

AGENDA

Board of Directors Meeting June 3, 2020

10:00 a.m.

MEETING ACCESSIBLE VIA ZOOM AT: <https://zoom.us/j/94225998867>

Teleconference

Dial: 1-669-900-6833

Meeting ID: 942 2599 8867

**This meeting is being conducted in accordance with Governor Newsom's
Executive Orders N-25-20, N-29-20 and N-35-20.**

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

Rebekah Swanson, Council Member
City of Hesperia

Larry McCallon, Mayor
City of Highland

Rhodes "Dusty" Rigsby, Council Member
City of Loma Linda

John Dutrey, Mayor
City of Montclair

Edward Paget, Vice Mayor
City of Needles

Alan Wapner, Council Member
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
City of Twentynine Palms

Debbie Stone, Mayor
City of Upland

Jim Cox, Council Member
City of Victorville

David Avila, Mayor
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

Michael Beauchamp, Caltrans
Ex-Officio Member

Ray Wolfe, *Executive Director*

Julianna Tillquist, *General Counsel*

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

AGENDA

Board of Directors Meeting

June 3, 2020

10:00 a.m.

MEETING ACCESSIBLE VIA ZOOM AT: <https://zoom.us/j/94225998867>

Teleconference

Dial: 1-669-900-6833

Meeting ID: 942 2599 8867

Interested persons may submit Public Comment in writing to the Clerk of the Board at clerkoftheboard@gosbcta.com. Written comments must acknowledge the Agenda Item number, and specify whether the commenter wishes the comment be included with the minutes or read into the record. Comments read into the record will be read for three minutes; if three minutes pass and there is comment still unread, the time will not be extended and the remaining comment will not be read. Public Comment must be submitted no later than 5:00 pm on June 2, 2020.

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

Pg. 19

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. 20

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. April 2020 Procurement Report** Pg. 22

Receive the April 2020 Procurement Report.

Presenter: Hilda Flores

This item was received by the General Policy Committee on May 13, 2020.
- 3. Procurement Policy No. 11000 Update** Pg. 30

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

Approve modifications to Contracting and Procurement Policy No. 11000, authorizing the Department Directors or Designee to approve Contingency Amendments up to the authorized contract contingency amount approved by the Board of Directors or the Executive Director at the time of the award of the contract.

Presenter: Hilda Flores

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel has reviewed this item and the draft policy amendment.
- 4. Policy No. 10170 Confidentiality Policy** Pg. 45

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

Approve Policy No. 10170, Confidentiality Policy.

Presenter: Hilda Flores

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel has reviewed this item and a draft of the policy.
- 5. Award Contract No. 20-1002322 to PFM for Financial Advisor Service** Pg. 52

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

Award Contract No. 20-1002322 to PFM Financial Advisors LLC for Financial Advisor Services for a three-year term, in an amount not-to-exceed \$400,000, with two one-year options, for a total not-to-exceed contract amount of \$600,000.

Presenter: Hilda Flores

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and the draft contract.

6. Insurance Premium Update

Pg. 56

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

Authorize the Director of Special Projects and Strategic Initiatives to approve and execute binding insurance coverage through the policies and premiums being proposed by Alliant Insurance Services, Inc., for the period July 1, 2020 through June 30, 2021.

Presenter: Eric Dahlen

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. This item is not scheduled for review by any other policy committee or technical advisory committee.

7. Biennial Review of Conflict of Interest Code

Pg. 59

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

A. Perform the biennial review of SBCTA's Policy No. 10102 Conflict of Interest Code, and amend Appendix A with updated employee job titles and disclosure categories, as outlined in the attachment.

B. Direct the SBCTA Clerk of the Board to submit the Policy and Appendix A to the San Bernardino County Board of Supervisors for approval. **Presenter: Marleana Roman**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel has reviewed this item and the Policy.

8. Board Presidential Appointments

Pg. 65

Receive and file the following Board Presidential appointments:

Note the Presidential appointments to the Legislative Policy Committee. The members appointed to the Legislative Policy Committee are: Larry McCallon, City of Highland, representing the East Valley; Alan Wapner, City of Ontario, representing the West Valley; Art Bishop, Town of Apple Valley, representing the Mountain/Desert; and Curt Hagman, representing the County Board of Supervisors. **Presenter: Marleana Roman**

This item has not received prior policy committee or technical advisory committee review. This agenda item is presented to apprise the Board of the recent Presidential appointments.

Consent - Air Quality/Traveler Services

9. Freeway Service Patrol Beats 11 and 29 - Contract Amendments

Pg. 67

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

Approve the following amendments with two (2) Freeway Service Patrol (FSP) tow operators due to the delay of FSP Request for Proposals No. 20-1002323, which has been postponed due to the COVID-19 outbreak.

A. Amendment No. 3 to Contract No. 15-1001224 with Airport Mobil Towing to extend the termination date to March 31, 2021, and increase the contract amount by \$170,292 for a revised not-to-exceed amount of \$1,926,069.

B. Amendment No. 2 to Contract No. 15-1001225 with Pepe's Towing to extend the termination date to March 31, 2021, and increase the contract amount by \$169,637 for a revised not-to-exceed amount of \$1,815,642.

Presenter: Jenny Herrera

This item was reviewed and recommended for approval (7-0-1; Abstained: Wapner) by the General Policy Committee on May 13, 2020. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft amendments.

Consent - Project Delivery

10. Request for Proposals for On-Call Environmental Services

Pg. 78

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

Approve release of Request for Proposals No. 20-1002377 for On-Call Environmental Services in support of the Project Delivery Program.

Presenter: Paula Beauchamp

This item was reviewed and recommended for approval (18-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 14, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and a draft of the RFP.

11. Interstate 215 Bi-County Landscape Right-of-Way Easement

Pg. 110

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

A. Authorize staff to complete the appraisals of properties identified in Table A and make offers of just compensation to the property owners for the acquisition of property necessary for the Interstate 215 Bi-County Landscaping Project (Project); and

B. Authorize the Director of Project Delivery to add or delete parcels in Table A as deemed necessary for the Project.

Presenter: Paula Beauchamp

This item was reviewed and recommended for approval (18-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 14, 2020. SBCTA General Counsel has reviewed this item.

Consent - Regional/Subregional Planning

12. Update on the Countywide Senate Bill 743 Vehicle Miles Traveled Implementation Study

Pg. 112

Receive an update on the Countywide Senate Bill 743 (SB 743) Vehicle Miles Traveled Implementation Study and forthcoming local jurisdiction implementation of State of California SB 743 requirements.

Presenter: Steve Smith

Material in this item has also been presented to the Transportation Technical Advisory Committee and the Planning and Development Technical Forum at various workshops beginning in February 2020. This item was received by the Board of Directors Metro Valley Study Session on May 14, 2020 and the Mountain/Desert Policy Committee on May 15, 2020.

13. Inland Empire Comprehensive Multimodal Corridor Plan

Pg. 126

Receive a report on the status of the Inland Empire Comprehensive Multimodal Corridor Plan.

Presenter: Steve Smith

The material in this agenda item was reviewed by the Transportation Technical Advisory Committee on November 4, 2019 and May 4, 2020. This item was received by the General Policy Committee on May 13, 2020.

14. Development Mitigation Annual Report for Fiscal Year Ending June 30, 2019 Pg. 147

Receive information on the Development Mitigation Annual Report for Fiscal Year ending June 30, 2019.

Presenter: Steve Smith

The tables contained in this item were discussed with the Transportation Technical Advisory Committee (TTAC) on May 4, 2020. This item was received by the General Policy Committee on May 13, 2020.

15. Cooperative Agreement No. 20-1002383 with the Department of Transportation for the Widening of State Route 18 Pg. 151

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

A. Approve Cooperative Agreement No. 20-1002383 (Agreement) with California Department of Transportation (Caltrans) for oversight of the Project Study Report– Project Development Support (PSR-PDS) for the widening of State Route (SR) 18 from US 395 to SR-138 in Los Angeles County.

B. Authorize San Bernardino County Transportation Authority to reimburse Caltrans up to \$250,000 for oversight of the PSR-PDS for the widening of SR-18 from US 395 to SR-138 in Los Angeles County, as identified in the Agreement.

Presenter: Steve Smith

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 15, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and the draft cooperative agreement.

16. Cooperative Agreement No. 19-1002228 between San Bernardino County Transportation Authority and Los Angeles County Metropolitan Transportation Authority for State Route 18/138 Corridor Study Pg. 174

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

A. Approve Cooperative Agreement No. 19-1002228 (Agreement) between San Bernardino County Transportation Authority (SBCTA) and Los Angeles County Metropolitan Transportation Authority (Metro) for collaboration on the State Route 18/138 Corridor Study. The Agreement commits SBCTA to fund 50% (\$375,000) of the cost for consultant services to prepare the Project Study Report-Project Development Support (PSR-PDS), to be funded with Measure I 2010-2040 Victor Valley Subarea Project Development and Traffic Management Systems funds, for a total consultant project cost not-to-exceed \$750,000. The Agreement also commits SBCTA to accept a payment of \$125,000 from Metro to fund 50% of the cost of California Department of Transportation (Caltrans) oversight of the PSR-PDS.

B. Authorize the Executive Director to make modifications to the scope of work, through negotiations with Caltrans District 8, and to approve the final scope of work while remaining within the budget of the Agreement.

Presenter: Steve Smith

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 15, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and the draft cooperative agreement.

Consent - Transit

17. Southern California Regional Rail Authority Preliminary Budget Request for Fiscal Year 2020/2021 - Continuing Appropriations Resolution Pg. 190

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

A. Approve a three-month continuing appropriations resolution for the Southern California Regional Rail Authority (SCRRA) Preliminary Budget request in an amount not-to-exceed member agency subsidies that were approved for Fiscal Year (FY) 2019/2020 Quarter 1, of which \$5,236,570 was San Bernardino County Transportation Authority's share, and defer consideration and adoption of the budget to September 30, 2020; and

B. Approve the re-allocation and use of \$2,396,000 of operating surplus funds from FY 2017/2018 and FY 2018/2019 to offset the amount required to continue appropriations; and

C. Allocate \$2,840,570 of Valley Local Transportation Funds to SCRRA for operations during the three-month continuing resolution period.

Presenter: Rebekah Soto

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 14, 2020.

18. Fiscal Year 2019/2020 Second Quarter Transit Operator Update Pg. 192

Receive and file the San Bernardino County Multimodal Transportation Second Quarter Update.

Presenter: Nancy Strickert

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

19. San Bernardino Countywide Zero-Emission Bus Study Update Pg. 213

Receive and file an update on the status of the San Bernardino Countywide Zero-Emission Bus Study.

Presenter: Rebekah Soto

This item was received by the Transit Committee on May 14, 2020.

20. Amendment No. 8 to Contract Task Order No. 11 issued for Contract No. 00-1000939 Staff Augmentation Support Services Pg. 225

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

Authorize the Executive Director, or his designee, to execute Amendment No. 8 to Contract Task Order No. 11 issued for Contract No. 00-1000939, On-Call Consultant Support Services, between San Bernardino County Transportation Authority and Mott MacDonald for Staff Augmentation Support Services, in an amount of \$1,500,000, for a Contract Task Order total of \$6,122,604.82.

Presenter: Carrie Schindler

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 14, 2020. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the amendment.

21. Amendment No. 3 to Contract No. 16-1001363 with Kaplan, Kirsch & Rockwell, LLP Pg. 229

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

Approve Amendment No. 3 to Contract No. 16-1001363 with Kaplan, Kirsch & Rockwell, LLP, for legal services to support the Redlands Passenger Rail Project, extending the contract term to June 30, 2022.

Presenter: Carrie Schindler

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 14, 2020. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft amendment.

Consent - Transportation Programming and Fund Administration

22. Revisions to Measure I Strategic Plan Policies - Rural Mountain/Desert Subareas Pg. 235

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

Approve revisions to Measure I 2010-2040 Strategic Plan Rural Mountain/Desert Subareas Policies:

- 40016 – Rural Mountain/Desert Subareas Local Street Program
- 40018 – Rural Mountain/Desert Subareas Senior and Disabled Transit Program

Presenter: Andrea Zureick

These policy revisions were reviewed by members of the Transportation Technical Advisory Committee on May 4, 2020, and the City/County Manager Technical Advisory Committee on May 7, 2020. This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 15, 2020. SBCTA's General Counsel has reviewed this item and the draft policy revisions.

23. Revisions to Measure I Strategic Plan Policies - Victor Valley Subarea Pg. 255

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

Approve revisions to Measure I 2010-2040 Strategic Plan Victor Valley Subarea Policies:

- 40012 – Victor Valley Local Street Program
- 40013 – Victor Valley Major Local Highways Program
- 40014 – Victor Valley Senior and Disabled Transit Program

Presenter: Andrea Zureick

These policy revisions were reviewed by members of the Transportation Technical Advisory Committee on May 4, 2020, and the City/County Manager Technical Advisory Committee on May 7, 2020. This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 15, 2020. SBCTA General Counsel has reviewed this item and the draft policy revisions.

24. Measure I Valley Major Street Projects Program – Arterial Sub-Program Allocation Adjustments Pg. 286

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

A. Approve a decrease of \$4,245,804 to the approved Fiscal Year 2020/2021 Valley Major Street Projects Program – Arterial Sub-program allocation amount of \$23,583,102, resulting from projected COVID-19 impacts to Measure I revenue forecasts, for a new allocation total of \$19,337,298.

Agenda Item 24 (cont.)

B. Approve an allocation of \$4,245,804 of previously unallocated Major Street Projects Program – Arterial Sub-program revenue collected through Fiscal Year 2018/2019 to backfill the Fiscal Year 2020/2021 allocation reduction.

C. Approve a 15-year allocation adjustment strategy to immediately allocate \$17,831,173 of remaining unallocated Valley Major Street Projects Program – Arterial Sub-program revenue collected through Fiscal Year 2018/2019 among certain Valley Subarea jurisdictions and to adjust future allocations among jurisdictions to restore jurisdictional equity to the Sub-program. **Presenter: Andrea Zureick**

The proposed allocation adjustments were reviewed by the Transportation Technical Advisory Committee on May 4, 2020, and the City/County Manager Technical Advisory Committee on May 7, 2020. This item was reviewed and recommended for approval (16-0-1; Abstained: Robertson) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 14, 2020.

25. Revisions to Strategic Plan Policies - Measure I Valley Subarea Programs

Pg. 296

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

Approve revisions to Measure I 2010-2040 Strategic Plan Valley Subarea Policies:

- 40001 – San Bernardino Valley Subarea
- 40003 – Valley Local Street Program
- 40006 – Valley Major Street Program
- 40009 – Valley Senior and Disabled Transit Program

Presenter: Andrea Zureick

These policy revisions were reviewed by members of the Transportation Technical Advisory Committee on May 4, 2020, and the City/County Manager Technical Advisory Committee on May 7, 2020. This item was reviewed and recommended for approval (17-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 14, 2020.

Consent - Legislative/Public Outreach

26. Request for Proposals for San Bernardino County Transportation Authority/San Bernardino Associated Governments Federal Advocacy Services

Pg. 333

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

Approve release of Request for Proposals No. 20-1002385 for Federal Advocacy Services to be provided from January 1, 2021 through December 31, 2022.

Presenter: Otis Greer

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and a draft of the RFP.

27. Request for Proposals for San Bernardino County Transportation Authority/San Bernardino Associated Governments State Advocacy Services

Pg. 340

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

Approve release of Request for Proposals No. 20-1002384 for State Advocacy Services to be provided from December 1, 2020 through December 31, 2022.

Presenter: Otis Greer

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and a draft of the RFP.

28. State and Federal Legislative Update

Pg. 346

Receive and file the May 2020 State and Federal Legislative Update.

Presenter: Louis Vidaure

This item was received by the General Policy Committee on May 13, 2020.

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 - Administrative Matters

29. Election of Officers for Fiscal Year 2020/2021

Pg. 364

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

A. Receive Nominating Committee recommendations for Board President and Vice President.

B. Conduct elections for Board President and Vice President.

Presenter: Darcy McNaboe

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

30. SBCTA 2020/2021 Proposed Budget

Pg. 366

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

A. Conduct the Public Hearing for the Fiscal Year 2020/2021 Proposed Budget; and

B. Adopt the San Bernardino County Transportation Authority Fiscal Year 2020/2021 Budget; and

C. Approve the Fiscal Year 2020/2021 Initiatives and Action Plan.

Presenter: Hilda Flores

The proposed budget was presented for review at the Board of Directors Budget Workshop held during the special Board meeting on May 14, 2020. All SBCTA policy committees have reviewed task descriptions and budget for activities under their purview.

31. Appropriations Limitation for Fiscal Year 2020/2021

Pg. 368

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

Adopt Resolution No. 20-050 establishing an appropriations limit of \$1,350,154,049 for Fiscal Year 2020/2021.

