00
Total/Revised Contract Value		\$	3,473,473.00	Total Contingency Value		\$	659,960.00
	Total Dollar Authority (Contract Value and Contingency)					\$	4,133,433.00

Contract Authorization

Board of Directors _____ Date: 02/06/2019 Board _____ Item # 5432

Contract Management (Internal Purposes Only)

Payable _____ Capital Project Contracts _____ No Budget Adjustment _____

Accounts Payable																	
Total Contract Funding:						\$	3,473,473.00		Total Contingency:						\$	659,960.00	
GL:	6014	30	0315	0324	53701	48005207	1,359,500.00		GL:	6014	30	0315	0324	53701	48005207	375,875.00	
GL:	6014	30	0315	0324	53701	42413004	992,450.00		GL:	6014	30	0315	0324	53701	42413004	99,245.00	
GL:	1050	30	0315	0324	53701	42218001	1,121,523.00		GL:	1050	30	0315	0324	53701	42218001	184,840.00	
GL:							-		GL:							-	
GL:							-		GL:							-	
GL:							-		GL:							-	
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Accounts Receivable													
Total Contract Funding: \$ _____ -						Reversion Date: _____							
Funding Agreement No: _____													
GL:	-	-	-	-	-	-	GL:	-	-	-	-	-	-
GL:	-	-	-	-	-	-	GL:	-	-	-	-	-	-
GL:	-	-	-	-	-	-	GL:	-	-	-	-	-	-
GL:	-	-	-	-	-	-	GL:	-	-	-	-	-	-
GL:	-	-	-	-	-	-	GL:	-	-	-	-	-	-
GL:	-	-	-	-	-	-	GL:	-	-	-	-	-	-

Andres Ramirez

Carrie Schindler

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: Contract Summary Sheet (5432 : Redlands Passenger Rail Project - Downing Construction Contingency Increase)

Minute Action

AGENDA ITEM: 5

Date: February 6, 2019

Subject:

Hearings to Consider Adoption of Resolutions of Necessity for Parcel Acquisition for Redlands Passenger Rail Project in the City of Redlands

Recommendation:

That the Board of Directors, acting as the San Bernardino County Transportation Authority:

- A. Conduct public hearings to consider condemnation of interests in real property required for the Redlands Passenger Rail Project in the City of Redlands; and
- B. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 19-068 authorizing and directing General Counsel, or her designees, to prepare, commence and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property for RPRP from: Union Pacific Railroad Company, a Delaware Corporation; formerly known as Southern Pacific Transportation Company, a Delaware Corporation; successor by merger to Southern Pacific Company, a Delaware Corporation; successor by merger to (and who acquired title as) Southern Pacific Railroad Company, a California Corporation; (Project No. RPRP-545R-091; Assessor's Parcel Number [APN] 0170-181-46, Project No. RPRP-547R/551R-093; Assessor's Parcel Numbers [APN] 0170-181-46, 0170-181-49; Project No. RPRP-558R-095; Assessor's Parcel Number [APN] 0170-181-49). 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 Redlands Passenger Rail Project (RPRP or Project). One of the remaining critical path items is right-of-way acquisition. The San Bernardino County Transportation Authority (SBCTA) Board authorized the acquisition of property necessary for the Project in November 2016. Some parcels are being acquired through negotiated sale. The purpose of this agenda item is to present information regarding the upcoming Hearing for a Resolution of Necessity for a property acquisition needed for construction of the Project which has not reached settlement. SBCTA's right-of-way agent, HDR Engineering, Inc. (HDR) and SBCTA's right-of-way counsel, Nossaman, LLP (Nossaman) presented offers to the property owner Union Pacific Railroad Company (UPRR), a Delaware Corporation; formerly known as Southern Pacific Transportation Company, a Delaware Corporation; successor by merger to Southern Pacific Company, a Delaware Corporation; successor by merger to (and who acquired title as) Southern Pacific Railroad Company, a California Corporation.

Although negotiations are ongoing, dialogue with the property owner for the property interests has not yet resulted in a settlement and the parcel needs to be acquired through eminent domain, which requires compliance with a statutorily-prescribed process. During the eminent domain process, Nossaman will continue to negotiate with the property owner 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

Entity: San Bernardino County Transportation Authority

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 the mainline construction in 2019.

In order to adopt the Resolution of Necessity, SBCTA must make the four findings discussed below. The issue of the amount of just compensation is not addressed by the Resolution of Necessity and is not to be considered at the hearing. The four necessary findings are:

1. The public interest and necessity require the Project.

The Project is located in/near the Cities of Loma Linda, Redlands and San Bernardino, where the proposed improvements are necessary to reduce existing and future traffic congestion. Congestion is reduced by increasing public transportation options.

The Project includes the following improvements:

- Adding rail service from San Bernardino Transit Center to the University of Redlands with 30 minute peak and 60 minute off-peak headways
- Safety enhancements at the Project's 26 grade crossings
- Five (5) passenger rail stations
- Replacement of four (4) bridges
- Removal and replacement of existing track structures

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

During the environmental phase of the Project alternatives analysis, multiple transit modes and supporting transit infrastructure were considered. These transit modes included diesel and battery powered locomotives, Bus Rapid Transit (BRT), Light Rail Transit (LRT) and Diesel Multiple Units (DMU). Through the environmental screening process, DMUs were determined to be vehicle options that would satisfy the requirement to operate on the rehabilitated track infrastructure.

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 in some areas. HDR and Nossaman have had numerous communications with UPRR about its 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 RPRP.

3. The property sought to be acquired is necessary for the Project.

While some of the Project is being constructed within existing right-of-way, some acquisition from the subject property is needed. For the subject property, the following right-of-way interests are required:

UPRR: A Temporary Construction Easement, two Permanent Utility Easements and a partial Fee Acquisition are needed from the UPRR Property to provide work area

for construction, drainage improvements, signaling, grade crossing improvements, station access, station platform and pedestrian crossing.

4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

The subject property was appraised and an offer for the full amount of the appraisal was made to the owner of record in accordance with Section 7267.2 of the Government Code. Due to the amount of time that passed during negotiations, the appraisal was updated and a second offer based on the update appraisal was presented.

- The first offer was presented to UPRR on 10/18/2017; a second offer was presented on 12/6/2018.

Upon completion of the Project, SBCTA will retain the property acquired.

Financial Impact:

This item has no financial impact on the Fiscal Year 2018/2019 budget.

Reviewed By:

This item was reviewed and recommended for approval (11-0-1; Abstained: Hagman) to proceed to Hearings of Resolutions of Necessity by the Board of Directors without a quorum of the Board present at the Board of Directors Metro Valley Study Session on January 10, 2019. SBCTA General Counsel has reviewed this item and the draft resolution.

Responsible Staff:

Andres Ramirez, Chief of Transit and Rail Programs

Approved
Board of Directors
Date: February 6, 2019

Witnessed By:

Attachment A

PowerPoint Presentation

REDLANDS PASSENGER RAIL PROJECT (RPRP)

RESOLUTION OF NECESSITY FOR PROJECT RIGHT-OF-WAY

Presenter: Andres Ramirez
Chief of Transit & Rail



cta

San Bernardino County
Transportation Authority

Board of Directors

February 6, 2019

1

SBCTA IS REQUESTED TO MAKE THE FOLLOWING FINDINGS:

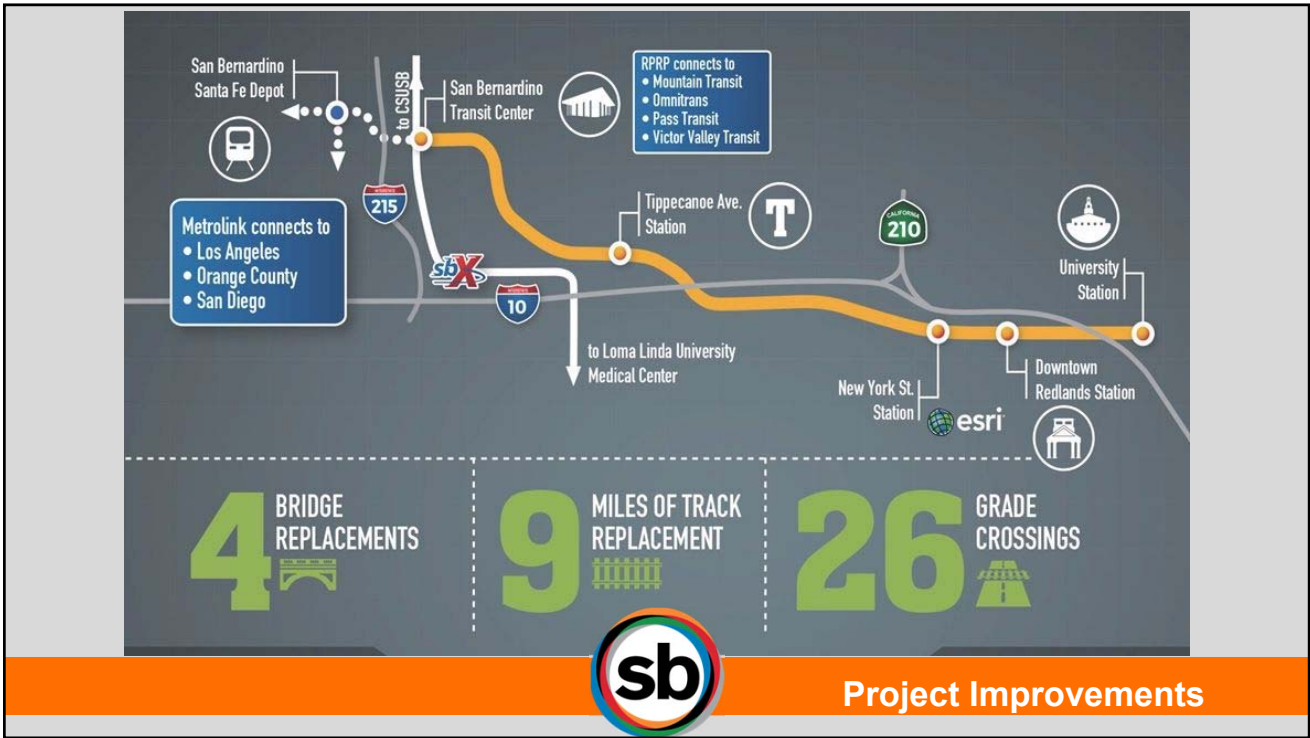
1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



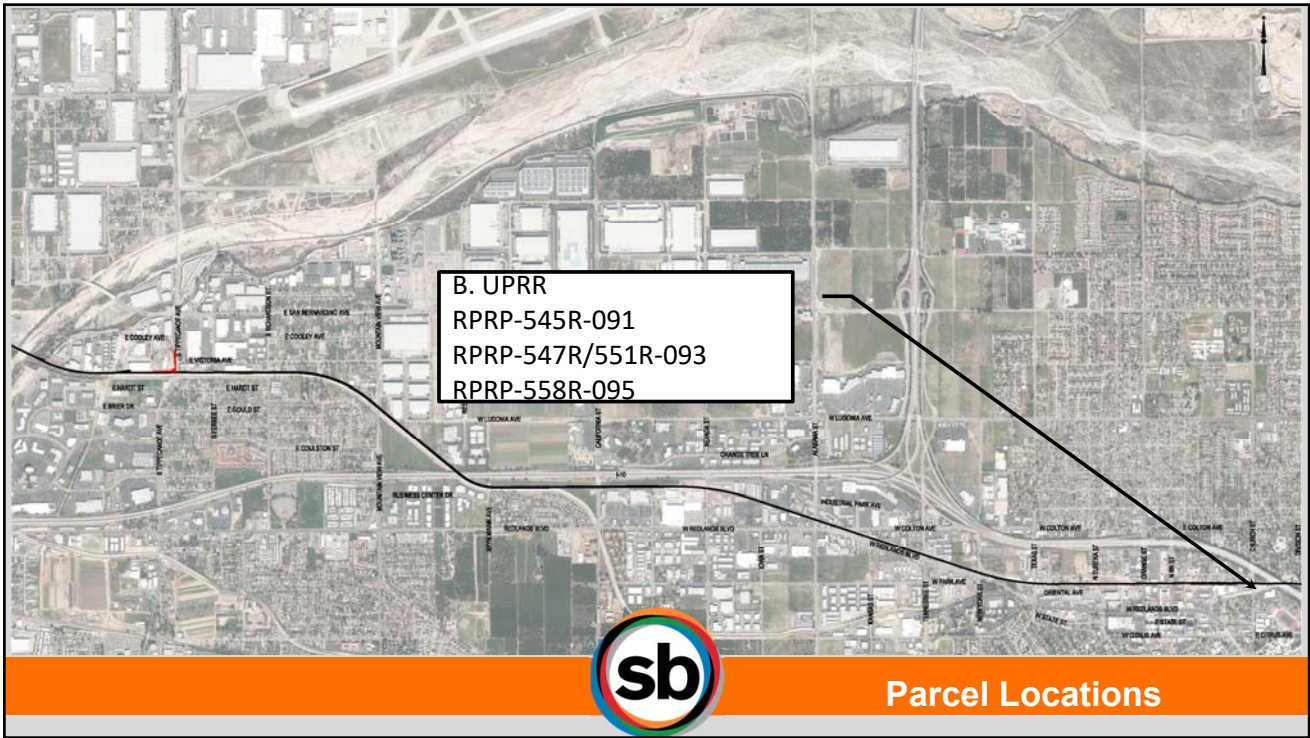
SBCTA Request

2

Attachment: Attachment A Presentation [Revision 1] (5431 : RPRP - RON (UPRR) for Parcel Acquisition)

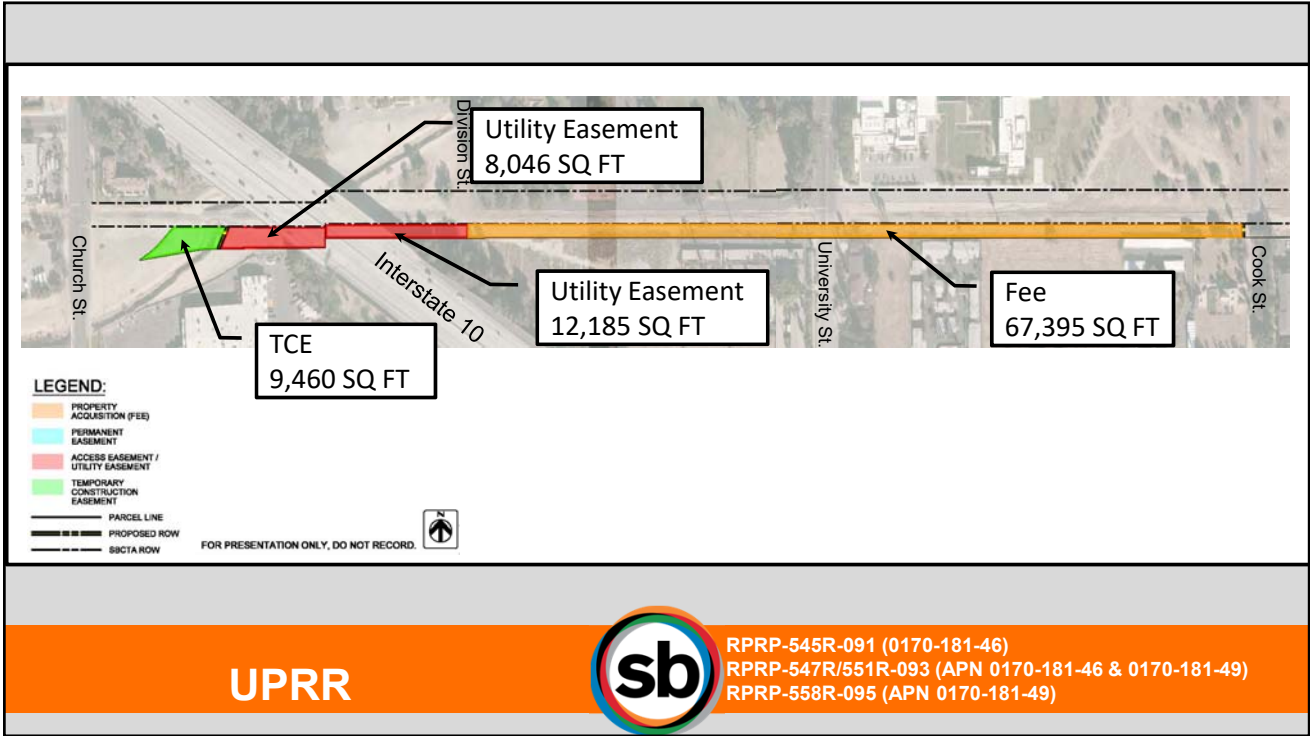


3



4

Attachment: Attachment A Presentation [Revision 1] (5431 : RPRP - RON (UPRR) for Parcel Acquisition)



5

No.	Ownership	Date of First Contact	In Person Meetings	Mailings	Phone Contacts	E-Mails	Total
B.	UPRR – RPRP-545R-091 RPRP-547/551R-093 RPRP-558R-095	10/18/2017	0	2	6	22	30
Communications as of December 13, 2018							

sb

Communication Summary

6

Attachment: Attachment A Presentation [Revision 1] (5431 : RPRP - RON (UPRR) for Parcel Acquisition)


Item	Ownership	Offer Date
B.	UPRR – RPRP-545R-091 RPRP-547/551R-093 RPRP-558R-095	10/18/2017 (1 st) 12/6/2018 (2 nd)

Offers of Just Compensation

7

**SBCTA ADOPT A RESOLUTION OF NECESSITY
BASED ON THE FOLLOWING FINDINGS:**

1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner

Staff Recommendation

8

Attachment: Attachment A Presentation [Revision 1] (5431 : RPRP - RON (UPRR) for Parcel Acquisition)



Resolution of Necessity No. 18-068

UPRR

(APN 0170-181-46 & 0170-181-49)

Attachment: RES 18-068 - UPRR r1 (5431 : RPRP - RON (UPRR) for Parcel Acquisition)

RESOLUTION NO. 19-068

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NUMBERS 0170-181-46 AND 0170-181-49.

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the Redlands Passenger Rail Project (the “Project”), which requires SBCTA to acquire by eminent domain interests in vacant land located north of Central Ave. and east of Church St., in the City of Redlands; and

WHEREAS, the Project involves the extension of passenger rail service along an approximately nine-mile corridor extending east from the San Bernardino Transit Center in the City of San Bernardino to the University of Redlands in the City of Redlands, in the County of San Bernardino, California, to improve public safety and alleviate traffic congestion; and

WHEREAS, the Project requires the acquisition of property interests from private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, California Public Utilities Code section 130809(b)(4) authorizes SBCTA to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, the real property to be acquired for the Project includes a parcel that has been designated as RPRP 558R-095-FEE, which consists of a 67,395 square foot fee simple interest in the property which bears San Bernardino County Assessor’s Parcel Number 0170-181-49, as described and depicted more specifically in Attachment “1” attached hereto and incorporated herein for the purposes of all necessary and convenient activities associated with the Project; and

WHEREAS, the real property to be acquired for the Project also includes a parcel that has been designated as RPRP 547R-093.1-UE, which consists of an 8,046 square foot permanent utility easement in the property which bears San Bernardino County Assessor’s Parcel Number 0170-181-46, as described and depicted more specifically in Attachment “2” attached hereto and incorporated herein for the purposes of an underground drainage device. The easement is non-

exclusive and the property owner will be able to utilize the surface area and above surface area except that no permanent structures or other improvements that hinder the ability to access and maintain the drainage device can be constructed; and

WHEREAS, the real property to be acquired for the Project also includes a parcel that has been designated as RPRP 551R-093.2-UE, which consists of 12,185 square foot permanent public utility easement in the property which bears San Bernardino County Assessor's Parcel Number 0170-181-49, as described and depicted more specifically in Attachment "3" attached hereto and incorporated herein for the purposes of an underground drainage device. The easement is non-exclusive and the property owner will be able to utilize the surface area and above surface area except that no permanent structures or other improvements that hinder the ability to access and maintain the drainage device can be constructed; and

WHEREAS, the real property to be acquired for the Project also includes a parcel that has been designated as RPRP 545R-091-TCE, which consists of 9,460 square foot temporary construction easement in the property which bears San Bernardino County Assessor's Parcel Number 0170-181-46, as described and depicted more specifically in Attachment "4" attached hereto and incorporated herein for the purposes of all necessary and convenient activities associated with the construction of the Project ("TCE"). The TCE shall be valid for a period of not more than twenty four (24) months. It shall commence seven (7) days from the date upon which SBCTA or its authorized representative provides the owner or owners with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which SBCTA notifies the applicable owner or owners that it no longer needs the TCE, (b) twenty-four (24) months from the commencement date of the TCE, or (c) December 31, 2021. SBCTA shall either protect in place or replace in kind the improvements located within the TCE area except as further described herein. At the expiration of the TCE, SBCTA or its agents shall restore the TCE area to a condition near as practicable to the condition that existed immediately prior to the commencement of construction except to the extent that such improvements are located on a portion of the utility easement designated as RPRP 547R-093.1-UE and would interfere with the maintenance of said utility easement; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, on January 11, 2019, there was mailed a Notice of Hearing on the Intent of SBCTA to consider adoption of a Resolution of Necessity for acquisition by eminent domain of the real property as described and depicted more specifically in Attachments "1", "2", "3" and "4" herein (the "Property"). The Notice of Hearing was mailed to the Union Pacific Railroad Company, a Delaware corporation, formerly known as Southern Pacific Transportation Company, a Delaware corporation, successor by merger to Southern Pacific Company, a Delaware corporation, successor by merger to and who acquired title as Southern Pacific Railroad Company, a California corporation; and

WHEREAS, SBCTA provided written notice to the City of Redlands as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to California Code of Civil Procedure section 1245.235 and Public Utilities Code section 130220.5(c), SBCTA scheduled a hearing for February 6, 2019, at 10:00 am at Santa Fe Depot--SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California, and gave to each owner or owners whose property is to be acquired and the City of Redlands notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by SBCTA and each owner or owners whose property is to be acquired by eminent domain and the City of Redlands were afforded an opportunity to be heard on those matters specified in SBCTA's Notice of Hearing on the Intent to consider adoption of a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, by a vote of two-thirds or more of its members, the San Bernardino County Transportation Authority does hereby find, determine, resolve and order as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure and Public Utilities Code. SBCTA has complied with the requirements of California Code of Civil Procedure section 1245.235 and Public Utilities Code section 130220.5(c) regarding notice and hearing.

Section 3. Public Use. The public use for which the Property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The Project is necessary to improve public safety and alleviate traffic congestion; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the real property as described and depicted more specifically in Attachments “1”, “2”, “3” and “4” attached to this Resolution of Necessity.

Section 5. Description of Property Interests. The property interests to be acquired as described and depicted more specifically in Attachments “1”, “2”, “3” and “4” attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The above-described property interests as described and depicted more specifically in Attachments “1”, “2”, “3” and “4”, are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the real property as described and depicted more specifically in Attachments “1”, “2”, “3” and “4” including the improvements thereon, if any, by eminent domain for the Project.

Section 9. Further Activities. Legal Counsel for SBCTA (“Counsel”) is hereby authorized and empowered to acquire the hereinabove described interests in real property in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further

authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit SBCTA to take possession of and use real property at the earliest possible time.

Section 10. Effective Date. This Resolution shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on February 6, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Darcy McNaboe, Board President
San Bernardino County Transportation Authority

ATTEST:

Vicki Watson, Clerk of the Board
San Bernardino County Transportation Authority

Attachment: RES 18-068 - UPRR r1 (5431 : RPRP - RON (UPRR) for Parcel Acquisition)

ATTACHMENT 1

EXHIBIT "A"
LEGAL DESCRIPTION
APN 0170-181-49

RIGHT OF WAY TAKE - RPRP 558R-095-FEE

That portion of Park Avenue on Map of Lugonia Park, in the City of Redlands, County of San Bernardino, State of California, as per Map recorded in Book 4, Page 50 of Maps, in the office of the County Recorder of said County, as acquired by the Southern Pacific Company in document recorded October 5, 1891 in Book 139, Page 189 of Deeds, being more particularly described as follows:

Beginning at the Northeast corner of Block 'I' Lugonia Park as per said Map recorded in Book 4, Page 50 said point being on the Southerly right of way line SBCTA (formerly Sanbag) Railway as shown on Record of Survey Map 148/73-92 recorded March 7, 2012 said right of way being 100 foot wide; thence along the North line of said Block 'I', and Block "H" of said Lugonia Park M.B. 4/50 and said Southerly right of way line North 89°21'57" West, 2209.71 feet to the centerline of Division Street as vacated; thence along said centerline, North 00°17'54" West, 30.50 feet; thence parallel with said North line of said Blocks 'H' and "I" and said Southerly right of way line, South 89°21'57" East, 2209.64 feet the Westerly right-of-way line of Cook Street being 60.00 feet wide; thence along said Westerly right-of-way line, South 00°25'57" East, 30.51 feet to the **Point of Beginning**.

Said parcel contains 67,395 square feet, more or less.

Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

David W. Ambler 09-07-2017
 DAVID W. AMBLER
 L.S. 7322



EXHIBIT B

RPRP-558R-095
APN 0170-181-49
CITY OF REDLANDS, CA



SCALE: 1"=80'

LEGEND

P.O.B. INDICATES POINT
OF BEGINNING

 INDICATES RIGHT-OF WAY
TAKE

- ① 30.5' STRIP OF LAND TO S.P.R.C. PER
DEED BK 146, PG 175 OF DEEDS, BK
146, PG 195 OF DEEDS AND BK 139,
PD 189 OF DEEDS.



David W. Ambler 09-07-2017
DAVID W. AMBLER, L.S. 7322 DATE

PARCEL 3 PM 14804 PMB 186/28-32

SBCTA (SANBAG) RAILWAY RS 148/73-92

2209.64'

S89°21'57"W

RPRP-558R-095-FEE
APN 0170-181-49
67,395 S.F.

N89°21'57"W

2209.71'

S00°25'57"E
30.51'

P.O.B.
NE CORNER BLOCK
1/4 MB. 4/50

LUGONIA PARK MB 4/50
BLOCK 1

5

6

7

8

9

10

11

COOK STREET

19.5'
50'

50'

30.5'

50'

SEE SHEET 2

PROJECT DESIGN CONSULTANTS

Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.0471 Tel
619.234.0340 Fax

EXHIBIT B

RPRP-558R-095
APN 0170-181-49
CITY OF REDLANDS, CA



SCALE: 1"=80'

SEE SHEET 1

PCL 3
PMB 186/28-32
PM 14804

RS 50' 148/73-92

30.5'

50'

APN 0170-181-49

4

3

2

1

LUGONIA PARK MB 4/50

BLOCK 1

UNIVERSITY ST

44'

35'

30'

LUGONIA PARK MB 4/50

BLOCK D

14

13

12

19.5'

SBCTA (SANBAG) RAILWAY

2209.64'

S89°21'57"W

30.5'

RPRP-558R-095-FEE

67,395 S.F.

N89°21'57"W

2209.71'

LUGONIA PARK MB 4/50

BLOCK H

14

13

12

SEE SHEET 3

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 D Street, Suite 800
San Diego, CA 92101
619.236.6471 Tel
619.234.0348 Fax

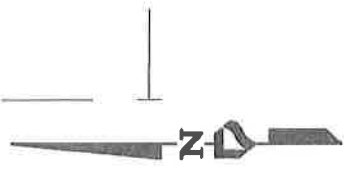
① 30.5' STRIP OF LAND TO S.P.R.C. PER DEED BK 146, PG 175 OF DEEDS, BK 146, PG 195 OF DEEDS AND BK 139, PD 189 OF DEEDS.

SEE SHEET 2

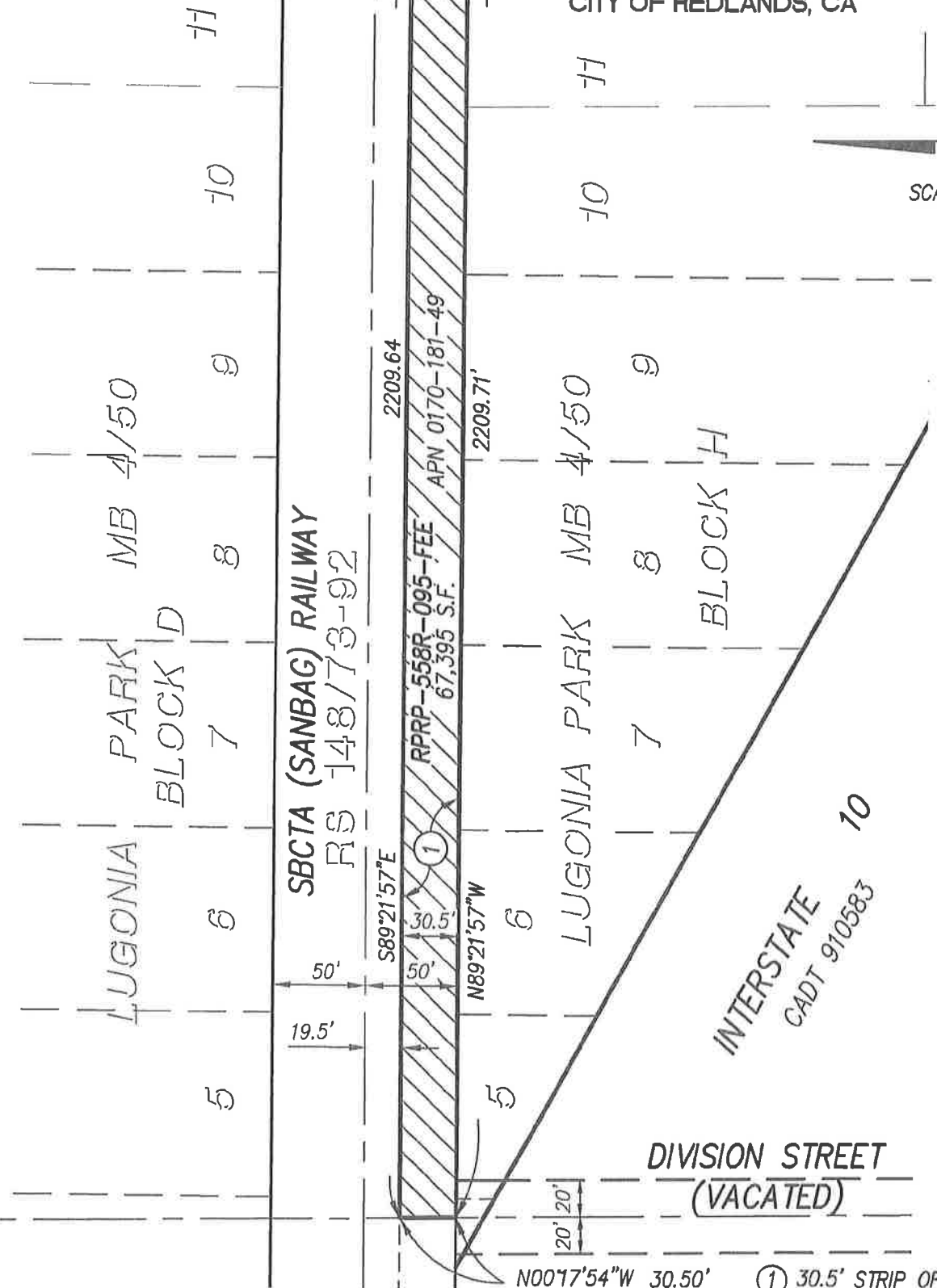
EXHIBIT B

SHEET 3 OF 3

RPRP-558R-095
APN 0170-181-49
CITY OF REDLANDS, CA



SCALE: 1"=80'



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.9471 Tel
619.234.0349 Fax

① 30.5' STRIP OF LAND TO
S.P.R.C. PER DEED BK 146, PG
175 OF DEEDS, BK 146, PG 195
OF DEEDS AND BK 139, PD 189
OF DEEDS.