Presenter: Hilda Flores

This item has not received prior policy committee or technical advisory committee review. This item is being presented directly to the Board of Directors at its June 3, 2020 meeting, in conjunction with the adoption of the Fiscal Year 2020/2021 Budget. SBCTA General Counsel has reviewed this item and the draft resolution.

Discussion - Project Delivery

32. Hearing to Consider Resolution of Necessity for Property Interest for the Mount Vernon Viaduct Project in the City of San Bernardino Pg. 370

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

A. Conduct a public hearing to consider condemnation of real property required for the Mount Vernon Viaduct Project (Project) in the City of San Bernardino.

B. Upon completion of a public hearing, that the Board of Directors adopt Resolution of Necessity No. 20-027 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring real property for the Project from: Raul Tejeda, a single man, (Assessor's Parcel Number 0138-182-38) (hereinafter "Tejeda Property"). The Resolution must be approved by at least a two-thirds majority of the Board.

Presenter: Brenda Schimpf

This item was reviewed and recommended (17-0-0) to proceed to Hearings of Resolutions of Necessity by the Board of Directors with a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 14, 2020. SBCTA General Counsel has reviewed this item and a draft of the resolution.

33. Interstate 10 University Street Improvements Project - City Cooperative Agreement Amendment, Request to Release Invitation for Bids, and Caltrans Financial Contribution Agreement Pg. 388

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

A. Approve Amendment No. 1 to Agreement No. R14088 with the City of Redlands to redefine the project funding responsibilities based on the revised project cost estimates and a California Department of Transportation (Caltrans) financial contribution for the Interstate 10 University Street Improvements Project (Project). This amendment will reduce the San Bernardino County Transportation Authority contribution in the amount of \$108,425 for a total contribution of \$4,078,675, and increase the City of Redlands' contribution in the amount of \$221,360 for a total contribution of \$1,234,260.

B. Authorize advertising Invitation for Bids No. 20-1002290 for the construction of the Project in the City of Redlands.

C. Approve Agreement No. 20-1002401 with Caltrans for their financial contribution of \$500,000 towards the eastbound off-ramp portion of the Project.

Presenter: Paula Beauchamp

Recommendations A and B were reviewed and recommended for approval (17-0-1; Abstained: Momberger) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on September 12, 2019. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and drafts of the amendment, IFB, and agreement.

Discussion - Council of Governments

34. Award Contract Nos. 20-1002379, 20-1002380, and 20-1002381 for Professional Services Related to Property Assessed Clean Energy (PACE) Assessment Administration Pg. 407

That the Board, acting as the San Bernardino Associated Governments (SBCOG):

Approve and award the following contracts for professional services needed to assist SBCOG with the annual levy, administration, and customer service related to Property Assessed Clean Energy (PACE) assessments created as part of the Home Energy Renovation Opportunity (HERO) Program from 2013 to 2017:

Agenda Item 34 (cont.)

A. Award Contract No. 20-1002379 to DTA for Special Tax Consulting Services for a ten-year term for an amount described in the Financial Impact Section, after final approval as to form by General Counsel.

B. Award Contract No. 20-1002380 to PFM Financial Advisors LLC for Financial Advisory and Program Management Services for a ten-year term for an amount described in the Financial Impact Section, after final approval as to form by General Counsel.

C. Award Contract No. 20-1002381 to Best, Best & Krieger for Legal Services for a ten-year term for an amount described in the Financial Impact Section, after final approval as to form by General Counsel.

Presenter: Duane Baker

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

Discussion - Transportation Programming and Fund Administration

35. Fiscal Year 2020/2021 State of Good Repair Program Apportionment

Pg. 419

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

A. Approve a State of Good Repair – Population Share Apportionment for Fiscal Year 2020/2021 of \$3,083,387 to be apportioned to the Valley and the Mountain/Desert areas based on the 2019 California Department of Finance Population Data as follows:

i. Valley Fiscal Year 2020/2021 Apportionment: \$2,246,958

ii. Mountain/Desert Fiscal Year 2020/2021 Apportionment: \$836,429

B. Authorize staff to release State of Good Repair - Operator Share funds received in excess of the allocated amount to operators as the funds are received.

Presenter: Andrea Zureick

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

36. Central Avenue at State Route 60 Baseline Agreement

Pg. 423

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

A. Approve Proposition 1B Trade Corridors Improvement Fund Baseline Agreement No. 20-1002436 with the California Transportation Commission, the California Department of Transportation, and the City of Chino for the State Route 60 Central Avenue Interchange Improvement Project, and authorize the Executive Director, or designee, to execute the final Agreement subject to approval as to form by General Counsel.

B. Authorize the Executive Director or designee to execute Amendment No. 1 to Cooperative Agreement No. 19-1002121 with the California Department of Transportation for the construction phase of the State Route 60 Central Avenue Interchange Improvement Project to reflect the inclusion of the new funding for the project and a like reduction of local funds subject to approval as to form by General Counsel.

Presenter: Andrea Zureick

This item has not received prior policy committee or technical advisory committee review. Because the agreement must be approved prior to the July Board meeting, it is being presented directly to the SBCTA Board of Directors for review and approval. SBCTA's General Counsel, Procurement Manager, and Risk Manager have reviewed this item and the proposed agreement.

37. Resolution No. 20-049 for Federal Transit Administration Section 5310 Projects

Pg. 432

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

Adopt Resolution No. 20-049 which certifies that San Bernardino County Transportation Authority (SBCTA) projects under Federal Transit Administration Section 5310 are consistent with SBCTA's Public Transit-Human Service Transportation Coordinated Plan.

Presenter: Nancy Strickert

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

Discussion - Transit

38. Ontario International Airport Rail Access Alternatives Analysis & Unsolicited Proposal

Pg. 439

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

Direct staff to defer Request for Proposals No. 20-1002369 for preparation of Alternatives Analysis for the Ontario International Airport Rail Access Project by a few months, to allow staff to determine the viability of a tunnel option.

Presenter: Carrie Schindler

This item was received by the Transit Committee on May 14, 2020, and the recommendation provided reflects the unanimous direction given by the Transit Committee. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item.

Discussion - Council of Governments

39. Report on Council of Governments Work Plan

Pg. 443

Receive a report on the San Bernardino Council of Governments Work Plan.

Presenter: Monique Reza-Arellano

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

Public Comment

Brief Comments from the General Public

Interested persons may submit Public Comment in writing to the Clerk of the Board at clerkoftheboard@gosbcta.com. Written comments must acknowledge the Agenda Item number, and specify whether the commenter wishes the comment be included with the minutes or read into the record. Comments read into the record will be read for three minutes; if three minutes pass and there is comment still unread, the time will not be extended and the remaining comment will not be read. Public Comment must be submitted no later than 5:00 pm on June 2, 2020.

Comments from Board Members

Brief Comments from Board Members

Executive Director's Comments

Brief Comments from the Executive Director

ADJOURNMENT

Additional Information

Attendance

Pg. 451

Acronym List

Pg. 453

Agency Reports

Mobile Source Air Pollution Reduction Review Committee Agency Report

Pg. 456

Committee Membership

Representatives on SCAG Committees

Pg. 459

Appointments to External Agencies

Pg. 460

Committee Membership

Pg. 462

Mission Statement

Mission Statement

Pg. 467

Meeting Procedures and Rules of Conduct During COVID-19 ‘Stay in Place’ Orders

Meeting Procedures - The Ralph M. Brown Act is the state law which guarantees the public’s right to 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. California Governor Gavin Newsom has issued several Executive Orders (N-25-20, N-29-20 and N-35-20) waiving portions of the Brown Act requirements during the COVID-19 State of Emergency.

Accessibility – During the COVID-19 crisis, meetings are being held virtually using web-based or telephone technologies. If accessibility assistance is 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 can be reached by phone at (909) 884-8276 or via email at clerkoftheboard@gosbcta.com.

Agendas – All agendas are posted at www.gosbcta.com/board/meetings-agendas/ at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed online at that web address.

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 – Public Comment may be submitted in writing to the Clerk of the Board via email at clerkoftheboard@gosbcta.com. Written comments must acknowledge the Agenda Item number, and specify whether the commenter wishes the comment be included with the minutes or read into the record. Comments read into the record will be read for three minutes; if three minutes pass and there is comment still unread, the time will not be extended and the remaining comment will not be read. Public Comment must be submitted no later than 5:00 pm the day before the meeting. 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 indicate their request when Public Comment is called for during the meeting. This request to speak can be achieved by either using the ‘Raise Hand’ feature in Zoom platform or by verbally stating interest when the Chair calls for Public Comment. When recognized by the Chair, speakers should be prepared to announce their name 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 such information electronically to the Clerk of the Board via email at clerkoftheboard@gosbcta.com no later than 5:00 pm the day before the meeting. 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 an 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 be removed from the virtual 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, posting profane or rude content in the virtual meeting environment, 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...

June 2020

SBCTA Meetings – Cancelled: None

SBCTA Meetings – Scheduled:

General Policy Committee	June 10	9:00 am	Meeting Accessible via Zoom
Transit Committee	June 11	9:00 am	Meeting Accessible via Zoom
Metro Valley Study Session	June 11	9:30 am	Meeting Accessible via Zoom
I-10/I-15 Corridor Joint Sub-Committee	June 11	10:00 am	Meeting Accessible via Zoom
Mountain/Desert Committee	June 12	9:30 am	Meeting Accessible via Zoom

Other Meetings/Events:

None			
------	--	--	--

In keeping with the Governor's Executive Orders, SBCTA Offices are closed until the stay at home order is lifted.

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

Minute Action

AGENDA ITEM: 1

Date: June 3, 2020

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
5	20-1002322	PFM Financial Advisors LLC <i>Peter Shellenberger</i>	None
6	19-1002035	Alliant Insurance Services, Inc. <i>Rex Jorgenson, Courtney Ramirez</i>	None
9	15-1001224-3	Airport Mobil Towing <i>Moris Musharbash</i>	None
9	15-1001225-2	Pepe's Towing Services, Inc. <i>Manuel Acosta</i>	None
11	APN 0164-421-20	Desiree Singletary	None
20	C14003 / 00-1000939 (CTO 11-8)	Mott MacDonald Group (formerly Hatch Mott MacDonald, LLC) <i>M. Joseph Toolson, Vice President</i>	HDR Engineering, Inc. Franklin Hill Group Engineering Solutions Services Jacobs Overland Pacific & Cutler Pacific Railway Enterprise Project Design Consultants AMMA Transit Planning Cambridge Systematics, Inc. CDM Smith Gruen Associates Gannet Fleming ICF Jones & Stokes, Inc. Klienfelder Lance Schulte

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

Board of Directors Agenda Item

June 3, 2020

Page 2

Item No.	Contract No.	Principals & Agents	Subcontractors
20 (cont.)			PAC Engineering Patti Post & Associates Pacific Municipal Consultants Towill, Inc. Westbound Communications, Inc. PQM, Inc. IBI Group, Inc.
21	16-1001363-3	Kaplan Kirsch & Rockwell LLP <i>Charles Spitulnik</i>	None
32	APN 0138-182-38	Raul Tejada	None
34	20-1002379	DTA (formerly David Taussig & Associates, Inc.) <i>David Taussig</i>	None
34	20-1002380	PFM Financial Advisors LLC <i>Mike Berwanger</i>	None
34	20-1002381	Best Best & Kreiger LLP <i>Warren B. Diven</i>	None
38	N/A	The Boring Company <i>Steve Davis</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: June 3, 2020

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 2

Date: June 3, 2020

Subject:

April 2020 Procurement Report

Recommendation:

Receive the April 2020 Procurement Report.

Background:

The Board of Directors adopted the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997, and approved the last revision on January 8, 2020. The Board of Directors authorized the Executive Director, or designee, to approve: a) contracts and purchase orders up to \$100,000 and for purchase orders originally \$100,000 or more, increasing the purchase order amount up to 10% of the original purchase order value, not-to-exceed \$25,000; b) Contract Task Orders (CTO) up to \$500,000 and for CTOs originally \$500,000 or more, increasing the purchase order amount up to 10% of the original CTO value, not-to-exceed \$100,000; c) amendments with a zero dollar value; d) amendments to exercise the option term if the option term was approved by the Board of Directors in the original contract; e) amendments that cumulatively do not exceed 50% of the original contract value or \$100,000, whichever is less; and f) release Request for Proposals (RFP), Request for Qualifications (RFQ) and Invitation for Bids (IFB) for proposed contracts from which funding has been approved in the Annual Budget, and are estimated not-to-exceed \$1,000,000.

The Board of Directors further authorized General Counsel to award and execute legal services contracts up to \$100,000 with outside counsel as needed. A list of all Contracts and Purchase Orders that were executed by the Executive Director and/or General Counsel during the month of April 2020 are presented herein as Attachment A, and all RFPs and IFBs are presented in Attachment B.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 Budget. Presentation of the monthly procurement report demonstrates compliance with the Contracting and Procurement Policy.

Reviewed By:

This item was received by the General Policy Committee on May 13, 2020.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

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

Attachment A

April Contract Actions

New Contracts Executed:

Contract No.	Description of Specific Services	Vendor Name	Dollar Amount	Description of Overall Program
20-1002329	Zero-Emissions Multiple Unit Implementation Support Services	Michigan State University	\$92,000.00	The implementation of support activities related to the development of the Zero-Emission Multiple Unit power generation technology
20-1002396	Financial System	Tyler Technologies	\$100,000.00	License and services agreement for SBCTA's Financial System

Attachment: April Procurement report Attachment A (6718 : April 2020 Procurement Report)

Attachment A

April Amendment Actions

Contract Amendments Executed:

Contract No. & Amendment No.	Reason for Amendment (include a description of the amendment)	Vendor Name	Previous Amendments & Dollar Values	Dollar Amount of Amendment	Amended Contract Total
17-1001683 Amendment 1	Time extension for one-year. Project: Vanpool Online Software System Development	TripSpark Technologies	Original \$372,919.00	\$0.00	\$372,919.00
C12141 Amendment 7	Name change due to corporate restructuring. Project: Services to assist in the formation and operations of the Property Assessed Clean Energy Program	PFM Financial Advisors LLC	Original \$0.00 Amendment 1 \$1,750,000.00 Amendment 2 (\$385,800.00) Amendment 3 \$0.00 Amendment 4 \$0.00 Amendment 5 \$0.00 Amendment 6 \$0.00	\$0.00	\$1,364,200.00
19-1002171 Amendment 1	Added mobilization payment clause to contract. Project: Freeway Service Patrol Beat 27	Steve's Towing	Original \$2,875,132.00	\$0.00	\$2,875,132.00
18-1001877 Amendment 1	Time extension for six-months. Project: San Bernardino County Sub-Regional Greenhouse Gas Emission Reduction Plan Update	California Energy Commission	Original \$250,635.00	\$0.00	\$250,635.00

Attachment: April Procurement report Attachment A (6718 : April 2020 Procurement Report)

Contract No. & Amendment No.	Reason for Amendment (include a description of the amendment)	Vendor Name	Previous Amendments & Dollar Values	Dollar Amount of Amendment	Amended Contract Total
C14186 Amendment 3	Exercised second option year and added Cyber Liability insurance to the contract. Project: Laserfiche Software for Document Management	ECS Imaging, Inc.	Original \$265,000.00 Amendment 1 \$100,000.00 Amendment 2 \$30,000.00	\$0.00	\$395,000.00
17-1001664 Amendment 2	Exercised first option year. Project: On-Call Labor Compliance Services	Gafcon, Inc,	Original \$300,000.00 Amendment 1 \$650,000.00	\$0.00	\$650,000.00

Attachment A

April Contract Task Order Actions

Contract Task Order (CTO) Executed:

Contract No. & CTO No.	Description of CTO	Vendor Name	Contract Amount	Previously Issued CTOs	Dollar Amount of CTO
18-1001907 CTO 1 Amendment 1	Time extension for disposition of property associated with the Interstate 215 Bi-County High Occupancy Vehicle Gap Closure Project	Epic Land Solutions	\$6,000,000.00 Shared with Bender Rosenthal (18-1001823), Property Specialists, Inc. (18-1001906) and Overland Pacific & Cutler (18-1001909)	Various CTOs not including CTO 1 Totaling \$354,945.06	Original \$26,611.00 Amendment 1 \$0.00 Total \$26,611.00

Attachment: April Procurement report Attachment A (6718 : April 2020 Procurement Report)

Attachment A

April Purchase Order Actions

Purchase Orders:

PO No.	PO Issue Date	Vendor Name	Description of Services	PO Dollar Amount
4002035	4/7/2020	Citycom Real Estate Services	Pedestrian Bridge Concrete Repair	\$15,309.80

Attachment: April Procurement report Attachment A (6718 : April 2020 Procurement Report)

Attachment A

April Purchase Order Amendment Actions

Purchase Order Amendments Executed:

Purchase Order No. & Amendment No.	Description of Services and Reason for Amendment	Vendor Name	Previous Amendments & Dollar Values	Dollar Amount of Amendment	Amended PO Total
None					

Attachment: April Procurement report Attachment A (6718 : April 2020 Procurement Report)

Attachment B

April RFP's and IFB's

Release of RFP's and IFB's:

Release Date	RFP/IFB No.	Description of Services	Anticipated Dollar Amount	Anticipated Award Date	Description of Overall Program and Program Budget
April 30, 2020	RFP 20-1002340	San Bernardino Regional Conservation Investment Strategy	\$562,000.00	September 2, 2020	The development of a San Bernardino County Regional Conservation Investment Strategy (SBC RCIS) with the grant funding from the Wildlife Conservation Board

Attachment: April Procurement report Attachment B (6718 : April 2020 Procurement Report)

Minute Action

AGENDA ITEM: 3

Date: June 3, 2020

Subject:

Procurement Policy No. 11000 Update

Recommendation:

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

Approve modifications to Contracting and Procurement Policy No. 11000, authorizing the Department Directors or Designee to approve Contingency Amendments up to the authorized contract contingency amount approved by the Board of Directors or the Executive Director at the time of the award of the contract.

Background:

San Bernardino County Transportation Authority's (SBCTA) Contracting and Procurement Policy No. 11000 is being updated to include Contingency Amendments. Contingency is the additional budget authority authorized by the SBCTA Board of Directors (Board) or SBCTA's Executive Director at the time of the award of the contract. The contingency process begins when staff prepares the Staff Report or Request for Executive Directors Approval (REDA). If the Board is awarding the contract, the Recommendation Section of the Staff Report includes language where the Board approves a contingency amount and the release of contingency as necessary for the duration of the contract. Contingency will now be released using the Contingency Amendments Form (Attachment A); this is an expeditious process that allows flexibility during the project and can add additional work or level of effort for unforeseen changes or issues. Work authorized using contingency funds are generally time sensitive and cannot wait to be processed through a typical amendment.

This change better defines the authority to execute the releases and ensures transparency to the Board and the public on true contract values. Contingency releases were previously processed through an internal procedure.

Contingency Amendments will be reported in the monthly Procurement Report.

Financial Impact:

This item imposes no impact on the Fiscal Year 2019/2020 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel has reviewed this item and the draft policy amendment.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Entity: San Bernardino County Transportation Authority

San Bernardino County Transportation Authority	Policy	11000
Adopted by the Board of Directors January 3, 1997	Revised	6/03/20
Contracting and Procurement Policy	Revision No.	24

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

Table of Contents

[Purpose](#) | [References](#) | [Policy](#) | [General](#) | [Types of Procurements](#) | [Exceptions](#) | [Delegation of Authority](#) | [Leasing of Real Property](#) | [Standard of Ethics](#) | [Revision History](#) |

I. PURPOSE

This policy establishes contracting and procurement standards to guide the selection of the most qualified firms to perform services to the best advantage of the Agency. It provides guidance to SBCTA staff with respect to policy considerations adopted by the SBCTA Board of Directors.

II. REFERENCES

Policy 10025, Guidelines for Agenda Materials

California Government Code § 4525 et seq.; Public Contract Code; and Public Utilities Code §§ 130221–130239

2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; (see Procurement Standards 2 CFR sec. 200.317 through 200.326).

2 CFR Chapter XII—Department of Transportation, Part 1201--Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; (see 2 CFR sec. 1201.317).

40 USC Chapter 11 (Brooks Act)

23 CFR part 172

California Department of Transportation Local Assistance Procedures

III. POLICY

All contracts and purchase orders for construction projects, leases of real property, professional, non-professional and maintenance services, and the purchase of goods shall be processed according to the following policies.

IV. GENERAL

A. Definitions

Awarding Authority means the Board, or a Board Committee or the Executive Director to whom the Board delegated authority to award a contract or purchase order under this Policy or by other action of the Board.

Construction (Public Works) means construction, reconstruction, erection, alteration, renovation, demolition, painting, and repair work involving any publicly owned, leased or operated facility, building, structure, real property, street or highway, or other public improvement of any kind. Does not include routine operation, maintenance or repair of existing facilities, buildings, structures, or real property, or recurring or usual work for the preservation or protection of publicly owned or operated facilities.

Goods means supplies, materials, equipment, and other movable/tangible things.

Non-Professional Services means janitorial, maintenance, security, advertising, printing, postal, landscape maintenance, including mowing, weeding, watering, trimming/pruning, planting, and servicing of irrigation and sprinkler systems, the maintaining or servicing of Goods, and other services that are not deemed a professional service.

Procurement contract means an agreement or purchase order with a third party for acquisition of Goods, Non-Professional Services, Professional Services (A & E), Professional Services (Non A & E) or Construction work.

Professional Services (A & E) means architectural, engineering, environmental, land surveying, construction engineering, construction project management services, or other professional services of an architectural or engineering nature that are required to be performed or approved by a person licensed, registered, or certified to provide such services.

Professional Services (Non A & E) means advisory, information technology, legal, financial, accounting, auditing, legislative advocacy, marketing, freeway service patrol, program management, and any other services which involve the exercise of professional discretion and independent judgment based on advanced or specialized knowledge, expertise or training gained by formal studies or experience, but excludes Professional Services (A & E).

Procurement Solicitation means Invitation for Bids (IFB), Request for Proposals (RFP), Invitation for Quotes (IFQ), or other forms of written or verbal solicitations for the procurement of Goods, Non-Professional and Professional Services, and Construction projects.

SBCTA Staff means full-time employees of San Bernardino Associated Governments, or upon the transfer of such employees to SBCTA pursuant to SB 1305, the full-time employees of SBCTA.

B. Standard Requirements

1. Written Contracts. Written contracts shall be required for construction projects and for all employment contracts.
2. Legal Counsel Review. All contracts shall be reviewed by legal counsel prior to presentation to the Board or the Executive Director, or his/her designee, for approval.
3. Contract Provisions. All contracts shall specify a period of performance, description of the function to be performed, total contract amount, and appropriate performance standards.
4. Non-Discrimination. All contracts shall contain a standard non-discrimination clause.
5. Contract Term. The maximum term for procurement contracts shall be five years unless otherwise authorized by the Board.
6. Federal/State Requirements. When utilizing state and federal funds which require more rigorous or different procurement standards than required by these policies, such standards will apply. SBCTA is responsible for ensuring that such standards including those set out in 2 CFR part 200 and 2 CFR part 1201 are met and are included in appropriate contracts.
7. Consultant Selection. When procuring a consulting firm for architectural and engineering services utilizing federal funds through Caltrans, SBCTA will advertise, award and administer the project in accordance with Caltrans current Local Assistance Procedures per 23 CFR part 172 unless otherwise stated in the executed Caltrans project-specific Program Supplement.
8. Insurance. SBCTA's Risk Manager is responsible for ensuring that all insurance requirements are reviewed and approved prior to the solicitation being released for all of the following procurements, meeting any of the following criteria:
 - a. Anticipated value of \$500,000 or greater, regardless of the procurement type;
 - b. Construction projects;
 - c. Environmental services;
 - d. Rail projects;
 - e. FSP services.

9. Independent Cost Estimates (ICE). ICE are required for all procurement actions, including but not limited to all contract amendments and contract change orders. The United States Department of Transportation, Federal Highways Administration and Federal Transit Administration require recipients of federal dollars to “perform a cost or price analysis in connection with every procurement action, including contract modifications...” The starting point for cost or price analysis is the development of an ICE which should be used in the evaluation of the consultant’s or contractor’s price proposal.

An ICE should be prepared by staff who are knowledgeable about the goods, services or construction work being procured. The ICE is the best ‘estimate’ as to the cost of the goods, services or construction work being procured. The method and degree of analysis is dependent on the complexity of the goods, services or construction work being procured. An ICE should be prepared in advance of the receipt of any bids or proposals, amendments or change orders. The ICE is particularly critical whenever there is no price competition (e.g., for architectural and engineering procurements or where only one proposal is received), or when firms submit unusually high price proposals.

V. TYPES OF PROCUREMENTS

A. Goods and Non-Professional Services – Competitive Procurement

1. Informal Procurement (PUC § 130232(b))

The following procedures will generally be used when each expected procurement for goods and non-professional services is valued in excess of \$1,000, but not exceeding \$25,000:

- a. Whenever possible, informal procurements should be based on the solicitation of at least three (3) bids, either written or oral (telephone survey), that permit prices and terms to be compared.
- b. An Invitation for Quotes (IFQ) or letters may be required if the goods or non-professional services being requested require more detailed bids. IFQ or letters will be issued to a limited number of prospective bidders.
- c. Award of a purchase order or contract will be to the lowest responsive responsible bidder whose bid conforms to SBCTA’s requirements.
- d. SBCTA will document the results of all such informal procurement actions.

2. Formal Procurement (PUC § 130232(a))

The following policies apply for goods and non-professional services procurements valued in excess of \$25,000:

- a. An Invitation for Bids (IFB) will be distributed and a notice inviting bids will be published at least once in a newspaper of general circulation or the equivalent. The publication shall be made at least 10 days before the date for the receipt of the bids. The competitive sealed bid method will be used.
- b. A control record will be maintained as the IFB is distributed indicating the date, time, and/or place of distribution or notice. The record shall contain the names and addresses of offerors receiving the IFB and details regarding the publication of the notice of IFB. The control record shall be used as a mailing or distribution list for the issuance of notices relative to the IFB and as a verification record in the case of vendor protests.
- c. Award of a contract or purchase order shall be made to the lowest responsive responsible bidder whose bid conforms to all the material terms and conditions of the IFB.
- d. The Board, at its discretion, may reject any and all bids and readvertise.

3. Amendments

- a. Contracts and purchase orders for goods and non-professional services may be amended to extend the term of the contract or purchase order.
- b. Contracts and purchase orders for non-professional services may be amended to add additional scope of work and compensation for additional work that was not foreseen at the time the original contract or purchase order was awarded pursuant to competitive procurement, if the Awarding Authority determines it is in the best interests of SBCTA to do so. The Awarding Authority shall consider cost-effectiveness, timeliness, prior quality of performance of services in determining if it is in the best interests of SBCTA.

B. Construction – Competitive Procurement

1. Informal Procurement

The following policies will generally apply for Construction procurements valued at \$25,000 or less:

- a. Whenever possible, informal procurements should be based on the solicitation of at least three (3) bids.
- b. An Invitation for Quotes (IFQ) will be issued to a limited number of prospective bidders.
- c. Award of a contract will be to the lowest responsive responsible bidder whose bid conforms to the SBCTA's requirements.
- d. SBCTA will document results of all such informal procurement actions.

2. Formal Procurement

The following policies apply to Construction procurements in excess of \$25,000. (PUC § 130232)

- a. An Invitation for Bids (IFB) will be distributed and a notice inviting bids will be published at least once in a newspaper of general circulation or the equivalent. The publication shall be made at least 10 days before the date for the receipt of the bids. The competitive sealed bid method will be used.
- b. A control record will be maintained as the IFB is distributed indicating the date, time, and/or place of distribution or notice. The record shall contain the names and addresses of offerors receiving the IFB and details regarding the publication of the notice of IFB. The control record shall be used as a mailing or distribution list for the issuance of notices relative to the IFB and as a verification record in the case of vendor protests.
- c. Award of a Construction contract shall be made to the lowest responsive responsible bidder whose bid conforms to all the material terms and conditions of the IFB.
- d. Award of a Construction contract may proceed directly to the Board without prior review or recommendation by a Board Committee if the contract award recommended is to the lowest responsive responsible bidder.
- e. The Board, at its discretion, may reject any and all bids and readvertise.

3. Amendments/Change Orders

- a. Amendments and change orders to Construction contracts shall comply with the California Public Contract Code.
- b. Department Directors or Designee are authorized to approve Change Orders on all Construction contracts up to the authorized contract contingency amount. Change Orders approved by the Department Directors will be presented monthly for review and ratification to the appropriate Policy Committee and/or Board.

C. Professional Services (A & E) – Qualifications Based Procurement

1. Informal Procurement

The following policies will generally be used for Professional Services (A & E) procurements valued at \$25,000 or less:

- a. An Invitation for Quotes (IFQ) will be issued to a limited number of prospective proposers.
- b. Whenever possible, informal procurements should be based on the solicitation of at least three (3) proposals.
- c. Award of a purchase order or contract will be made to the consultant whose proposal conforms to the requirements of the IFQ and is most advantageous to the agency based on price and other factors considered.
- d. SBCTA will document results of all such informal procurement actions.

2. Formal Procurement

The following policies will be used for Professional Services (A & E) procurements valued at more than \$25,000:

- a. The Request for Proposal (RFP)/Request for Qualifications (RFQ) process will be used to solicit proposals.
- b. The RFP/RFQ process is a competitive procurement process that requires evaluation of a consultant's proposal and qualifications.
- c. These contracts shall be awarded based upon demonstrated competence, and professional qualifications and capabilities necessary to perform the services at a fair and reasonable price. This procurement process does not require award to the lowest cost proposer.
- d. Staff will maintain a control record as RFP packets are distributed indicating the date and time of distribution. The record shall contain the names and addresses of consultants receiving the RFP and attendance at pre-proposal conferences, if any.
- e. Pre-proposal conferences will be held, when appropriate, to discuss the basic requirements such as instructions to the consultants, funding, contract type, evaluation criteria, and specific points that should be addressed in each proposal.
- f. Special consideration is required in the instances of a formal competitive process resulting in only one response. In those instances, SBCTA staff shall evaluate factors relative to the competitive process, including adequacy of notification to qualified competitors, requirements of the RFQ/RFP, the amount of time provided to respond to the RFQ/RFP, adequacy of the one proposal received, and urgency. After such an analysis, the Executive Director shall make a recommendation to either accept or reject the proposal. Each circumstance will require consideration of facts relevant to the specific solicitation and work to be performed.

3. Amendments

a. Amendments to increase the cost and/or period of performance of an established scope of work are approved as a matter of prudence and necessity. These result from increased difficulty or range of work effort to accomplish the defined scope. Examples requiring such amendments include actions in response to review comments, the imposition of new state or federal regulations, various design complications, and other factors generally beyond the consultant's control and not anticipated during the initial cost proposal.

a.b. In those instances where it has been determined that professional services are required beyond the term of the existing contract, the standard practice shall be for the contract to be reviewed prior to the end of the contracted performance period and assessed relative to (1) the scope and continued need for the function performed, (2) the adequacy of performance under the contract, and (3) other terms and conditions of the contract.

In certain instances, SBCTA consultants are required to work closely with other public agency partners and SBCTA member jurisdictions. When such a professional services contract is being considered for a revised scope or extension, staff will solicit input from the representatives of those public agencies on the performance, demeanor, and timely implementation of work performed by the consultant.

- bc. Based upon the demonstrated competence and on the professional qualifications of the consultant and upon the particular project needs, professional services contracts may be recommended for extension or be recommended for re-competition.
- ed. Re-competition for required professional services serves to assess the competitive market conditions relative to expertise and pricing for such services and may be prudent on a periodic basis. However, where professional services relate to specific on-going projects or levels of unique qualifications, skills, and experience, it may be appropriate to extend such contracts without re-competition. Staff shall analyze each contract based upon the specific project needs and include justification for such recommendation in the report to the Board or Executive Director.
- de. It may be prudent for staff to recommend against a renewed competitive process in the following instances:
 - i. When the amendments are the result of an increase in the scope of work for the same project, wherein the qualifications and experience required to perform the new tasks were clearly examined as part of the prior competitive process.
 - ii. When, on the basis of a specific finding or competitive process prior to approval of the original contract, the consultant was determined to be the most qualified and responsive to undertake the work addressed by the contract amendment.
 - iii. Where the consultant, based upon findings presented to the Board, is found to be preeminently positioned to perform the work due to its: (1) specific qualifications, (2) unique knowledge of the project, or (3) unique knowledge of the work required.
- ef. The Executive Director or Board may periodically approve amendments to product specific professional and technical services consulting contracts contingent upon consultant performance and negotiation. Amendments may address all contract components, but typically relate to increased cost, the period of performance to accomplish the project, or adjustments to the scope of work.
- ~~f. Amendments to increase the cost and/or period of performance of an established scope of work are approved as a matter of prudence and necessity. These result from increased difficulty or range of work effort to accomplish the defined scope. Examples requiring such amendments include actions in response to review comments, the imposition of new state or federal regulations, various design complications, and other factors generally beyond the consultant's control and not anticipated during the initial cost proposal.~~
- g. Department Directors or Designee are authorized to approve Contingency Amendments up to the authorized contract contingency amount approved by Board.- Contingency Amendments approved by Department Directors will be presented monthly for review to the appropriate Policy Committee and/or Board.