ATTACHMENT 2

Attachment: RES 18-068 - UPRR r1 (5431 : RPRP - RON (UPRR) for Parcel Acquisition)

EXHIBIT A
LEGAL DESCRIPTION
APN 0170-181-46

UTILITY EASEMENT- RPRP 547R-093.1-UE

That portion Lot 31, Block 77 of the Map of the Survey of San Bernardino Rancho, in the City of Redlands, County of San Bernardino, State of California, as shown on a map recorded in Book 7, Page 2 of Maps, in the office of the County Recorder of said County, lying within the lands conveyed to the Southern Pacific Railroad Company, a Corporation, recorded October 9, 1891 in Book 139, Page 224 of Deeds, more particularly described as follows:

Commencing at the intersection of the Easterly right-of-way line of SBCTA (formerly SANBAG) Railway as shown on Record of Survey Map 148/73-92, Recorded March 7, 2012 and the Easterly right-of-way line of Church Street being 40.00 feet wide Easterly of the centerline thereof; thence along said Southerly right-of-way line South 89°21'57" East 328.16 feet to the **True Point of Beginning**; thence continuing along said Southerly right-of-way line South 89°21'57" East 321.86 feet; thence leaving said Southerly right-of-way line South 00°38'03" West 25.00 feet; thence North 89°21'57" West 321.86 feet; thence North 00°38'03" East 25.00 feet to a point on said Southerly right-of-way line and the **Point of Terminus**.

Said parcel contains 8,046 square feet, more or less.

Attached hereto is a plat labeled Exhibit B and by this reference made a part thereof. Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

David W. Ambler 7-25-17
 DAVID W. AMBLER DATE
 L.S. 7322

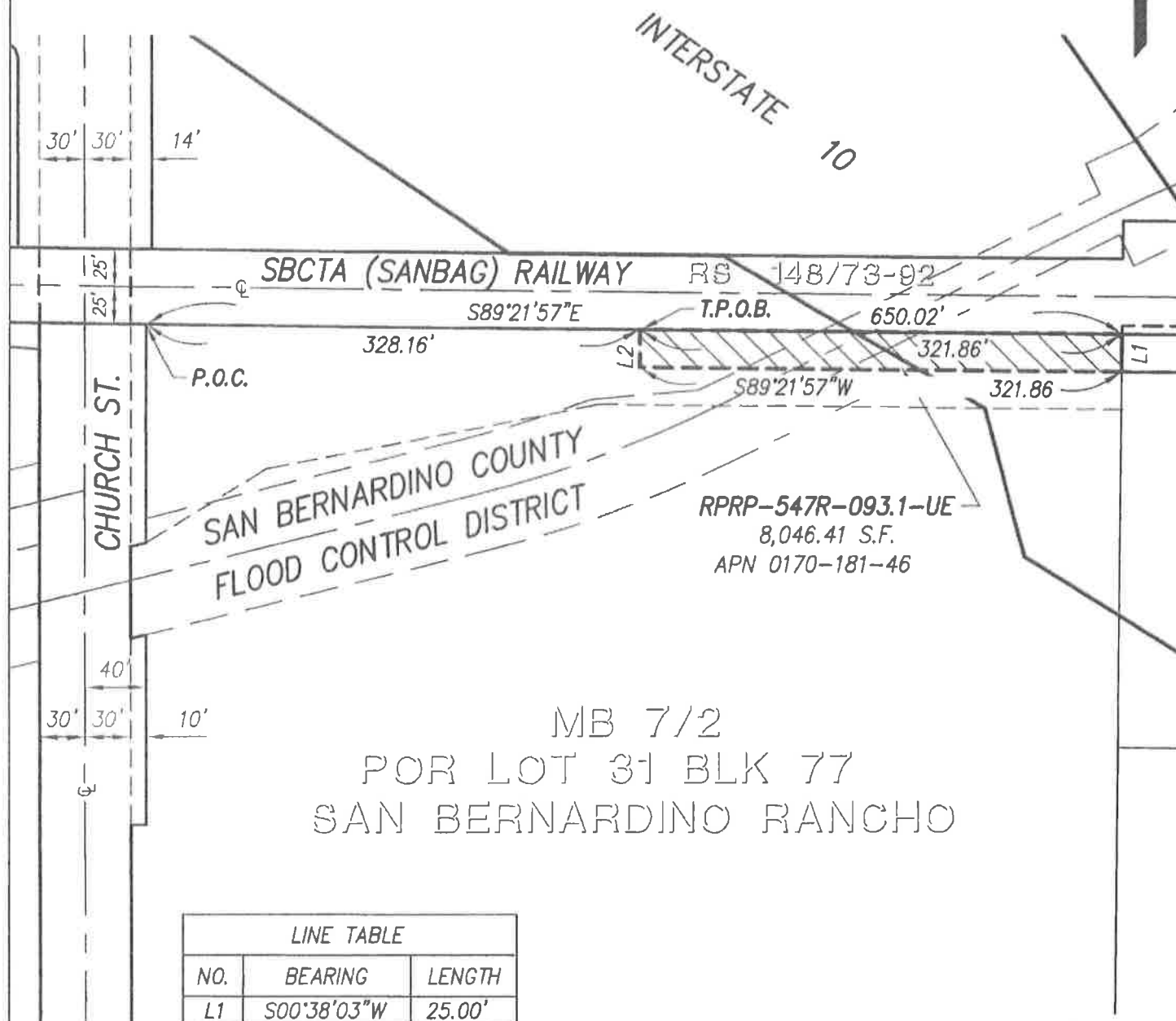


EXHIBIT B

CITY OF REDLANDS, CA

 INDICATES PUBLIC UTILITY EASEMENT

N
SCALE: 1' = 100'



Attachment: RES 18-068 - UPRR r1 (5431 : RPRP - RON (UPRR) for Parcel Acquisition)

LINE TABLE		
NO.	BEARING	LENGTH
L1	S00°38'03"W	25.00'
L2	N00°38'03"E	25.00'

David W. Ambler 7-25-17
DAVID W. AMBLER, L.S. 7322 DATE



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

ATTACHMENT 3

Attachment: RES 18-068 - UPRR r1 (5431 : RPRP - RON (UPRR) for Parcel Acquisition)

EXHIBIT "A"
LEGAL DESCRIPTION
APN 0170-181-49

PUBLIC UTILITY EASEMENT - RPRP 551R-093.2-UE

That portion of Park Avenue on Map of Lugonia Park, in the City of Redlands, County of San Bernardino, State of California, as per Map recorded in Book 4, Page 50 of Maps, in the office of the County Recorder of said County, as acquired by the Southern Pacific Company in document recorded October 5, 1891 in Book 139, Page 189 of Deeds, being more particularly described as follows:

Beginning at the Northwest corner of Block 'H' Lugonia Park as per said Map recorded in Book 4, Page 50 said point being on the Southerly right of way line SBCTA (formerly Sanbag) Railway as shown on Record of Survey Map 148/73-92 recorded March 7, 2012 said right of way being 100 foot wide; thence along the North line of said Block 'H' and said Southerly right of way line South 89°21'57" East, 399.75 feet to the centerline of Division Street as vacated; thence along said centerline, North 00°17'54" West, 30.50 feet; thence parallel with said Southerly right of way line, North 89°21'57" West, 399.26 feet; thence South 00°38'03" West, 30.50 feet the **Point of Beginning**.

Said parcel contains 12,185 square feet more or less.

Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

 7-25-17
 DAVID W. AMBLER
 L.S. 7322



LEGEND

P.O.B. INDICATES POINT
OF BEGINNING

 INDICATES UTILITY EASEMENT

① 30.5' STRIP OF LAND TO
S.P.R.C. PER DEED REC.
OCTOBER 5, 1891 IN BOOK 139,
PAGE 189, OF DEEDS.

EXHIBIT B

RPRP-551R-093

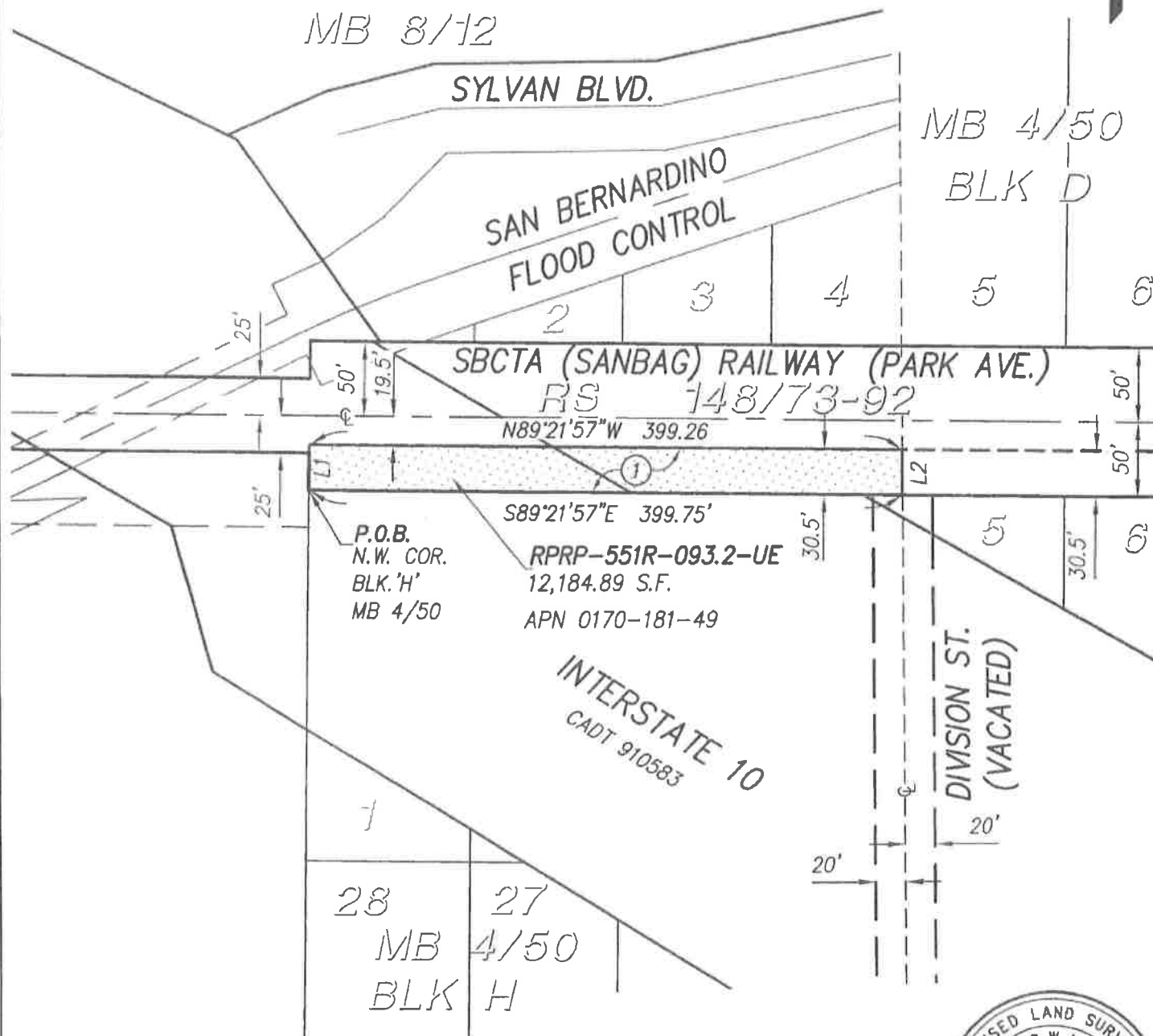
APN 0170-181-49

CITY OF REDLANDS, CA

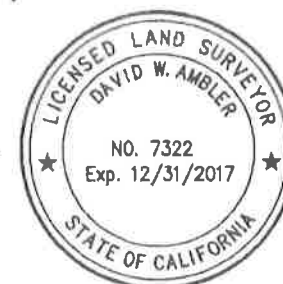
LINE TABLE

NO.	BEARING	LENGTH
L1	S00°38'03"W	30.50'
L2	N00°17'54"W	30.50'

SCALE: 1"=100'



INTERSTATE 10
CADT 910583



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.236.6471 Tel
619.234.0349 Fax

DAVID W. AMBLER, L.S. 7322 DATE

P:\3833\SURVEY BNDRY\3833.55-RPRP-BACK9-FINALDESIGN-NOV2015\3833.55-RPRP-NEWRIJAN2017-ACQUISITIONS\RPRP-551R-093\3833-RPRP-551R-093.2-UE.DWG

Attachment: RES 18-068 - UPRR r1 (5431 : RPRP - RON (UPRR) for Parcel Acquisition)

ATTACHMENT 4

Attachment: RES 18-068 - UPRR r1 (5431 : RPRP - RON (UPRR) for Parcel Acquisition)

EXHIBIT "A"
LEGAL DESCRIPTION
APN 0170-181-46

TEMPORARY CONSTRUCTION EASEMENT - RPRP 545R-091-TCE

That portion of Lot 31, Block 77 of the Map of the Survey of San Bernardino Rancho, in the City of Redlands, County of San Bernardino, State of California, as shown on a map recorded in Book 7, Page 2 of Maps, in the office of the County Recorder of said County, lying within the lands conveyed to the Southern Pacific Railroad Company, a Corporation, recorded October 9, 1891 in Book 139, Page 224 of Deeds more particularly described as follows:

Commencing at the intersection of the Southerly right-of-way line of the SBCTA (formerly SANBAG) Railway as shown on Record of Survey Map 148/73-92 Recorded March 7, 2012 with the Easterly right-of-way line of Church Street being 40.00 feet in width Easterly from the centerline thereof; thence along said Southerly right-of-way line, South 89°21'57" East 224.62 feet to the **True Point of Beginning**; thence continuing along said Southerly right-of-way line South 89°21'57" East 150.97 feet; thence leaving said Southerly right-of-way line South 29°14'08" West 53.33 feet; thence North 89°37'04" West 20.16 feet; thence South 88°35'15" West 25.35 feet; thence South 83°11'20" West 178.20 feet; thence North 61°05'48" East 26.20 feet to the beginning of a tangent curve concave Northwesterly having a radius of 250.00 feet; thence Northeasterly along the arc of said curve through a central angle of 11°45'43" a distance of 51.32 feet; thence North 49°20'05" East 42.87 feet to the **True Point of Beginning**.

Said parcel contains 9,460 square feet, more or less.

Distances shown hereon are grid distances in U.S. Survey feet. To obtain ground level distances, multiply distance by 1/0.99993920. All bearings shown hereon are grid based upon the California Coordinate System, Zone 5, CCS83, (Epoch NSRS-2007). Bearings from reference deeds/maps may or may not be in terms of said system.

David W. Ambler 7-25-17
 DAVID W. AMBLER
 L.S. 7322



LEGEND


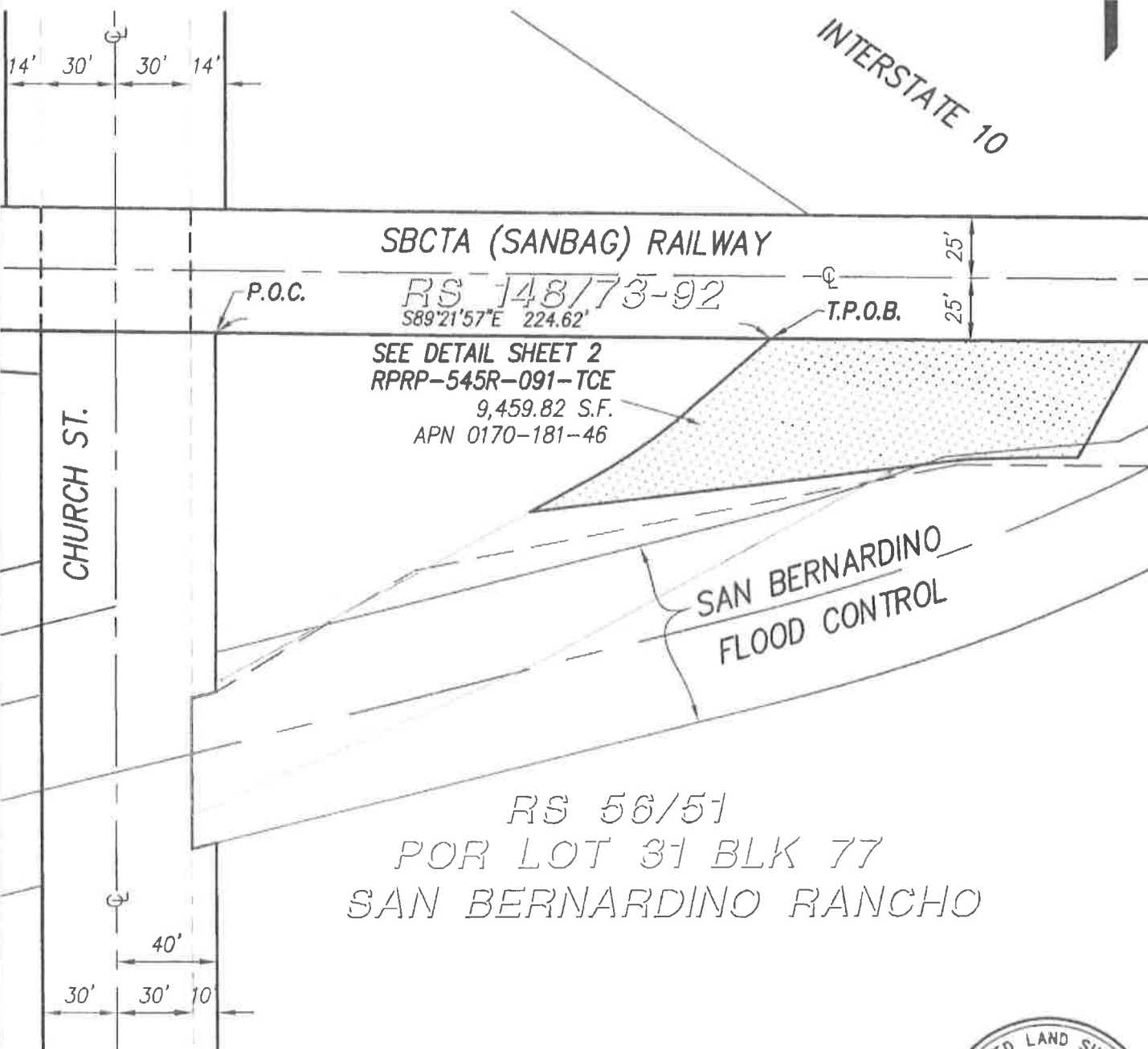
- P.O.C. INDICATES POINT OF COMMENCEMENT
- T.P.O.B. INDICATES TRUE POINT OF BEGINNING
-  INDICATES TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT B

RPRP-545R-091
APN 0170-181-46
CITY OF REDLANDS, CA

SHEET 1 OF 2

SCALE: 1"=60'



David W. Ambler 7-25-17
DAVID W. AMBLER, L.S. 7322 DATE



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.236.6471 Tel
619.233.0348 Fax

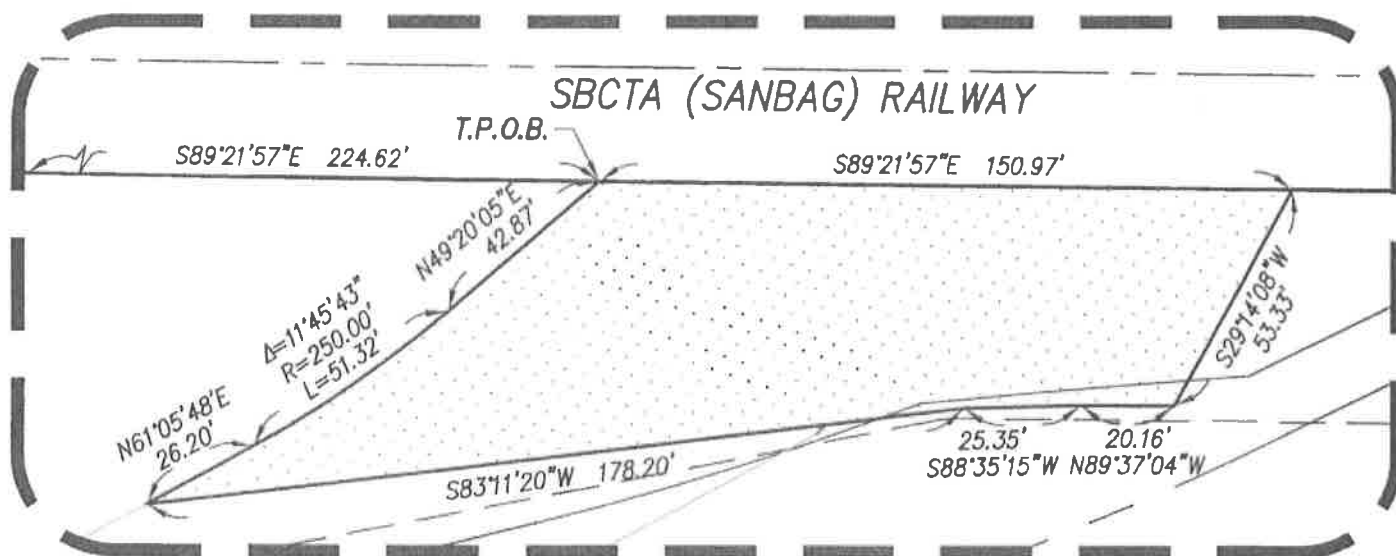
EXHIBIT B

RPRP-545R-091

APN 0170-181-46

CITY OF REDLANDS, CA

SCALE: 1"=40'



Attachment: RES 18-068 - UPRR r1 (5431 : RPRP - RON (UPRR) for Parcel Acquisition)



PROJECT DESIGN CONSULTANTS
 Planning | Landscape Architecture | Engineering | Survey

David W. Ambler 7-25-17
DAVID W. AMBLER, L.S. 7322 DATE

701 B Street, Suite 800
 San Diego, CA 92101
 619.236.8471 Tel
 619.234.0349 Fax



Minute Action

AGENDA ITEM: 6

Date: February 6, 2019

Subject:

Hearings to Consider Resolutions of Necessity for Property Interests for the Interstate 10 (“I-10”) Corridor Contract 1 Project (the “Project”) in the Cities of Montclair, Upland and Ontario

Recommendation:

That the Board, acting as the San Bernardino County Transportation Authority:

- A. Conduct public hearings to consider condemnation of interests in real property required for the Project in the Cities of Montclair, Upland and Ontario.
- B. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 19-062 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property for the Project from: CT Retail Properties Finance II, LLC, (Assessor’s Parcel Number [APN] 1008-242-07) (hereinafter “CT Retail Property”). 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. 19-046 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property for the Project from: Monte Vista County Water District, (APN 1009-142-01) (hereinafter “MVCWD Property”). 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. 19-047 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property for the Project from: Richmond American Homes of Maryland, Inc., a Maryland corporation, successor by merger to Richmond American Homes of California, Inc., a Colorado corporation and the City of Montclair (APN 1009-153-58) (hereinafter “Richmond American Property (-58)”). 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. 19-048 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property for the Project from: Richmond American Homes of Maryland, Inc., a Maryland corporation, successor by merger to Richmond American Homes of California, Inc., a Colorado corporation (APN 1009-153-60) (hereinafter “Richmond American Property (-60)”). 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. 19-053 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring an interest in real property for the Project from: Norberto Sotelo and Lisa Sotelo, Husband and Wife as joint tenants (APN 1047-272-04) (hereinafter “Sotelo Property”). The Resolution must be approved by at least a two-thirds majority.

Entity: San Bernardino County Transportation Authority

Background:

On June 12, 2017, the San Bernardino County Transportation Authority (SBCTA) Board of Directors approved Cooperative Agreement No. 17-1001736 with the California Department of Transportation (Caltrans) for the Right-of-Way (ROW) and Design Build (DB) phase activities for the Project, defining roles, responsibilities, and funding associated with the DB and ROW phases, and specifying SBCTA as the lead agency for Project administration and funding. The Board also authorized staff to proceed with voluntary acquisition of property necessary for the Project from identified property owners, including relocation assistance, demolition of existing structures, property management, disposal of excess property, environmental testing and remediation; and authorized the Director of Project Delivery, or her designees, to implement the Project ROW Acquisition Incentive Payment Program to expedite acquisition of necessary property interests, consistent with the Federal Highway Administration, Caltrans guidelines and applicable SBCTA policies and procedures. The Board also authorized the Director of Project Delivery, or her designees, to add or delete parcels to the list of properties as the Director determines from time to time are necessary for the Project, provided they are environmentally cleared.

The Project is being implemented through a DB contract, which requires that necessary ROW is available to the DB contractor at prescribed milestones during the DB contract term. Meeting the milestone dates for delivery of ROW packages is crucial in avoiding costly delays. Throughout the environmental and preliminary engineering process, SBCTA and Caltrans have made extensive efforts to simultaneously plan the Project and to minimize the impacts to property owners and adjacent communities. These efforts include maintaining access to properties during construction, use of retaining walls to minimize ROW needs, installation of soundwalls to mitigate noise impacts, and undergrounding utilities. While most of the proposed improvements are anticipated to be constructed within existing Caltrans ROW, some ROW from a mix of both public and private land will be required to accommodate portions of the widening and construction work.

Resolutions of Necessity for the I-10 Corridor Contract 1 Project

In an effort to keep the Project schedule intact and comply with contractual obligations to the DB contractor, it is necessary to comply with the statutorily-prescribed process for eminent domain and conduct Hearings for a Resolution of Necessity for each property while negotiations continue. Therefore, the purpose of this agenda item is to present information regarding the public interest and necessity for the Project and the property interests that are needed. Although the adoption of Resolutions of Necessity is recommended for the subject properties in order to maintain the Project schedule and avoid delay costs, SBCTA's acquisition agents will continue to negotiate with the property owners in an effort to acquire the property interests through a voluntary purchase and avoid litigation in the eminent domain process.

The owners of the five (5) properties are:

- CT Retail Properties Finance II, LLC, a Delaware limited liability company;
- Monte Vista County Water District (MVCWD);

- Richmond American Homes of Maryland, Inc., a Maryland corporation, successor by merger to Richmond American Homes of California, Inc., a Colorado corporation and the City of Montclair;
- Richmond American Homes of Maryland, Inc., a Maryland corporation, successor by merger to Richmond American Homes of California, Inc., a Colorado corporation; and
- Norberto Sotelo and Lisa Sotelo, husband and wife as joint tenants.

Support for the Resolutions of Necessity

SBCTA is authorized to acquire property by eminent domain pursuant to the California Public Utilities Code Sections 130220.5 and 130809(b)(4). Eminent domain will allow SBCTA to obtain legal rights to the property interests needed for the Project if a negotiated sale cannot be reached. A Resolution of Necessity is the first step in the eminent domain process. 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 Summer 2019 and to avoid costly ROW delays.

In order to adopt the Resolutions of Necessity, SBCTA must make the four findings discussed below for each of the property interests. 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 I-10 Corridor Contract 1 Project is located in the Cities of Montclair, Upland and Ontario. The purpose of the Project is to improve traffic operations on the I-10 Corridor in San Bernardino County to:

- Reduce congestion;
- Increase throughput;
- Enhance trip reliability; and
- Accommodate long-term congestion management of the corridor.

If no improvements are made to the freeway, the existing and future traffic congestion will likely become worse with a potential of increased traffic delays and related accidents.

The Project limits which include transition areas extend from approximately 0.4 miles west of White Avenue in the City of Pomona, in Los Angeles County to Interstate 15 (I-15), in San Bernardino County. The Project will add one Express Lane in each direction from the Los Angeles/San Bernardino County line to Haven Avenue to operate jointly with existing High Occupancy Vehicle (HOV) lanes; and add two Express Lanes in each direction from Haven Avenue to I-15. Additional work will be done to implement safety lighting and pavement rehabilitation improvements to further enhance safety and improved traffic operations along the I-10 corridor.

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, the proposed design was considered to minimize the properties required for the Project, reducing the need from 263 properties to 196, and eliminating seven potential full acquisitions. However, the Project still requires partial acquisitions, utility easements, footing easements, temporary construction easements, and roadway easements. SBCTA's acquisition agents have had numerous communications with each of the property owners and design staff about Project impacts in order to design the Project in a manner that causes the least private injury while accomplishing the greatest public good. Some examples include constructing retaining walls to minimize the additional area needed for the widening of the freeway, installation of soundwalls to mitigate noise impacts, and maintaining access to properties during construction of the Project.

3. The property interests sought to be acquired are necessary for the Project.

While portions of the Project are being constructed within existing right-of-way, acquisition of the following property interests are needed from the properties listed below:

- CT Retail Property: A partial Fee Acquisition and a Temporary Construction Easement are needed from the CT Retail Property to accommodate the mainline widening, off-ramp improvements, and an Americans with Disabilities Act (ADA) compliant pedestrian pathway.
- MVCWD: Two partial Fee Acquisitions and a Temporary Construction Easement are needed from the MVCWD Property to accommodate and construct widening improvements.
- Richmond American Property (-58): A partial Fee Acquisition and a Temporary Construction Easement are needed from the Richmond American Property (-58) to accommodate and construct widening improvements to provide an exclusive off-ramp right turn lane.
- Richmond American Property (-60): A Temporary Construction Easement is needed from the Richmond American Property (-60) to accommodate and construct an exclusive off-ramp right turn lane.
- Sotelo: A Temporary Construction Easement is needed from the Sotelo Property to accommodate construction and improvements to replace the San Antonio Avenue bridge.