4. Procurement Process

The following procedures will be used for Professional Services (A&E) procurements to ensure that only highly qualified firms matching SBCTA's needs will be selected.

- a. Preparation and distribution of RFP/RFQ. Staff will prepare the scope of work and the RFP/RFQ.
- b. Appointment of Selection Team. The Board, Policy Committees and/or SBCTA staff shall appoint a selection team. A representative of SBCTA member jurisdictions or representatives of SBCTA counterpart agencies shall be invited to participate in the selection of consultants, when appropriate. Members of the selection team shall be appointed with reference to the discipline involved and the location of the project. When possible, SBCTA staff shall participate in the entire selection process.

- c. Responses to Queries. Numerous inquiries are typically received during the circulation period for any RFP/RFQ. Relevant information will be provided, and pre-proposal conferences will be held, when appropriate, to discuss the basic requirements such as instructions to offerors, funding, contract type, evaluation criteria, terms, scope, and the selection process. The names of the selection team are often requested. Relevant technical information will be provided, but names of the selection team shall not be made available prior to formal interviews.
- d. Short-listing. Short-listing is the most important part of the process. Narrowing the list to a small set of qualified firms greatly reduces the likelihood of making a poor selection. Ensuring an adequate short-list is therefore very important. Members of the selection team shall review and evaluate all responses to establish a short-list of the most highly qualified firms in preparation for formal interviews.

The review and evaluation will focus especially on the following points:

- Understanding of the project
 - Management structure of the project team
 - Approach
- e. Interviews. The selection team shall convene to interview the short-listed firms. Procurement staff will coordinate the interview process in questioning and discussion, but shall have no vote, and will not attempt to influence the decision. This will ensure adequate technical expertise and perspective from SBCTA's program interests.
- f. Debriefing. An essential part of the selection process is the debriefing of firms that were either not short-listed or not selected. Members of the selection team shall designate one member to meet with unsuccessful proposers to explain the selections that have been made and to offer recommendations for improving future proposals. Contract staff will not participate in the debriefing.

D. Professional Services (Non A & E) – Qualifications Based Procurement

1. Informal Procurement

The policies of Section V.C.1 for the Informal Procurement for A & E Professional Services contracts generally apply to Non A & E Professional Services procurements.

2. Formal Consultant Selection Process

The policies of Section V.C.2 for the Formal Procurement for A & E Professional Services contracts generally apply to Non A & E Professional Services procurements. Award of a purchase order or contract will be made to the consultant whose proposal conforms to the requirements of the RFP and is most advantageous to the agency based on qualifications, price and other factors considered.

3. Amendments

Amendments to contracts for Non A & E Professional Services shall be processed in accordance with the policies contained in Section V.C.3.

4. Procurement Process

Non A & E Professional Services shall be procured in accordance with the provisions contained in Section V.C.4, provided however Non A & E consultants' proposals may be ranked for short-listing based upon both qualifications and cost.

VI. EXCEPTIONS

A. Sole Source/Single Source

1. Goods--Single Source

Any Goods may be purchased without observing the provisions of this policy regarding contracts, bids, advertisement or notice, upon a finding by two-thirds (2/3) of all Board members that there is only a single source of procurement and the purchase is for the sole purpose of duplicating or replacing the supply, equipment, or material already in use. (PUC § 130237)

2. Professional Services—Sole Source

- a. In those specific instances when it may be necessary or prudent to enter into sole source contracts, specific approval shall be required.
- b. All sole source contracts shall be governed by the following guidelines:
 - i. Sole source contracts may be recommended for approval upon a finding of appropriateness and that it is in the best interest of the agency to do so.
 - ii. Contracts may be recommended for approval on a sole source selection based upon a requirement for unique qualifications, the existence of significant time constraints, and/or in certain instances of demonstrated experience.
 - iii. Any recommendation for approval of a contract for which a competitive process has not been completed shall contain justification for the lack of competition.
 - iv. Any recommendation to the Board for sole source procurement must be specifically called out in the agenda item and shall be placed on the discussion calendar.

B. Cooperative Procurements

SBCTA may contract with the vendor or supplier of any federal, state or local governmental department or agency (Public Agency) that has selected the vendor or supplier after complying with the Public Agency's competitive procurement requirements, and if it is in the best interest of SBCTA to do so. SBCTA's Procurement Manager will determine whether the purchase of goods and services directly from the vendor or supplier of a Public Agency is in the best interest of SBCTA based upon price, quality and whether the terms and conditions of the cooperative procurement contract meet SBCTA's necessary requirements.

C. Emergency Procurements (PUC § 130234)

In the event of great public calamity, as defined by Public Utilities Code § 130234, the Board may declare and determine, by resolution adopted by two-thirds (2/3) vote of all its members, that public interest and necessity demand the immediate expenditure of funds to safeguard life, health, or property, and enter into a contract without observance of the provisions of this policy and/or Public Utilities Code § 130232.

D. Remedial Measures (PUC § 130235)

Upon determining that immediate remedial measures are necessary to avert or alleviate damage to property, or to replace, repair, or restore damaged/destroyed property in order to ensure that SBCTA's facilities are available to serve the transportation needs of the public, and upon determining that available remedial measures are inadequate, including the procurement of goods and services or construction in accordance with Public Utilities Code §§ 130232-130234, the Executive Director may authorize the expenditure of funds for the procurement of goods and services without observance of the provisions of this policy and/or Public Utilities Code §§ 130232-130234. The Executive Director shall submit a report to the Board explaining the necessity of any such expenditure.

E. Prototype Equipment (PUC § 130236)

Upon a finding by two-thirds (2/3) vote by all members of the Board that a proposed competitive bid or open market purchase, in accordance with Public Utilities Code §§ 130232 and 130233, does not constitute an adequate method of procurement for the operation of SBCTA facilities or equipment, the Board may direct the procurement of prototype equipment or modifications in an amount sufficient to conduct and evaluate operational testing without further observance of the provisions of this policy and/or Public Utilities Code § 130232.

F. Specialized Equipment (PUC § 130238)

The Board may, upon a finding by two-thirds (2/3) vote by all its members, direct that the procurement of (1) specialized rail transit equipment, including rail cars, and (2) computers, telecommunications equipment, fare collections equipment, microwave equipment, and other related electronic equipment and apparatus be conducted through competitive negotiation as set forth in Public Utilities Code § 130238.

G. Open Market (PUC § 130233)

If after rejecting bids received from a formal competitive procurement process, the Board determines by a majority vote that the goods or non-professional services may be purchased at a lower price in the open market, the procurement of such goods or services may proceed without further observance of the provisions of this policy regarding contracts, bids, advertisement, or notice.

H. Design Build

Procurements may be authorized by the Board, pursuant to the Public Contract Code § 6820 et seq. or other applicable law, for the design and construction of eligible projects through design build contracts. Such procurements shall be performed in accordance with applicable state and federal laws.

VII. DELEGATION OF AUTHORITY

A. Invitations for Quotes, Requests for Proposals, Requests for Qualifications, Invitations for Bids

1. The Executive Director, or his/her designee, is authorized to release and advertise Invitations for Quotes (IFQ), Requests for Proposals (RFP), Requests for Qualifications (RFQ) and Invitations for Bids (IFB) for proposed contracts/projects for which funding has been approved in SBCTA's Annual Budget and are estimated not to exceed \$1 Million.

Board approval must be obtained prior to circulation of any RFP/RFQ/IFB if funding has not been approved in SBCTA's Annual Budget, or the anticipated value of the RFP/RFQ/IFB exceeds \$1 Million.

2. General Counsel is authorized to issue RFQs for the purpose of creating and maintaining panels of qualified lawyers and law firms to provide legal services.

| B. Contracts, Purchase Orders, Amendments and Contingency Amendments

1. General Policy.

- a. All contracts, purchase orders, amendments, and memoranda of understanding in excess of \$100,000 require approval by the Board, unless otherwise authorized by the Board.
- b. In order to prevent delays that would result in negative impacts to projects and/or programs, staff will provide sufficient time for Policy Committees and/or the Board to review and consider staff recommendations for approval of contracts and contract amendments. Refer to Policy 10025.

2. Board President. The Board President is the officer designated to sign contracts on behalf of the organization, unless otherwise authorized by the Board. In the absence of the Board President, the Board Vice President is authorized to sign contracts on behalf of the organization.

3. General Policy Committee. The General Policy Committee is authorized to approve contracts in excess of \$100,000 in the event of significant time constraints, extenuating circumstances, or emergencies when approval is required, with notification to the Board. Notification shall be made at the next regularly scheduled meeting of the Board following such approval.

4. Executive Director. The Executive Director, or his/her designee, is authorized to approve and execute:

- a. All contracts and purchase orders up to \$100,000.
- b. Contract amendments:

- i. With zero dollar value.
 - ii. Amendments to exercise the optional term(s) set out in contracts approved by the Board.
 - iii. Amendments that cumulatively do not exceed 50% of the original contract value or \$100,000 individually, whichever is less.
 - iv. Amendments that do not exceed contingency amounts authorized by Board.
- c. Purchase order amendments:
- i. With zero dollar value.
 - ii. For purchase orders originally less than \$100,000, increasing the purchase order amount up to \$100,000.
 - iii. For purchase orders originally \$100,000 or more, increasing the purchase order amount up to 10% of the original purchase order value but not to exceed \$25,000.
- d. Contract Task Orders (CTO):
- i. All CTOs up to \$500,000, not-to-exceed the available contract balance.
 - ii. CTO amendments within available contract balance:
 - With zero dollar value.
 - For CTOs originally less than \$500,000, increasing the CTO amount up to \$500,000.
 - For CTOs originally \$500,000 or more, increasing the CTO amount up to 10% of the original CTO value but not-to-exceed \$100,000.
- e. Sole source procurements up to \$100,000. Such sole source procurements shall be routinely reported to the Board.
5. General Counsel. General Counsel is authorized to directly award and execute legal services agreements up to \$100,000 in order to address the agency's legal needs. All such agreements shall be routinely reported to the Board. Award of contracts exceeding \$100,000 require Board approval.
6. Department Director. The Department Director, or his/her designee, is authorized to approve and execute Contingency Amendments (SBCTA Form 305) that do not exceed contingency amounts authorized by Board.

VIII. LEASING OF REAL PROPERTY (Not Applicable to Rail Property – See Policy No. 31602)

SBCTA may, from time to time, enter into contracts for the leasing of real property belonging to SBCTA or leased for use by SBCTA. Examples of this type contract are for office space occupied by SBCTA staff, lease of rail rights-of-way owned by SBCTA not immediately required for rail operations, or other short-term project specific leases.

A. Leasing SBCTA Property

1. All lease agreements resulting from call for bids require approval of the Board.
2. The call for bids shall be posted in at least three public places for not less than 15 days and published for not less than two weeks in a newspaper of general circulation. The highest proposal for the proposed lease submitted in response to a call for bids shall be accepted, or all bids shall be rejected.
3. Leases for a period not exceeding ten years and having an estimated monthly rental of not more than \$5,000 may be excluded from the bidding procedure specified in the preceding paragraph, but shall be subject to the following requirements:
 - a. Notices requesting offers to lease SBCTA property shall be posted in the SBCTA offices. Notices shall also be mailed or delivered at least 15 days prior to accepting offers to lease to any person who has filed written request for notice with SBCTA. Such requests to receive

notices shall be renewed annually. Notice shall be published as provided in Government Code § 6061.

- b. Notices requesting offers to lease SBCTA property shall describe the property proposed to be leased, the terms of the lease, the location where offers to lease the property will be accepted, the location where leases will be executed, and any SBCTA officer authorized to execute the lease.
- c. The Executive Officer, or his/her designee, is authorized to approve and execute leases exempted from the bidding procedures specified in this section.
- d. Leases exempt from the bidding procedures are not renewable except by approval of the Board after a competitive process.

B. Leasing Property for SBCTA Use

Board approval is required on all leases of real property for use by SBCTA, except that the Executive Director, or his/her designee, is authorized to lease real property for a term not to exceed three years and for a rental not to exceed \$2,500 per month. The Executive Director, or his/her designee, is authorized to amend real property leases for improvements or alterations with a total cost not to exceed \$2,500, provided that the amendment does not extend the term of the lease and that no more than two amendments, not exceeding \$2,500 each, are made within a 12-month period.

IX. STANDARD OF ETHICS

- A. No SBCTA staff shall solicit, demand or accept from any person anything of a monetary value for or because of any action taken, or to be taken, in the performance of his or her duties. SBCTA staff failing to adhere to the above will be subject to any disciplinary proceeding deemed appropriate by SBCTA, including possible dismissal.
- B. No SBCTA staff shall use confidential information for his or her actual or anticipated personal gain, or the actual or anticipated personal gain of any other person related to such SBCTA staff by blood, marriage, or by common commercial or financial interest. SBCTA staff failing to adhere to the above will be subject to any disciplinary proceeding deemed appropriate by SBCTA, including possible dismissal.
- C. SBCTA procurements shall be conducted in accordance with SBCTA's Procurement Standards of Conduct and in compliance with the SBCTA Conflicts of Interest Policy and applicable federal and state law.

X. REVISION HISTORY

Revision No.	Revisions	Adopted
0	New Policy. Adopted by the Board of Directors	01/03/97
1	Modified Para. 11000.10	01/07/98
2	Modified Para. 11000.7.2	01/07/98
3	Deleted & replaced Para. 11000.7.3	01/07/98
4	Added Para. 11000.10 B	03/04/98
5	Modified Para. 11000.10	06/03/99
6	-Added Para. 11000.7.2.f -Modified Para. 11000.7.3.5.B -Modified Para. 11000.9.3.2	09/01/99
7	-Added new Para. 11000.5.G -Re-identified Para. 11000.5.H (was Para. 11000.5.G) and revised to add "...or the Plans and Programs Committee ..." -Re-identified Para. 11000.5.I (was Para. 11000.5.H) -Moved Para. 11000.7.5.3 to new paragraph 11000.7.5.1.d and added "...and shall be placed on the discussion calendar." -Added Para 11000.12 REVISION HISTORY	07/05/00
8	-Revised Par. 11000.2 DEFINITIONS to REFERENCES and added Policy 10025, Guidelines for Agenda Materials. -Revised Paragraphs 11000.5.H and 11000.5.I -Re-numbered original Par. 11000.5.I to 11000.5.J -Deleted Par. 11000.10 POLICY GOVERNING DISADVANTAGED BUSINESS ENTERPRISES; re-numbered original Paragraphs 11000.11 and 11000.12 to 11000.10. and 11000.11.	01/09/02

Revision No.	Revisions	Adopted
9	Par. IX.A.1: Added additional paragraph "In certain instances, SANBAG professional services contractors are required to work closely with other public agency partners...". Re-formatted paragraph numbering to match current policy format, e.g., 11000.1 PURPOSE changed to I. PURPOSE.	07/02/03
10	Eliminated the Local Preference Policy – Paragraph VII.C; subsequent paragraphs VII.D and E renumbered to VII.C and D.	11/07/07
11	Par. IV.E.2 and 3: Increased the Executive Director's authority for approving Purchase Orders from \$25,000 to \$50,000.	12/03/08
12	Revised the "Director of Freeway Construction" to "Director of Project Delivery". Par. VII.D.2: Increased the Executive Director's authority for approving sole source procurements from \$25,000 to \$50,000. All other changes in language were made for clarity.	10/06/10
13	Par. V.K: Added authorization for SANBAG General Counsel to award and execute legal services agreements up to \$50,000. Par. VII.B.1.b: Added authorization for SANBAG General Counsel to issue RFQs.	07/11/12
14	Par. IX.C: Changed 'Director of Project Delivery' to 'SANBAG Department Directors'. Par. V.F: Changed the maximum term for standard SANBAG contracts, unless otherwise authorized by the Board of Directors, to five years (was three years).	08/01/12
15	Par. V.L: Added Requirement for Independent Cost Estimates. Adopted by Board of Directors on 10/3/12, Agenda Item 6.	10/03/12
16	Par. VII.A.2: Added Insurance Requirements. Par. VII.C: Major Projects Negotiating Guidelines removed since Policy 34504, Major Projects Program, Contract Negotiation Guidelines, was repealed on 9/5/12 (Board Agenda Item 5). Par. VII.D, Sole Source Process renamed to Par. VII.C..	11/07/12
17	Par. VII.A.1.c: Deleted "Use of electronic quotation systems operating within San Bernardino County" and replaced with language on Cooperative Procurements.	12/05/12
18	Changes approved by the Board of Directors on February 6, 2013, Agenda Item 32. Approve modifications, granting the SANBAG Executive Director or designee, contracting and/or signature authority as follows: 1. To release and advertise Requests for Proposals, Request for Quotes and Invitation for Bids, for proposed contracts for which funding has been approved in SANBAG's Annual Budget, and which are estimated not to exceed \$1,000,000. 2. To approve and execute all purchase orders and contracts up to \$100,000; and 3. To approve and execute contract amendments that meet at least one of the following criteria: a. Amendments with zero dollar value; b. Amendments to exercise the option term(s) set out in contracts approved by the SANBAG Board of Directors; or c. Amendments that cumulatively do not exceed 50% of the original contract value or \$100,000 individually whichever is less. Paragraphs IV.E.3, V.B, V.H, VII.B.1.a, VII.C.2, IX, and IX.B revised to incorporate these changes. Par. V.H: Revised to incorporate Board-approved agenda items (9/5/12 Agenda Item 7 and 11/7/12 Agenda Item 28) on the renaming and deletion of policy committees.	02/06/13
19	Change approved by the Board of Directors on May 1, 2013, Agenda Item 6. VII.B.3. Removed "In this instance of SANBAG's Major Projects contracts, the selection team shall consist of 2 Caltrans representatives and 3 representatives from member counterpart agencies, or members of the Board of Directors or their designees."	05/01/13
20	Change approved by the Board of Directors on April 9, 2014, Agenda Item 7. Par. V.F: Further identified term duration and description of procurement contracts. Par. V.H.3 Approved modification, granting the SANBAG Executive Director authority to approve and execute purchase order amendments.	04/09/14
21	Change approved by the Board of Directors on January 4, 2017, Agenda Item 6. Change SANBAG to SBCTA. Revised to reorganize sections and incorporate statutory provisions of SB1305 applicable to SBCTA. Deleted requirement for Committee approval of contract awards to low bidders. Increased General Counsel contract authority to \$100,000.	01/04/17
22	Change approved by the Board of Directors on December 6, 2017, Agenda Item 4. Incorporated language regarding 2 CFR part 200 federal requirements.	12/06/17
23	Changes approved by the Board of Directors on January 8, 2020, Agenda Item 6. Added in Executive Director CTO signature limit.	1/8/20
24	Changes approved by the Board of Directors on June 3, 2020, Agenda Item XX. Added provisions re: contingency amendments.	6/3/20