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

The acquisitions required from the properties listed below 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.

Board of Directors Agenda Item

February 6, 2019

Page 5

- The offer for the CT Retail Property was presented on 11/12/18.
- The offer for the MVCWD Property was presented on 10/11/18.
- The offer for the Richmond American Property (-50) was presented on 10/22/18.
- The offer for the Richmond American Property (-60) was presented on 10/22/18.
- The offer for the Sotelo Property was presented on 10/16/18.

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

Financial Impact:

This item is consistent with the Fiscal Year 2018/2019 Budget under Task No. 0820 Freeway Projects, Sub-Task No. 0823 I-10 Corridor Contract I.

Reviewed By:

The Resolution in Recommendation B was reviewed and recommended (12-0-0) to proceed to Hearings of Resolutions of Necessity by the Board of Directors without a quorum of the Board present at the Board of Directors Metro Valley Study Session on January 10, 2019. Resolutions in Recommendations C through F were reviewed and recommended (11-0-1; Abstained: Wapner) to proceed to Hearings of Resolutions of Necessity by the Board of Directors without a quorum of the Board present at the Board of Directors Metro Valley Study Session on December 13, 2018. SBCTA General Counsel has reviewed this item and the draft resolutions.

Responsible Staff:

Paula Beauchamp, Director of Project Delivery and Toll Operations

Approved
Board of Directors
Date: February 6, 2019

Witnessed By:

Attachment A

PowerPoint Presentation

I-10 CORRIDOR CONTRACT 1 PROJECT

RESOLUTION OF NECESSITY FOR PROJECT RIGHT-OF-WAY

Presenter: Brenda Schimpf
SBCTA Right-of-Way Advisor



cta

San Bernardino County
Transportation Authority

Board of Directors Meeting

February 6, 2019

SBCTA IS REQUESTED TO MAKE THE FOLLOWING FINDINGS:

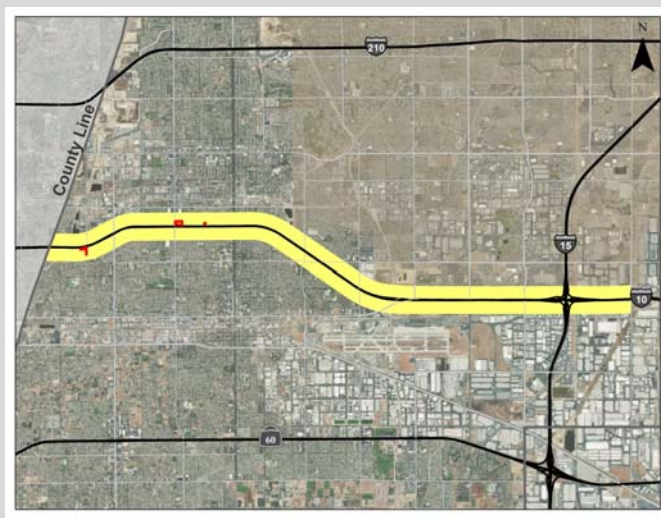
1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



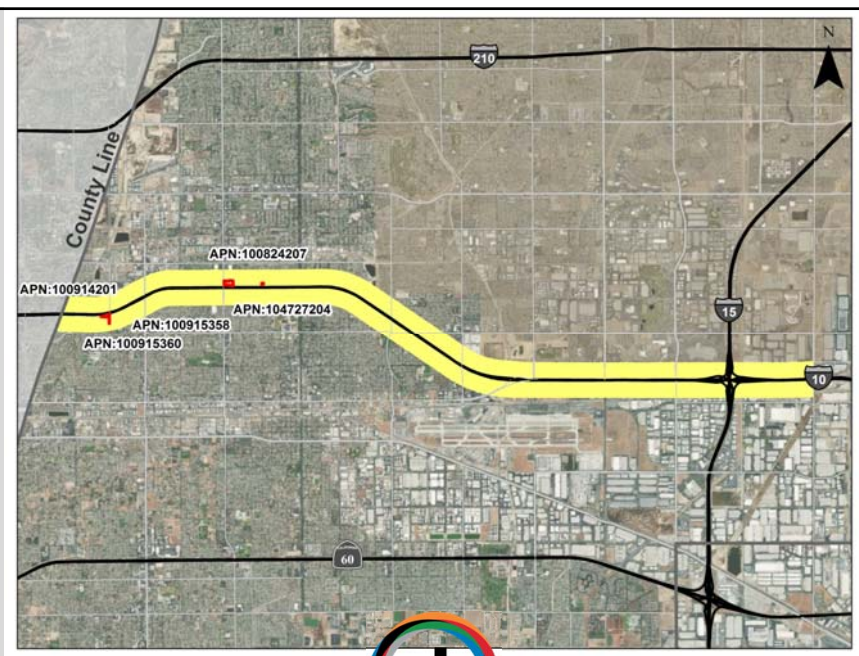
SBCTA Request

Attachment: RON Presentation (5421 : RONs I-10 Contract 1)

- Highway widening to provide two Express Lanes in each direction of I-10 from the LA/SBd County Line to I-10/I-15 interchange, including lane transitions
- Reconstruct 8 bridges and widen 12 bridges
- Reconstruct and/or modify interchange ramps, arterials, and retaining wall structures
- Sound walls as required by the Environmental Document




I-10 Contract Improvements



Parcel Locations

Attachment: RON Presentation (5421 : RONs I-10 Contract 1)



FOR INFORMATION ONLY  DO NOT RECORD



APN 1009-142-01



Richmond American Homes of Maryland



APN 1009-153-58
Total Square Footage: 673

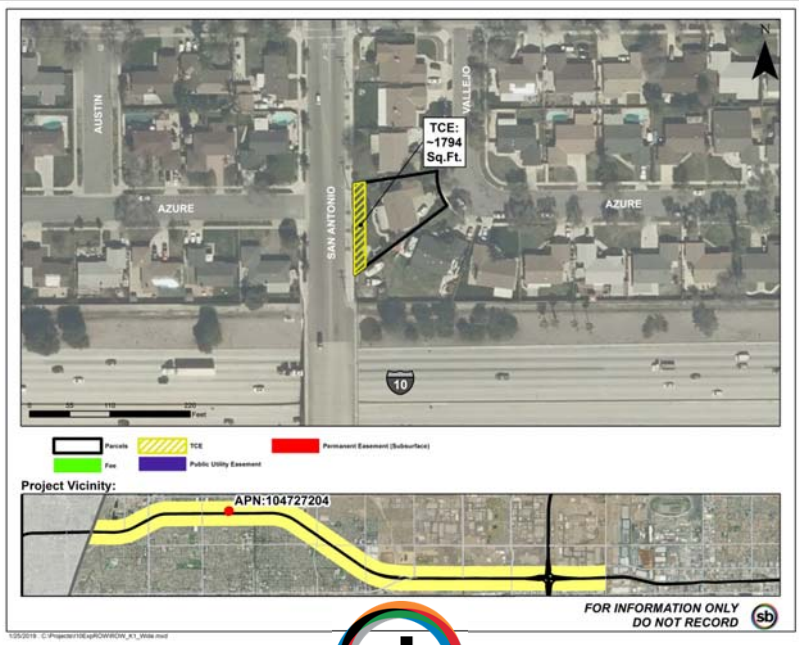


Richmond American Homes of Maryland



APN 1009-153-60
Total Square Footage: 26

Attachment: RON Presentation (5421 : RONs I-10 Contract 1)



Norberto and Lisa Sotelo



APN 1047-272-04
Total Square Footage: 1,794

No.	Ownership	Date of First Contact	In Person Meetings	Mailings	Phone Contacts	E-Mails	Total
B.	CT Retail Property – APN 1008-242-07	4/10/2018	1	4	7	8	20
C.	MVCWD – APN 1009-142-01	10/9/2018	3	2	12	11	28
D.	Richmond American – APN 1009-153-58	10/22/2018	1	2	16	15	34
E.	Richmond American – APN 1009-153-60	10/22/2018	0	2	8	12	22
F.	Sotelo – APN 1047-272-04	10/16/2018	0	1	9	6	16
Communications as of January 25, 2019							



Communication Summary

Attachment: RON Presentation (5421 : RONs I-10 Contract 1)

Item	Ownership	Offer Date
B.	CT Retail Property – APN 1008-242-07	11/12/2018
C.	MVCWD – APN 1009-142-01	10/11/2008
D.	Richmond American – APN 1009-153-58	10/22/2018
E.	Richmond American – APN 1009-153-60	10/22/2018
F.	Sotelo – APN 1047-272-04	10/16/2018



Offers of Just Compensation

SBCTA ADOPT A RESOLUTION OF NECESSITY
BASED ON THE FOLLOWING FINDINGS:

1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



Staff Recommendation

Attachment: RON Presentation (5421 : RONs I-10 Contract 1)

THANK YOU



RESOLUTION OF NECESSITY No. 19-062
CT RETAIL PROPERTIES FINANCE II, LLC
PROPERTY
(APN 1008-242-07)

Attachment: CT Retail - final RON (5421 : RONs I-10 Contract 1)

RESOLUTION NO. 19-062

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 1008-242-07.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking the Interstate 10 ("I-10") Corridor Contract 1 Project (the "Project"); and

WHEREAS, the Project is intended to reduce traffic congestion, enhance trip reliability, and accommodate long-term congestion management of the corridor by widening the mainline, making auxiliary lane and structure improvements and modifying interchange ramps and local arterials necessary to accommodate the installation of two Express Lanes for 10 miles in each direction from the Los Angeles/San Bernardino County Line to the I-10/15 Interchange; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, California Public Utilities Code section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, portions of the real property located at 420 South Mountain Avenue, in the City of Upland, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project include a partial fee interest as legally described in and depicted in Exhibit "1" hereto and a temporary construction easement as legally described and depicted in Exhibit "2" hereto (collectively, the "Property Interests"); and

WHEREAS, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

WHEREAS, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

WHEREAS, SBCTA provided written notice to the City of Upland as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for February 6, 2019 at 10:00 a.m. at Santa Fe Depot-SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to reduce traffic congestion, enhance trip reliability, and accommodate long-term congestion management of the corridor by widening the mainline, making auxiliary lane and structure improvements, and modifying interchange ramps and local arterials necessary to accommodate the installation of two Express Lanes for 10 miles in each direction from the Los Angeles/San Bernardino County Line to the I-10/15 Interchange.

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" and "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project;
and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on February 6, 2019 by the following votes:

AYES:

NOES:

ABSENT:

Darcy McNaboe, Board President
San Bernardino County Transportation Authority

Vicki Watson, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT "1"

Attachment: CT Retail - final RON (5421 : RONs I-10 Contract 1)

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL NO. 1008-242-07-1

FEE PARCEL

THAT PORTION OF THE REAL PROPERTY, BEING PARCEL 1 OF PARCEL MAP 12250, IN THE CITY OF UPLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER THE MAP RECORDED IN BOOK 156, PAGES 28 AND 29 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 1, THENCE, ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 NORTH 83°27'20" WEST 665.73 FEET, TO THE **POINT OF BEGINNING**;

THENCE, CONTINUING ALONG SAID SOUTHERLY LINE NORTH 83°27'20" WEST 4.25 FEET;

THENCE, ALONG THE WESTERLY LINE OF SAID PARCEL 1 NORTH 14°47'30" WEST 32.83 FEET TO THE EAST LINE OF MOUNTAIN AVENUE;

THENCE CONTINUING ALONG SAID EAST LINE NORTH 00°23'26" WEST 8.63 FEET;

THENCE, DEPARTING SAID EAST LINE NORTH 89°22'11" EAST 3.99 FEET;

THENCE, SOUTH 06°38'30" EAST 23.66 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 43.50 FEET, THENCE, SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE 24°24'07" AN ARC LENGTH OF 18.53 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS 142 SQUARE FEET, MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A FREEWAY AND THE GRANTOR HEREBY RELEASES AND RELIQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS INCLUDING ACCESS RIGHTS, APPURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO THE FREEWAY OVER AND ACROSS THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE ABOVE DESCRIBED **POINT OF BEGINNING**, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 43.50 FEET, TO WHICH BEGINNING OF CURVE A RADIAL BEARS SOUTH 58°57'23" WEST; THENCE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE 24°24'07", AN ARC LENGTH OF 18.53 FEET;

THENCE, NORTH 06°38'30" WEST 23.66 FEET;

THENCE, SOUTH 89°22'11" WEST 3.99 FEET TO A POINT ON SAID EAST LINE OF MOUNTAIN AVENUE;

THENCE, ALONG SAID EAST LINE NORTH 00°23'26" WEST 75.79 FEET TO THE **TERMINUS** OF THE LINE HEREIN DESCRIBED.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE RECORD OF SURVEY NO. 17-0031, FILED JULY 6, 2017 IN BOOK 160 OF RECORD OF SURVEYS AT PAGES 63-75 IN THE OFFICE OF THE COUNTY RECORDER, SAN BERNARDINO COUNTY, CALIFORNIA, BEING CCS83, ZONE V (EPOCH 2007). THE COORDINATES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM (CCS 83), NAD' 83 ZONE V. ALL DISTANCES SHOWN ARE GRID UNLESS OTHERWISE NOTED. TO OBTAIN GROUND DISTANCES, MULTIPLY THE GRID DISTANCE SHOWN BY A COMBINED SCALE FACTOR OF 1.00005136.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND BY THIS REFERENCE MADE PART HEREOF.

PREPARED UNDER MY SUPERVISION:



 LINWOOD CARLETON, JR., P.L.S.
 P.L.S. 6594, EXP. 12-31-19

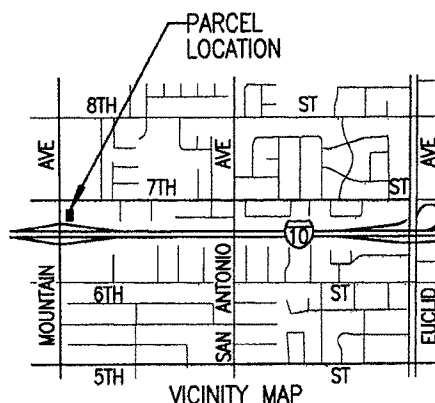
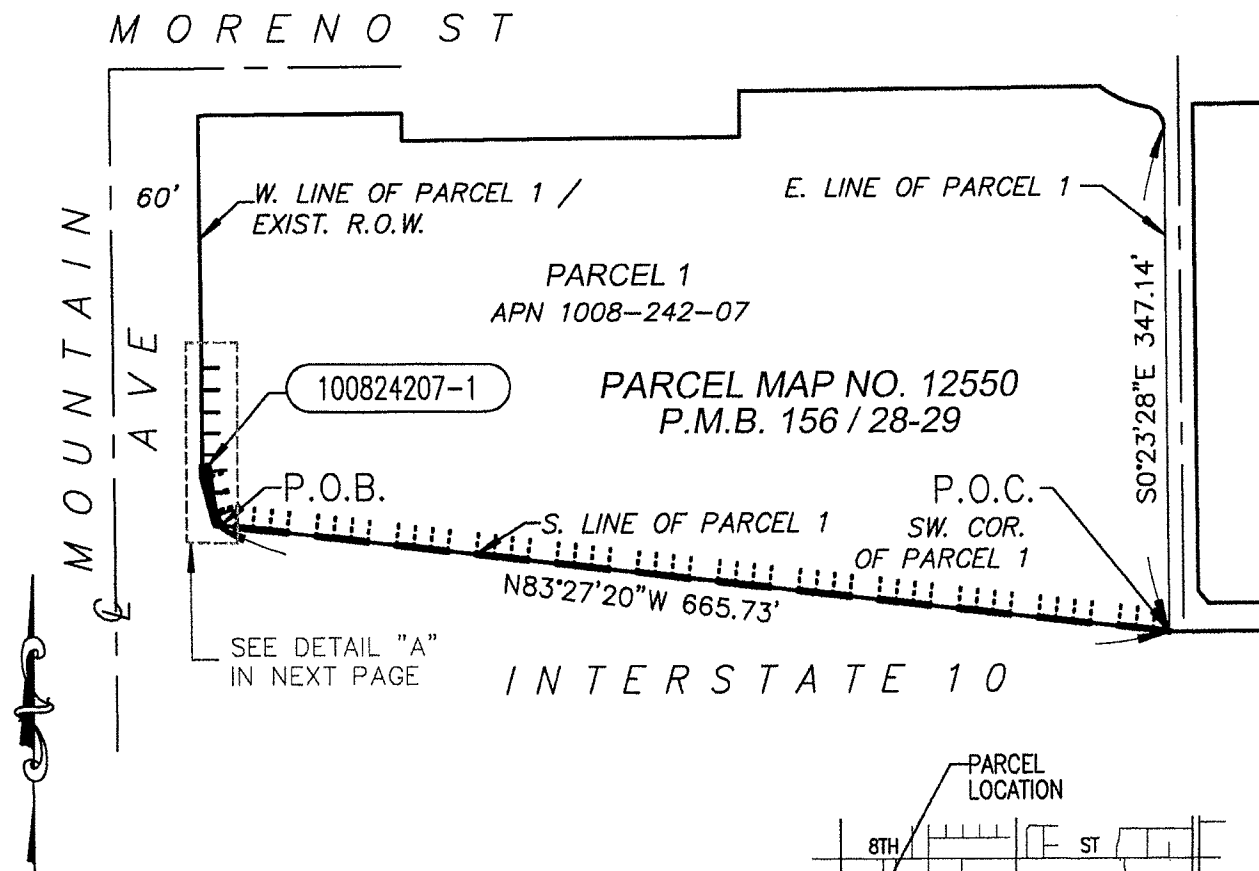
8/1/18

 DATE

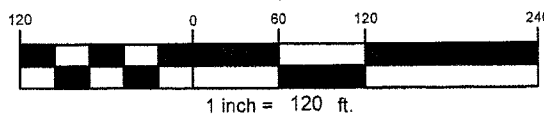


EXHIBIT B

PARCEL #	TITLE	AREA	APN
100824207-1	FEE	142 SF	1008-242-07



VICINITY MAP
100824207-1
FEE ACQUISITION



LEGEND

	LIMITS OF DESCRIPTION
	CALTRANS PARCEL NUMBER
	EXISTING RIGHT OF WAY
	EXISTING PROPERTY LINES
	EXISTING ACCESS DENIAL
	PROPOSED ACCESS DENIAL
	PROPOSED RIGHT OF WAY

NOTES

THE BASIS OF BEARINGS FOR THIS EXHIBIT IS CCS83, ZONE 5 (2007.00)

DISTANCES SHOWN HEREIN ARE GRID DISTANCES. GROUND DISTANCES MAYBE OBTAINED BY DIVIDING GRID DISTANCES BY THE COMBINATION FACTOR OF 0.999948643.

DATE: 07-26-18

REV.: N/A

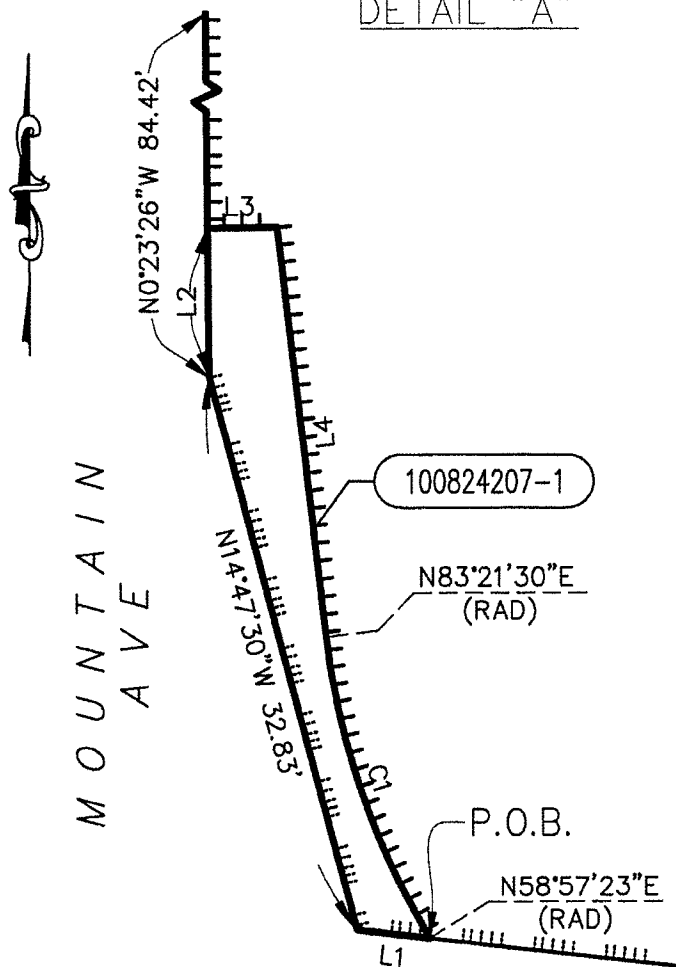
PM: 2.409

DISTRICT	COUNTY	ROUTE	PREPARED BY	SHEET NO.	TOTAL SHEETS
8	SB	10	SMG	1	2

EXHIBIT B

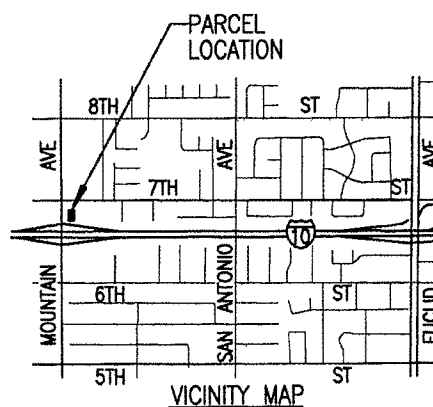
PARCEL #	TITLE	AREA	APN
100824207-1	FEE	142 SF	1008-242-07

DETAIL "A"

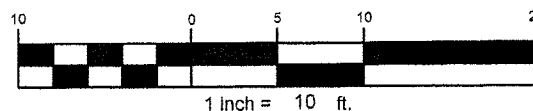


LINE DATA TABLE		
NO.	BEARING	DISTANCE
L1	N83°27'20"W	4.25'
L2	N00°23'26"W	8.63'
L3	N89°22'11"E	3.99'
L4	S06°38'30"E	23.66'

CURVE DATA TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	43.50'	24°24'07"	18.53'



VICINITY MAP
100824207-1
FEE ACQUISITION



LEGEND

	LIMITS OF DESCRIPTION
	CALTRANS PARCEL NUMBER
	EXISTING RIGHT OF WAY
	EXISTING PROPERTY LINES
	EXISTING ACCESS DENIAL
	PROPOSED ACCESS DENIAL
	PROPOSED RIGHT OF WAY

NOTES

THE BASIS OF BEARINGS FOR THIS EXHIBIT IS CCS83, ZONE 5 (2007.00)

DISTANCES SHOWN HEREIN ARE GRID DISTANCES. GROUND DISTANCES MAYBE OBTAINED BY DIVIDING GRID DISTANCES BY THE COMBINATION FACTOR OF 0.999948643.

DATE: 07-26-18

REV.: N/A

PM: 2.409

DISTRICT	COUNTY	ROUTE	PREPARED BY	SHEET NO.	TOTAL SHEETS
8	SB	10	SMG	2	2

EXHIBIT "2"

Attachment: CT Retail - final RON (5421 : RONs I-10 Contract 1)

TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION

Parcel No.: 1008-242-07

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "SBCTA") in connection with the construction of the I-10 Corridor Contract 1 Project. The TCE shall be for a period of sixty (60) months, a portion of which shall be exclusive (subject to the rights and limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of six (6) consecutive months within the sixty (60) month TCE period (the "Construction Period"). During the Construction Period, SBCTA's use and occupancy of the TCE will be exclusive, subject to the rights and limitations set forth below. SBCTA's use and occupancy of the TCE during the remaining fifty-four (54) months of the TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of TCE:

- SBCTA shall provide the owners and occupants of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, SBCTA may place a temporary fence around the TCE area, provided however, no fence will be placed around or across any driveway within the TCE area.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the Construction Period, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be restored to grade by SBCTA.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL NO. 1008-242-07-2

TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION OF THE REAL PROPERTY, BEING PARCEL 1 OF PARCEL MAP 12250, IN THE CITY OF UPLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER THE MAP RECORDED IN BOOK 156, PAGES 28 AND 29 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 1, THENCE, ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 NORTH 83°27'20" WEST 631.96 FEET, TO THE **POINT OF BEGINNING**;

THENCE, CONTINUING ALONG SAID SOUTHERLY LINE NORTH 83°27'20" WEST 29.53 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 43.50 FEET, TO WHICH BEGINNING OF CURVE A RADIAL BEARS SOUTH 58°57'23" WEST; THENCE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE 24°24'07", AN ARC LENGTH OF 18.53 FEET;

THENCE, NORTH 06°38'30" WEST 23.66 FEET;

THENCE, SOUTH 89°22'11" WEST 3.99 FEET TO A POINT ON THE EAST LINE OF MOUNTAIN AVENUE;

THENCE, ALONG SAID EAST LINE NORTH 00°23'26" WEST 8.63 FEET;

THENCE, DEPARTING SAID EAST LINE NORTH 83°21'30" EAST 14.78 FEET;

THENCE, SOUTH 06°38'30" EAST 21.17 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 28.50 FEET, THENCE SOUTHERLY AND EASTERLY THROUGH A CENTRAL ANGLE OF 77°10'07", AN ARC LENGTH OF 38.39 FEET;

THENCE, SOUTH 06°32'13" WEST 3.06 FEET TO THE **POINT OF BEGINNING**.


THE ABOVE DESCRIBED PARCEL CONTAINS 669 SQUARE FEET MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE RECORD OF SURVEY NO. 17-0031, FILED JULY 6, 2017 IN BOOK 160 OF RECORD OF SURVEYS AT PAGES 63-75 IN THE OFFICE OF THE COUNTY RECORDER, SAN BERNARDINO COUNTY, CALIFORNIA, BEING CCS83, ZONE V (EPOCH 2007). THE COORDINATES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM (CCS 83), NAD' 83 ZONE V. ALL DISTANCES SHOWN ARE GRID UNLESS OTHERWISE NOTED. TO OBTAIN GROUND

DISTANCES, MULTIPLY THE GRID DISTANCE SHOWN BY A COMBINED SCALE FACTOR OF 1.00005136.

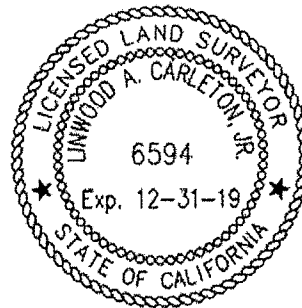
SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND BY THIS REFERENCE MADE PART HEREOF.

PREPARED UNDER MY SUPERVISION:



LINWOOD CARLETON, JR., P.L.S.
P.L.S. 6594, EXP. 12-31-19

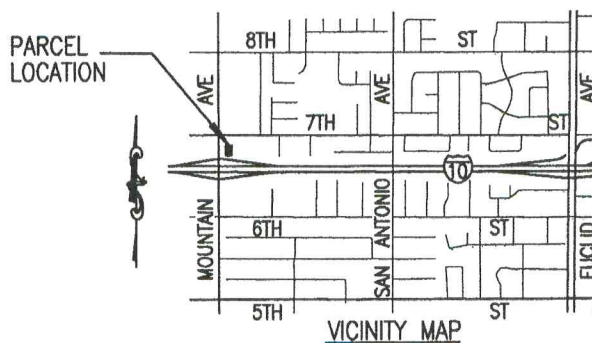
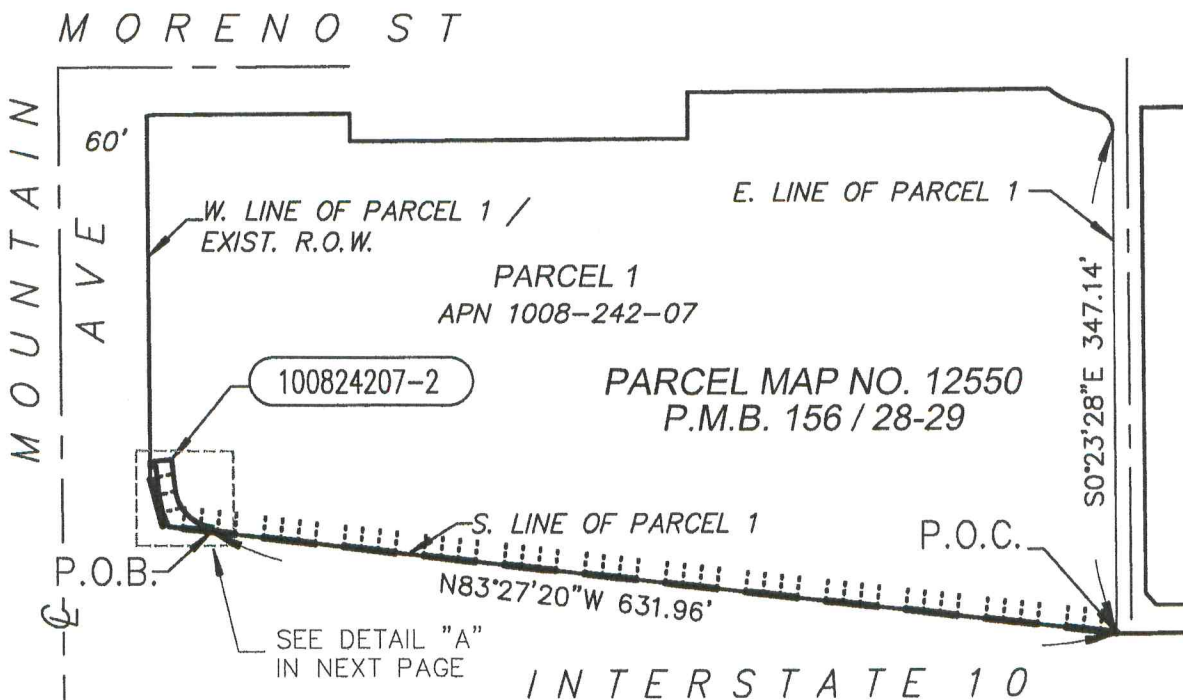
8/1/18
DATE



Attachment: CT Retail - final RON (5421 : RONs I-10 Contract 1)

EXHIBIT B

PARCEL #	TITLE	AREA	APN
100824207-2	TCE	669 SF	1008-242-07



LEGEND

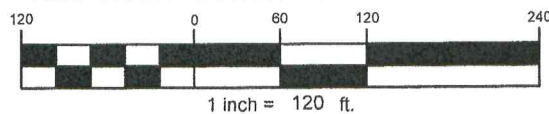
	LIMITS OF DESCRIPTION
	EXISTING RIGHT OF WAY
	EXISTING PROPERTY LINES
	EXISTING ACCESS DENIAL
	PROPOSED RIGHT OF WAY

NOTES

THE BASIS OF BEARINGS FOR THIS EXHIBIT IS CCS83, ZONE 5 (2007.00)

DISTANCES SHOWN HEREIN ARE GRID DISTANCES. GROUND DISTANCES MAYBE OBTAINED BY DIVIDING GRID DISTANCES BY THE COMBINATION FACTOR OF 0.999948643.