	<h2 style="margin: 0;">Contingency Amendment No. ____</h2>
---	--

Contract Number:	
Consultant Name:	
Project Description:	

Justification for Contingency Amendment (Required by Policy No. 11000, Section V.C.3.):

Contract No. _____ is amended as follows:

1. Consultant agrees to perform the additional services described in Attachment "A".
2. SBCTA agrees to compensate Consultant for such additional services in accordance with the approved Cost Proposal attached as Attachment "B".
3. Except as amended by this Contingency Amendment, all other provisions of the Contract, and amendments thereto, shall remain in full force and effect.

Signatures:

Approved By: _____ (Signature)	Date: _____
Consultant Name: _____	

Approved By: _____ (Signature)	Date: _____
Name and Title: _____, _____ Department Director or Designee	

***SBCTA Staff Approvals required prior to execution (see page 2).**

Attachment A

SBCTA STAFF APPROVALS

Approval Recommended By:
(Signature)

Date: _____

Name: _____, Project Manager

Original Contract	\$
Prior Amendments	\$
Prior Contingency Amendments	\$
Current Contingency Amendment	\$
Total/Revised Contract Value	\$

Task Number: _____

Reviewed By:

(Signature)

Date: _____

Name: Jeffery Hill, Procurement Manager

Sent to Finance on: _____

(Date)

Original Contingency	\$
Contingency Increases	\$
Total Contingency Released	\$
Remaining Contingency Available	\$

CC: Finance and Contract Audit File

Minute Action

AGENDA ITEM: 4

Date: June 3, 2020

Subject:

Policy No. 10170 Confidentiality Policy

Recommendation:

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

Approve Policy No. 10170, Confidentiality Policy.

Background:

The San Bernardino County Transportation Authority (SBCTA) Finance Department finalized an internal control questionnaire to assess weaknesses in internal controls as described in the audit that was brought to the May 6, 2020 Board of Directors meeting. The procedures were reviewed by an on-call auditor that resulted in a recommendation to develop a confidentiality agreement that would be required to be executed by employees and consultants who have direct access to SBCTA's data and information.

Policy No. 10170, Confidentiality Policy, delineates requirements for handling of Personally Identifiable Information (PII) and Sensitive Security Information (SSI) regulated by various state and federal laws. The policy defines confidential information and requires employees and consultants to sign a confidentiality agreement (Attachment A) to ensure compliance with all applicable federal and state laws to safeguard proprietary information and non-public business records. In addition, the policy expresses the duty to return or appropriately dispose of confidential information at the end of the assignment, engagement, or employment. It also specifies that SBCTA supervisors must train staff and consultants on how to identify and handle confidential information. The potential repercussions for violations include civil liability, criminal prosecution, and termination of employment or contracts with SBCTA.

Financial Impact:

This item has no impact on the Fiscal Year 2019/2020 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel has reviewed this item and a draft of the policy.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Entity: San Bernardino County Transportation Authority

San Bernardino County Transportation Authority	Policy	10170
Adopted by the Board of Directors	June 3, 2020	Revised
Confidentiality Policy	Revision No.	0

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

Table of Contents

[Purpose](#) | [Authorization](#) | [References](#) | [Definitions](#) | [Policy Statement](#) | [Policy Standards and Procedures](#) | [Revision History](#)

I. PURPOSE

San Bernardino County Transportation Authority (SBCTA) has possession of and access to confidential information, in paper and electronic form, that by federal and state law, rule or regulation is not accessible without authorization. It is essential that SBCTA employees and consultants understand and acknowledge the importance of ensuring that the confidentiality of such information is maintained at all times. This policy identifies the duties and responsibilities of employees and consultants regarding the collection and use of confidential information.

II. AUTHORIZATION

The Executive Director is authorized to implement and interpret this policy on behalf of the agency.

III. REFERENCES

Employee and Consultant Confidentiality Statement and Agreement
U.S. Code § 3403. Confidentiality of financial records
Bank Records and Financial Policy Laws
Right to Financial Privacy Act
19 CFR § 201.6 - Confidential business information
HIPAA Privacy Rules
California Public Records Act
49 CFR Parts 15 and 1520

IV. DEFINITIONS

- A. "Confidential Information" is private, personal, or otherwise sensitive information or records that relate to SBCTA employees, volunteers, directors, contractors, consultants, persons accessing agency services, and/or the agency itself, including but not limited to personally identifiable information (PII), information gathered for ridesharing or carpooling programs, home address and phone number of elected or appointed officials, financial records (e.g., bank information and personal assets), employee records (e.g., personnel files, employment history, payroll forms, and employment benefit elections), SBCTA business records exempt from public disclosure, information proprietary to other companies or persons, sensitive security information (SSI), blueprints of public works, locations of archeological sites, and any other non-public information disclosed, made available, or known to you as a consequence of your employment or consultant status.
- B. "Covered person" refers to all employees and contractors who have access to SSI as a result of an employment or contractual relationship with SBCTA, as well as those subject to the requirements for handling of SSI pursuant to 49 CFR §15.7.
- C. "Employee" includes all persons employed by SBCTA, including regular, temporary and contractual employees and student interns.

- D. "Consultant" is a person who provides service to SBCTA to complete a specific project, task, or goal. The consultant researches, studies, evaluates, and analyzes data to accomplish an objective specified by SBCTA.
- E. "Personally identifiable information" (PII) is any information that identifies or describes a person, including, but not limited to: name; social security number; date of birth; driver license number; home address; telephone number; billing address; e-mail address; credit card number and expiration date; bank account information; medical and health information, including digital copies of personal, or protected, health information (ePHI); health insurance; user name or email address, in combination with a password or security question and answer that would permit access to an online account; and other personally identifiable information as defined by California or federal law.
- F. "Sensitive security information" (SSI) is information obtained or developed in the conduct of security activities, including research and development, the disclosure of which the United States Secretary of Department of Transportation has determined would constitute an unwarranted invasion of privacy, reveal trade secrets of privileged or confidential information obtained from any person, or be detrimental to transportation safety, as defined by 49 CFR §15.5.

V. POLICY STATEMENT

The San Bernardino County Transportation Authority (SBCTA) is committed to safeguarding the integrity and confidentiality of the Confidential Information in its possession pertaining to people and entities conducting business with SBCTA, as well as its employees, volunteers, directors, contractors, consultants, persons accessing agency services, and the agency itself. The collection and use of Confidential Information by SBCTA employees and consultants shall conform to standards contained in Section VI of this policy, as well as any procedures adopted by SBCTA to implement this policy.

VI. POLICY STANDARDS

- A. **Employee and Consultant Responsibilities:** Responsibilities with respect to collection and use of Confidential Information include, but are not limited to:
 - 1) During the employment or consulting engagement, as well as after the termination of such period, an employee or consultant shall hold the Confidential Information in trust and confidence, and shall not access, use or disclose it in whole or in part, directly or indirectly, except as may be necessary in the performance of duly authorized duties and activities on behalf of and for the benefit of the SBCTA, and then only to persons with a legitimate business need for such information.
 - 2) An employee or consultant shall collect, use, and access Confidential Information only as needed to perform its legitimate employment or consulting duties.
 - 3) An employee or consultant shall not in any manner remove from, divulge, photocopy, digitally copy, release, sell, loan, review, alter, or destroy any materials containing Confidential Information, in whole or in part, directly or indirectly, except as properly authorized within the scope of its employment duties or authorized activities.
 - 4) An employee or consultant shall not misuse Confidential Information or negligently handle Confidential Information.
 - 5) An employee or consultant shall have no right or ownership to any Confidential Information, or any other matters, located or housed on SBCTA computers and peripherals and that SBCTA may at any time revoke its access to such Confidential Information, its computers and peripherals.
 - 6) An employee or consultant is required to abide by all SBCTA policies, procedures, and guidelines governing access, use, and handling of Confidential Information.
 - 7) Upon termination of employment, engagement, or any assignments requiring or authorizing access to Confidential Information, an employee or consultant shall immediately return or appropriately dispose of any materials containing Confidential Information within its possession or control.

- 8) An employee or consultant shall be required to read, acknowledge and signify its understanding of its requirements and obligations under this policy by signing confidentiality agreement upon commencement of the employment or engagement.
- 9) An employee or consultant shall be required to participate in training relating to proper collection, handling and use of confidential data and information, in paper or electronic form, upon commencement of the employment or engagement, as well as at regular intervals as directed by SBCTA.
- 10) When in doubt as to whether information constitutes Confidential Information, an employee or consultant shall consult with its immediate supervisor or appropriate SBCTA Director to determine the obligations related to such information, which consultation must occur prior to divulging the information.

B. Additional Responsibilities of Covered Persons Regarding SSI: In addition to the responsibilities regarding the collection and use of confidential information, a Covered Person is required to adhere to the following standards regarding SSI:

- 1) SSI shall at all times be marked as SSI and maintained in a secure location (physical documents shall be locked up).
- 2) When SBCTA, the Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, or any other federal or state agency having jurisdiction determines a Covered Person no longer has a "need to know" SSI, the Covered Person shall return or destroy the SSI, as directed by SBCTA.
- 3) Covered Persons shall use, handle, mark, secure, disclose, and destroy SSI in conformance with SBCTA procedures.

C. Failure to Comply: An employee or consultant will be held responsible for any misuse, conversion or wrongful disclosure of Confidential Information caused by its actions. Violation of any provisions of this policy may result in one or more of the following:

- 1) discipline, including, but not limited to, termination of employment;
- 2) termination of engagement;
- 3) civil liabilities, including, with respect to SSI, federal civil penalties; and
- 4) criminal prosecution.

VI. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted.	06/03/2020

Attachment A

EMPLOYEE OR CONSULTANT CONFIDENTIALITY STATEMENT AND AGREEMENT

As an employee or consultant working for the San Bernardino County Transportation Authority (SBCTA), you may have access to private, confidential, or otherwise sensitive information and records that relate to SBCTA employees, volunteers, directors, contractors, consultants, persons accessing agency services, and/or the agency itself ("Confidential Information"). The purpose of this statement and agreement is to define your duties and responsibility regarding Confidential Information.

By way of example and not limitation, Confidential Information includes personal information (e.g., address, telephone number, social security number, date of birth, information gathered for ridesharing or carpooling programs), home address and phone number of elected or appointment officials, financial records (e.g., bank information and personal assets), other personally identifiable information as defined by California or federal law, medical records (e.g., reports, test results, notes, intake forms), employee records (e.g., personnel files, employment history, payroll forms, and employment benefit elections), SBCTA business records exempt from public disclosure, information proprietary to other companies or persons, sensitive security information as defined by 49 CFR Part 15, blueprints of public works, locations of archeological sites, and any other non-public information disclosed, made available, or known to you as a consequence of your employment or consultant status. In the course of your duties you may learn of, or have access to, some or all of this Confidential Information. This information is valuable and sensitive and may be protected by state and federal laws, and/or SBCTA policies. The intent of these laws and policies is to assure that Confidential Information will remain confidential and only be used as necessary for SBCTA business purposes.

As an employee or consultant whose duties may necessitate or involve access to Confidential Information, you are required to conduct yourself with personal and professional integrity and in strict conformance to applicable laws and SBCTA policies governing Confidential Information. You are required to read, acknowledge and abide by the principal obligations outlined below, as well as other applicable SBCTA policies and guidelines. The violation of any of these duties may subject you to discipline, including, but not limited to, termination of employment or engagement, civil liabilities and criminal prosecution.

AGREEMENT:

In consideration of my employment, continued employment, or engagement as a consultant for SBCTA matters, as well as SBCTA's act and detriment in granting me access to Confidential Information (as defined above) for the purpose of performing my duties and/or functions, I acknowledge the sensitive nature of the Confidential Information, as well as the applicable laws and policies pertaining to Confidential Information, and agree as follows:

1. During my employment or consulting engagement, as well as after the termination of such period, I will hold the Confidential Information of SBCTA and other entities and persons in trust and confidence, and I will not access, use or disclose it in whole or in part, directly or indirectly, except as may be necessary in the performance of my duly authorized duties and activities on behalf of and for the benefit of the SBCTA, and then only to persons with a legitimate business need for such information. I understand that disclosure could be highly damaging to SBCTA, its employees, business partners, and others.

Attachment A

2. I will use/access Confidential Information only as needed to perform my legitimate employment or consulting duties.
3. I will not in any manner remove from, divulge, photocopy, digitally copy, release, sell, loan, review, alter, or destroy any materials containing Confidential Information, in whole or in part, directly or indirectly, except as properly authorized within the scope of my employment duties or authorized activities.
4. I will not misuse Confidential Information or negligently handle Confidential Information.
5. I understand that I have no right or ownership to any Confidential Information, or any other matters, located or housed on SBCTA computers and peripherals and that SBCTA may at any time revoke my access to such Confidential Information, its computers and peripherals.
6. I understand that I am required to abide by all SBCTA policies and guidelines governing access, use, and handling of Confidential Information.
7. Upon termination of my employment, engagement, or any assignments requiring or authorizing my access to Confidential Information, I will immediately return or appropriately dispose of any materials containing Confidential Information within my possession or control.
8. I understand that I will be held responsible for any misuse, conversion or wrongful disclosure of Confidential Information caused by my actions and further understand that my failure to comply with this Agreement may subject me to discipline, including, but not limited to, termination of employment or engagement, civil liabilities and criminal prosecution.
9. I understand that my obligations under this Confidentiality Agreement will continue after I conclude my service as a SBCTA employee or consultant.

**EMPLOYEE OR CONSULTANT ACKNOWLEDGMENT OF POLICIES REGARDING THE HANDLING
OF
PERSONALLY IDENTIFIABLE INFORMATION**

In consideration of my employment, continued employment, or engagement as a consultant for SBCTA matters, as well as SBCTA's act and detriment in granting me access to Personally Identifiable Information (PII) (as defined below) for the purpose of performing my duties and/or functions, I acknowledge the sensitive nature of the Personally Identifiable Information, as well as the applicable laws and policies pertaining to the handling of Personally Identifiable Information, and agree as follows:

1. I acknowledge that Personally Identifiable Information includes any information that can be used to distinguish or trace an individual's identity or access an individual's personal information or accounts, including:

Attachment A

- A. Social Security Number (SSN).
 - B. Date of Birth and last-four digits of SSN.
 - C. Driver's license number or California identification card number with name.
 - D. Bank account number or credit/debit card number, alone or in combination with any required security code, access code, or password that would permit access to an individual's financial account.
 - E. Medical information to include digital copies Personal Health Information (ePHI).
 - F. Health insurance information.
 - G. Information or data collected through the use or operation of an automated license plate or facial recognition system.
 - H. A user name or email address, in combination with a password or security question and answer that would permit access to an online account.
2. I understand and am aware of SBCTA policies and applicable legal requirements regarding the handling of Personally Identifiable Information and have received training in such matters. I further agree to abide by such matters in the handling of Personal Information.
3. I understand my failure to comply with this Agreement may subject me to discipline, including, but not limited to, termination of employment or engagement, civil liabilities and criminal prosecution.