100824207-2
TEMPORARY CONSTRUCTION EASEMENT



DATE: 07-26-18

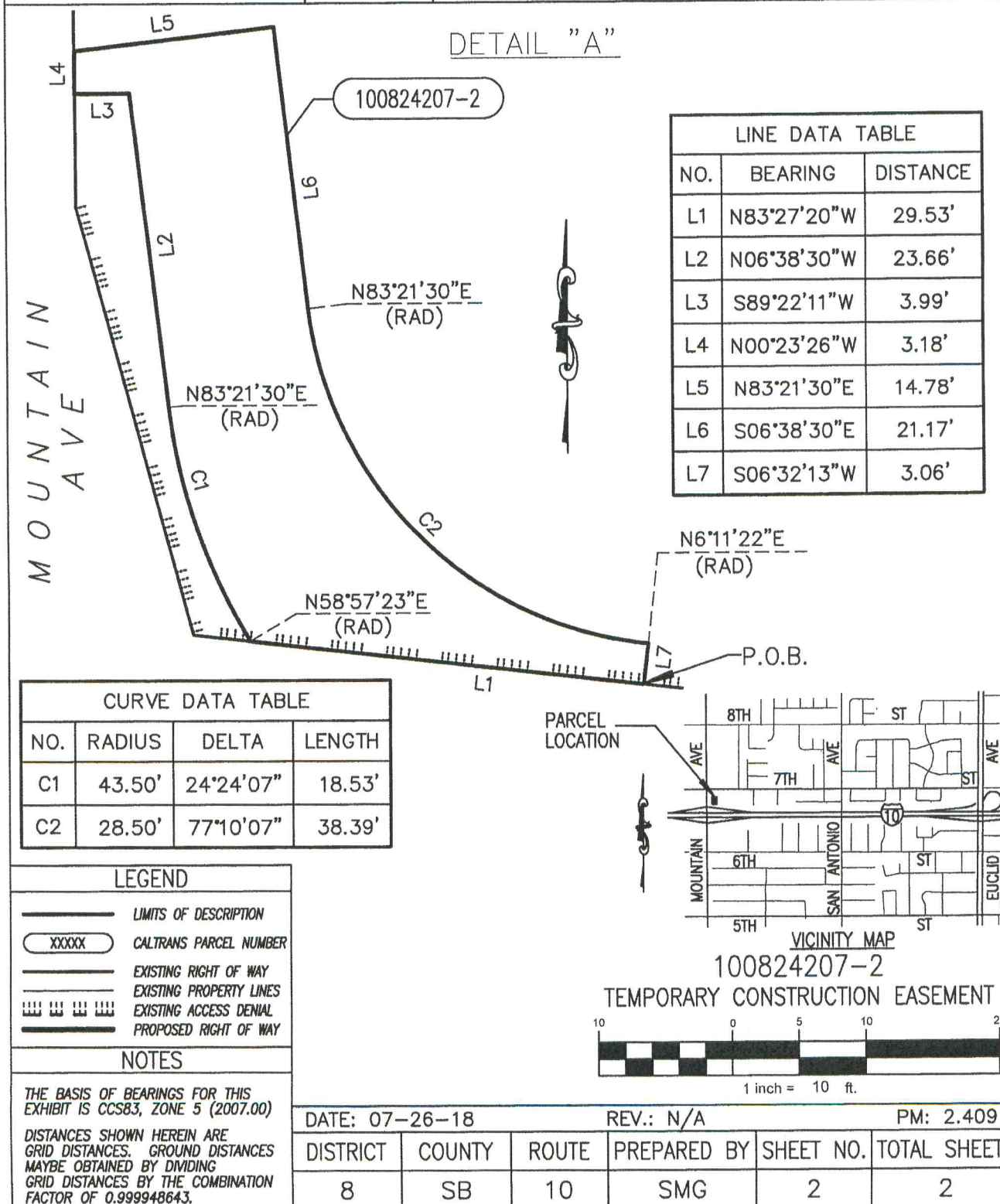
REV.: N/A

PM: 2.409

DISTRICT	COUNTY	ROUTE	PREPARED BY	SHEET NO.	TOTAL SHEETS
8	SB	10	SMG	1	2

EXHIBIT B

PARCEL #	TITLE	AREA	APN
100824207-2	TCE	669 SF	1008-242-07



RESOLUTION OF NECESSITY No. 19-046
MVCWD PROPERTY
(Monte Vista County Water District)
(APN 1009-142-01)

Attachment: MVCWD - final RON (5421 : RONs I-10 Contract 1)

RESOLUTION NO. 19-046

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 1009-142-01.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking the Interstate 10 ("I-10") Corridor Contract 1 Project (the "Project"); and

WHEREAS, the Project is intended to reduce traffic congestion, enhance trip reliability, and accommodate long-term congestion management of the corridor by widening the mainline, making auxiliary lane and structure improvements and modifying interchange ramps and local arterials necessary to accommodate the installation of two Express Lanes for 10 miles in each direction from the Los Angeles/San Bernardino County Line to the I-10/15 Interchange; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, California Public Utilities Code section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, portions of the real property located at the northwest corner of Monte Vista Avenue and Palo Verde Street, in the City of Montclair, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project include a partial fee interest as legally described in and depicted in Exhibit "1" hereto, a partial fee interest as legally described and depicted in Exhibit "2" and a temporary construction easement as legally described and depicted in Exhibit "3" hereto (collectively, the "Property Interests"); and

WHEREAS, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

WHEREAS, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

WHEREAS, SBCTA provided written notice to the City of Montclair as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for February 6, 2019 at 10:00 a.m. at Santa Fe Depot-SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to reduce traffic congestion, enhance trip reliability, and accommodate long-term congestion management of the corridor by widening the mainline, making auxiliary lane and structure improvements, and modifying interchange ramps and local arterials necessary to accommodate the installation of two Express Lanes for 10 miles in each direction from the Los Angeles/San Bernardino County Line to the I-10/15 Interchange.

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits “1” through “3” attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project;
and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on February 6, 2019 by the following votes:

AYES:

NOES:

ABSENT:

Darcy McNaboe, Board President
San Bernardino County Transportation Authority

Vicki Watson, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

EXHIBIT 'A'
LEGAL DESCRIPTION

Parcel No. 100914201-1

Fee

APN 1009-142-01

That portion of Parcel D-4590, in the City of Montclair, in the County of San Bernardino, State of California, as per that certain Director's Deed recorded May 10, 1954 in Book 3379, Page 563 of Official Records in the office of the County Recorder of said County, described as follows:

Beginning at the intersection of the centerline of Monte Vista Avenue with the westerly centerline of Palo Verde Street as shown on Caltrans Right-of-Way Map No. 418595 filed May 7, 1971, in the office of the County Surveyor of said County; thence along said westerly centerline North 88°45'00" West 370.45 feet; thence leaving said westerly centerline North 01°15'00" East 30.00 feet to the northerly right-of-way line of said Palo Verde Street, being the southeasterly corner of Parcel 2 of that certain Grant Deed recorded November 19, 1968 in Book 7132, Page 525 of Official Records in the office of said County Recorder, also being the **True Point of Beginning**; thence along said northerly right-of-way line South 88°45'00" East 23.12 feet; thence leaving said northerly right-of-way line North 00°05'15" West 7.60 feet to a line that is parallel with and 7.60 feet northerly of said northerly right-of-way line; thence along said parallel line North 88°45'00" West 22.94 feet to the easterly line of said Parcel 2; thence along said easterly line South 01°15'00" West 7.60 feet to the true point of beginning.

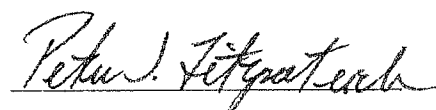
Containing 175 square feet.

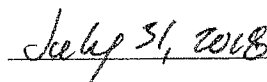
See Exhibit 'B' attached hereto and made a part hereof.

This conveyance is made for the purpose of a freeway and the GRANTOR hereby releases and relinquishes to the GRANTEE any and all abutter's rights including access rights, appurtenant to GRANTOR's remaining property, in and to the freeway and Palo Verde Street.

The distances described herein are grid distances and are based on California Coordinate System of 1983, Zone 5, 2007.00 epoch. Ground distances may be obtained by dividing grid distances by the combination factor of 0.999948643.

Prepared under the direction of


Peter J. Fitzpatrick, PLS 6777


Date

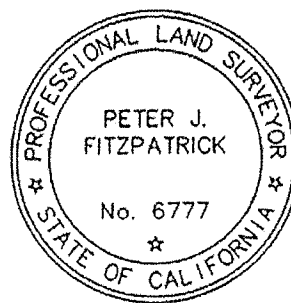


EXHIBIT B

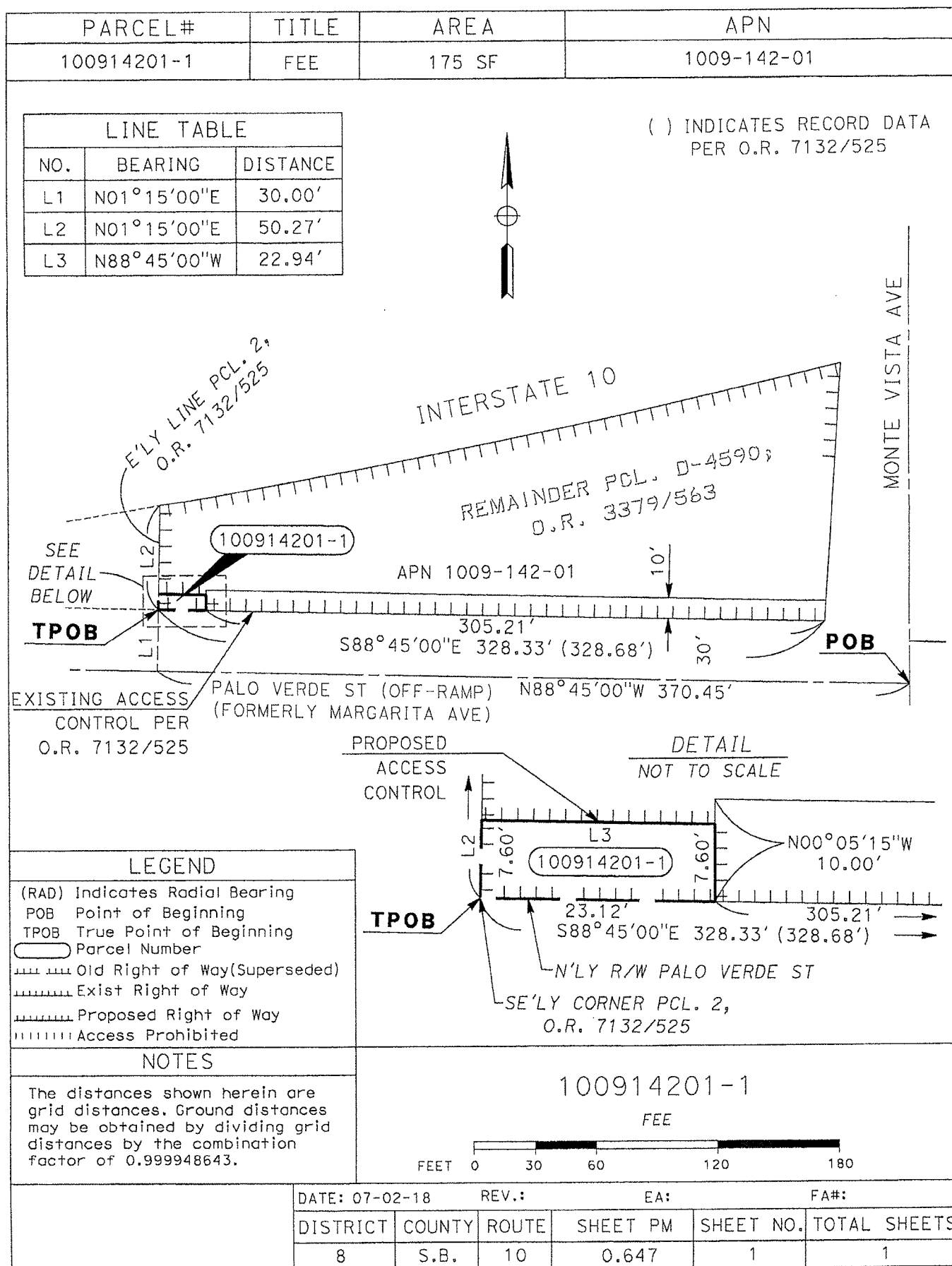


EXHIBIT “2”

EXHIBIT 'A'
LEGAL DESCRIPTION

Parcel No. 100914201-2

Fee

APN 1009-142-01

That portion of Parcel D-4590, in the City of Montclair, in the County of San Bernardino, State of California, as per that certain Director's Deed recorded May 10, 1954 in Book 3379, Page 563 of Official Records in the office of the County Recorder of said County, described as follows:

Beginning at the intersection of the centerline of Monte Vista Avenue with the westerly centerline of Palo Verde Street as shown on Caltrans Right-of-Way Map No. 418595 filed May 7, 1971, in the office of the County Surveyor of said County; thence along said westerly centerline North 88°45'00" West 41.70 feet; thence leaving said westerly centerline North 01°15'00" East 40.00 feet to the intersection of a line parallel with and 40.00 feet northerly of said westerly centerline with the westerly line of Parcel 1 of that certain Grant Deed recorded November 19, 1968 in Book 7132, Page 525 of Official Records in the office of said County Recorder, said intersection being the **True Point of Beginning**; thence along said parallel line North 88°45'00" West 1.91 feet; thence leaving said parallel line North 01°21'33" West 87.61 feet, said course is hereinafter referred to as Course "A"; thence North 46°21'33" West 2.83 feet to a line that is parallel with and 2.00 feet westerly of said Course "A"; thence along said parallel line North 01°21'33" West 23.15 feet to a non-tangent curve concave northerly having a radius of 5,112.00 feet, a radial line to said curve bear South 13°19'37" East, said curve being the northerly line of said Director's Deed; thence northeasterly 14.42 feet along said northerly line and said curve through a central angle of 00°09'42" to said westerly line; thence along said westerly line South 03°40'19" West 116.31 feet to the true point of beginning.

Containing 845 square feet.

See Exhibit 'B' attached hereto and made a part hereof.

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7/26/18

Page 1 of 2

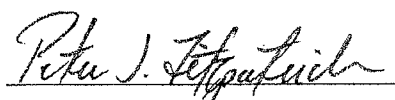
Attachment: MVCWD - final RON (5421 : RONs I-10 Contract 1)

This conveyance is made for the purpose of a freeway and the GRANTOR hereby releases and relinquishes to the GRANTEE any and all abutter's rights including access rights, appurtenant to GRANTOR's remaining property, in and to the freeway and Monte Vista Avenue, over and across the following described courses:

Beginning at the westerly terminus of the previously described course having a bearing and distance of "North 88°45'00" West 1.91 feet"; thence North 01°21'33" West 87.61 feet, said course is hereinafter referred to as Course "A"; thence North 46°21'33" West 2.83 feet to a line that is parallel with and 2.00 feet westerly of said Course "A"; thence along said parallel line North 01°21'33" West 23.15 feet to a non-tangent curve concave northerly having a radius of 5,112.00 feet, a radial line to said curve bear South 13°19'37" East, said curve being the northerly line of said Director's Deed.

The distances described herein are grid distances and are based on California Coordinate System of 1983, Zone 5, 2007.00 epoch. Ground distances may be obtained by dividing grid distances by the combination factor of 0.999948643.

Prepared under the direction of


Peter J. Fitzpatrick, PLS 6777

July 31, 2018
Date



EXHIBIT B

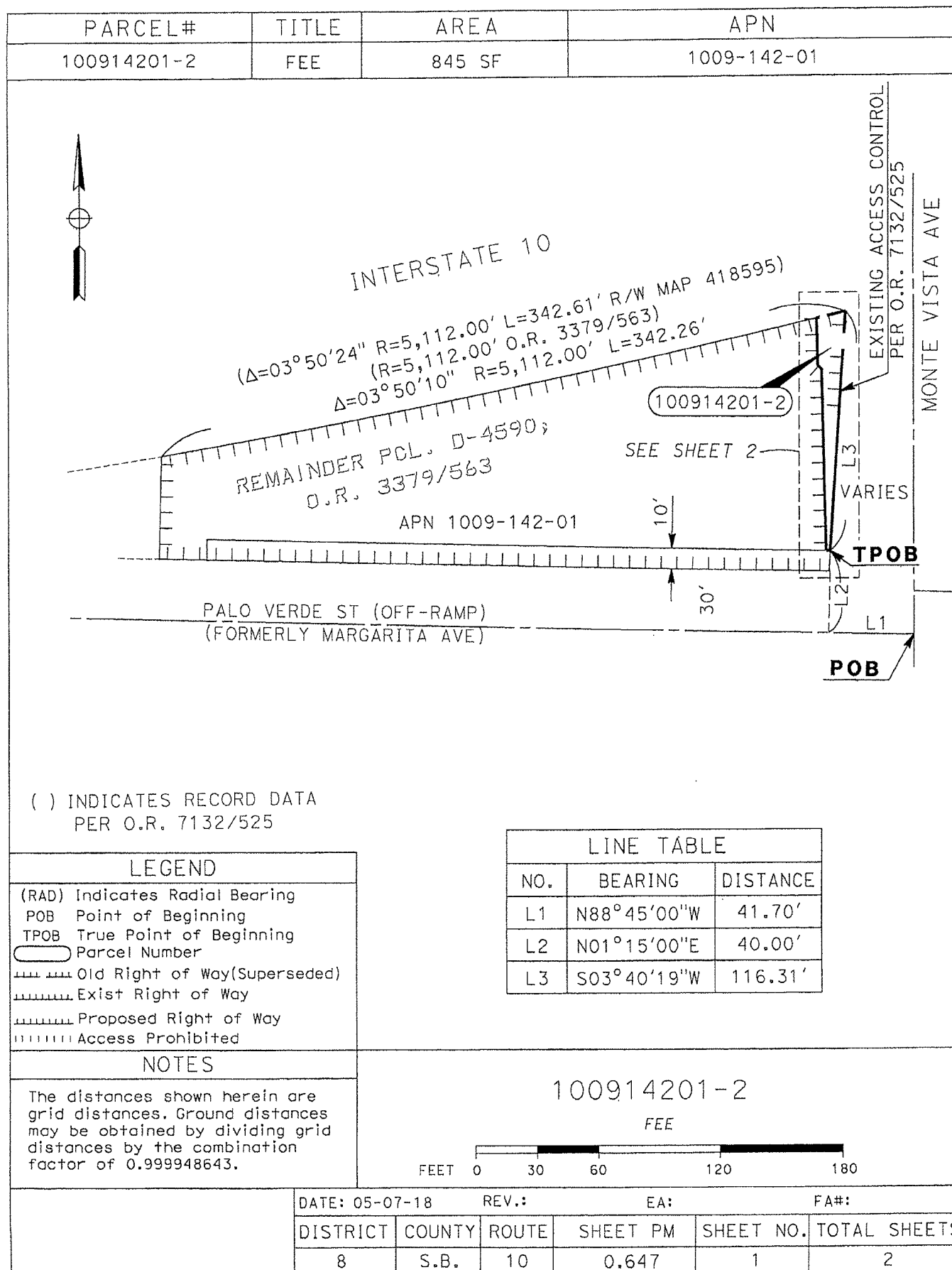


EXHIBIT B

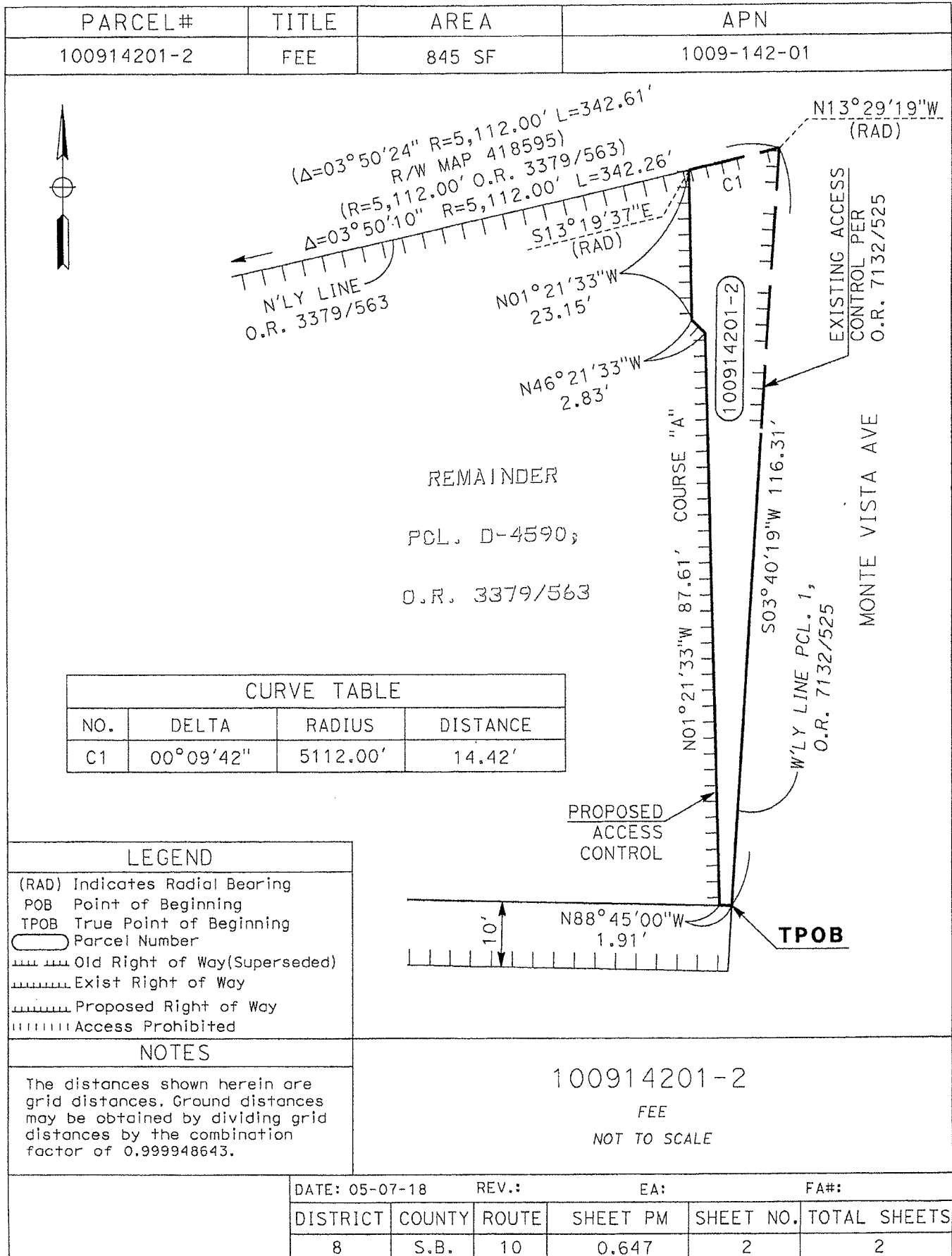


EXHIBIT “3”

TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION

Parcel No.: 1009-142-01

This temporary non-exclusive construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "SBCTA") in connection with the construction of the I-10 Corridor Contract 1 Project. The TCE shall be for a period of sixty (60) months. The actual physical construction activities within the TCE area shall be limited to a period of twelve (12) consecutive months within the sixty (60) month TCE period (the "Construction Period"), subject to the rights and limitations set forth below.

Rights and Limitations of Use and Occupancy of TCE:

- SBCTA shall provide the owner and occupant of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by SBCTA for this TCE.
- The following improvements within the TCE area will be protected in place:
 - water pipelines along the property's southern boundary adjacent to the eastbound I-10 off-ramp
 - metal access stairs along the property's southern boundary adjacent to the eastbound I-10 off-ramp
- Prior to the termination of the Construction Period, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary improvements and all construction-related debris. The TCE area will be restored to grade by SBCTA and functionally equivalent pavement material will be installed to restore it to a similar condition that existed prior to commencement of the construction activities.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

EXHIBIT 'A'
LEGAL DESCRIPTION

Parcel No. 100914201-3

Temporary Construction Easement

APN 1009-142-01

That portion of Parcel D-4590, in the City of Montclair, in the County of San Bernardino, State of California, as per that certain Director's Deed recorded May 10, 1954 in Book 3379, Page 563 of Official Records in the office of the County Recorder of said County, described as follows:

Beginning at a point in the easterly line of Parcel 2 of that certain Grant Deed recorded November 19, 1968 in Book 7132, Page 525 of Official Records in the office of said County Recorder, distant thereon North 01°15'00" East 7.60 feet from the southeasterly corner of said Parcel 2; thence leaving said easterly line South 88°45'00" East 22.94 feet; thence North 00°05'15" West 2.40 feet to a line that is parallel with and 40.00 feet northerly of the westerly centerline of Palo Verde Street as shown on Caltrans Right-of-Way Map No. 418595 filed May 7, 1971, in the office of the County Surveyor of said County; thence along said parallel line South 88°45'00" East 303.96 feet; thence leaving said parallel line North 01°21'33" West 87.61 feet, said course is hereinafter referred to as Course "A"; thence North 46°21'33" West 2.83 feet to a line that is parallel with and 2.00 feet westerly of said Course "A"; thence along said parallel line North 01°21'33" West 23.15 feet to a non-tangent curve concave northerly, having a radius of 5,112.00 feet, a radial line to said curve bears South 13°19'37" East, said curve being the northerly line of said Director's Deed; thence southwesterly 327.84 feet along said northerly line and said curve through a central angle of 03°40'28" to said easterly line; thence along said easterly line South 01°15'00" West 42.67 feet to the point of beginning.

Excepting therefrom that portion of said Parcel D-4590, described as follows:

\\pprod.psomas.corp\panzuraprojects\OC_Projects\2HNT010500\SURVEY\LEGALS\APN 1009-142-01\Legal Description\V-LG-100914201-3.docx

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Page 1 of 2

Attachment: MVCWD - final RON (5421 : RONs I-10 Contract 1)

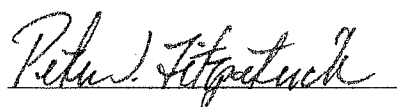
Beginning at a point in said easterly line of Parcel 2, distant thereon North 01°15'00" East 17.60 feet from the southeasterly corner of said Parcel 2; thence leaving said easterly line South 88°45'00" East 10.00 feet to the **True Point of Beginning**; thence South 88°47'44" East 12.71 feet; thence South 89°12'58" East 293.68 feet; thence North 01°21'33" West 18.25 feet; thence North 89°05'31" East 2.21 feet; thence North 00°54'28" West 42.91 feet; thence South 89°05'32" West 2.55 feet; thence North 01°21'33" West 11.84 feet, said course is hereinafter referred to as Course "B"; thence North 46°21'33" West 2.83 feet to a line that is parallel with and 2.00 feet westerly of said Course "B"; thence along said parallel line North 01°21'33" West 14.96 feet to a non-tangent curve that is concentric with and 10.00 feet southerly of said northerly line, said curve concave northerly having a radius of 5,122.00 feet, a radial line to said curve bears South 13°11'20" East; thence southwesterly 307.88 feet along said concentric curve through a central angle of 03°26'38" to a line that is parallel with and 10.00 feet easterly of said easterly line; thence along said parallel line South 01°15'00" West 24.42 feet to the true point of beginning.

Containing 7,250 square feet.

See Exhibit 'B' attached hereto and made a part hereof.

The distances described herein are grid distances and are based on California Coordinate System of 1983, Zone 5, 2007.00 epoch. Ground distances may be obtained by dividing grid distances by the combination factor of 0.999948643.

Prepared under the direction of



Peter J. Fitzpatrick, PLS 6777

July 31, 2018
Date

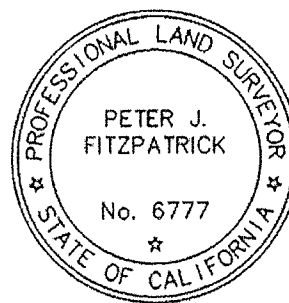


EXHIBIT B

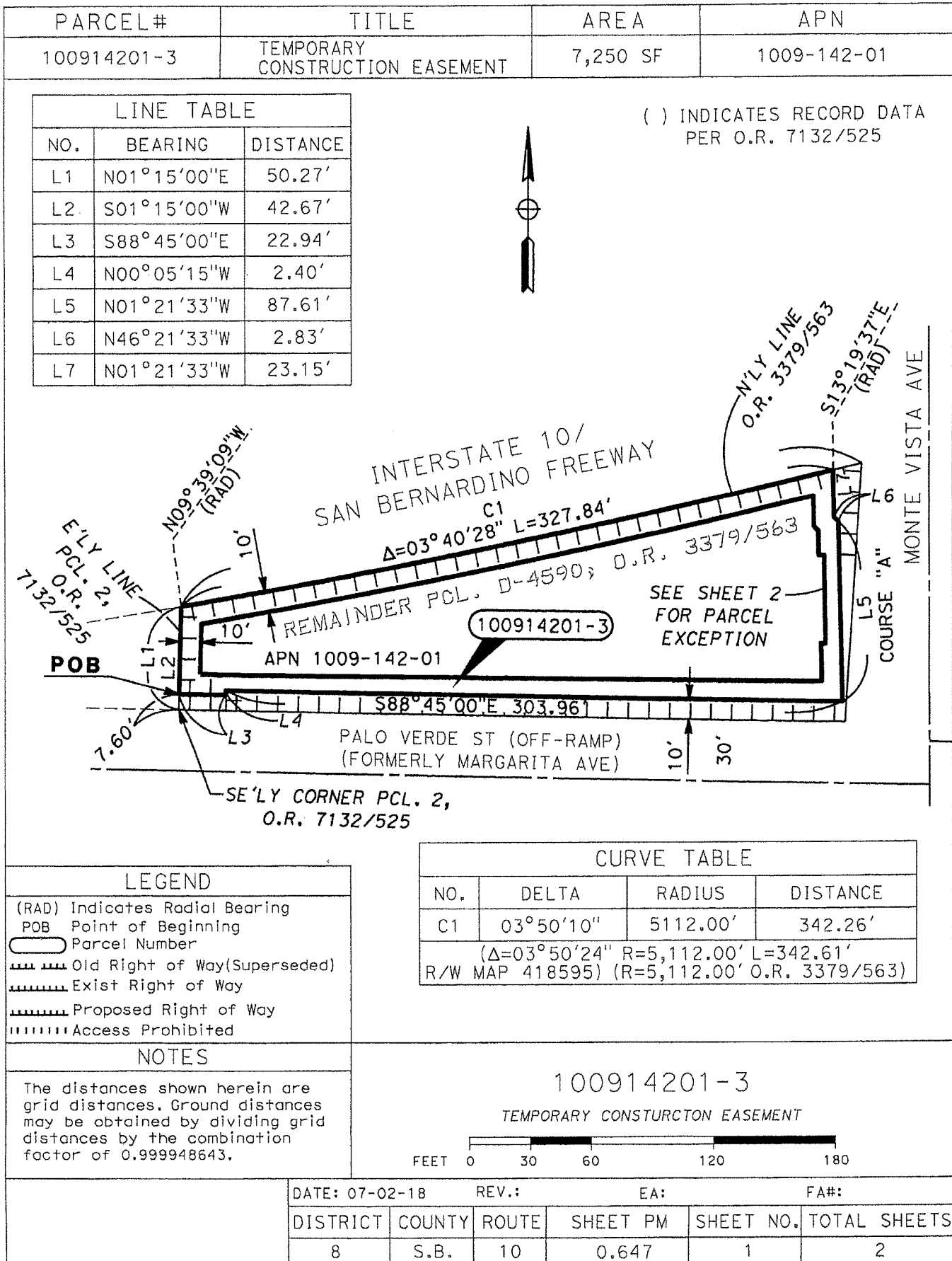
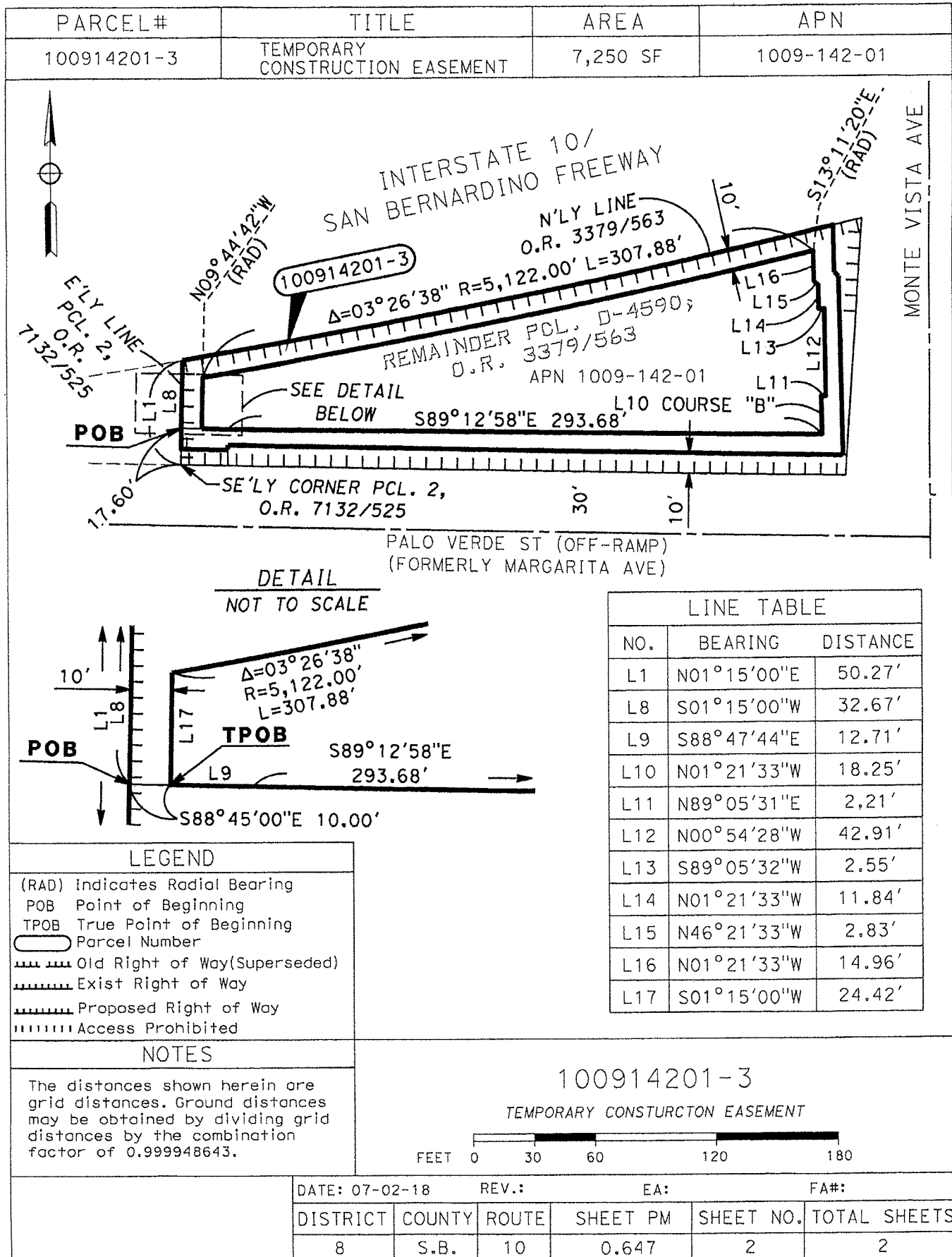


EXHIBIT B



RESOLUTION OF NECESSITY No. 19-047
RICHMOND AMERICAN PROPERTY (58)
(APN 1009-153-58)

Attachment: Richmond American (58) - final RON (5421 : RONs I-10 Contract 1)

RESOLUTION NO. 19-047

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 1009-153-58.

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the Interstate 10 (“I-10”) Corridor Contract 1 Project (the “Project”); and

WHEREAS, the Project is intended to reduce traffic congestion, enhance trip reliability, and accommodate long-term congestion management of the corridor by widening the mainline, making auxiliary lane and structure improvements and modifying interchange ramps and local arterials necessary to accommodate the installation of two Express Lanes for 10 miles in each direction from the Los Angeles/San Bernardino County Line to the I-10/15 Interchange; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, California Public Utilities Code section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, portions of the real property located on the west side of Monte Vista Avenue, extending from Palo Verde Street to Princeton Street, in the City of Montclair, California (the “Subject Property”) are required for the Project. The specific portions of the Subject Property required for the Project include a partial fee interest as legally described in and depicted in Exhibit “1” hereto and a temporary construction easement as legally described and depicted in Exhibit “2” hereto (collectively, the “Property Interests”); and

WHEREAS, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

WHEREAS, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

WHEREAS, SBCTA provided written notice to the City of Montclair as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for February 6, 2019 at 10:00 a.m. at Santa Fe Depot-SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to reduce traffic congestion, enhance trip reliability, and accommodate long-term congestion management of the corridor by widening the mainline, making auxiliary lane and structure improvements, and modifying interchange ramps and local arterials necessary to accommodate the installation of two Express Lanes for 10 miles in each direction from the Los Angeles/San Bernardino County Line to the I-10/15 Interchange.

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" and "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project;
and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on February 6, 2019 by the following votes:

AYES:

NOES:

ABSENT:

Darcy McNaboe, Board President
San Bernardino County Transportation Authority

Vicki Watson, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Attachment: Richmond American (58) - final RON (5421 : RONs I-10 Contract 1)

EXHIBIT 'A'
LEGAL DESCRIPTION

Parcel No. 100915358-1

Fee

APN 1009-153-58

That portion of Lot "A" of Tract No. 16381, in the City of Montclair, in the County of San Bernardino, State of California, as shown on the map filed in Book 296, Pages 26 through 30, inclusive, of Maps in the office of the County Recorder of said County, lying easterly and northeasterly of the following described line:

Beginning at the northeasterly corner of Lot "C" of said tract map; thence along the westerly line of said Lot "A" South 00°04'42" East 1.10 feet; thence leaving said westerly line South 56°36'28" East 2.74 feet; thence South 30°01'52" East 15.21 feet; thence South 00°59'47" East 7.14 feet to a point in the easterly line of said Lot "A", also being the westerly right-of-way line of Monte Vista Avenue, having a 44.00 foot half-width, said point being distant thereon South 88°45'00" East 22.70 feet from the northeasterly corner of said Lot "A".

Containing 75 square feet.

See Exhibit 'B' attached hereto and made a part hereof.

This conveyance is made for the purpose of a freeway and the GRANTOR hereby releases and relinquishes to the GRANTEE any and all abutter's rights including access rights, appurtenant to GRANTOR's remaining property, in and to the freeway and Monte Vista Avenue.

Abutter's rights including access rights appurtenant to GRANTOR'S property are, in addition, released and relinquished to the GRANTEE along Monte Vista Avenue the following described line:

Beginning at the southerly terminus of the herein described line having a course of "South 00°59'47" East 7.14 feet"; thence southerly along the easterly line of said Lot "A", South 00°04'42" East 98.77 feet.

The distances described herein are grid distances and are based on California Coordinate System of 1983, Zone 5, 2007.00 epoch. Ground distances may be obtained by dividing grid distances by the combination factor of 0.999948643.

Prepared under the direction of

Peter J. Fitzpatrick

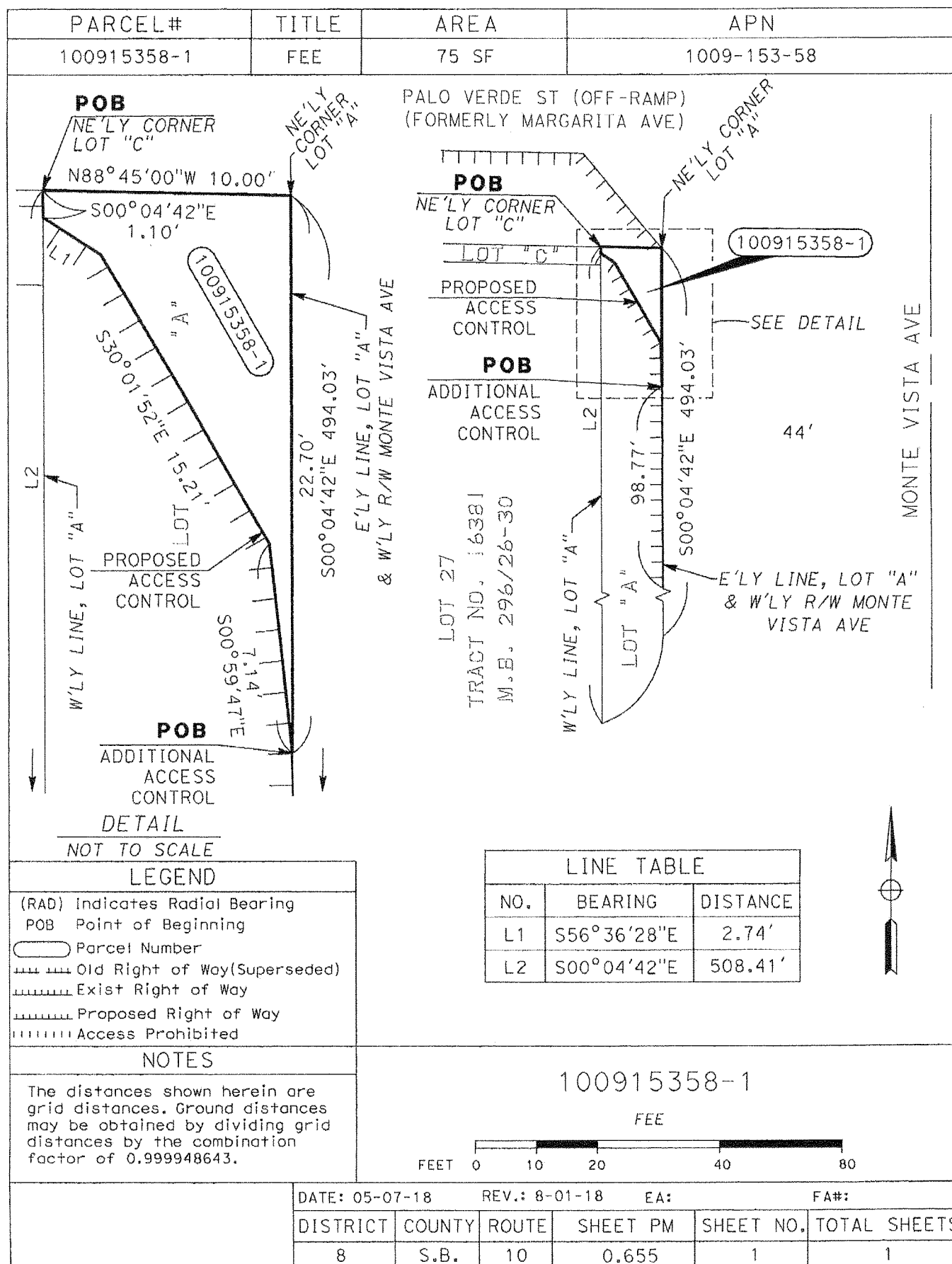
Peter J. Fitzpatrick, PLS 6777

Aug. 1, 2018

Date



EXHIBIT B



Attachment: Richmond American (58) - final RON (5421 : RONs I-10 Contract 1)

EXHIBIT “2”

Attachment: Richmond American (58) - final RON (5421 : RONs I-10 Contract 1)

TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION

Parcel No.: 1009-153-58

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "SBCTA") in connection with the construction of the I-10 Corridor Contract 1 Project. The TCE shall be for a period of sixty (60) months, a portion of which shall be exclusive (subject to the rights and limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of six (6) consecutive months within the sixty (60) month TCE period (the "Construction Period"). During the Construction Period, SBCTA's use and occupancy of the TCE will be exclusive, subject to the rights and limitations set forth below. SBCTA's use and occupancy of the TCE during the remaining fifty-four (54) months of the TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of TCE:

- SBCTA shall provide the owner and occupant of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, SBCTA may place a temporary fence around the TCE area, provided however, no fence will be placed around or across any driveway within the TCE area.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the Construction Period, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be restored to grade by SBCTA.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

EXHIBIT 'A'
LEGAL DESCRIPTION

Parcel No. 100915358-2

Temporary Construction Easement

APN 1009-153-58

That portion of Lot "A" of Tract No. 16381, in the City of Montclair, in the County of San Bernardino, State of California, as shown on the map filed in Book 296, Pages 26 through 30, inclusive, of Maps in the office of the County Recorder of said County, lying easterly, northeasterly and northerly of the following described line:

Beginning at a point distant thereon South 00°04'42" East 1.10 feet from the northeasterly corner of Lot "C" of said tract map; thence along the westerly line of said Lot "A" South 00°04'42" East 7.55 feet; thence leaving said westerly line South 30°01'52" East 5.97 feet; thence South 00°05'00" East 77.49 feet; thence North 89°55'18" East 7.01 feet to a point in the easterly line of said Lot "A", also being the westerly right-of-way line of Monte Vista Avenue, said point being distant thereon South 88°45'00" East 91.09 feet from the northeasterly corner of said Lot "A".

Excepting therefrom that portion of said Lot "A" lying easterly of the following described line:

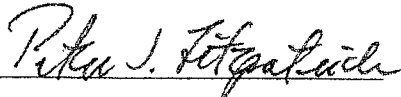
Beginning at said northeasterly corner of Lot "C"; thence along said westerly line South 00°04'42" East 1.10 feet; thence leaving said westerly line South 56°36'28" East 2.74 feet; thence South 30°01'52" East 15.21 feet; thence South 00°59'47" East 7.14 feet to a point in said easterly line and said westerly right-of-way line, said point being distant thereon South 88°45'00" East 22.70 feet from said northeast corner of Lot "A".

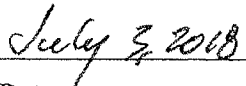
Containing 598 square feet.

See Exhibit 'B' attached hereto and made a part hereof.

The distances described herein are grid distances and are based on California Coordinate System of 1983, Zone 5, 2007.00 epoch. Ground distances may be obtained by dividing grid distances by the combination factor of 0.999948643.

Prepared under the direction of


Peter J. Fitzpatrick, PLS 6777


Date

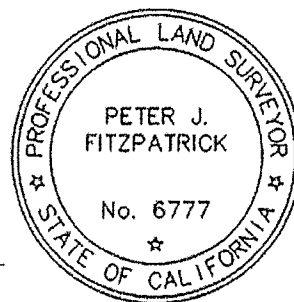
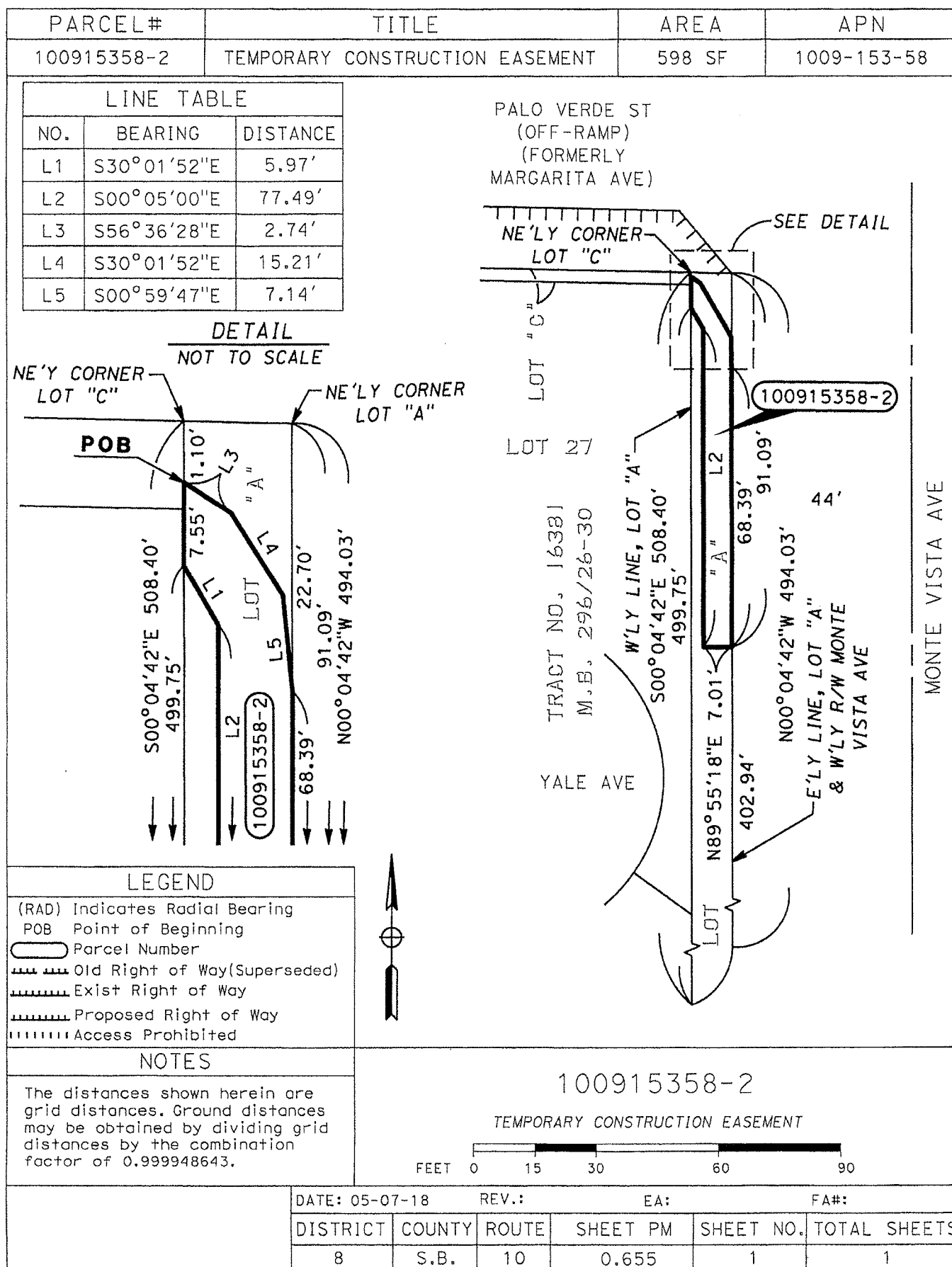


EXHIBIT B



RESOLUTION OF NECESSITY No. 19-048
RICHMOND AMERICAN PROPERTY (60)
(APN 1009-153-60)

Attachment: Richmond American (60) - final RON (5421 : RONs I-10 Contract 1)

RESOLUTION NO. 19-048

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 1009-153-60.

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the Interstate 10 (“I-10”) Corridor Contract 1 Project (the “Project”); and

WHEREAS, the Project is intended to reduce traffic congestion, enhance trip reliability, and accommodate long-term congestion management of the corridor by widening the mainline, making auxiliary lane and structure improvements and modifying interchange ramps and local arterials necessary to accommodate the installation of two Express Lanes for 10 miles in each direction from the Los Angeles/San Bernardino County Line to the I-10/15 Interchange; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, California Public Utilities Code section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, a portion of the real property located at the southwest corner of Monte Vista Avenue and the I-10 eastbound off ramp, in the City of Montclair, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described and depicted in Exhibit “1” hereto (the “Property Interest”); and

WHEREAS, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

WHEREAS, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

WHEREAS, SBCTA provided written notice to the City of Montclair as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for February 6, 2019 at 10:00 a.m. at Santa Fe Depot-SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to reduce traffic congestion, enhance trip reliability, and accommodate long-term congestion management of the corridor by widening the mainline, making auxiliary lane and structure improvements, and modifying interchange ramps and local arterials necessary to accommodate the installation of two Express Lanes for 10 miles in each direction from the Los Angeles/San Bernardino County Line to the I-10/15 Interchange.

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project;
and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on February 6, 2018 by the following votes:

AYES:

NOES:

ABSENT:

Darcy McNaboe, Board President
San Bernardino County Transportation Authority

Vicki Watson, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Attachment: Richmond American (60) - final RON (5421 : RONs I-10 Contract 1)

TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION

Parcel No.: 1009-153-60

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "SBCTA") in connection with the construction of the I-10 Corridor Contract 1 Project. The TCE shall be for a period of sixty (60) months, a portion of which shall be exclusive (subject to the rights and limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of six (6) consecutive months within the sixty (60) month TCE period (the "Construction Period"). During the Construction Period, SBCTA's use and occupancy of the TCE will be exclusive, subject to the rights and limitations set forth below. SBCTA's use and occupancy of the TCE during the remaining fifty-four (54) months of the TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of TCE:

- SBCTA shall provide the owner and occupant of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, SBCTA may place a temporary fence around the TCE area, provided however, no fence will be placed around or across any driveway within the TCE area.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by SBCTA for this TCE.
- Prior to the termination of the Construction Period, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be restored to grade by SBCTA.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

Attachment: Richmond American (60) - final RON (5421 : RONs I-10 Contract 1)

EXHIBIT 'A'
LEGAL DESCRIPTION

Parcel No. 100915360-1

Temporary Construction Easement

APN 1009-153-60

That portion of Lot "C" of Tract No. 16381, in the City of Montclair, in the County of San Bernardino, State of California, as shown on the map filed in Book 296, Pages 26 through 30, inclusive, of Maps in the office of the County Recorder of said County, lying easterly of the following described line:

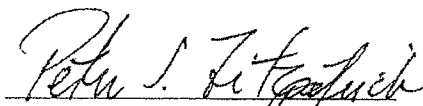
Beginning at a point in the northerly line distant thereon North 88°45'00" West 11.13 feet from the northeasterly corner of Lot "C" of said tract map; thence leaving said northerly line South 56°36'28" East 5.64 feet to the southerly line of said Lot "C".

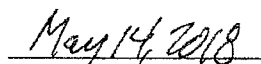
Containing 26 square feet.

See Exhibit 'B' attached hereto and made a part hereof.

The distances described herein are grid distances and are based on California Coordinate System of 1983, Zone 5, 2007.00 epoch. Ground distances may be obtained by dividing grid distances by the combination factor of 0.999948643.

Prepared under the direction of


Peter J. Fitzpatrick, PLS 6777


Date

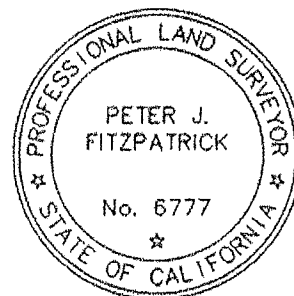


EXHIBIT B

PARCEL#	TITLE	AREA	APN
100915360-1	TEMPORARY CONSTRUCTION EASEMENT	26 SF	1009-153-60

PALO VERDE ST (OFF-RAMP)
(FORMERLY MARGARITA AVE)

15'

N'LY LINE LOT "C"

POB

NE CORNER LOT "C"

L1 594.81'

L2

L3

L4 599.53'

L5

L6

3'

S'LY LINE LOT "C"

LOT "A"

LOT "B"

LOT "C"

6.42'

44'

MONTE VISTA AVE

TRACT NO. 16381
M.B. 296/26-30

LOT 27

LOT "A"

LOT "B"

LOT "C"

100915360-1

() INDICATES RECORD DATA
PER TRACT NO. 16381,
M.B. 296/26-30

LINE TABLE			
NO.	BEARING	DISTANCE	RECORD REFERENCE
L1	N88°45'00"W	605.94'	(606.00')
L2	N88°45'00"W	11.13'	
L3	S56°36'28"E	5.64'	
L4	N88°45'00"W	605.95'	(606.00')
L5	N00°04'42"W	508.41'	
L6	N00°04'42"W	3.00'	

LEGEND

(RAD) Indicates Radial Bearing
POB Point of Beginning
Parcel Number
Old Right of Way(Superseded)
Exist Right of Way
Proposed Right of Way
Access Prohibited

NOTES

The distances shown herein are
grid distances. Ground distances
may be obtained by dividing grid
distances by the combination
factor of 0.999948643.

100915360-1

TEMPORARY CONSTRUCTION EASEMENT

FEET 0 10 20 40 80

DATE: 05-09-18	REV.:	EA:	FA#:		
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
8	S.B.	10	0.606	1	1

Attachment: Richmond American (60) - final RON (5421 : RONs I-10 Contract 1)

RESOLUTION OF NECESSITY No. 19-053
SOTELO PROPERTY
(APN 1047-272-04)

Attachment: Sotelo - final RON (5421 : RONs I-10 Contract 1)

RESOLUTION NO. 19-053**A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 1047-272-04**

WHEREAS, the San Bernardino County Transportation Authority (“SBCTA”) is undertaking the Interstate 10 (“I-10”) Corridor Contract 1 Project (the “Project”); and

WHEREAS, the Project is intended to reduce traffic congestion, enhance trip reliability, and accommodate long-term congestion management of the corridor by widening the mainline, making auxiliary lane and structure improvements and modifying interchange ramps and local arterials necessary to accommodate the installation of two Express Lanes for 10 miles in each direction from the Los Angeles/San Bernardino County Line to the I-10/15 Interchange; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, California Public Utilities Code section 130809(b) authorizes SBCTA to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, a portion of the real property located at 762 Azure Court, in the City of Upland, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project includes a temporary construction easement as legally described and depicted in Exhibit “1” hereto (the “Property Interest”); and

WHEREAS, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

WHEREAS, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interest; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interest. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

WHEREAS, SBCTA provided written notice to the City of Upland as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for February 6, 2019 at 10:00 a.m. at Santa Fe Depot-SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interest in the property is to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809(b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to reduce traffic congestion, enhance trip reliability, and accommodate long-term congestion management of the corridor by widening the mainline, making auxiliary lane and structure improvements, and modifying interchange ramps and local arterials necessary to accommodate the installation of two Express Lanes for 10 miles in each direction from the Los Angeles/San Bernardino County Line to the I-10/15 Interchange.

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interest sought to be acquired is necessary for the proposed Project;
and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interest, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interest in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interest at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on February 6, 2019 by the following votes:

AYES:

NOES:

ABSENT:

Darcy McNaboe, Board President
San Bernardino County Transportation Authority

Vicki Watson, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT “1”

Attachment: Sotelo - final RON (5421 : RONs I-10 Contract 1)

TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Parcel No.: 1047-272-04-1

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "SBCTA") in connection with the construction of the I-10 Corridor Contract 1 Project. The TCE shall be for a period of sixty (60) months, a portion of which shall be exclusive (subject to the rights and limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of six (6) consecutive months within the sixty (60) month TCE period (the "Construction Period"). During the Construction Period, SBCTA's use and occupancy of the TCE will be exclusive, subject to the rights and limitations set forth below. SBCTA's use and occupancy of the TCE during the remaining fifty-four (54) months of the TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of TCE:

- SBCTA shall provide the owner and occupant of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, SBCTA may place a temporary fence around the TCE area, provided however, no fence will be placed around or across any driveway within the TCE area.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by SBCTA for this TCE, except for the following:
 - The block wall will be replaced by SBCTA.
- Prior to the termination of the Construction Period, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be restored to grade by SBCTA. The side walls will be replaced in kind by SBCTA.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL NO. 104727204-1

TEMPORARY CONSTRUCTION EASEMENT

THE WESTERLY 15.00 FEET OF LOT 4 OF TRACT NUMBER 5487, IN THE CITY OF UPLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 74, PAGES 26 AND 27 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 1,794 SQUARE FEET, MORE OR LESS.

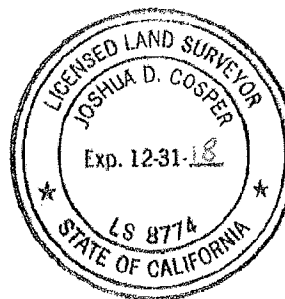
SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND BY THIS REFERENCE MADE PART HEREOF.