By signing below, I witness my agreement to all the terms and conditions of this Confidentiality Statement and Agreement, and Acknowledgement of Policies Regarding the Handling of Personally Identifiable Information.

Signature

Printed Name

Title/Position

Date

Minute Action

AGENDA ITEM: 5

Date: June 3, 2020

Subject:

Award Contract No. 20-1002322 to PFM for Financial Advisor Service

Recommendation:

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

Award Contract No. 20-1002322 to PFM Financial Advisors LLC for Financial Advisor Services for a three-year term, in an amount not-to-exceed \$400,000, with two one-year options, for a total not-to-exceed contract amount of \$600,000.

Background:

Request for Proposals (RFP) No. 20-1002322 for Financial Advisor Services was released on January 6, 2020, and was sent electronically to approximately 88 consultants registered on PlanetBids and downloaded by 14 firms. The solicitation was issued in accordance with current San Bernardino County Transportation Authority (SBCTA) policies and procedures for Consultant Services.

The RFP was posted on SBCTA's website in response to a request from the Finance Department to engage a firm to provide Financial Advisor Services. There were no addendums issued on this project.

Three (3) proposals were received by the date and time specified in the RFP. A responsiveness review was conducted by the Procurement Analyst and found all three (3) proposals to be responsive. The following is a summary of the events that transpired in the evaluation and selection process.

Summary of Evaluation Process

The proposals were disseminated on February 6, 2020, to all Evaluation Committee members. A copy of the Score Sheets and the Declaration of Impartiality and Confidentiality forms were also distributed to the committee members. The Evaluation Committee was comprised of one SBCTA staff member, one San Diego Association of Governments (SANDAG) staff member and one staff member from the City of Rancho Cucamonga.

The Evaluation Committee members met on February 20, 2020, and discussed each proposal according to the evaluation criteria, including the proposals strengths and weaknesses. At the completion of discussions, the committee members individually scored the proposals based on the following evaluation criteria: Qualifications of the Firm - 25%, Proposed Staffing and Project Organization - 35%, Work Plan - 25% and Price Proposal - 15%.

Based on the scoring, the firms were ranked in order of technical merit, and a short-list was developed. The firms short-listed and invited to interviews were PFM Financial Advisors LLC and Montague DeRose and Associates, LLC. Minor variances in the criteria scores were noted and discussed.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

On February 27, 2020, interviews were conducted with PFM Financial Advisors LLC and Montague DeRose and Associates, LLC. The interviews were scored against the firms' ability to present their skill sets and unique qualifications in a question and answer format. Evaluation Committee members evaluated the firms on a scale of 0-100.

The Evaluation Committee considered both offerors qualified to perform the work specified in the RFP. The highest ranked firm, PFM Financial Advisors LLC, is being selected due to their knowledge, experience and staff. The firm's staff demonstrated creativity and comprehension of SBCTA risk tolerance and operations.

As a result of the scoring, the Evaluation Committee recommends that the contract to perform the scope of work as outlined in RFP No. 20-1002322, be awarded to PFM Financial Advisors LLC. The firm clearly demonstrated a thorough understanding of the scope of work and proposed an overall solid team. Evaluation forms, score sheets, debarments and reference checks are located in the Contract Audit File.

Financial Impact:

This item is consistent with the Proposed Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and the draft contract.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

General Contract Information

Contract No: 20-1002322 Amendment No.: _____

Contract Class: Payable Department: Finance

Vendor No.: 03546 Vendor Name: PFM Financial Advisors, LLC

Description: Financial advisory services

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	400,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	400,000.00	Total Contingency Value		\$	-
		Total Dollar Authority (Contract Value and Contingency)				\$	400,000.00

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6709

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? No No Budget Adjustment _____

State/Local _____ Professional Services (Non-A&E) _____

Accounts Payable

Estimated Start Date:		07/01/2020		Expiration Date:		06/30/2023		Revised Expiration Date:			
N/A		N/A		N/A							
								Total Contract Funding:		Total Contingency:	
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	400,000.00	\$	-
GL:									400,000.00		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-

Hilda Flores

Hilda Flores

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: The funding source(s) to pay this contract depends on the use of debt/bond proceeds.

Attachment: CSS 20-1002322 (6709 : Award Contract No. 20-1002322 for Financial Advisor Service)

Scope of Work
20-1002322

The Consultant shall provide the following services:

1. Review the existing strategic plan in association with SBCTA's staff and selected external consultants and make recommendations in revising the financial strategy, taking into account:
 - a) The short and long-term financial needs of SBCTA.
 - b) Financing options and alternative debt structures.
 - c) Needed computer model support.
 - d) Financing timetables.
 - e) Revenue forecast.
 - f) Current and projected interest rates.
2. For each bond sale, assist SBCTA in determining whether a competitive or negotiated bond sale would most benefit SBCTA.
3. Provide independent advice with respect to the appropriate time to enter the bond market.
4. Assist with preparation of the Preliminary and Final Official Statements.
5. Assist in presentations to the rating agencies.
6. For competitive bond sales:
 - a) Assist SBCTA and bond counsel with appropriate advertising and public notices for the sale.
 - b) Assist with the distribution of the Preliminary Official Statement to potential bidders and investors.
 - c) For refunding issues, provide the refunding analysis on which SBCTA will rely for the execution of the transaction, as well as structure the refunding escrow, if necessary, which will defease the refunded bonds.
 - d) Assist SBCTA with the acceptance and verification of competitive bids for the bonds.
7. Review the marketing and sale of any debt prior to, during, and after the pricing of the bonds, including the comparison of the interest rates, takedown expenses, underwriter's risk, and management fees of managing underwriters.
8. Assist in the evaluation of swaps and other derivative products that SBCTA may consider to meet its financing objectives. Assist SBCTA in the preparation, documentation, negotiation, bidding, execution, closing and monitoring of swaps and derivatives.
9. Assist investment banker(s) during the underwriting process.
10. Review and comment on follow-up analysis of the sale provided by the underwriter and the final terms of the bond sale.
11. Assist SBCTA in meeting SEC disclosure requirements.
12. As asked, from time to time or on a regular basis, render advice and/or formally issue opinions as to the propriety and legal adherence of acts and policies of SBCTA to the original Measure I and the Measure I extension and applicable state and federal statutes and case law, as well as generally accepted financial practices.

Minute Action

AGENDA ITEM: 6

Date: June 3, 2020

Subject:

Insurance Premium Update

Recommendation:

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

Authorize the Director of Special Projects and Strategic Initiatives to approve and execute binding insurance coverage through the policies and premiums being proposed by Alliant Insurance Services, Inc., for the period July 1, 2020 through June 30, 2021.

Background:

In February 2019, the San Bernardino County Transportation Authority (SBCTA) Board of Directors approved Contract No. 19-1002035 with Alliant Insurance Services, Inc. for Risk Management and Broker Services. The following insurance policies are set to expire on June 30, 2020: Cyber Liability, Workers' Compensation, Property, Crime and Excess Crime. SBCTA's liability and excess liability policies will not expire until September of 2020, thus the insurance premiums are not yet available.

Due to the expiration dates of the liability policies, staff is requesting authority to bind coverage for this insurance without additional board approval, provided the program type and premium amount does not exceed the estimate provided below. If the amount is higher or the insurance type being recommended is different, an item will be brought forward to the Board of Directors Metro Valley Study Session in August.

Please note the insurance industry has entered into a 'hard' market and is experiencing 10-15% increases across the board. In order to control some of the increases in premiums to SBCTA, Alliant Insurance Services, Inc. is currently marketing the insurance needs of SBCTA based on loss experience as well as industry trends.

The following programs and premiums are proposed for the renewal, with an overall 12% (\$38,348) total program increase. Key coverages include Public Officials Errors & Omissions under the excess liability program as well as Automobile Liability and Physical Damage under the proposed property program, which is similar coverage as the previous year. It is recommended that no additional auto insurance policy is needed as coverage is included in the General Liability Policy and to switch insurance types for the Cyber Liability policy as described below.

Staff is recommending increasing the Cyber Liability Policy limits from \$1,000,000 to at least \$2,000,000 per occurrence as the current policy coverage is considered small as well as to meet some contractual obligations SBCTA currently has a commitment to. However, if this limit increase is through the traditional policy, it represents an increase of \$3,938, from \$15,387 to \$19,325. Staff has identified a separate option of entering into an insurance pool option for Cyber Liability coverage that would raise the coverage to \$12,000,000 and reduce the self-insured retention amount from \$25,000 to \$5,000, while reducing the annual premium cost from \$15,387 to an estimated \$5,000. The pooled option does share an annual aggregate amount

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

among the members, which is \$70,000,000. The pool is considered stable with 125 other public entity members. While this pool has been in place for several years it has never exhausted the policy aggregate limit. Staff has inquired about obtaining an excess cyber liability policy that would belong strictly to SBCTA in the event the pool's aggregate amount became fully exhausted prior to the end of the policy period on June 30, 2021. The additional costs for an excess cyber liability policy would be \$10,000 for \$1,000,000 of coverage and approximately \$20,000 for \$2,000,000 of coverage for a year. This excess policy would only be purchased if the pool's aggregate has been exhausted prior to the end of policy period.

FY 2019-2020		FY 2020-2021 Traditional Renewal	Recommended FY 2020-2021 Aggregate Sharing Option
General Liability (General, Automobile, Public Officials E&O, Employment Practices)			
Premium:	\$206,881	\$237,913 (+15%) estimate	\$237,913 (+15%) estimate
Coverage Limits:	\$5M Primary / \$5M Excess	\$5M Primary / \$5M Excess	\$5M Primary / \$5M Excess
Terrorism:	No Coverage	No Coverage	No Coverage
Deductible:	\$50,000	\$50,000	\$50,000
Admin Fee:	\$7,500	\$7,500	\$7,500
Cyber Liability (Information Security/Tech E&O, Data Breach)			
Premium:	\$15,387	\$19,325 (+26%)	\$5,000 (-68%)--estimate
Coverage Limits:	\$1,000,000	\$2,000,000 (+100%)	\$12,000,000 (+1100%)
Self-Insured Retention:	\$25,000	\$25,000	\$5,000 (-80%)
Optional Coverage #1 Premium:	\$0	\$0	\$10,000
Coverage Option:	No Coverage	No Coverage	\$1,000,000
Workers Compensation			
Premium:	\$38,126	\$39,247 (+3%)	\$39,247 (+3%)
Exposure Base (payroll):	\$ 6,048,316	\$6,917,951 (+14%)	\$6,917,951 (+14%)
Rate per \$100 Payroll (avg.):	\$ 1.012	\$1.76	\$1.76
Commercial Property (To Include the RPRP Maintenance Facility ½ of Policy Period Starting 12/2020)			
Premium:	\$32,257	*\$48,676 (+51%)	*\$48,676 (+51%)
Total Insurable Values (TIV):	\$ 30,426,804	*\$41,739,807 (+37%)	*\$41,739,807 (+37%)
Rate per \$100 TIV:	\$ 0.1060	\$0.1166 (+10%)	\$0.1166 (+10%)
Flood	No Coverage	No Coverage	No Coverage
Earthquake:	No Coverage	No Coverage	No Coverage
Railroad:	No Coverage	No Coverage	No Coverage
Terrorism:	Included	Included	Included
Business Auto:	Included	Included	Included
<i>*2020 TIV and premium include the new DMU Maintenance Facility for the RPRP project effective December 2020.</i>			

		FY 2019-2020	FY 2020-2021 Traditional Renewal	Recommended FY 2020-2021 Aggregate Sharing Option
Crime				
	Premium:	\$11,600	\$12,796 (+10%)	\$12,796 (+10%)
	Coverage Limit:	\$10,000,000	\$10,000,000	\$10,000,000
	Deductible:	\$2,500	\$2,500	\$2,500
Auto Insurance				
	Premium:	\$1,373	\$0 (-100%)	\$0 (-100%)
	Total Premium	\$305,624	\$357,957(+17%)	\$343,632 (+12%)
	Broker Fee	\$28,000	\$28,840	\$28,840
	Total Premium and Broker Fee:	\$333,624	\$386,797 (+16%)	\$372,472 (+12%)

The various insurance premiums for upcoming Fiscal Year 2020/2021 are trending high for several reasons. To begin with, the figures represented are “not-to-exceed” dollar amounts that were provided with the expectation of actual figures being lower. Current insurance marketplace options are trending upward throughout the industry as losses trend higher and conditions continue to change. Overall, insurance industry premiums for property coverages are up 10-15% and for some industries; the liability market is up almost 100%. Public entity coverage in California has been and continues to be a challenging market to obtain positive underwriting results.

Over the last several years, SBCTA’s insurance broker of record has recommended increasing the amounts of coverage for the agency. The policies being reflected by the premiums above also reflect broader coverages and in most cases more appropriate limits of coverage.

Financial Impact:

This item has no impact on the Fiscal Year 2019/2020 budget. The budgeted amount is included in the proposed budget for Fiscal Year 2020/2021.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Eric Dahlen, Risk Manager

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Minute Action

AGENDA ITEM: 7

Date: June 3, 2020

Subject:

Biennial Review of Conflict of Interest Code

Recommendation:

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

- A. Perform the biennial review of SBCTA's Policy No. 10102 Conflict of Interest Code, and amend Appendix A with updated employee job titles and disclosure categories, as outlined in the attachment.
- B. Direct the SBCTA Clerk of the Board to submit the Policy and Appendix A to the San Bernardino County Board of Supervisors for approval.

Background:

The Political Reform Act (Act) requires every local government agency that takes actions that foreseeably may materially affect economic interests to adopt a Conflict of Interest Code for its employees and officials. San Bernardino County Transportation Authority (SBCTA) has adopted a Conflict of Interest Code and it is set forth in SBCTA Policy No. 10102. The Conflict of Interest Code lists those employees or officers who are required to file a statement of economic interests ("designated employees") and prescribes the types of interests which must be disclosed by such officials ("disclosure categories").

In order to ensure the agency's designated employees and disclosure categories are reflective of the current organization and ability to affect economic interests, the Act requires agencies to review their conflict of interest codes at least biennially. SBCTA staff has reviewed Policy No. 10102, Conflict of Interest Code, and recommends amendments to Appendix A, which lists designated positions which make or participate in the making of decisions which may foreseeably have a material effect on private financial interests. It is recommended that Appendix A be modified to add four (4) new positions (job titles) and remove two (2) positions (job titles) that have been reclassified in the Proposed Fiscal Year 2020/2021 Budget. The amended Appendix A, attached to this item, reflects the most current titles for those positions covered under the Conflict of Interest Code.

The Act provides that where a local governmental agency (other than a city) is wholly within a county, the Board of Supervisors is the code reviewing body for that agency. Accordingly, after the SBCTA Board reviews SBCTA's Conflict of Interest Code and amends Appendix A, it must be submitted to the San Bernardino County Board of Supervisors for their review.

Financial Impact:

This item does not have an impact on the Fiscal Year 2019/2020 budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel has reviewed this item and the Policy.

Responsible Staff:

Marleana Roman, Clerk of the Board

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item
June 3, 2020
Page 2

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino County Transportation Authority

San Bernardino County Transportation Authority		Policy	10102
Adopted by the Board of Directors	Sept. 2, 1992	Revised	06/03 5 /2049
Conflict of Interest Code		Revision No.	1 2 4

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

Table of Contents

[Purpose](#) | [Policy](#) | [Revision History](#) | [Appendix A](#) |

I. PURPOSE

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission adopted a regulation, Title 2 Calif. Code of Regulations (CCR) Section 18730, which contains terms of a standard conflict of interest code, which can be incorporated by reference into a local agency's conflict of interest code, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

II. POLICY

The terms of Title 2 CCR Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached [Appendix A](#) in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of SBCTA.

Designated employees shall file statements of economic interests with the Clerk of the Board who will make the statements available for public inspection and reproduction (Government Code Section 81008). Statements for all designated employees will be retained by the Clerk of the Board.

SBCTA will review this policy every even-numbered year, and if change in the policy is required, will revise the policy. SBCTA will file a statement of review with the San Bernardino County Board of Supervisors, SBCTA's code reviewing body, every even-numbered year.

III. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Amended Conflict of Interest Code for SANBAG approved.	09/02/92
1	Modifications to Appendix A and Appendix B approved.	02/05/97
2	Amendment to Appendix A approved by SANBAG Board of Directors.	04/05/00
3	Appendix A: Removed Advanced Transportation Development Manager	01/10/07
4	Par. I: Added paragraph heading PURPOSE. Par. II: Added paragraph heading POLICY; amended the first paragraph and added two new paragraphs that replace the existing text. Appendix A: Added Construction Manager, Contracts/Controls Manager, and Project Delivery Manager; changed category designation for Board of Directors (City designees, Executive Director, and Chief Financial Officer from Category 2 to Category 1; added clarification that Form 700s filed by the Board of Directors (County designees) are filed with the Clerk of the Board of Supervisors, not SANBAG; and revised the descriptions for Category 1 and Category 2.	06/03/09
5	Appendix A: Added Director of Programming, Chief of Planning, Chief of Programming, Chief of Transit & Rail Programs, Human Resources & Information Services Administrator, and Procurement/Risk Management/Contracts Administrator. Changed the following titles: Director of Freeway Construction to Director of Project Delivery, Director on Intergovernmental & Legislative Affairs to Director of Legislative Affairs, Director of Planning/Programming to Director of Planning, and Director of Air Quality/Mobility Programs to Chief of Air Quality/Mobility Programs. Removed the Contracts/Controls Manager.	06/30/12
6	Appendix A: Added General Counsel – missed in Rev. 5. Corrected titles for Director and Chief of Fund Administration and Programming.	08/06/12
7	Amended Purpose, Policy, and Appendix A per BOD 12/3/14 (Agenda item 10)	12/03/14
8	Amended Purpose, Policy, and Appendix A per BOD 1/6/16 (Agenda item 7)	01/06/16

9	Revised to be consistent with SB1305. Change approved by the Board on January 4, 2017, Agenda Item 6.	01/04/17
10	Amendment to Appendix A approved by SBCTA Board of Directors 7/11/18 (Agenda item 5)	07/11/18
11	Appendix A: Revised category for Chief of Fiscal Resources and added Corridor Manager. Approved by the Board on June 5, 2019, Agenda Item 24.	06/05/19
<u>12</u>	<u>Amendment to Appendix A approved by SBCTA Board of Directors 6/3/2020</u>	<u>6/3/2020</u>

Conflict of Interest Code – Designated Employees	Policy	10102 Appendix A
---	---------------	-------------------------

Designated Employees	Categories
1. Accounting Supervisor	2
2. Assistant General Counsel	2
3. Board of Directors (County designees)	1
4. Board of Directors (City designees)	1
5. Board of Directors Alternates (City designees)	1
6. Chief Financial Officer	1
7. Chief of Air Quality/Mobility Programs	2
8. Chief of Fiscal Resources	1
9. Chief of Fund Administration	2
10. Chief of Legislative and Public Affairs	2
<u>11. Chief of Management Services</u>	<u>2</u>
124. Chief of Planning	2
132. Chief of Transit/Rail Programs	2
143. Clerk of the Board/Administrative Supervisor	2
154. Construction Manager	2
165. Consultant **	2
176. Corridor Manager	2
187. Council of Governments Administrator	2
198. Deputy Executive Director	1
2049. Director of Fund Administration	1
210. Director of Legislative and Public Affairs	1
224. Director of Planning	1
232. Director of Project Delivery and Toll Operations	1
<u>24. Director of Special Projects and Strategic Initiatives</u>	<u>1</u>
253. Director of Transit/Rail Programs	1
264. Executive Director	1
275. General Counsel	1
26. Human Resources/Information Services Administrator	<u>2</u>
287. Management Analyst II*	1
298. Management Analyst III*	1
3029. Procurement Analyst	2
310. Procurement Manager	2
32.4. Program-Project Manager <u>Controls Manager</u>	2
332. Project Delivery Manager	2
34.3. Right of Way Administrator	1
35.4. Risk Manager	2
365. Senior Planner	2
37.6. Toll Operations Administrator	2
38.7. Toll Financial Administrator	2
<u>39. Transit Manager</u>	<u>2</u>

Attachment: Policy10102 (6755 : Conflict of Interest Code Biennial Review)

*** Only Management Analysts who perform Right of Way activities must file.**

**** Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:**

The Executive Director may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and, thus, is not required to fully comply with the disclosure requirements in this Code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Form 700s filed by the Board of Directors (County designees) are filed with the Clerk of the County Board of Supervisors, not with SBCTA.

Disclosure Categories

CATEGORY I

Designated employees in this category shall disclose all sources of income, interests in real property, investments and business positions in business entities. Designated employees in this category shall complete all schedules of Form 700, if applicable.

CATEGORY 2

Designated employees in this category shall disclose sources of income, investments, and business positions in business entities which provide services, supplies, materials, machinery or equipment of the type purchased or utilized by the department in which the designated employee is employed. Designated employees in this category shall complete all schedules of Form 700 except schedule B, if applicable.

Minute Action

AGENDA ITEM: 8

Date: June 3, 2020

Subject:

Board Presidential Appointments

Recommendation:

Receive and file the following Board Presidential appointments:

Note the Presidential appointments to the Legislative Policy Committee. The members appointed to the Legislative Policy Committee are: Larry McCallon, City of Highland, representing the East Valley; Alan Wapner, City of Ontario, representing the West Valley; Art Bishop, Town of Apple Valley, representing the Mountain/Desert; and Curt Hagman, representing the County Board of Supervisors.

Background:

San Bernardino County Transportation Authority (SBCTA) Policy No. 10001 authorizes the SBCTA President to make Presidential appointments to SBCTA regular or special committees. The policy also states that Presidential appointments will be reported to the Board.

The SBCTA Board of Directors (Board) approved the establishment of the Legislative Policy Committee (Committee) at the April 1, 2020 Board meeting. According to Policy No. 10002, the Committee shall be composed of the President, Vice-President, Immediate Past President and four Board members appointed by the President: one (1) East Valley member, one (1) West Valley member, one (1) Mountain/Desert member and one (1) County member. Members of this Committee shall serve for the duration of the State and Federal two-year legislative session in which they were appointed, with terms expiring December 31 of odd-numbered years.

The Committee will provide guidance and recommendations to the Board of Directors regarding issues and actions relating to the executive, legislative or judicial branches of the State and Federal government, or any other local governing body or agency. They will review and provide input on drafting of State and Federal legislative platform and make recommendations to the Board of Directors on adoption of State and Legislative platform, which will serve as guiding principles to support or oppose State and Federal legislation and regulations. The Committee is authorized to take positions on state and federal bills, on behalf of the Board of Directors, that are consistent with SBCTA's adopted Legislative Platform.

Financial Impact:

This item does not impact the Fiscal Year 2019/2020 budget.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. This agenda item is presented to apprise the Board of the recent Presidential appointments.

Responsible Staff:

Marleana Roman, Clerk of the Board

Board of Directors Agenda Item
June 3, 2020
Page 2

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Minute Action

AGENDA ITEM: 9

Date: June 3, 2020

Subject:

Freeway Service Patrol Beats 11 and 29 - Contract Amendments

Recommendation:

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

Approve the following amendments with two (2) Freeway Service Patrol (FSP) tow operators due to the delay of FSP Request for Proposals No. 20-1002323, which has been postponed due to the COVID-19 outbreak.

A. Amendment No. 3 to Contract No. 15-1001224 with Airport Mobil Towing to extend the termination date to March 31, 2021, and increase the contract amount by \$170,292 for a revised not-to-exceed amount of \$1,926,069.

B. Amendment No. 2 to Contract No. 15-1001225 with Pepe's Towing to extend the termination date to March 31, 2021, and increase the contract amount by \$169,637 for a revised not-to-exceed amount of \$1,815,642.

Background:

Freeway Service Patrol (FSP) consists of a fleet of tow trucks that patrol selected San Bernardino County freeways during peak periods of congestion to assist motorists with their disabled vehicles. The segment of highway that the tow trucks patrol up and down is referred to as a "Beat." Over the years, the FSP program has demonstrated many benefits to the motoring public by reducing the amount of time a motorist is in an unsafe situation, reducing traffic congestion, and decreasing fuel consumption, vehicular emissions, and secondary incidents.

San Bernardino County Transportation Authority (SBCTA) began FSP operations on January 3, 2006, and now has 19 primary tow trucks on nine (9) separate Beats in operation. The services are provided Monday through Friday in two (2) separate shifts to accommodate peak traffic hours: 5:30 a.m. to 9:00 a.m. and from 2:00 p.m. to 7:00 p.m. On December 2, 2017, SBCTA launched a weekend service pilot, which brought service to six (6) of the current nine (9) service areas on Saturdays and Sundays from 10:00 a.m. to 6:00 p.m. Beats 11 and 29 currently have one (1) truck each participating in the weekend service pilot.

The FSP program is managed through SBCTA staff and is supervised in the field by the California Highway Patrol (CHP).

On March 4, 2020, the Board of Directors (Board) approved the release of Request for Proposals (RFP) No. 20-1002323 for Beats 11 and 29. The two (2) beats cover the following areas:

1. Beat 11: I-10 Sierra Avenue to Waterman Avenue
2. Beat 29: I-10 Waterman Avenue to County Line Road

The RFP was posted on SBCTA's website the same day and notifications of the RFP were sent out to more than 100 vendors. Public Notice ads were placed in several local newspapers. A non-mandatory pre-proposal meeting was planned for Tuesday, March 17, 2020, but was ultimately canceled due to the closure of SBCTA's offices.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

After much consideration, staff determined that due to the nature of the RFP, which includes site visits with each of the tow yards, that it would be best to postpone the RFP until there was a better understanding of the COVID-19 situation.

In October of 2015, Beat 11 was awarded to Airport Mobil Towing and Beat 29 was awarded to Pepe's Towing. Both contracts will end their five (5) year term on September 30, 2020. Per SBCTA policy 11000 V.C.3, which requires staff to address the contractors' adequacy of performance when recommending a time extension, staff can confidently say both firms have performed at an excellent level for the past five (5) years. In addition, both firms have stepped up to the plate when coverage was needed for a terminated contract and also providing coverage on various construction projects. Staff is recommending that the contracts be extended by a period of six (6) months to give staff time to plan for alternative efforts to accomplish the procurement.

The amendments for both contracts and pricing information (Exhibit B.1) are attached. Upon Board approval, the amendments will be executed to extend the termination date to March 31, 2021, for Beats 11 and 29, therefore continuing to provide this service to the motoring public without disruption.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 budget.

Reviewed By:

This item was reviewed and recommended for approval (7-0-1; Abstained: Wapner) by the General Policy Committee on May 13, 2020. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft amendments.

Responsible Staff:

Jenny Herrera, Management Analyst III

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Contract Summary Sheet

9.a

General Contract Information

Contract No: 15-1001224 Amendment No.: 3

Contract Class: Payable Department: Air Quality and Mobility

Vendor No.: 03049 Vendor Name: Airport Mobil Towing

Description: FREEWAY SERVICE PATROL BEAT 11

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	1,262,657.00	Original Contingency		\$	-
Prior Amendments		\$	493,120.00	Prior Amendments		\$	-
Current Amendment		\$	170,292.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	1,926,069.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	1,926,069.00

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6748

Contract Management (Internal Purposes Only)

Other Contracts State/Local Sole Source? No No Budget Adjustment Freeway Service Patrol

Accounts Payable

Estimated Start Date: 10/01/2015 Expiration Date 09/30/2020 Revised Expiration Date: 03/31/2021

N/A							Total Contract Funding:		Total Contingency:	
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$		\$
GL	2820	15	0704	0000	52001	42213014	STATE FSP	1,026,069.00	-	-
GL	2702	15	0704	0000	52001	42217703	STATE FSP SB1	500,000.00	-	-
GL	2810	15	0704	0000	52001	42212001	DMV/SAFE	400,000.00	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-

JENNY HERRERA

Project Manager (Print Name)

DUANE A. BAKER

Task Manager (Print Name)

Additional Notes:

Attachment: 15-1001224_03 CSS (6748 : Freeway Service Patrol Beats 11 and 29 - Contract Amendments)

AMENDMENT NO. 3 TO CONTRACT 15-1001224

FOR

FREEWAY SERVICE PATROL BEAT 11

(AIRPORT MOBIL TOWING, Inc.)

This Amendment No. 3 to Contract 15-1001224, is made by and between the San Bernardino County Transportation Authority ("SBCTA") and Airport Mobil Towing, Inc. ("CONTRACTOR").

RECITALS

- A. On July 1, 2015, SBCTA and CONTRACTOR entered into an Agreement, hereinafter called "Contract", for the purpose of providing Freeway Service Patrol (FSP) Services along Beat 11.
- B. In November 2017, SBCTA and CONTRACTOR amended the Contract to increase the Contract not-to-exceed value from \$1,262,657 to \$1,639,361 to provide extended FSP weekday hours and provide a FSP "Weekend Service Pilot" through the remaining term of this agreement, pursuant to Article 4, SECTION 4.12, and "Extra Work." This amendment also changed all references to Beat 3 be changed to mean Beat 11.
- C. In June 2019, SBCTA and CONTRACTOR amended the Contract to increase the Contract not-to-exceed value from \$1,639,361 to \$1,755,777 to provide emergency FSP coverage along Beat 10 pursuant to Article 4, SECTION 4.12, "Extra Work," for a period of 11 months or until the Beat is awarded after procurement, whichever comes first.
- D. SBCTA and CONTRACTOR desire to amend the Contract by increasing the not-to-exceed amount from \$1,755,777 to \$1,926,069, and to extend the contract term to March 31, 2021 due to the unforeseeable and unavoidable delay of SBCTA's procurement process for Beat 11 FSP services, as a result of the COVID 19 pandemic.

NOW THEREFORE, in consideration of the above recitals, and the terms and conditions contained herein, SBCTA and CONTRACTOR agree as follows:

- 1. Article 2, CONTRACT TERM Section 2.1, is amended in its entirety to read as follows:

"The Contract term shall commence upon issuance of a written Notice To Proceed (NTP) issued by SANBAG, and shall continue in full force and effect through March 31, 2021 or until otherwise terminated, or unless extended as hereinafter provided by written amendment. Except that all indemnity and defense obligations hereunder shall survive termination of this Contract. CONTRACTOR shall not be compensated for any Work performed or costs incurred prior to issuance of the NTP."

2. Article 3, COMPENSATION, Section 3.2, is amended in its to read as follows:

“The total Contract Not-To-Exceed Amount is One Million, Nine Hundred Twenty-Six Thousand, Sixty-Nine dollars (\$1,926,069). All Work provided under this Contract is to be performed as set forth in Exhibit "A" Scope of Work, and shall be compensated pursuant to Exhibit “B.1”- Compensation and Payment, attached to this Amendment No. 3. The hourly rates identified in Exhibit “B.1” shall remain fixed for the term of this Contract and include CONTRACTOR's direct labor costs, indirect costs, and profit. All expenses shall be reimbursed for the amounts identified in Exhibit “B.1.” Any travel expenses must be preapproved by SANBAG and shall be reimbursed for per diem expenses at a rate not to exceed the currently authorized rates for state employees under the State Department of Personnel Administration rules. SANBAG will not reimburse CONTRACTOR for any expenses not shown in Exhibit “B.1” or agreed to and approved by SANBAG as required under this Contract.”

3. Exhibit B attached to the Contract is revised its entirety to read as reflected in Exhibit B.1, attached to this Amendment No. 3.
4. The Recitals set forth above are incorporated herein by this reference.
5. Except as amended by this Amendment No. 3, all other provisions of the Contract, including all previous amendments, shall remain in full force and effect and are incorporated herein by this reference.
6. This Amendment No. 3 is effective upon execution by SBCTA.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the parties have executed this Amendment No. 3 below.

AIRPORT MOBIL TOWING, INC.

**SAN BERNARDINO
COUNTY TRANSPORTATION
AUTHORITY**

By: _____
Moris Musharbash
Chief Executive Officer

By: _____
Darcy McNaboe
Board President

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Juanda Daniel
Assistant General Counsel

CONCURRENCE:

By: _____
Jeffery Hill
Procurement Manager

Attachment: 15-1001224_03 (6748 : Freeway Service Patrol Beats 11 and 29 - Contract Amendments)

EXHIBIT B.1

Compensation and Payment**Overview Contract 15-1001224 with Airport Mobil Towing for Beat 11****Contract Term 10/1/2015-03/31/2021**

	No. of	7% More	Total	Cost Per	Total
Hourly Costs (per truck)	Hours	Hours	Hours	Truck	Costs
FY 2015/2016 (10/1/15 through 6/30/16) @ \$64.00	1,400	98	1,498	\$95,872.00	\$191,744.00
FY 2016/2017 @ \$64.00	1,836	129	1,965	\$125,760.00	\$251,520.00
FY 2017/2018 @ \$64.00	1,836	129	1,965	\$125,760.00	\$251,520.00
FY 2018/2019 starting 10/1/18 rate @ \$64.96	1,836	129	1,965	\$127,123.00	\$254,246.00
FY 2019/2020 @ \$64.96	1,836	129	1,965	\$127,646.40	\$255,292.80
2020/2021 (7/1/20-9/30/20) @ \$64.96	420	29	449	\$29,167.00	\$58,334.00
Amendment 1 - Extra Work Weekend Pilot					\$376,704.00
Amendment 2 - Extra Work Emergency Coverage Beat 10					\$116,416.00
Amendment 3 - Regular (2 trucks) 10/1/20 - 3/31/21 @ \$64.96	1050	73.5	1124	\$72,982.56	\$145,965.12
Amendment 3 - Weekend pilot (1 truck) 10/1/20 - 3/31/21 @ \$64.96	350	24.5	374.5	\$24,327.52	\$24,327.52
Contract Total:					\$1,926,069

Average Annual Hours Per Truck Per Beat
including weekend service pilot 2,800
Hourly Rate for Years 1-3:
\$64.00
Hourly Rate for Years 4-5: \$64.96

YEARS 1-5

Penalized Down Time rate (in 1 minute
increments): \$3.21

Non- Penalized Down Time (in 1 minute
increments): \$1.07

Extra Time (in 1 minute increments): \$1.07

YEARS 4-5

Penalized Down Time rate (in 1 minute
increments): \$3.24

Non- Penalized Down Time (in 1 minute
increments): \$1.08

Extra Time (in 1 minute increments): \$1.08

Note: Two primary certified FSP Trucks are
required as well as one Certified FSP Back-up.