PREPARED UNDER MY SUPERVISION:



JOSHUA D. COSPER, P.L.S.
P.L.S. 8774, EXP. 12-31-18

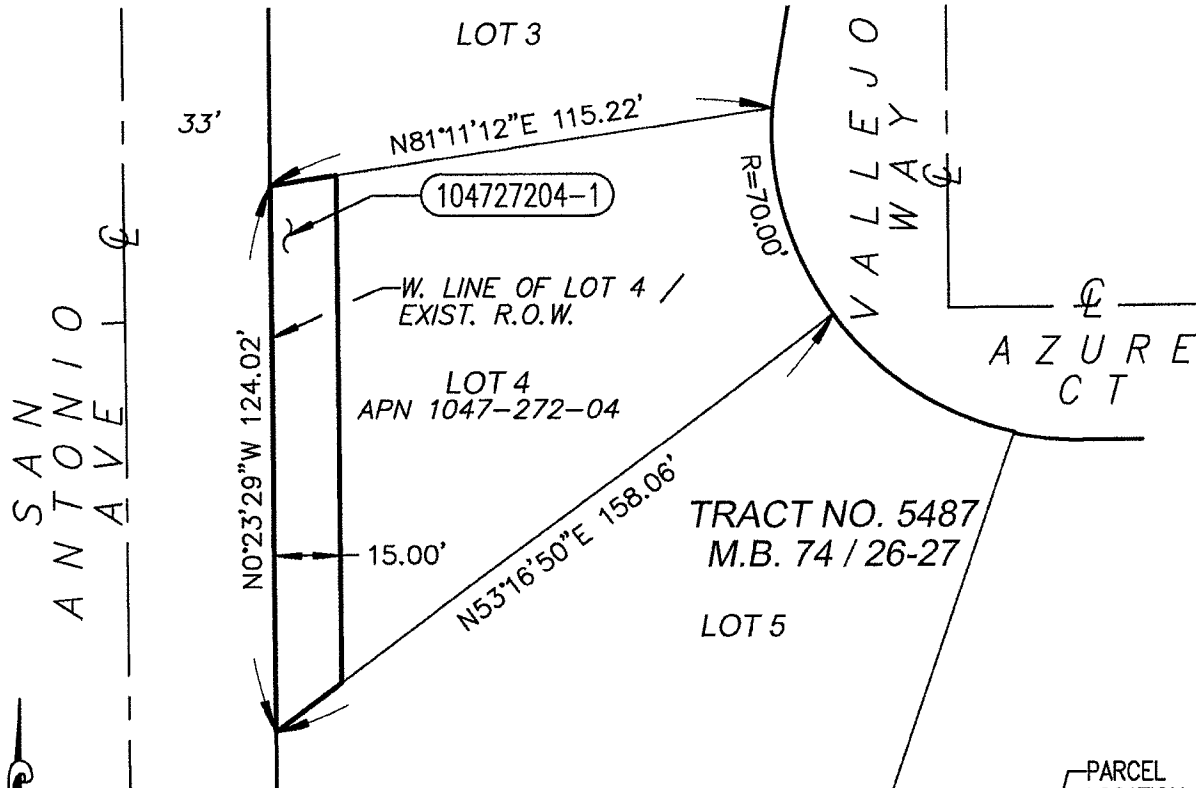
5-25-18
DATE



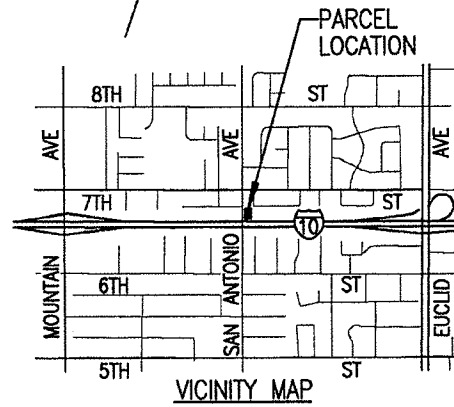
Attachment: Sotelo - final RON (5421 : RONS I-10 Contract 1)

EXHIBIT B

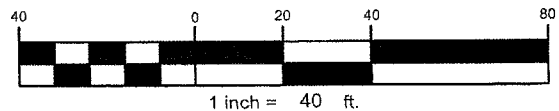
PARCEL #	TITLE	AREA	APN
104727204-1	TCE	1,794 SF	1047-272-04



TRACT NO. 5487
M.B. 74 / 26-27
LOT 5



104727204-1
TEMPORARY CONSTRUCTION EASEMENT



LEGEND

	LIMITS OF DESCRIPTION
	CALTRANS PARCEL NUMBER
	EXISTING RIGHT OF WAY
	PROPOSED RIGHT OF WAY
	PROPOSED ACCESS DENIAL
	EXISTING PROPERTY LINES
	EASEMENT AS NOTED

NOTES

THE BASIS OF BEARINGS FOR THIS EXHIBIT IS CCS83, ZONE 5 (2007.00)

DISTANCES SHOWN HEREIN ARE GRID DISTANCES. GROUND DISTANCES MAYBE OBTAINED BY DIVIDING GRID DISTANCES BY THE COMBINATION FACTOR OF 0.999948643.

DATE: 5-25-18

REV.: N/A

PM: 2.932

DISTRICT	COUNTY	ROUTE	PREPARED BY	SHEET NO.	TOTAL SHEETS
8	SB	10	SMG	1	1

Minute Action

AGENDA ITEM: 7

Date: February 6, 2019

Subject:

Interstate 10 Corridor Contract 1 - Design-Build Notice to Proceed 2 Issuance

Recommendation:

That the Board, acting as the San Bernardino County Transportation Authority:

Authorize the Executive Director or designee to issue Notice to Proceed 2 (NTP2) to Lane-Security Paving Joint Venture (Contract No. 17-1001599) prior to financial close for the Interstate 10 (I-10) Corridor Contract 1 Project.

Background:

Contracts for the Toll Service Provider (TSP) and Design-Build (DB) teams to construct the I-10 Corridor Contract 1 Project were awarded to TransCore, LP and Lane-Security Paving Joint Venture (LSPJV) respectively during the summer of 2018. Notice to Proceed 1 (NTP1) was issued to TransCore in June 2018, and to LSPJV in September 2018, which allowed both teams to commence with project administrative and mobilization activities.

NTP2 authorizes the full start of contractual activities, including final design and construction. The contracts for both the DB and TSP were structured such that each NTP2 would be issued following financial close for the project, which is defined as closing of all financing required for the project. Additionally, the TSP contract timeline contemplated issuance of NTP2 prior to the issuance of NTP2 to the DB team in order to facilitate coordination of the toll collection system infrastructure design into the DB civil design package.

Negotiations with United States Department of Transportation (US DOT) for the approximately \$194M Transportation Infrastructure Finance and Innovation Act (TIFIA) loan have taken longer than anticipated, and financial close has not yet been achieved. In order to avoid escalation charges and possible impact to the DB contractor, the San Bernardino County Transportation Authority (SBCTA) Board authorized the issuance of NTP2 to the TSP prior to financial close at the December 5, 2018 Board Meeting. The TSP is nearing completion of its NTP1 activities, and staff anticipates issuing NTP2 to the TSP in early February 2019.

The DB team is also progressing through its NTP1 requirements, and it is anticipated that LSPJV will be eligible for NTP2 on or before March 7, 2019, which corresponds to 300 days from receipt of proposals. Although staff has made significant progress with the US DOT since the December Board meeting, financial close is not anticipated until April 2019. The \$672,900,000 price included in the DB contract is valid for 300 days from date of proposal submission to issuance of NTP2, beyond which point the DB Contractor is potentially entitled to escalation charges. Based on the successful completion of NTP1 requirements, and in order to avoid escalation charges estimated at approximately \$1,500,000 to \$2,000,000 per month thereafter, staff is requesting authority for the Executive Director or designee to issue NTP2 to LSPJV prior to financial close. Approval by the Board for this action requires no new or additional funds. Payment will be made to the contractor with State and Federal funds that were allocated and obligated by the Board of Directors, the State, and the Federal Highway Administration (FHWA).

Entity: San Bernardino County Transportation Authority

A potential, but very small risk, could occur in which the TIFIA loan does not materialize. In this scenario two avenues exist, either terminate the DB contract or seek another source of funding. NTP2 costs associated with terminating the DB contract on or near the end of April 2019 will amount to approximately \$46M, in addition to the costs already expended during the NTP1 phase. The NTP2 expenses would primarily consist of bonds and insurance, mobilization, final design, geotechnical investigation and field survey. In addition to these expenditures, SBCTA would also be at risk for reasonable settlement costs defined in the DB Contract, less any refunds with respect to insurance premiums, deposits or similar items.

If the TIFIA loan does not materialize, instead of terminating the DB contract the Board may direct staff to pursue the issuance of Toll Revenue Bonds. The process to issue bonds will take at least four months and would change our funding plan. According to our financial advisors and based on current market data, interest rates on non-recourse toll revenue bonds are anticipated to be 75-125 Basis Points higher than a TIFIA loan with a similar maturity, and would require approximately \$20 million of interest payments to be capitalized during the construction phase. The effect would be as follows: Gross Toll Revenue Bond Proceeds would be approximately \$137M (current TIFIA loan amount is \$194M); finance costs would increase by \$25M; \$82M of the approved \$93M Measure I investment *contingent backstop* would become a *dedicated* investment to construction that would be repaid with excess toll revenue with interest over time, and overall the interest payments would increase by \$55M.

Due to the cost increases associated with Toll Revenue Bonds at this late stage and the greater likelihood that the TIFIA loan will come to fruition, staff recommends that the Board authorize the Executive Director or designee to issue NTP2 to the DB contractor to avoid the imposition of escalation expenses of approximately \$1,500,000 to \$2,000,000 per month until NTP2 is issued.

Financial Impact:

This item is consistent with the Fiscal Year 2018/2019 Budget, under Task No. 0820 Freeway Projects, Sub-Task No. 0823 I-10 Corridor Phase 1.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel has reviewed this item.

Responsible Staff:

Paula Beauchamp, Director of Project Delivery and Toll Operations

Approved
Board of Directors
Date: February 6, 2019

Witnessed By:

Minute Action

AGENDA ITEM: 8

Date: February 6, 2019

Subject:

Santa Fe Depot Basement Structural Repairs Award Construction Contract

Recommendation:

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve award of Construction Contract No. 18-1001867 for the Santa Fe Depot Basement Structural Repairs Project to Truesdell Corporation of California, Inc. in the amount of \$333,333.00.

B. Approve Allowances and Contingency for the construction phase of the Santa Fe Depot Basement Structural Repairs Project in the amount of \$151,333.30.

Background:

This agenda item provides for award of a new contract based on the competitive low bid process. In December 2017, the San Bernardino County Transportation Authority (SBCTA) Board approved the project Plans, Specifications and Estimates (PSE) package for the Santa Fe Depot Basement Structural Repairs Project (Project), and authorized the Director of Project Delivery to advertise the Invitation for Bids (IFB) 18-1001867.

The Project will utilize Senate Bill 1 State of Good Repair Program funds to provide various structural repairs to the east and west wing basements of the Santa Fe Depot and the Masonry Arch of the Local Agency Formation Commission (LAFCO) office. A total of \$797,300.00 in funding was provided.

In July 2018, the Board approved award of a contract for construction management services for \$99,163.00 with a Contingency of \$9,916.00 for a total amount of \$109,079.00.

On November 14, 2018, the IFB was released and notifications were sent electronically to 475 firms registered on PlanetBids. A total of twenty-one (21) prime contractors and subcontractors/suppliers downloaded the IFB. The solicitation was issued in accordance with current SBCTA policies and procedures for construction projects.

To maximize use of available funding, the IFB included a “Base Bid” and “Bid Options.” The Base Bid items were deemed by the Engineer as “High Priority” repairs while the Bid Options items were “Medium Priority.” The Engineer determined Medium Priority Bid Options could be addressed under a later procurement, if necessary due to pricing, or the quantity increased as necessary, based on available funding. Staff included the six (6) Bid Options that could be added to the scope of work per Public Contract Code 20103.8(a) (see Exhibit C). The Bid Price for purposes of determining the lowest bidder was based on the total prices of all items for the Base Bid plus Bid Options. Per the IFB, a responsible bidder who submitted the lowest Bid Price shall be awarded the contract, if it is awarded, which could be in the amount of the Base Bid price or in the amount of the Base Bid price plus the price of one or more Bid Options. The Engineer’s estimate for construction was \$500,000.00.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

February 6, 2019

Page 2

On November 27, 2018, the first of two (2) Pre-Bid meetings was held and attended by nine (9) individuals representing eight (8) prime contractors and one (1) subcontractor. Addendum No. 1 was issued on November 19, 2018, providing a photo log of the project area. Addendum No. 2 was issued on November 28, 2018, providing the sign-in sheet from the first Pre-Bid meeting. Addendum No. 3 was issued on December 11, 2018, addressing various changes to the bid documents and updating the federal wage rates. Addendum No. 4 was issued on December 17, 2018, to address Bidder questions.

On December 19, 2018, two (2) bids were received from contractors whose Bid Price form amounts ranged from a low of \$333,333.00 to a high of \$372,360.00. At the bid opening, Truesdell Corporation of California, Inc. (Truesdell) was identified as the apparent lowest bidder per their Total Bid Price amount at \$333,333.00.

Staff completed a review for discrepancies and compliance with the IFB requirements. Per the IFB, in case of discrepancy between the unit price and the total set forth for a unit basis item, the unit price shall prevail. After review, Truesdell was identified as the lowest bidder per their Total Bid Price amount at \$333,333.00. A complete listing of results including Base Bid and Bid Options is provided in Exhibit A.

Recommendation A: All bids were reviewed by staff for discrepancies and compliance with the IFB requirements. Truesdell's Total Bid Price was the lowest responsive and responsible bid and was found to be compliant with all IFB requirements. Staff is recommending based on the available funding that the Board approve and award Contract No. 18-1001867 which includes Bid Options 1 through 6, for the Santa Fe Depot Basement Structural Repairs Project to Truesdell Corporation of California, Inc. in the not-to-exceed amount of \$333,333.00.

Recommendation B: Staff is also recommending approval of Allowances/Contingency totaling a not-to-exceed amount of \$151,333.30 for the Santa Fe Depot Basement Structural Repairs Project, consisting of Supplemental Items at \$115,000.00; Agency Furnished Materials at \$3,000.00; and a 10% contingency at \$33,333.30 for Contract No. 18-1001867 (see Exhibit B).

Financial Impact:

This item is consistent with the adopted Fiscal Year 2018/20219 Budget under Task No. 0805 Building Operation.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel and Procurement Manager have reviewed this item and the draft contract.

Responsible Staff:

Paula Beauchamp, Director of Project Delivery and Toll Operations

Approved
Board of Directors
Date: February 6, 2019

Witnessed By:

General Contract Information

Contract No: 18-1001867 Amendment No.: Sole Source? No

Vendor No.: 03467 Vendor/Customer Name: Truesdell Corporation of California, Inc.

Description: Santa Fe Depot Basement Structural Repair Project

Estimated Start Date: 03/25/2019 Expiration Date: 10/01/2019 Revised Expiration Date:

List Any SBCTA Related Contracts Nos.: 18-1001911

Dollar Amount							
Original Contract		\$	333,333.00	Original Contingency		\$	33,333.30
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	333,333.00	Total Contingency Value		\$	33,333.30
	Total Dollar Authority (Contract Value and Contingency)					\$	366,666.30

Contract Authorization

Board of Directors	Date:	02/06/2019	Board	Item #	5081
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Contract Management (Internal Purposes Only)

Payable	Capital Project Contracts	No Budget Adjustment
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[illegible][illegible]

Task Manager (Print Name)

Additional Notes: Contingency above does not include \$115,000 of Supplemental Items and \$3,000 of Agency Furnished Materials.

Exhibit A

18-1001867

#	Bidder	Bid Price Opening Results	Final Bid Amount	Base Bid	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
1	Truesdell Corporation of California, Inc.	\$ 333,333.00	\$ 333,333.00	\$ 185,230.00	\$ 83,440.00	\$ 5,184.00	\$ 22,052.00	\$ 6,435.00	\$ 1,192.00	\$ 29,800.00
2	Howard Ridley Co. Inc.	\$ 372,360.00	\$ 372,360.00	\$ 195,160.00	\$ 98,000.00	\$ 9,900.00	\$ 25,900.00	\$ 5,200.00	\$ 3,200.00	\$ 35,000.00

Exhibit B

SUMMARY 18-1001867		
Item	Item Description	Amount
SUPPLEMENTAL WORK ITEMS		
1	ADDITIONAL MECH, ELECT , PLUMBING MODIFICATIONS AS DIRECTED BY ENGINEER	\$ 15,000.00
2	ADDITIONAL CRACK/SPALLING/REINFORCEMENT/PATCH REPAIRS AS DIRECTED BY ENGINEER	\$ 100,000.00
4	SUBTOTAL (1)	\$ 115,000.00
AGENCY FURNISHED MATERIALS (Admin Contract)		
4	PUBLIC INFORMATION	\$ 3,000.00
5	SUBTOTAL (2)	\$ 3,000.00
CONTINGENCY		
6	CONTINGENCIES (10% Construction Contract)	\$ 33,333.30
7	SUBTOTAL (3)	\$ 33,333.30
TOTAL ALLOWANCES AND CONTINGENCY		\$ 151,333.30
CONSTRUCTION CONTRACT SUMMARY		
1	BASE PRICE	\$ 333,333.00
2	TOTAL CONSTRUCTION CONTRACT 18-1001867	\$ 333,333.00
SUMMARY 18-1001867		
1	TOTAL CONSTRUCTION CONTRACT 18-1001867	\$ 333,333.00
2	AGENCY FURNISHED MATERIALS (ADMIN CONTRACT)	\$ 3,000.00
3	SUPPLEMENTAL WORK ITEMS	\$ 115,000.00
4	CONTINGENCY (10%)	\$ 33,333.30
TOTAL		\$ 484,666.30

Attachment: 18-1001867 Exhibit B (5081 : Santa Fe Depot Structural Repairs Award Construction Contract)

Exhibit C

"BASE BID" Item Description				Truesdell		Howard Ridley Co.,Inc.	
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	Unit Cost	Total Cost	Unit Cost	Total Cost
1	KEY NOTE 2 and 4: Extensive Slab Spalling and Beam Spalling and Reinforcement Repairs including new post, Engineered Temporary Shoring Plans	LS	1	\$ 128,007.00	\$ 128,007.00	\$ 112,000.00	\$ 112,000.00
2	KEY NOTE 5: Remove Corroded Pipe and Repair Wall	LS	1	\$ 7,200.00	\$ 7,200.00	\$ 7,000.00	\$ 7,000.00
3	KEY NOTE 9: Large Wall Spalling and Reinforcement Similar to 1/S4	SFT	32	\$ 298.00	\$ 9,536.00	\$ 380.00	\$ 12,160.00
4	Masonry Arch Repair	LS	1	\$ 2,500.00	\$ 2,500.00	\$ 12,000.00	\$ 12,000.00
5	Exisiting Rebar Removal and Replacement per Notes S1 (IV.3,VII, X2.4, X3, X4) and detail 2/S4.	EA	10	\$ 298.00	\$ 2,980.00	\$ 1,500.00	\$ 15,000.00
6	MOBILIZATION	LS	1	\$ 35,007.00	\$ 35,007.00	\$ 37,000.00	\$ 37,000.00
TOTAL "BASE BID" PRICE				\$ 185,230.00		\$ 195,160.00	

"Bid Options" Item Description				Truesdell		Howard Ridley Co.,Inc.	
OPTION NO.	DESCRIPTION	UNIT	QUANTITY	Unit Cost	Total Cost	Unit Cost	Total Cost
1	KEY NOTE 1: Repair Small Spalled Concrete at Suspended Slab per Detail 3/S4	SFT	280	\$ 298.00	\$ 83,440.00	\$ 350.00	\$ 98,000.00
2	KEY NOTE 3 and 8 : Repair Small Spalling at Beams per Detail 4/S4	EA	6	\$ 864.00	\$ 5,184.00	\$ 1,650.00	\$ 9,900.00
3	KEY NOTE 6: Repair Wall Spalling and Reinforcement per 1/S	SFT	74	\$ 298.00	\$ 22,052.00	\$ 350.00	\$ 25,900.00
4	KEY NOTE 7: Epoxy Inject Cracks	LF	65	\$ 99.00	\$ 6,435.00	\$ 80.00	\$ 5,200.00
5	KEY NOTE 10: Slab Patch Similar to Key Note 1. Provide Engineer Temporary Support of AHU	SFT	4	\$ 298.00	\$ 1,192.00	\$ 800.00	\$ 3,200.00
6	KEY NOTE 11: Repair Wall Delamination and Rebar. Remove loose material per Key Note 6	SFT	100	\$ 298.00	\$ 29,800.00	\$ 350.00	\$ 35,000.00
TOTAL "BASE OPTIONS" PRICE				\$ 148,103.00		\$ 177,200.00	
TOTAL BID PRICE (BASE BID PLUS ALL BID OPTIONS)				\$ 333,333.00		\$ 372,360.00	

Minute Action

AGENDA ITEM: 9

Date: February 6, 2019

Subject:

US 395 Phase 1 Widening - Award Construction Contract

Recommendation:

That the Board, acting as the San Bernardino County Transportation Authority:

A. Award Construction Contract No. 18-1001967 based on the competitive low bid process for the US 395 Phase 1 Widening Project to C.A. Rasmussen, Inc. in an amount of \$21,356,078.35.

B. Approve Allowances/Contingency for the construction phase of the US 395 Phase 1 Widening Project totaling \$6,193,226.84 and authorize, as required, the Executive Director to release as necessary.

C. Approve a budget amendment to include \$4,000,000 of Senate Bill 1 Trade Corridor Enhancement Program (TCEP) funds in Fiscal Year 2018/2019 for Task No. 0820, Freeway Projects.

Background:

This agenda item provides for award of a new contract based on the competitive low bid process. In July 2018, the San Bernardino County Transportation Authority (SBCTA) Board of Directors approved the project Plans, Specifications and Estimate (PS&E) package for the US 395 Phase 1 Widening Project (Project), authorized the Director of Project Delivery to advertise the Invitation for Bids (IFB) 18-1001967 pending federal authorization to proceed, and authorized staff to proceed directly to the Board without prior Mountain/Desert Policy Committee approval for the recommendation to award the Construction Contract. The engineer's construction cost estimate including bid items, supplemental items, agency furnished items, and contingency was \$31,621,913.

On September 27, 2018, SBCTA received federal authorization to advertise the Project. On October 17, 2018, the Invitation for Bids was released and sent electronically to 817 firms registered on PlanetBids. A total of ninety (90) prime contractors and subcontractors/suppliers downloaded the IFB. The solicitation was issued in accordance with current SBCTA policies and procedures for construction projects.

On October 30, 2018, a Pre-Bid meeting was held and was attended by five (5) individuals representing 5 firms. Addendum No. 1 was issued on October 18, 2018, revising the procurement schedule. Addendum No. 2 was issued on October 30, 2018, providing the Pre-Bid meeting sign-in sheet and agenda. Addendum No. 3 was issued on November 12, 2018, providing a second revision to the procurement schedule. Addendum No. 4 was issued on December 5, 2018, providing answers to bidder questions, a third revision to the procurement schedule, revised bid quantities and plans and design cross sections. Addendum No. 5 was issued on December 21, 2018, to make a revision to a portion of the specifications. Finally, Addendum No. 6 was issued on January 7, 2019, to revise the bid opening date, provide minor changes to the plans and specifications and provide Federal Wage Rates.

Entity: San Bernardino County Transportation Authority

On January 16, 2019, SBCTA received three (3) bids from contractors whose bid form amounts on their face ranged from a low of \$21,356,078.35 to a high of \$26,393,000.00. At the bid opening, C.A. Rasmussen, Inc. was identified as the lowest bidder at \$21,356,078.35 followed by Ortiz Enterprises, Inc. at \$23,675,669.10 and Sully-Miller Contracting at \$26,393,000.00. A complete listing of bid day results is provided in Exhibit A.

This project specified a 14% Disadvantaged Business Enterprise (DBE) goal. Per bid requirements the three apparent lowest bidders are to provide, within four business days after bid opening, documentation to support their DBE outreach efforts and DBE commitment. On January 22, 2019, staff received the required DBE documentation from all three apparent low bidders. Per Caltrans requirements, if the bidders DBE commitment does not meet or exceed the DBE goal and SBCTA anticipates awarding the project based on approval of the bidder's Good Faith Efforts (GFE) documentation, SBCTA is to gain Caltrans concurrence prior to awarding the contract. Staff and SBCTA's DBE compliance consultant, GCAP Services, reviewed the DBE documentation. Based on the review, C.A. Rasmussen, Inc. exceeded the DBE goal of 14% by utilizing 14.03% DBE subcontractors and/or suppliers.

Recommendation A: All bids were reviewed by staff for discrepancies and compliance with the IFB and DBE requirements. The C.A. Rasmussen, Inc. bid was found to be the lowest responsive and responsible bid and was found to be compliant with all IFB and DBE requirements. Therefore, staff is recommending that the Board award contract 18-1001967 for the US 395 Phase 1 Widening Project to C.A. Rasmussen, Inc. in the not-to-exceed amount of \$21,356,078.35.

Recommendation B: Staff is also recommending approval of Allowances/Contingency totaling a not-to-exceed amount of \$6,193,226.84 for the US 395 Phase 1 Widening Project, consisting of supplemental items at \$3,002,019.00, Agency Furnished Materials at \$1,055,600.00 and contingency at \$2,135,607.84 for Contract No. 18-1001967 (see Exhibit B). The supplemental and contingency funds would be available pending authorization by the Executive Director.

Recommendation C: Approve a budget amendment to include \$4,000,000 of Senate Bill 1 TCEP funds in Fiscal Year 2018/2019. These funds were allocated to the project during the summer of 2018 which includes funds for construction capital and construction management; therefore, they were not included in the Fiscal Year 2018/2019 budget.

Financial Impact:

This item is not consistent with the adopted Fiscal Year 2018/2019 Budget. A budget amendment is being requested to add \$4,000,000 of Senate Bill 1 Trade Corridor Enhancement Program funds under Task No. 0820 Freeway Projects, Sub-Task No. 0891 US 395 Widening Phase 1.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel and Procurement Manager have reviewed this item and the draft contract.

Responsible Staff:

Timothy Byrne, Project Delivery Manager

San Bernardino County Transportation Authority

Approved
Board of Directors
Date: February 6, 2019
Witnessed By:

General Contract Information

Contract No: 18-1001967 Amendment No.: 0 Sole Source? No
 Vendor No.: 03469 Vendor/Customer Name: C.A. Rasmussen, Inc
 Description: US 395 PHASE I WIDENING CONSTRUCTION PROJECT
 Estimated Start Date: 02/06/2019 Expiration Date: 12/31/2021 Revised Expiration Date: _____
 List Any SBCTA Related Contracts Nos.: 18-1001860 17-1001742 16-1001415

Dollar Amount

Original Contract	\$	21,356,078.35	Original Contingency	\$	5,137,626.84
Prior Amendments	\$	-	Prior Amendments	\$	-
Current Amendment	\$	-	Current Amendment	\$	-
Total/Revised Contract Value	\$	21,356,078.35	Total Contingency Value	\$	5,137,626.84
Total Dollar Authority (Contract Value and Contingency)					\$ 26,493,705.19

Contract Authorization

Board of Directors _____ Date: 02/06/2019 Board _____ Item # 4812

Contract Management (Internal Purposes Only)

Payable _____ Capital Project Contracts _____ Board Approved Budget Adjustment _____

Accounts Payable

Total Contract Funding: \$				21,356,078.35	Total Contingency: \$				5,137,626.84
GL: 2045 40 0820 0891 53701 42104502				2,357,804.00	GL: 2704 40 0820 0891 53701 42217707				5,137,626.84
GL: 2520 40 0820 0891 53701 42202013				9,333,000.00	GL: - - - - - - - - - -				-
GL: 2704 40 0820 0891 53701 42217707				9,451,274.35	GL: - - - - - - - - - -				-
GL: 2550 40 0820 0891 53701 42205005				214,000.00	GL: - - - - - - - - - -				-
GL: - - - - - - - - - -				-	GL: - - - - - - - - - -				-
GL: - - - - - - - - - -				-	GL: - - - - - - - - - -				-
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Accounts Receivable

Total Contract Funding: \$	-	Reversion Date: _____
Funding Agreement No: _____		
GL: - - - - - - - - - -		GL: - - - - - - - - - -
GL: - - - - - - - - - -		GL: - - - - - - - - - -
GL: - - - - - - - - - -		GL: - - - - - - - - - -
GL: - - - - - - - - - -		GL: - - - - - - - - - -

Mike Barnum

Project Manager (Print Name)

Paula Beauchamp

Task Manager (Print Name)

Additional Notes: The funding ratio of TCEP and STIP amount might change pending CTC approval. Total Earmark Repurpose is \$2,557,804 - \$200,000 for CT support = \$2,357,804. Total SHOPP funds \$214,000 from Caltrans. \$4,574,891 of TCEP plus \$200k Measure I for CM total - \$4,774,891. Total contingency of \$5,137,626.84 does not include \$1,055,600 of agency furnished materials (AFM) and will be tracked via a separate admin contract (with TCEP funds). Total TCEP (CON CAP +CM)= \$20,419,197

Attachment: 18-1001967 CSS [Revision 3] (4812 : US 395 Widening Phase 1 - Award Construction Contract)

Exhibit A

No.	Bidder	Final Bid Amount
1	C.A. Rasmussen, Inc.	\$ 21,356,078.35
2	Ortiz Enterprises, Inc.	\$ 23,675,669.10
3	Sully-Miller Contracting	\$ 26,393,000.00

Exhibit B

Item	Item Description	Amount
SUPPLEMENTAL WORK ITEMS		
1	FEDERAL TRAINEE PROGRAM	\$ 7,200.00
2	RIGHT OF WAY DELAYS	\$ 25,000.00
3	PROTECT EXISTING UNDERGROUND FACILITIES	\$ 75,000.00
4	TOW TRUCK SERVICE CONTRACTOR-SUPPLY FSP	\$ 500,000.00
5	MAINTAIN TRAFFIC	\$ 975,000.00
6	ADDITIONAL FLAGGING SHARED COSTS	\$ 237,919.00
7	VALUE ANALYSIS	\$ 10,000.00
8	WATER POLLUTION CONTROL MAINTENANCE SHARING	\$ 75,000.00
9	ADDITIONAL WATER POLLUTION CONTROL	\$ 80,000.00
10	STORM WATER SAMPLING AND ANALYSIS	\$ 6,000.00
11	CLEAN OUT EXISTING CLUVERTS AND SERVICE	\$ 150,000.00
12	PAYMENT ADJUSTMENTS FOR AC PRICE INDEX FLUCTUATIONS	\$ 445,000.00
13	MAINTAIN TEMPORARY DESERT TORTOISE FENCE	\$ 50,000.00
14	MAINTAIN EXISTING ELECTRICAL SYSTEM	\$ 150,000.00
15	PARTNERING	\$ 50,000.00
16	DISPUTE RESOLUTION ADVISOR	\$ 15,000.00
17	INCENTIVE FOR HOT MIX ASPHALT (QC/QA)	\$ 16,000.00
18	ADDITIONAL CONTRACOR-SUPPLIED BIOLOGIST	\$ 134,900.00
	SUBTOTAL (1)	\$ 3,002,019.00
AGENCY FURNISHED MATERIALS		
19	UTILITY SERVICE	\$ 10,000.00
20	TRAFFIC MANAGEMENT PLAN - PUBLIC INFORMATION	\$ 50,000.00
21	WATER EXPENSES	\$ 5,000.00
22	ELECTRIC SERVICE CONNECTIONS	\$ 250,000.00
23	COZEEP CONTRACT	\$ 509,200.00
24	WATER BOARDS ANNUAL CONSTRUCTION GENERAL PERMIT	\$ 4,400.00
25	MONUMENT DISKS	\$ 5,000.00
26	MODEL 2070 CONTROLLER ASSEMBLY	\$ 22,000.00
27	PRE AND POST-CONSTRUCTION BIOLOGY SURVEYS	\$ 150,000.00
28	QUALITY ASSURANCE TEST	\$ 50,000.00
	SUBTOTAL (2)	\$ 1,055,600.00
CONTINGENCY		
29	CONTINGENCIES (10% of Construction Contract)	\$ 2,135,607.84
	SUBTOTAL (3)	\$ 2,135,607.84
	TOTAL ALLOWANCES AND CONTINGENCY	\$ 6,193,226.84
SUMMARY		
1	CONSTRUCTION CONTRACT 18-1001967	\$ 21,356,078.35
2	SUPPLEMENTAL WORK ITEMS	\$ 3,002,019.00
3	AGENCY FURNISHED MATERIALS	\$ 1,055,600.00
4	CONTINGENCY (10%)	\$ 2,135,607.84
	TOTAL	\$ 27,549,305.19

Attachment: 18-1001967 Exhibit B (4812 : US 395 Widening Phase 1 - Award Construction Contract)

Minute Action

AGENDA ITEM: 10

Date: February 6, 2019

Subject:

Appointments to Independent Taxpayer Oversight Committee

Recommendation:

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

- A. Approve the appointment of Gerry Newcombe to the Independent Taxpayer Oversight Committee (ITOC), with a term ending December 31, 2020.
- B. Approve the appointment of Rick Gomez to the Independent Taxpayer Oversight Committee (ITOC), with a term ending December 31, 2022.

Background:

The ITOC was authorized as part of the Measure I Ordinance approved by the voters. The ITOC is a five member body with particular experience and expertise that would aid them in reviewing the implementation of the Measure I expenditure plan. There are currently two vacancies on the ITOC.

One vacancy, with a term expiring on December 31, 2020, is for 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 a government and/or the private sector. This vacancy arose after the resignation of an ITOC member that moved out of the area.

The second vacancy, with a term expiring on December 31, 2022, is for a current or retired manager of a major privately financed development or construction project. This vacancy is due to the fact that the incumbent's term has expired and they are ineligible for reappointment due to term limits.

Staff has received two applications. The Executive Committee has reviewed these applications and is recommending the following individuals for appointment.

- Gerry Newcombe for the term ending December 31, 2020.
- Rick Gomez for the term expiring December 31, 2022.

Their applications are attached for reference.

Financial Impact:

This item does not have an impact on the adopted Fiscal Year 2018/2019 budget.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. The applications have been reviewed by the Executive Committee on January 9, 2018.

Responsible Staff:

Duane Baker, Deputy Executive Director

Approved
Board of Directors
Date: February 6, 2019
Witnessed By:

Entity: San Bernardino County Transportation Authority



Application for the Independent Taxpayer Oversight Committee (ITOC)

Name:

RICK GOMEZ

Address:

PANAMA BLVD, PANAMA, CA 91701

Email:

[Redacted]

Phone No.:

[Redacted]

1. Are you currently employed by the County of San Bernardino, by a city or transit operator in San Bernardino County or by a state transportation agency? ☐ Yes ☒ No

2. Are you currently employed or have a direct commercial interest in an entity that receives Measure I money? ☐ Yes ☒ No

3. Why are you interested in serving on the Independent Taxpayer Oversight Committee (ITOC)? (Attach additional pages if necessary)

OPPORTUNITY TO USE MY GOVT EXPERIENCE.

4. Check the position for which you are applying.

- ☐ 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.
- ☐ A member who is a 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.

5. Are you currently employed? ☒ Yes ☐ No

If so who is your employer and what is your current occupation?

*SELF-EMPLOYED - RICK GOMEZ INC.
CITY PLANNING / DEVELOPMENT CONSULTANT*

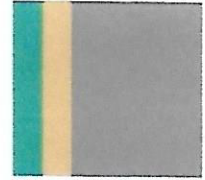
6. Describe the nature of your professional experience as it relates to the position you are applying for, including the number of years of experience you have in that area. (Attach additional pages if necessary)

SEE ATTACHED RESUME.

(See next page for information about the ITOC)

Rick Gomez Inc.

[REDACTED] Rancho Cucamonga, Ca 91701
[REDACTED]



RESUME

Synopsis of Experience

- ❖ I have extensive Public and Private Sector work experience in Executive Management positions with Cities, Private Planning Consulting firms and large Development Companies along with my own Planning and Real Estate Development Company. I believe my compressive professional experience and skill sets would be an asset to your organization.

Relevant Work Experience

- ❖ Realtor and Real Estate / Land Development Consultant
- ❖ City of Carson Contract Community Development Consultant
- ❖ City of Adelanto, Director of Community Development Services
- ❖ City of Pomona, Director of Community Development
- ❖ Hogle Ireland Incorporated, Senior Project Manager
- ❖ City of Rancho Cucamonga, Community Development Director
- ❖ City of Arcadia, Deputy City Manager/Director of Development Services
- ❖ City of Rancho Cucamonga, City Planner
- ❖ Lewis Homes of California, Senior Project Manager

Education

- ❖ Master's in Public Administration, 2001, University of La Verne
- ❖ Bachelor of Science, 1978, Urban and Regional Planning, California State University, Pomona



Professional Accomplishments

- ❖ Wrote and Awarded Sustainable Communities Planning Grant-2011 in the amount of \$990,000
- ❖ Developed Economic Strategic plans and Branding Strategies
- ❖ Developed Sustainable Plan, inclusive of Sustainable policies, standards and implementing strategies
- ❖ Developed Downtown Specific Plans
- ❖ Developed Industrial Area Specific Plans
- ❖ Developed Commercial Corridor Specific Plans/Transit Oriented Developments (TOD's)
- ❖ Project Director for Construction of Parks and Minor League Baseball Stadium
- ❖ Administrative Management of Planning, Engineering, Public Works, Code Enforcement and GIS and Assessment District Financing
- ❖ Formation and Administration of Community Facilities Districts

Qualifications

- ❖ M.P.A. with over 30 years of progressive management, policy analysis, budgeting and public engagement
- ❖ Experienced in Federal and State Intergovernmental Relations involving regional/local transportation issues, environmental/air quality and urban development programs
- ❖ Experienced in the management of governmental contracts, franchises, Business Improvement Districts (BID's) and elections related to Special Districts
- ❖ Experienced in Federal and State legislative processes and practices

Professional Management Experience

- ❖ Administration of multi-disciplinary departments inclusive of Planning, Engineering/Public Works, Building and Safety, Code Enforcement, Redevelopment and Successor Agencies
- ❖ Administration of Federal, State and Local grants inclusive of HUD, Community Development Block Grants, State Housing programs and local transportation funding
- ❖ Administration of Department Budgets inclusive of Capital Improvement programs, Redevelopment Agency/Successor Agencies and Assessment Districts
- ❖ Coordinated successful Proposition 18 ballot election vote for two (2) park district assessments
- ❖ Director of Operations for Emergency Operations Center
- ❖ Facilitated City Council meetings, City Council Subcommittees, Commissions, Task Forces and Ad Hoc Committees
- ❖ Administration of freeway agreements between Caltrans and local cities for construction of Route 30/210 Freeway through the City of Rancho Cucamonga
- ❖ Directed Administrative and Management Audits/Assessments

Professional Organizations

- ❖ National and California Associations of Realtors
- ❖ California BRE License No. 01897892
- ❖ Inland Empire Resource Conservation District-Board Member
- ❖ Docent Museum Art and History, Ontario, CA
- ❖ Member Rotary Club of Rancho Cucamonga, CA

References Provided Upon Request



Application for the Independent Taxpayer Oversight Committee (ITOC)

Name:

Gerry Newcombe

Address:

Highland CA 92346

Email:

Phone No.:

1. Are you currently employed by the County of San Bernardino, by a city or transit operator in San Bernardino County or by a state transportation agency? ☐ Yes ☒ No

2. Are you currently employed or have a direct commercial interest in an entity that receives Measure I money? ☐ Yes ☒ No

3. Why are you interested in serving on the Independent Taxpayer Oversight Committee (ITOC)? (Attach additional pages if necessary)

Opportunity to serve the community using the experience I gained during my 35 years with the County of San Bernardino

4. Check the position for which you are you applying.

- ☒ 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.
- ☐ A member who is a 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.

5. Are you currently employed? ☐ Yes ☒ No

If so who is your employer and what is your current occupation?

6. Describe the nature of your professional experience as it relates to the position you are applying for, including the number of years of experience you have in that area. (Attach additional pages if necessary)

Between 2004 and 2007 served as County rep to City Manager's TAC and was exposed to a variety of trans issues. 2012 - 2017 served as Public Works Director for SB County.

(See next page for information about the ITOC)

Minute Action

AGENDA ITEM: 11

Date: February 6, 2019

Subject:

Award Contract 19-1002035 with Alliant Insurance Services

Recommendation:

That the Board, acting as the San Bernardino County Transportation Authority, approve the award of Contract 19-1002035 with Alliant Insurance Services for Risk Management and Broker Services for a two-year period starting in Fiscal Year 2019/2020, in the amount of \$56,840, with three one-year options to extend, for a total not-to-exceed amount of \$148,655.

Background:

San Bernardino County Transportation Authority (SBCTA) sought out a Risk Management and Broker Services firm under Request for Proposal (RFP) 19-1002035 in order to assist in managing risk, controlling costs, analyzing the factors that are driving the cost of risk, developing and presenting cost-effective strategies for dealing with risk, providing creative solutions, fully exploring alternatives before recommending the purchase of insurance, and providing a clear concise explanation of what SBCTA is buying, what it costs, and why.

The firm shall represent SBCTA's interests in the marketplace when the purchase of insurance is necessary, function as SBCTA's broker/consultant, and negotiate with the insurance companies on SBCTA's behalf. The consultant will provide risk management controls, review contract insurance language, insurance compliance, certificate compliance, and claims reporting.

RFP 19-1002035 was released on November 1, 2018, and was sent electronically to approximately twenty three (23) consultants registered with SBCTA's PlanetBids website as well as two hundred and fifty (250) vendors outside of SBCTA's PlanetBids vendors list. Five firms downloaded the RFP. The solicitation was issued in accordance with Procurement Policy 11000.

A Pre-Proposal meeting was held on November 8, 2018, and was attended by two (2) firms. On November 8, 2018, Addendum No. 1 was issued with the agenda and sign-in sheet for the pre-proposal attendees. On November 19, 2018, Addendum No. 2 was issued to provide responses from SBCTA for questions received by the question deadline date.

On December 6, 2018, SBCTA received three (3) proposals by the proposal due date and time specified in the RFP. A responsiveness review was conducted by the procurement analyst and found all three firms to be in compliance with RFP specifications and requirements. The three firms were (in alphabetical order): Alliant Insurance Services, Arthur J. Gallagher & Co., and Keenan & Associates. The following is a summary of the events that transpired in the evaluation and selection process.

Summary of Evaluation Process:

On December 6, 2018, copies of the three proposals were disseminated to all evaluation committee members with a copy of the Evaluation instructions, Score Sheets, and the Declaration of Impartiality and Confidentiality form. The Evaluation Committee was comprised of SBCTA staff and San Bernardino County staff.

Entity: San Bernardino County Transportation Authority

Evaluators concluded their individual review of the proposals and convened to review, discuss and score the proposals. The Evaluation Committee members met on December 13, 2018, and discussed each proposal according to the evaluation criteria, to evaluate and score each by their proposals strengths and weaknesses. The Procurement Analyst provided information regarding the thirteen reference questionnaires received that provided favorable responses with no low ratings to cause concerns or issues. At the completion of discussions, the committee members individually scored the proposals based on the following evaluation criteria: Qualifications, Related Experience and References of the firm – 20 points; Proposed Staffing and Project Management – 30 points; Work Plan – 30 points; and Pricing – 20 points.

Interviews were conducted with all three (3) firms who submitted proposals for this procurement. Interviews were 50 minutes in length, which consisted of a 15-minute set up, staff introductions and brief presentation by each of the firms, followed by 30 minutes of questions and answers, ending with a 5 minute closing statement. At the completion of the interviews, the Evaluation Committee separately scored the interviews. The overall scores were based on technical 40% and interviews 60%.

The Committee considered all three (3) proposers qualified to perform the work specified in the RFP. The highest ranked firm, Alliant Insurance Services (Alliant), was selected for demonstrating a clear understanding of SBCTA current operations and presenting a unique strategy to address concerns with innovative solutions that would save the agency money and provide better liability coverage. Alliant showed their extensive knowledge of the insurance industry and shared their ability to use market resources beneficial to SBCTA. Alliant provided information and examples of their past experience in their proposal, and gave clear and direct responses to questions asked in the interview.

As a result of the highest ranking score based on the technical and interview evaluations conducted by the Evaluation Committee for this procurement, the committee recommends that the contract for RFP 19-1002035 be awarded to Alliant Insurance Services to provide Risk Management and Broker Services to SBCTA starting Fiscal Year 2019/2020. Evaluation forms, System of Award Management (SAM) reports, and reference checks are located in the Contract Audit File.

Financial Impact:

This item is consistent with the Fiscal Year 2018/2019 Budget.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. SBCTA General Counsel and Procurement Manager have reviewed this item and the draft contract.

Responsible Staff:

Eric Dahlen, Risk Manager

Approved
Board of Directors
Date: February 6, 2019

Witnessed By:

General Contract Information

Contract No: 19-1002035 Amendment No.: _____ Sole Source? No

Vendor No.: 03463 Vendor/Customer Name: Alliant Insurance Services

Description: Risk Management and Broker Services

Estimated Start Date: 02/06/2019 Expiration Date: 02/28/2021 Revised Expiration Date: _____

List Any SBCTA Related Contracts Nos.: _____

Dollar Amount							
Original Contract		\$	56,840.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	56,840.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	56,840.00

Contract Authorization

Board of Directors _____ Date: 02/06/2019 Board _____ Item # 5436

Contract Management (Internal Purposes Only)

Payable _____ Other Contracts _____ No Budget Adjustment _____

Accounts Payable													
Total Contract Funding: \$							56,840.00						
Total Contingency: \$							-						
GL: 7001 01 0400 0000 52001 43001000							56,840.00	GL:					-
GL:							-	GL:					-
GL:							-	GL:					-
GL:							-	GL:					-
GL:							-	GL:					-
GL:							-	GL:					-
GL:							-	GL:					-
GL:							-	GL:					-
GL:							-	GL:					-
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GL:							-	GL:					-
GL:							-	GL:					-
GL:							-	GL:					-
GL:							-	GL:					-

Accounts Receivable											
Total Contract Funding: \$						-					
Funding Agreement No: _____							Reversion Date: _____				
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-

Eric Dahlen

Hilda Flores

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: CSS 19-1002035 [Revision 1] (5436 : Award Contract 19-1002035 with Alliant Insurance Services)

EXHIBIT A

RISK MANAGEMENT AND BROKER SERVICES

“SCOPE OF WORK”

A. PURPOSE

The San Bernardino County Transportation Authority (SBCTA) Risk Management Department is responsible for working to eliminate or reduce all exposures to loss for SBCTA. We do this by transferring risk, pursuing recovery of our losses due to the actions of others, investigating accidents, effectively handling Workers' Compensation and Liability claims made against SBCTA, and make every effort to keep litigation to a minimum. In an effort to meet our responsibilities, SBCTA is seeking Insurance Brokerage Services to assist with the operations insurance program.

SBCTA has the following insurance coverage:

- Commercial property,
- General liability,
- Automotive liability,
- Excess liability,
- Crime,
- Cyber,
- Workers' compensation and employers' liability.

B. PROPERTY AND CASUALTY BROKER SERVICES

A description of SBCTA's current insurance program is included at the end this document. Workers' Compensation is currently with Cypress Insurance Co. (A Berkshire Hathaway Homestate Company.) An insurance brokerage responding to this request should demonstrate substantial, high-level knowledge, expertise, and aptitude to perform in the following areas:

1. Evaluation of the existing SBCTA's property and casualty insurance program and suggest recommendations for additions or changes to coverage and limits of insurance.
2. Develop a complete understanding of SBCTA's operations and objectives, both short and long term work with SBCTA to manage risks and control costs by:
 - a. Analyzing factors affecting SBCTA's cost of risk
 - b. Exploring alternative approaches to risk

- c. Developing, recommending, negotiating, and implementing cost-effective insurance and other risk financing programs
 - d. Prepare a comprehensive insurance market submission for each line of coverage, which accurately conveys SBCTA's requirements and priorities
3. Act as an insurance broker for SBCTA by negotiating on their behalf with insurance companies for:
 - a. Coverage terms
 - b. Service
 - c. Premiums
 - d. Placement of coverage with insurers
4. Purchase such insurance coverage as specified by SBCTA, or their designee, in accordance with designated requirements and procedures.
5. Develop an annual service plan for each line of coverage, including options of programs and products that meet the needs of SBCTA.
6. Develop and maintain exposure data. Provide feedback on issues, appropriate coverage, and limits to effectively treat those exposures.
7. Identify insurers and reinsurers (as needed) which have demonstrated a proven ability and capability to meet solvency, service, and loss control requirements.
8. Follow up with insurers for timely issuance of policies, endorsements, audits and other requirements.

C. SCOPE OF SERVICES, PERIOD OF PERFORMANCE, AND BUDGET

There are three (3) primary tasks specified in the scope of work for this project as follows:

TASK 1.0 - SCOPE OF SERVICES

The CONSULTANT will market, evaluate, negotiate, and place the operations insurance program.

- 1.1. The CONSULTANT will evaluate the current insurance programs to ensure adequate insurance protection at optimum costs. Develop specifications, underwriting information and marketing strategy for various insurance programs, including the recommended coverage, deductible and self-retention levels.
- 1.2. The services performed by the CONSULTANT shall include, but not be limited to, identifying the most qualified insurers and programs. At a minimum, the criteria for insurance placement shall be based on financial stability, ability to pay claims, the cost of insurance, and coverage.
- 1.3. Where advantageous, the CONSULTANT shall author a manuscript form to meet the specific needs of the San Bernardino County Transportation Authority (SBCTA) as opposed to trying to conform those needs to standard policy forms. The CONSULTANT shall design all insurance programs and policies to provide required coverage at optimum cost. The CONSULTANT shall obtain acceptance for the manuscript form in the market or utilize standard policies where requirements are not unique and there are benefits in doing so. As a reference, SBCTA's current Insurance Policy Coverage is attached hereunder as "Attachment 1". Please note, no employee benefit insurance is being requested for this RFP.
- 1.4. As mutually agreed, the CONSULTANT shall initiate marketing of renewal lines of coverage at least four months in advance of expiration, identifying markets of choice and anticipated results.
- 1.5. The CONSULTANT shall also negotiate with underwriters and intermediaries to obtain the most favorable insurance placement terms and conditions at the most economical price and present recommendations to Risk Management, Executive Staff, and to the SBCTA Board of Directors (Board). For each recommendation, the benefits and disadvantages shall be clearly identified.
- 1.6. For existing coverages as part of this base contract, the CONSULTANT will be paid on a firm fixed price and all insurance will be marketed and placed on a net of commission basis. Any other remuneration received by the selected broker indirectly as a result of any SBCTA placement must be fully disclosed. If an owned or affiliated

broker is used for part or the entire placement, the CONSULTANT shall disclose income received and be prepared to verify incomes earned.

- 1.7. If appropriate, recommend self-insurance, and develop detailed implementation process.
- 1.8. Assist SBCTA's Risk Manager and/or designee in implementing the self-insurance programs, including any claims processing and subrogation assistance as necessary.

TASK 2.0 - PERIOD OF PERFORMANCE

The CONSULTANT will market, evaluate, negotiate, and place the operations insurance program.

On-going account and support services

The CONSULTANT shall serve as a strong advocate of SBCTA in all of its dealings with insurers in the placement and administration of insurance programs. SBCTA will rely upon the CONSULTANT to advise on various matters, such as exposure reduction, changes in laws or regulations, fluctuations in markets, and the cost of risk. The CONSULTANT shall provide to the Risk Manager a written recap of strategies discussed with the risk management staff following any renewal strategy meetings, to be used as supporting documentation in staff reports submitted to the Board. The CONSULTANT shall have sufficient resources to address the following requirements:

- 2.1 Attend all Board and General Policy Committee meetings when any insurance items/awards are on the agenda.
- 2.2 Provide information to assist SBCTA in benchmarking its programs compared to other public transit properties.
- 2.3 Designate and name, in writing, a service team which will be available at any time upon reasonable notice on any and all matters relating to the enumerated tasks. Any replacement of the team leader would be subject to SBCTA review and approval. The CONSULTANT should notify SBCTA promptly of any service account team member changes.
- 2.4 Arrange and schedule an annual safety inspection of facilities and equipment to assess risk and provide input into the development of the recommended future insurance programs. Assist the SBCTA Risk Manager and/or designee in identifying and evaluating property exposure to loss, including reviewing previous analysis and evaluations. Recommend insurance programs and policies that provide required coverage at optimum costs. Investigate rights of the insured agencies.
- 2.5 The CONSULTANT shall be required to issue certificates of insurance, Confirmations of Coverage, Premium Finance Agreements (as needed), Claims Reporting Instructions, Program Limits Charts, and invoicing information on behalf of SBCTA.

- 2.6 Investigate and provide analyses and recommendations regarding the rights of the insured agencies under their various insurance policies to enable these agencies to protect and enforce any and all rights that they may have thereunder, including rights of indemnity and defense.

TASK 3.0 - BUDGET - ANNUAL REPORTS

Production and Submittal of Reports

The CONSULTANT shall provide an annual insurance renewal report to assist the Risk Manager in an annual review of insurance coverage to the General Policy Committee in May of each year that may address the following:

- 3.1 An analysis of the program status areas requiring budget or other action; underwriting concerns and issues, developments in the marketplace or legislatively, and objectives for the coming year. Copies of studies completed and accepted during the year shall be incorporated into any report.
- 3.2 A summary of all insurance placed by line of coverage, carrier, their participating layer of coverage, scope of coverage, commissions, deductibles, and premium, and provide a forecast each April for the following fiscal year (July 1 to June 30), including projected cost of insurance premiums, and any additional service costs. Provide notice of forecast changes on an ongoing basis during the year as a result of market developments or other events that may have potential impacts on SBCTA's program.
- 3.3 An annual timeline of renewals, complete with dates of all activities, strategy meetings, renewal specifics to market, staff reports, deadlines, market, General Policy Committee, and Board meeting dates.
- 3.4 Information on premiums paid, claims paid, outstanding reserves, and the total incurred for all claims (on each insurance program placed). The information should reconcile with both insurance company and SBCTA data.

E. CONTINUING EDUCATION AND TRAINING SEMINARS

The CONSULTANT may be called upon to advise or assist Risk Management in the education of Board members, executive staff, contract administrators or other interested SBCTA departments on insurance related programs. The CONSULTANT may also be called upon to advise any new administrative staff in the maintenance of certificates of insurance, policy endorsements, and binders.

F. DELIVERABLES

Reports:

1. The CONSULTANT shall provide an update on insurance market trends and any legislative changes impacting the Risk Management Program (e.g., FEMA changes in handling disasters and insurance coverage, etc.).
2. The CONSULTANT shall establish and update annually, via broker-provided assessment services, a computerized list of SBCTA's current insurable values for property, I-10 Express Lanes property, and all other properties on a replacement cost basis. The CONSULTANT shall identify those structures or operations sites, which would be replaced by alternate methods of construction in the event of major loss or damage.

Timelines:

1. Once appointed as SBCTA's Broker of Record, the CONSULTANT will begin a smooth transition of the work-flow from SBCTA's current broker(s) to the Consultant. Given the absolute importance of a successful transition for each new CONSULTANT client, the CONSULTANT will employ the following steps during the implementation of the program to make the transition as seamless as possible for SBCTA:

Step 1: Identify Appropriate Personnel/Discuss the Defined Service and Marketing Process

- Identify individuals who will be involved in the transition from the CONSULTANT and SBCTA.
- Discuss Defined Service and Marketing Process and tailor it to SBCTA's unique needs.
- Facilitate dialogue between key personnel at the CONSULTANT and SBCTA, including claims, loss prevention, accounting, board members, etc.

Step 2: Notify Carriers

- The CONSULTANT will prepare Broker of Record Letters (BORs) for SBCTA and then file it with the appropriate carriers.
- Confirm acceptance of all BORs filed.

Step 3: Information Gathering/Data Acquisition

- | | |
|-------------------------|------------------------------------|
| ▪ Financial statements | ▪ Exposure data |
| ▪ Audits | ▪ Draft submissions |
| ▪ Actuarial studies | ▪ Exposure data |
| ▪ Bylaws | ▪ Historical Policy Digest |
| ▪ Claims data | ▪ Policies/Summaries |
| ▪ Corporate information | ▪ Schedules or other data elements |

Step 4: Administrative

- Create Open Items Report.
- Further develop annual work plan to include all key stewardship tasks/dates/milestones.
- Develop protocol for execution of all key deliverables.

- Identify and plan for any other key administrative tasks as defined by SBCTA.
- Provide laminated team charts/contact cards.
- Execute service agreement.

Step 5: Risk Identification

- Review all data accumulated from the information gathering/data acquisition process.
- Discuss with key operational personnel (operations, finance, legal, quality, risk, claims).
- Strategic discussions regarding mission, key SBCTA initiatives, financial goals, short- and long-term operational and financial goals, unique financial issues, risk philosophy.
- Discuss unique claims or risk issues as defined by SBCTA.

Step 6: Documentation and Implementation

- Prepare a summary report detailing the process, observations, and key findings.
- Review summary document and confirm findings.
- Develop renewal timeline in conjunction with the Annual Work Plan.

The CONSULTANT service team will coordinate these activities. The CONSULTANT shall become intimately familiar with SBCTA's overall insurance program and unique loss exposures, utilizing information from SBCTA's website, financial statements, and loss runs; an analysis of its policy language and coverage to determine the exact coverage being provided; personal discussions; and on-site visits. The CONSULTANT will use its unique five-part Risk Identification Model to identify and analyze your unique loss exposures.

The CONSULTANT will develop a Risk Profile unique to SBCTA. This Risk Profile will be compared to SBCTA's current insurance coverage to: determine any serious or unanticipated gaps that exist; review the retentions and insurance limits; and provide SBCTA with a written report outlining our observations and recommendations.

Further, the CONSULTANT will develop a complete understanding of SBCTA's operations and objectives, both short and long term to manage risks and control costs

No less than 100 days prior to a major policy renewal date, the CONSULTANT will:

Develop specifications, underwriting information and marketing strategy and coordinate a renewal strategy meeting to review the current insurance market, results achieved for similar clients, analysis of viable underwriter alternatives, their capacity, and deductible preferences; obtain SBCTA's input on the desirability of any particular market; provide pricing ranges; and suggest a renewal timeline and renewal option.

a) *Due Date: March 22, 2019*

No less than 75 days prior to a major policy renewal date, the CONSULTANT will:

Coordinate all underwriter meetings benefiting SBCTA and the agreed upon renewal strategy. The CONSULTANT will provide assistance to SBCTA in structuring the presentation material and provide input and guidance on the graphic representations of SBCTA's unique results, risks, and operations, thereby distinguishing SBCTA from others in similar industry. Whenever possible, these meetings shall take place at the SBCTA offices.

The underwriting submission and the underwriter presentation shall be available to the market at least 75 days prior to SBCTA's renewal

a) *Due Date: April 16, 2019*

In order for SBCTA to make the best informed and educated renewal decision, the CONSULTANT will prepare a renewal proposal analysis including an Executive Summary and a detailed Coverage Analysis section. The CONSULTANT will ensure that SBCTA's report identifies the most qualified insurers and programs which at a minimum will be based on financial stability, ability to pay claims, cost of insurance, and coverage. Through the Consultant's marketing effort, all viable markets will be engaged and options will be presented to SBCTA that represent the most favorable insurance placement terms and conditions at the most economical price. The CONSULTANT will accompany its proposal with recommendations on benefits and disadvantages of each proposed option to key individuals within SBCTA.

2. Provide Insurance Binder with proposed policy renewals and costs. Meet and review information with SBCTA Risk Manager and/or designee.

a) *Due Date: As determined in the Renewal Strategy Meeting described above*

3. Upon approval of insurance policy renewals, bind insurance coverage.

a) *Due Date: As determined in the Renewal Strategy Meeting described above*

Deliver insurance policy renewal documents/endorsements and invoices to Risk Manager. The CONSULTANT will create a Desk Reference that will include insurance summaries of the coverage's bound, claims reporting instructions and contact information for SBCTA's dedicated service team.

b) *Due Date: As determined in the Renewal Strategy Meeting described above*

Additionally, the CONSULTANT is committed to performing the following on-going services:

- Develop an annual service plan for each line of coverage, including options of programs and products that meet the needs of SBCTA;
- Continued advocacy on behalf of SBCTA to respective insurer in the placement and administration of the various insurance programs. The CONSULTANT will advise SBCTA on various matters such as additional areas of exposure reduction, changes in laws or regulation, market conditions, and changes thereto and risk financing/cost of risk solutions.

- Develop and maintain exposure data, provide feedback on issues, appropriate coverage and limits to effectively treat those exposures;
- Identify insurers and reinsurers (as needed) which have demonstrated a proven ability and capability to meet solvency, service and loss control requirements;
- Follow up with insurers for timely issuance of policies, endorsements, audits and other requirements;
- Provide reports as needed by SBCTA;
- Attend all Board and General Policy Committee meetings as requested by SBCTA;
- Provide information to SBCTA which shall assist to benchmark its program against other public transit authorities, relative to retentions, limits, and coverage considerations.
- Provide market and legislation updates;
- Monitor excess carriers' liability claims handling and attend meetings related to claims, as requested;
- Assist SBCTA in updating manuals and other internal documents, upon request;
- Advise SBCTA with respect to safety, loss prevention, loss control and claims services;
- Provide training to address various needs within SBCTA, not to be limited to Insurance Requirements in Contracts, education related to SBCTA insurance programs, market conditions, changes to standard ISO forms and other emerging trends, etc.;
- Maintenance of a computerized statement of values.

Minute Action

AGENDA ITEM: 12

Date: February 6, 2019

Subject:

Award of Sole Source Contract to 20/20 Network Media

Recommendation:

That the Board acting as the San Bernardino County Transportation Authority:

- A. Find it's appropriate and in the best interest of San Bernardino County Transportation Authority (SBCTA) to approve sole source Contract No. 19-1002105 with 20/20 Network; and
- B. Award Contract No. 19-1002105 to 20/20 Network for media services in the amount of \$180,000 with two (2) one-year options for a total not-to-exceed amount of \$300,000.

Background:

During 2018, several major projects being delivered by the San Bernardino County Transportation Authority moved closer to construction. The I-10 Express Lanes and the Redlands Passenger Rail service are examples of major projects that will require a great deal of education as well as coordination with the general public to reduce impacts while delivering important projects to the region. Elevating the agency's profile through a variety of media outlets provides a tremendous opportunity to better inform the public. This requires a great deal of work, as many projects are complex and demand a more comprehensive story-telling approach that a resource-stretched news media often does not have the time to tell. Understanding this dilemma, SBCTA enlisted the help of a well-respected local firm, 20/20 Network, with a clear understanding of the public, private, and political nuances of San Bernardino County and a proven track record of successfully navigating the challenges of messaging in the region.

The 20/20 Network is a San Bernardino County-based strategic communications and public affairs firm with demonstrated experience in transportation, infrastructure and joint powers authorities, and in creating effective, targeted messaging. Their clients include the Southern California Association of Governments, the Southern California Leadership Council, Ontario International Airport, the County of San Bernardino, and municipalities and public agencies throughout Southern California. The firm is led by partner Steve Lambert, who has spent the past 15 years in leadership positions throughout the region, including as editor and general manager of the San Bernardino Sun and Inland Valley Daily Bulletin. Steve and the 20/20 Network offer a unique set of qualifications, including a personal knowledge of the staff and operational policies of the media outlets most important to SBCTA.

This experience proved invaluable as SBCTA contracted with the 20/20 Network to provide media support services during the 2018 calendar year. In addition to several high profile stories such as the in-depth look at the Redlands Passenger Rail Service and grants received in the most recent round of transportation funding, 20/20 Network has played a pivotal role enhancing SBCTA's media relationships and access to increased media. Their work with media and Inland Empire Stakeholders led to the development and implementation of the Ontario Airport Roundtable, a group of Inland Empire leaders committed to ensuring that transportation access to Ontario International Airport is designed to meet the needs of San Bernardino County as well as growing markets beyond the county borders.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

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Mr. Lambert's comprehensive understanding and strong rapport with San Bernardino County cities and elected officials, along with public, private, and non-profit organizations, affords the 20/20 Network the opportunity to provide critical and timely assistance to SBCTA. The 20/20 Network's knowledge of the region and relationships with print media editorial leadership are invaluable in positioning SBCTA as a subject matter expert and assisting with opportunities to reach a wider audience to share the agency's efforts to provide a wide range of transportation options for county residents.

As a result of their demonstrated experience in San Bernardino County media, understanding of transportation policy, long-standing relationships with policy makers and influencers, and skilled written and oral communication abilities, SBCTA staff recommends the Board award a contract for media services to 20/20 Network without engaging in a competitive procurement process.

Financial Impact:

This item is consistent with the Fiscal Year 2018/2019 Budget.

Reviewed By:

This item has not received prior policy committee or technical advisory committee. SBCTA Procurement Manager, Risk Manager, and General Counsel have reviewed this item and the contract.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

Approved
Board of Directors
Date: February 6, 2019

Witnessed By:

San Bernardino County Transportation Authority

Contract No:	<u>19-1002105</u>	Amendment No.:	<u></u>	Sole Source?	Yes
Vendor No.:	<u>03165</u>	Vendor/Customer Name:	<u>20/20 Network</u>		
Description:	<u>Media Consultants</u>				
Estimated Start Date:	<u>04/01/2019</u>	Expiration Date:	<u>03/31/2022</u>	Revised Expiration Date:	<u></u>
List Any SBCTA Related Contracts Nos.:	<u></u>				

Contract Authorization				
Board of Directors	Date:	02/06/2019	Board	Item # 5425

Payable	Other Contracts	No Budget Adjustment
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Accounts Receivable

Total Contract Funding: \$ -

Funding Agreement No: Reversion Date:

GL: 1 2 3 4 5 6 7 8 9 10

GL: 1 2 3 4 5 6 7 8 9 10

GL: 1 2 3 4 5 6 7 8 9 10

GL: 1 2 3 4 5 6 7 8 9 10

GL: 1 2 3 4 5 6 7 8 9 10

GL: 1 2 3 4 5 6 7 8 9 10

GL: 1 2 3 4 5 6 7 8 9 10

GL: 1 2 3 4 5 6 7 8 9 10

GL: 1 2 3 4 5 6 7 8 9 10

GL: 1 2 3 4 5 6 7 8 9 10

Task Manager (Print Name)

Additional Notes:

EXHIBIT A “SCOPE OF WORK”

ATTACHMENT A

Scope of Work SBCTA MEDIA SERVICES CONSULTANT

Background

The San Bernardino County Transportation Authority (SBCTA) has much to gain by raising its community and media profile. Key projects and initiatives coupled with the region's long-term transportation challenges have upped the ante when it comes to building public support and engagement. The sheer size of San Bernardino County means the media plays a vital role in the agency's ability to share the important work conducted on transportation infrastructure projects. Well-written transportation stories require a deeper commitment of time than most resource - stretched media are willing to provide. As a result, SBCTA seeks a CONSULTANT to provide a multilayered media strategy designed to address these challenges.

Deliverables:

- **Relationship building,**
 - The CONSULTANT will identify key reporters and editors with whom to establish an ongoing rapport. Media consolidation and staff reductions have created challenges in this regard; reporters don't have the time to mine their beats the way they once did. At the same time, if SBCTA can get their attention with interesting, usable stories while establishing a level of trust and access, (i.e., we can respond quickly to their questions), our chances improve greatly.
- **Strategic storytelling.**
 - The CONSULTANT will identify narrative(s) and develop consistent, impactful SBCTA messaging. The goal is to limit the agency's reliance on transactional stories (announcements, appointments, project updates), but look for opportunities to position SBCTA and the work the agency does as vitally important to the future of San Bernardino County, the Inland Empire and the broader region. Transportation is central to our quality of life - impacting how, and where we live, business growth and job creation, air quality and sustainability, as well as community health. The CONSULTANT will develop storylines around these themes to highlight SBCTA's connection, and pitch to appropriate media.
- **Positioning SBCTA as subject matter experts.**
 - The CONSULTANT will assist SBCTA in its efforts to work closer with Inland Empire media outlets to establish agency leadership (Executive Director, Board President, Board members) as go-to sources on transportation and related stories. The CONSULTANT will also identify opportunities to put out statements or responses to transportation-related stories.
- **Editorials/Op-ed pieces.**
 - The CONSULTANT will develop a series of commentary pieces on behalf of the Executive Director, Board President and Board members for placement in local/regional media, targeting – on average - one such story per quarter.
- **Training, coaching.**
 - The CONSULTANT will provide group and one-on-one training for agency leadership (and staff, where appropriate) with regard to overall media strategy, dealing with reporters, and prepping for interviews.
- **Crisis communications.**
 - The CONSULTANT will review any existing protocols within SBCTA and provide recommendations as to how to improve them, assist with training and preparation of staff, as well as provide direct assistance in the event of a crisis situation.

Minute Action

AGENDA ITEM: 13

Date: February 6, 2019

Subject:

Amendment to the 2019-2020 Legislative State Platform

Recommendation:

That the Board of Directors, acting as the San Bernardino County Transportation Authority approve an amendment to the 2019-2020 State Legislative Platform to oppose any efforts to “Pass any legislation to authorize a multi-county revenue measure for environmental programs.”

Background:

The Federal Clean Air Act (Act) requires attainment of National Ambient Air Quality Standards (NAAQS) for criteria air pollutants, i.e. pollutants causing human health impacts due to their release from numerous sources. The Act requires each state to develop a State Implementation Plan (SIP) to attain the NAAQS by the applicable attainment deadlines. United States Environmental Protection Agency (EPA) has regulatory authority over NAAQS, including setting vehicle emissions standards. The South Coast Basin of Southern California, including the San Bernardino Valley, has been in extreme non-attainment of ozone standards since the standards were established and risks federal sanctions if NAAQS ozone standards are not met by 2023.

The California Air Resources Board (CARB) is the primary state agency responsible for attaining and maintaining healthy air quality throughout the state and compiling the SIP for submission to the EPA. CARB is responsible for setting air pollution rules and regulations, including mobile sources of air pollution. California is the only state permitted to issue vehicle emissions standards under the Federal Clean Air Act, subject to a waiver from the EPA.

The South Coast Air Quality Management District’s (SCAQMD) boundaries include the South Coast Basin encompassing all of Orange County and the non-desert portions of San Bernardino, Riverside and Los Angeles counties. SCAQMD is charged with preparing the region’s portion of the SIP applicable within their boundaries; adoption of control regulations for stationary sources; and implementation of indirect source and transportation control measures (e.g. employee ridesharing rules).

Representatives from SCAQMD gave a presentation to the San Bernardino County Transportation Authority (SBCTA) Board of Directors at their January 9, 2019 meeting. This presentation outlined SCAQMD’s intention to seek state legislation to grant SCAQMD the authority to place a ballot measure before the voters within the boundaries of the SCAQMD. The proposed ballot measure would enact a sales and use tax ordinance to fund programs that will improve air quality in the South Coast Basin. The SCAQMD representatives stated that the revenue from the proposed sales tax increase is needed to promote use of cleaner technologies in mobile sources of air pollution and avoid penalties from the federal government for non-attainment of NAAQS. SCAQMD estimates that the proposed sales tax would raise approximately \$1.5 billion per year. Among the items slated to draw down from the annual revenue is a proposed 6.25% to be used for administrative costs. By comparison, Measure I identifies 1% to administer the resource.

Members of the SBCTA Board of Directors had a robust discussion regarding SCAQMD’s potential legislation and highlighted several issues with their proposal, including:

Entity: San Bernardino County Transportation Authority

- 80% of pollution within the South Coast Basin comes from mobile sources which are outside the regulatory authority of SCAQMD, therefore the significant increase in funding from a sales tax will not address the primary source of air pollution within the region.
- The EPA and CARB have regulatory authority over mobile sources of air pollution and should thus be the agencies to lead the effort to reduce the impacts from these sources.
- Any funds generated by the proposed tax would thus be distributed through voluntary programs, and thus would not be as effective.
- The sales tax increase could be imposed on San Bernardino County citizens even if a majority of County voters oppose the measure.
- The sales tax increase could be imposed on San Bernardino County citizens even if a majority of County voters oppose the measure.
- SCAQMD does not state what projects or programs will be funded by the sales tax revenue. Lack of a specific project list does not provide adequate transparency in the use of public funds generated in San Bernardino County.
- With the recent passage of Senate Bill 1 and subsequent increase in gas taxes, an additional tax increase could negatively impact any future renewal of Measure I in San Bernardino County.

At the conclusion of the discussion, the consensus among Board members was that the most prudent course of action to address non-attainment of NAAQS in the South Coast Basin was to work more closely with our federal partners on solutions to achieving attainment of air quality standards or toward other more realistic alternatives. This is an effort that SBCTA staff has already engaged with SCAQMD and other key regional stakeholders on, and should continue to be a primary focus. Additionally, board members would oppose any efforts to pass legislation granting SCAQMD the authority to place a ballot measure before voters in San Bernardino County that would increase the sales and use tax rate within any jurisdiction in the County. The Board of Directors directed SBCTA staff to develop a recommendation that would express their official position on this issue.

The SBCTA Federal Legislative Platform adopted by the Board of Directors at the January 9, 2019 meeting states that SBCTA will support efforts to:

“Postpone federal air quality standard deadlines in the South Coast Basin in order to allow for a more realistic implementation timeframe given the current forecast of available technology and funding options. Or, remove the penalty of lost federal transportation funding resulting from issues (e.g. heavy duty truck and train emissions) not addressed by federal regulations.”

As this position has already been adopted by the SBCTA Board of Directors, staff will work with our federal partners to develop and promote more reasonable solutions to the air quality issues within the South Coast Basin.

SCAQMD is seeking the authority to place a sales tax increase before voters through passage of state legislation. This legislation has not yet been introduced; therefore there is no specific bill that the SBCTA Board of Directors can officially oppose. In addition, the SBCTA 2019-2020 State Legislative Platform adopted at the January 9, 2019 meeting does not address this specific issue. Staff is recommending that the Board of Directors approve an amendment to the 2019-2020 SBCTA State Legislative Platform to add language addressing this issue so SBCTA can be prepared to oppose the legislation when a bill is introduced in the State Legislature.

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The addition to the SBCTA State Legislative Platform would be to oppose efforts to:

“Pass any legislation to authorize a multi-county revenue measure for environmental programs.”

By approving this amendment to the SBCTA 2019-2020 State Legislative Platform, the SBCTA Legislative Ad Hoc Committee can immediately approve an oppose position when the bill is introduced. Without language in the SBCTA State Legislative Platform, any oppose position will have to be brought before the Board of Directors and could delay SBCTA’s voice being heard by the appropriate State officials.

Financial Impact:

This item has no financial impact on the adopted Fiscal Year 2018/2019 Budget.

Reviewed By:

This item has not received prior policy committee or technical advisory committee.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

Approved
Board of Directors
Date: February 6, 2019

Witnessed By:

San Bernardino County Transportation Authority

ADDITIONAL INFORMATION

BOARD OF DIRECTORS ATTENDANCE RECORD – 2019

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Robert A. Lovingood Board of Supervisors	X											
Janice Rutherford Board of Supervisors	X											
Dawn Rowe Board of Supervisors												
Curt Hagman Board of Supervisors	X											
Josie Gonzales Board of Supervisors	X											
Gabriel Reyes City of Adelanto												
Art Bishop Town of Apple Valley	X											
Julie McIntyre City of Barstow	X											
Bill Jahn City of Big Bear Lake												
Eunice Ulloa City of Chino	X											
Ray Marquez City of Chino Hills	X											
Frank Navarro City of Colton	X											
Acquanetta Warren City of Fontana	X											
Darcy McNaboe City of Grand Terrace	X											
Bill Holland City of Hesperia	X											

X = member attended meeting. * = alternate member attended meeting. Empty box = Did not attend meeting Crossed out box = not a Board Member at the time.

BOARD OF DIRECTORS ATTENDANCE RECORD – 2019

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Larry McCallon City of Highland	X											
Rhodes ‘Dusty’ Rigbsby City of Loma Linda	X											
John Dutrey City of Montclair	X											
Edward Paget City of Needles	X											
Alan Wapner City of Ontario												
L. Dennis Michael City of Rancho Cucamonga	*											
Toni Momberger City of Redlands	* Attended as the Alternate											
Deborah Robertson City of Rialto	X											
John Valdivia City of San Bernardino	X											
Joel Klink City of Twentynine Palms	X											
Debbie Stone City of Upland	X											
Jim Cox City of Victorville	X											
David Avila City of Yucaipa	X											
Rick Denison Town of Yucca Valley												
Janice Benton Ex-Official Member	Syed Raza											

Communication: Attendance (Additional Information)

X = member attended meeting. * = alternate member attended meeting. Empty box = Did not attend meeting. Crossed out box = not a Board Member at the time.

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist Board Members and partners as they participate in deliberations at 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. 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

Acronym List

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
SRTP	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 st 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

COMMITTEE MEMBERSHIP

San Bernardino County Transportation Authority (SBCTA) Representatives on SCAG Committees

APPOINTING/ELECTING AUTHORITY	REGIONAL COUNCIL (12:15 p.m.)	POLICY COMMITTEES (Regional Council Members Serve on One Each) (Subregional Appointments) (County Commissions Appoint One to TC) (10:00 a.m.)		
		Community, Economic, and Human Development	Energy and Environment	Transportation
District 6 (Grand Terrace, Colton, Loma Linda, Redlands, Yucaipa) District 7 (San Bernardino, Highland) District 8 (Rialto, Fontana) District 9 (Rancho Cucamonga, Upland, Montclair) District 10 (Chino, Chino Hills, Ontario) District 11 (Barstow, Big Bear, Needles, Twentynine Palms, Yucca Valley) District 65 (Adelanto, Apple Valley, Hesperia, Victorville) San Bernardino County	F. Navarro J. Mulvihill D. Robertson L. Michael R. Marquez B. Jahn Vacant C. Hagman	J. Mulvihill B. Jahn	D. Robertson	F. Navarro L. Michael R. Marquez Vacant C. Hagman
†San Bernardino County Transportation Authority Appointee	A. Wapner			A. Wapner
SBCTA Subregional Appointees* *One appointee to each policy committee for a total of three appointees per subregion, plus one additional appointee for every SCAG District over three in the subregion. SBCTA has a total of seven subregional appointees to the policy committees. *Terms of appointment expire December 31 of odd-numbered years.		Julie McIntyre David Avila Ed Paget	Cynthia Moran John Valdivia Vacant	L. McCallon

Rules of Appointment

1. SBCTA policy stipulates that all SBCTA appointees be SBCTA Board Members.
2. SCAG President appoints Regional Council members to Standing and Policy Committees.

Terms of Appointment

Terms of appointment are two years, commencing on adjournment of the annual General Assembly in May of each year. Even-numbered District representatives' terms expire in even-numbered years; odd-numbered District representatives expire in odd-numbered years. †SBCTA Regional Council Representative serves a two-year term from the date of appointment.

Stipend Summary

SCAG Regional Council members receive a \$120 stipend for attendance and travel to SCAG sponsored meetings. Regional Council members may also receive reimbursement for public transit expenses or a mileage reimbursement. Parking is validated at SCAG's downtown Los Angeles office for RC members. RC members are eligible to receive up to six (6) per diem stipends per month. Both RC members and Subregional Appointees, if eligible, may receive reimbursement (\$150 + taxes) for lodging (please review SCAG rules before making expenditure). Subregional Appointees shall receive a \$120 stipend for up to four Policy or Task Force meetings per month.

Meeting Information

The regular meetings of SCAG Regional Council and Policy Committees are on the 1st Thursday of each month at the SCAG offices located at 900 Wilshire Blvd., Ste. 700, Los Angeles. Generally, the Policy Committee meetings start at 10 AM and Regional Council meetings start at 12:15 PM.

Policy Committees

Community, Economic, and Human Development: Provides policy recommendations to the Regional Council on subjects of housing, land use, resource, economic, community development, infrastructure, employment, and regional disaster preparedness issues. Reviews and recommends to the Planning Committee revisions to the Housing, Economy, Growth Management, Human Resources, and Finance Chapters of the Regional Comprehensive Plan and Guide.

Energy and Environment: Acts as the policy advisory committee to the Regional Council on environmental issues, including air and water, hazardous, solid waste management, natural resources conservation, and energy conservation. Reviews the Environmental Impact Report of the Regional Comprehensive Plan and Guide. Provides recommendations to the Planning Committee on state and federal legislative proposals and administrative guidelines affecting environmental quality, resource conservation.

Transportation: Acts as the policy advisory committee to the Regional Council on all regional matters pertaining to the movement of goods and people on land, water, and air. Reviews and recommends to the Regional Council all major utility development plans. Addresses the location, size, or capacity, timing, and impact of facilities.

Appointments to External Agencies

The San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG) work closely with not only the County and cities within the County of San Bernardino, but with a number of regional governments that relate to the multiple counties within the Southern California region. Members of the SBCTA Board of Directors frequently take active roles in representing the interests of San Bernardino County on these regional bodies. This participation provides assurance that the unique needs and characteristics of San Bernardino County are taken into consideration as policies are developed which impact this County and its individual local government units. Active participation in regional organizations further promotes the interests of San Bernardino County and secures its appropriate role in the Southern California region.

The following table lists some of the regional bodies upon which SBCTA and SBCOG representatives serve.

Committee	Appointee	Appointing Authority	Purpose	Term
California Association of Councils of Governments	Alan Wapner, Ontario	President	CALCOG facilitates communication and information sharing among its members. Most members of CALCOG are Councils of Governments (COGs), while some are transportation commissions and others are the large Metropolitan Planning Organizations like SCAG and SANDAG. CALCOG is governed by a Board of Directors comprised of a representative from each member's Board of Directors.	12/31/20
Inland Empire Economic Partnership (IEEP)	Dennis Michael, Rancho Cucamonga	President	The IEEP is a partnership that includes business, government and academic leaders to develop and carry out initiatives to benefit the region.	
The Sam and Alfreda L. Maloof Foundation for Arts and Crafts	Janice Rutherford, Supervisor	Board of Directors	A non-profit corporation that participates in the preparation of the Conservation Plan and oversees the activities and assets of the Foundation. A payment of stipend for participation has not been authorized.	12/31/19
Gold Line Phase II Joint Powers Authority	John Dutrey, Montclair, Primary Curt Hagman, Supervisor, Alternate	Board of Directors	The Gold Line Phase II Construction Authority is a Joint Powers Authority (JPA) formed by 14 cities along the corridor and SBCTA. The JPA serves as a forum for the review, consideration, study, development and recommendation of policies and plans for the extension of the Gold Line from Pasadena to Montclair. Members receive \$150 payment from Gold Line Authority for participation.	12/31/19 12/31/20
Metro Gold Line Foothill Extension Construction Authority	Alan Wapner, Ontario, Primary Deborah Robertson, Alternate	President	The Authority is responsible for the development of a light rail project from the City of Los Angeles into San Bernardino County. The Authority board meets on the second and fourth Wednesday of the month at 7:00 p.m. at the Authority's office in Monrovia. Members receive \$150 for each day spent on Authority business, not to exceed \$600 per month.	12/31/20 12/31/20
Mobile Source Air Pollution Reduction Review Committee	Larry McCallon, Highland, Primary John Valdivia, San Bernardino, Alternate	Board of Directors	Develops and implements work programs which reduce mobile source emissions, funded by AB2766 (portion of the \$4 motor vehicle registration fee). County Commissions, SCAQMD, and ARB have one appointment with alternates. In April 2005, SBCTA authorized a stipend of \$100 per day. The MSRC meets once a month on Thursdays at 2:00 p.m. at South Coast Air Quality Management District in Diamond Bar.	12/31/20 12/31/20

Appointments to External Agencies

Committee	Appointee	Appointing Authority	Purpose	Term
One Water One Watershed (OWOW) Steering Committee of the Santa Ana Watershed Project Authority	Deborah Robertson, Rialto	Board of Directors	Responsible for developing the integrated Regional Water Management Plan for the Santa Ana River. The term of the appointment is for four years for a city representative from San Bernardino County. Officers leaving elected office after appointment are still eligible to serve. Beginning January 2016, the OWOW meets on the 4 th Thursday of every other month at 11:00 a.m. at the Santa Ana Watershed Project Authority (SAWPA).	12/31/22
SCAG Policy Committees	See associated table.	The Board has authorized the President to make appointments to SCAG Policy Committees.	SBCTA also has authority to appoint up to seven appointees to the three SCAG Policy Committees: i.e., Community Economic and Human Development, Energy and Environment, and Transportation. SCAG pays appointees to policy committees a stipend of \$120 per meeting.	See associated table – Representatives on SCAG Committees
Southern California Regional Rail Authority	Alan Wapner, Ontario, Primary Larry McCallon, Highland, Primary Vacant, Alternate Ray Marquez, Chino Hills, Alternate	Board of Directors (Recommendation made by the Transit Committee)	SCRRA serves as the governing body for Metrolink, the regional commuter rail system serving the five Southern California Counties. Members receive payment of \$100 per day from SCRRA for participation.	Indefinite
SR 91 Advisory Committee	Ray Marquez, Chino Hills, Ex-Officio Member	Board of Directors	The Committee reviews issues and makes recommendations to OCTA regarding the transportation facilities acquired, including tolls imposed, operations, maintenance, use of toll revenues, and improvements in the area of SR 91 between I-15 and SR 55, including the identification and siting of alternate highways. SBCTA has not authorized payment of stipend for participation.	12/31/20
California Vanpool Authority (CalVans)	Rick Denison, Yucca Valley, Primary John Valdivia, Alternate,	President	CalVans is a Joint Powers Authority (JPA) public transit agency that operates in 13 California urbanized areas including Riverside, Imperial, Ventura and Kern counties. Board meetings occur the second Thursday of each month at 10 a.m.	12/31/20 12/31/20

Communication: Appointments to External Agencies (Committee Membership)

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
General Policy Committee 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. Policy Committee and Board Study Session Chairs are members of 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.	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. * Board authorized Vice Chair of MDC to serve as Mtn/Desert Subarea representative until 6/30/19. (Brown Act)	<u>West Valley</u> Alan Wapner, Ontario (Past President) 6/30/2019 L. Dennis Michael, Rancho Cucamonga 6/30/2019 Acquanetta Warren, Fontana 6/30/2019 Curt Hagman, Supervisor 6/30/2019 <u>East Valley</u> Frank Navarro, Colton (Chair/Vice President/Chair MVSS) 6/30/2019 Darcy McNaboe, Grand Terrace (Vice Chair/President) 6/30/2019 Larry McCallon, Highland 6/30/2019 Dawn Rowe, Supervisor 6/30/2019 <u>Mountain/Desert</u> Bill Jahn, Big Bear Lake (Chair TC) 6/30/2019 Joel Klink, Twentynine Palms 6/30/2019 Rick Denison, Yucca Valley (Vice Chair MDC)* 6/30/2019 Robert A. Lovingood, Supervisor 6/30/2019 Should the chairs of each Committee and the Officers all be from the East Valley, West Valley or Mountain/Desert, additional members may be added to maintain geographical balance. Additional Board Members may be appointed annually at the discretion of the Board President.	
Transit Committee 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.	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)	Bill Jahn, Big Bear Lake (Chair) L. Dennis Michael, Rancho Cucamonga (Vice Chair) Frank Navarro, Colton John Dutrey, Montclair Larry McCallon, Highland* David Avila, Yucaipa Deborah Robertson, Rialto Alan Wapner, Ontario* Vacant (Mtn/Desert Rep) Acquanetta Warren, Fontana Ray Marquez, Chino Hills**	12/31/2020 (6/30/2019) 12/31/2019 (6/30/2019) 12/31/2019 12/31/2020 Indeterminate 12/31/2020 12/31/2020 Indeterminate 12/31/2020 12/31/2019 Indeterminate

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Mountain/Desert Committee Membership consists of 12 SBCTA Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, Second, and Third Districts.	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)	Julie McIntyre, Barstow (Chair) Rick Denison, Yucca Valley (Vice Chair) Bill Holland, Hesperia Art Bishop, Apple Valley Bill Jahn, Big Bear Lake Gabriel Reyes, Adelanto Joel Klink, Twentynine Palms Jim Cox, Victorville Edward Paget, Needles Dawn Rowe, Supervisor Janice Rutherford, Supervisor Robert A. Lovingood, Supervisor	Indeterminate (6/30/201 Indeterminate (6/30/201 Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate

Policy Committee Meeting Times

General Policy Committee
 Transit Committee
 Mountain/Desert Committee

Second Wednesday, 9:00 a.m., SBCTA Office
 Second Thursday (following the Board of Directors meeting), 9:00 a.m., SBCTA Office
 Third Friday, 9:30 a.m., Victorville, CA

Board of Directors Study Sessions for Metro Valley Issues

STUDY SESSION	PURPOSE	MEMBERSHIP	TERMS
Board of Directors Study Sessions for Metro Valley Issues Refer to SBCTA Policy 10007.	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)	Board of Directors Frank Navarro, Colton (Chair) Curt Hagman, Supervisor (Vice Chair)	6/30/2019 6/30/2019

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
I-10 and I-15 Corridor Joint Sub-Committee of the Board of Directors Metro Valley Study Session and the Mountain/Desert Policy 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.	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)	Alan Wapner, Ontario – Chair Josie Gonzales, Supervisor – Vice Chair 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 Acquanetta Warren, Fontana Vacant (Victor Valley)

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 11 members appointed by the SBCTA Executive Director.</p> <p>5 representing Public Transit Providers</p> <p>1 representing County Dept. of Public Works</p> <p>2 representing the Consolidated Transportation Services Agency - Omnitrans and VVTA also represent CTSA for the Valley and High Desert respectively.</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</p> <p>(Brown Act)</p>	<p>Standing Membership –</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>At Large Membership –</p> <p>San Bernardino Dept. of Aging and Adult Services, Director *</p> <p>Foothill Aids, Director *</p> <p>OPARC, Director *</p> <p>Community Senior Services, Director *</p> <p>Loma Linda Medical Center, Manager</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>5/31/2020</p> <p>9/30/2020</p> <p>9/30/2020</p> <p>2/28/2019</p> <p>5/31/2020</p>

Communication: Committee Membership (Committee Membership)

Meeting Dates and Time: Bi monthly, beginning in January, 2nd Tuesday of the month, 10:00 a.m., (Location rotates: SBCTA Office, VVTA, MBTA)

* Manager or Director may designate alternate/s

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> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>E. One public member, who possesses the knowledge and skills which will be helpful to the work of the ITOC.</p> <p>In addition to the appointed members, the SBCTA President and Executive Director will serve as ex-officio members.</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>Donald Driftmier (A) Vacant (B) Wayne Hendrix (C) Norman Orfall (D) Mike Layne (E) Darcy McNaboe, Ex-Officio Ray Wolfe, Ex-Officio</p>	<p>12/31/20 12/31/20 12/31/22 12/31/18 12/31/22</p>

SBCTA Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
<p>Legislative</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 – Darcy McNaboe, Grand Terrace Vice President – Frank Navarro, Colton Immediate Past President – Alan Wapner, Ontario</p>

Communication: Committee Membership (Committee Membership)

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

SBCTA Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
Transportation Technical Advisory Committee (TTAC) Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Administrative Officer.	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.	Generally meets on the first Monday of each month at 1:30 PM, at SBCTA.
City/County Manager's Technical Advisory Committee (CCM TAC) The committee is composed 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.	SBCTA's City/County Manager's Technical Advisory Committee was established in the Joint Powers Authority that established San Bernardino Associated Governments (SANBAG). The primary role of the committee is to provide a forum for the chief executives of SANBAG's member agencies to become informed about and discuss issues facing SANBAG/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.	Meets on the first Thursday of each month at 10:00 AM, at SBCTA.
Planning and Development Technical Forum (PDTF) Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Chief Executive Officer.	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.	Meets the 4th Wednesday of each month at 2:00 p.m. at the Santa Fe Depot (in the SCAG Office).
Project Development Teams	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. The PDTs are not Brown Act Committees.	Varies with the PDT.

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