Attachment: 15-1001224 Exhibit B.1 (6748 : Freeway Service Patrol Beats 11 and 29 - Contract Amendments)

Contract Summary Sheet

9.d

General Contract Information

Contract No: 15-1001225 Amendment No.: 2

Contract Class: Payable Department: Air Quality and Mobility

Vendor No.: 01718 Vendor Name: Pepe's Towing

Description: FREEWAY SERVICE PATROL BEAT 29

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	1,269,222.00	Original Contingency		\$	-
Prior Amendments		\$	376,783.00	Prior Amendments		\$	-
Current Amendment		\$	169,637.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	1,815,642.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	1,815,642.0

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6748

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? No No Budget Adjustment _____

State/Local _____ Freeway Service Patrol _____

Accounts Payable

Estimated Start Date: 10/01/2015 Expiration Date 09/30/2020 Revised Expiration Date: 03/31/2021

N/A N/A N/A

									Total Contract Funding:		Total Contingency:	
	Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	1,815,642.00	\$	-
GL:	2820	15	0704	0000	52001	42213014		STATE FSP		915,642.00		-
GL:	2702	15	0704	0000	52001	42217703		STATE FSP SB1		500,000.00		-
GL:	2810	15	0704	0000	52001	42212001		DMV/SAFE		400,000.00		-
GL:										-		-
GL:										-		-
GL:										-		-
GL:										-		-
GL:										-		-
GL:										-		-
GL:										-		-
GL:										-		-

JENNY HERRERA

Project Manager (Print Name)

DUANE A. BAKER

Task Manager (Print Name)

Additional Notes:

Attachment: 15-1001225_02 CSS (6748 : Freeway Service Patrol Beats 11 and 29 - Contract Amendments)

AMENDMENT NO. 2 TO CONTRACT 15-1001225

FOR

FREEWAY SERVICE PATROL BEAT 29

(PEPE'S TOWING SERVICE, INC.)

This Amendment No. 2 to Contract 15-1001225, is made by and between the San Bernardino County Transportation Authority ("SBCTA") and Pepe's Towing Service, Inc. ("CONTRACTOR").

RECITALS

- A. On July 1, 2015, SBCTA and CONTRACTOR entered into an Agreement, hereinafter called "Contract", for the purpose of providing Freeway Service Patrol Services along Beat 29; and
- B. In September 2017, SBCTA and CONTRACTOR amended the Contract to increase the Contract not-to-exceed value from \$1,269,222 to \$1,646,005 to provide extended FSP weekday hours and operate a FSP "Weekend Service Pilot" through the remaining term of this agreement as per Article 4, SECTION 4.12 titled "Extra Work." This amendment also changed all references to Beat 8 be changed to mean Beat 29; and
- C. SBCTA and CONTRACTOR desire to amend the Contract by increasing the not-to-exceed amount from \$1,646,005 to \$1,815,642, and extend the contract term to March 31, 2021 due to the unforeseeable and unavoidable delay of SBCTA's procurement process for Beat 29 FSP services, as a result of the COVID 19 pandemic.

NOW THEREFORE in consideration of the above recitals, and the terms and conditions contained herein, SBCTA and CONTRACTOR agree as follows:

1. Article 2, CONTRACT TERM, Section 2.1, is amended in its entirety to read as follows:

"The Contract term shall commence upon issuance of a written Notice To Proceed (NTP) issued by SANBAG, and shall continue in full force and effect through March 31, 2021 or until otherwise terminated, or unless extended as hereinafter provided by written amendment. Except that all indemnity and defense obligations hereunder shall survive termination of this Contract. CONTRACTOR shall not be compensated for any Work performed or costs incurred prior to issuance of the NTP."

2. Article 3, COMPENSATION, Section 3.2, is amended in its to read as follows:

"The total Contract Not-To-Exceed Amount is One Million, Eight Hundred Fifteen Thousand, Six Hundred Forty-Two dollars (\$1,815,642). All Work provided under this Contract is to be performed as set forth in Exhibit "A" Scope of Work, and shall be compensated pursuant to Exhibit "B.1"- Compensation and Payment, attached to this Amendment No 2. The hourly rates identified in Exhibit "B.1" shall remain fixed for the

term of this Contract and include CONTRACTOR's direct labor costs, indirect costs, and profit. All expenses shall be reimbursed for the amounts identified in Exhibit "B.1." Any travel expenses must be preapproved by SANBAG and shall be reimbursed for per diem expenses at a rate not to exceed the currently authorized rates for state employees under the State Department of Personnel Administration rules. SANBAG will not reimburse CONTRACTOR for any expenses not shown in Exhibit "B.1" or agreed to and approved by SANBAG as required under this Contract.

3. Exhibit B attached to the Contract is revised its entirety to read as reflected in Exhibit B.1, attached to this Amendment No. 2.
4. The Recitals set forth above are incorporated herein by this reference.
5. Except as amended by this Amendment No. 2, all other provisions of the Contract, including all previous amendments, shall remain in full force and effect and are incorporated herein by this reference.
6. This Amendment No. 2 is effective upon execution by SBCTA.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 below.

PEPE'S TOWING SERVICE, INC.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____

Manuel Acosta
President

By: _____

Darcy McNaboe
Board President

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____

Juanda Daniel
Assistant General Counsel

CONCURRENCE:

By: _____

Jeffery Hill
Procurement Manager

EXHIBIT B.1

Compensation and Payment

Overview Contract 15-1001225 with Pepe's Towing for Beat 29

Contract Term 10/1/2015-3/31/2021

	No. of	7% More	Total	Cost Per	Total
Hourly Costs (per truck)	Hours	Hours	Hours	Truck	Costs
FY 2015/2016 (10/1/15 through 6/30/16) @ \$64.71	1,400	98	1,498	\$96,936.00	\$193,872.00
FY 2016/2017 @ \$64.71	1,836	129	1,965	\$127,155.00	\$254,310.00
FY 2017/2018 @ \$64.71	1,836	129	1,965	\$127,155.00	\$254,310.00
FY 2018/2019 @ \$64.71	1,836	129	1,965	\$127,155.00	\$254,310.00
FY 2019/2020 @ \$64.71	1,836	129	1,965	\$127,155.00	\$254,310.00
2020/2021 (7/1/20-9/30/20) @ \$64.71	420	29	449	\$29,055.00	\$58,110.00
Amendment 1 - Extra Work Weekend Pilot					\$376,783.00
Amendment 2 - Regular (2 trucks) 10/1/20 - 3/31/21 @ \$64.71	1050	73.5	1124	\$72,701.69	\$145,403.37
Amendment 2 - Weekend pilot (1 truck) 10/1/20 - 3/31/21 @ \$64.71	350	24.5	374.5	\$24,233.90	\$24,233.90
Contract Total:					\$1,815,642

Average Annual Hours Per Truck Per Beat
including weekend service pilot 2,800
Hourly Rate for Years 1-3:

\$64.71

Hourly Rate for Years 4-5: \$64.71

YEARS 1-3

Penalized Down Time rate (in 1 minute increments):
\$3.24

Non- Penalized Down Time (in 1 minute increments):
\$1.08

Extra Time (in 1 minute increments): \$1.08

YEARS 4-5

Penalized Down Time rate (in 1 minute increments):
\$3.24

Non- Penalized Down Time (in 1 minute increments):
\$1.08

Extra Time (in 1 minute increments): \$1.08

Note: Two primary certified FSP Trucks are required
As well as one Certified FSP Back-up truck.

Attachment: 15-1001225 Exhibit B.1 (6748 : Freeway Service Patrol Beats 11 and 29 - Contract Amendments)

Minute Action

AGENDA ITEM: 10

Date: June 3, 2020

Subject:

Request for Proposals for On-Call Environmental Services

Recommendation:

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

Approve release of Request for Proposals No. 20-1002377 for On-Call Environmental Services in support of the Project Delivery Program.

Background:

In December 2014, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) awarded a \$3 million five-year on-call environmental contract to fulfill the need for professional environmental oversight services and for specialized professional services for the various projects within the Projects Delivery Program. This contract was subsequently amended twice. The first amendment in July 2018 was to clarify contract language pertaining to billing actual costs rather than fixed rates. The second amendment in July 2019 was to exercise the first one-year option to extend the completion date to December 31, 2020.

Since the inception of the on-call environmental contract, many necessary services have been completed to assist in the timely delivery of SBCTA's major projects. The most significant service provided under this contract is that of the Environmental Project Manager (PM). Since SBCTA does not employ its own Environmental Project Manager, this contract provides the flexibility to cost effectively use the PM on an as-needed basis. In addition, Federal, State and Regulatory changes are identified and tracked with any effects conveyed to SBCTA for information or input. Other services include providing management and oversight for peer review of environmental documents to ensure completeness, proactively identifying potential environmental risks early in a project's schedule, early integration of environmental constraints into the project's design, developing mitigation strategies prior to entering into negotiations with resource agencies, coordination with resource agencies, paleontological and biological monitoring, and environmental permitting. The environmental services span from the conceptual phase of a project through construction and may include post-construction regulatory permitting requirements and/or mitigation and monitoring for some projects.

SBCTA has benefitted enormously from the on-call environmental resource. The benefits have resulted in schedule and cost savings, ensuring delivery dates are realized, receiving funding, and constructing projects in compliance with permits and other regulatory requirements. The peer review has effectively reduced the number and extent of California Department of Transportation (Caltrans) review iterations for various environmental documents, thereby saving time in the project schedule, saving SBCTA consultant resources, and optimizing the use of Caltrans' limited resources.

Numerous environmental tasks for the many projects in the Project Delivery Program have been completed. In part, the list of tasks completed and needed for ongoing and future projects includes:

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

- Management of the environmental phase of work and specific environmental studies.
- Oversight and peer review for environmental documents and studies.
- Participation in Project Development Team (PDT) meetings.
- Processing of jurisdictional water permits.
- Researching and negotiating mitigation property options.
- Managing Contract Task Order procurement and activities.
- Processing of regulatory permits.
- Evaluating draft legislation and determine effects.
- Identify federal or state regulatory changes and prepare SBCTA for potential impacts these may cause.
- Negotiating terms and requirements for permits and agreements with various Federal and State resource agencies.
- Providing recommendations to SBCTA staff on viability and applicability of environmental mitigation measures and requirements in environmental studies, the Environmental Commitment Record (ECR), bid documents and permits.

The vigorous Project Delivery Program continues to strive for effective project delivery in conjunction with the other stakeholders such as Caltrans, regulatory agencies, and the local agencies. To meet this need and to stay abreast of any changes to law or policies it is estimated that the on-call environmental service needs for the next five-years at SBCTA will be \$3 million. Tasks that yield a product, and are not oversight or peer review, will be assigned by task order. Staff is recommending that the Board approve the release of a Request for Proposals (RFP) No. 20-1002377 for On-Call Environmental Services.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 Budget under the various tasks and sub-tasks requiring on-call environmental services.

Reviewed By:

This item was reviewed and recommended for approval (18-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 14, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and a draft of the RFP.

Responsible Staff:

Paula Beauchamp, Director of Project Delivery and Toll Operations

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Scope of Work

OVERVIEW

The San Bernardino County Transportation Authority (SBCTA), acting in the capacity designated in the Contract, will utilize the services of a consultant herein referred to as “CONSULTANT”, to provide on-call environmental project management and technical and support services on an as-needed basis for a variety of projects in order to meet the environmental needs of SBCTA.

Coordination of CONSULTANT will be accomplished through SBCTA’s Project Manager or designee.

APPLICABLE STANDARDS

Deliverables and related material as requested for on-system State Highway projects shall be prepared in accordance with current applicable Department of Transportation (CALTRANS) regulations, policies, procedures, manuals, and standards including compliance with Federal Highway Administration (FHWA) requirements unless directed otherwise. Deliverables and related materials requested for all other agencies shall be consistent with the requirements of that agency in addition to federal, state, local agency requirements, regulations, policies, procedures, manuals, and standards.

All deliverables and supporting materials furnished under this Scope of Work shall be of a quality acceptable to SBCTA and/or other relevant agencies. The criteria for acceptance shall be a product of neat appearance, well organized, technically and grammatically correct and checked. The appearance, organization, methodology, and content of all deliverables and supporting materials shall be to applicable standards or as otherwise directed.

Qualifications of individuals performing services shall, at a minimum, meet the applicable qualifications noted in the CALTRANS Standard Environmental Reference as well as the qualifications for any appropriate Professional Licensing Board

Guidance for each activity or deliverable can be found at the CALTRANS Standard Environmental Reference and within the Work Breakdown Structure (WBS) Manual located at:

Standard Environmental Reference

<http://www.dot.ca.gov/ser/>

Additional guidance, in part, is below:

- Preliminary Environmental Analysis Report Handbook
- Project Development Procedures Manual (PDPM),
- Traffic Noise Analysis Protocol and Technical Noise Supplement
- Highway Design Manual (HDM)
- Storm Water Project Planning and Design Guide (PPDG)

- Guidance Papers on Implementation of NEPA/404 MOU
- Project Planning and Design Guide (PPDG),
- Traffic Volume Data
- Technical Noise Supplement
- Traffic Noise Analysis Protocol
- Storm Water Pollution Protection Plan Guidelines for Environmental Planning
- Right of Way Manual - Reference Version, Chapter 10
- Surveys Manual

ON-CALL ENVIRONMENTAL SERVICES

The CONSULTANT services may include oversight of SBCTA consultants preparing environmental studies and reports for a specific highway improvement project, and it may include completing specific environmental tasks required for the development of highway projects. The services of the consultant will vary depending on when they are providing oversight services or are responsible for the completion of the task. Environmental services may include, but not be limited to the following:

Environmental Project Management

CONSULTANT may be asked to serve as the SBCTA Environmental Project Manager (PM) on a project and serve as the single point of contact for all environmental related questions, requests, and submittals. PM shall understand the project schedule and support / conduct / coordinate / oversee any and all studies, analysis, requirements and meetings needed to successfully complete environmental requirements leading to NEPA and or CEQA compliant environmental documents such that the project schedule is not impacted negatively.

PM shall coordinate with CALTRANS and/or all other agencies involved or potentially impacted by the Project. PM shall inform SBCTA prior to all contacts, meetings, notifications, and correspondence with CALTRANS or any other agencies.

PM shall conduct ongoing reviews of consultant/subconsultant progress in performing the work and furnish comments in a timely manner.

PM shall draft and/or review certain types of correspondence to subconsultants, property owners, and/or representatives of various agencies, as necessary.

PM shall assist in the coordination of the distribution of relevant public information.

On a monthly basis, as requested by SBCTA, CONSULTANT shall prepare and submit to SBCTA a monthly status report that indicates the work progress achieved during the period. The report shall summarize the actual work progress compared with estimated progress and will identify problem areas, provide evaluations, recommendations and an outline on the process which CONSULTANT, and SBCTA will follow to rectify the problem(s). The progress report shall be submitted with the monthly invoice.

PM shall maintain a schedule of environmental activities, action items, four week look ahead, and update this information monthly. Activities shall be linked to other project specific functional activities as predecessors or successors, as appropriate.

PM shall review the subconsultants, or oversight the work of other consultants performing environmentally related tasks, Project Control or Work Plan documents submitted to ensure their understanding of the level of information required, reporting procedures and formats, stakeholders, schedule, report cycle, and the intended use of each document.

PM shall receive and review monthly progress reports from subconsultant or other consultants performing environmental related tasks.

PM shall review with subconsultant or other consultant, requests for change orders and/or extensions of time when such requests are determined to be necessary.

For subconsultants, PM shall review all contractual payments and assure consistency with the progress of the associated activity.

PM may be assigned to a single or multiple projects.

Coordination and Consultation

CONSULTANT may be consulted for guidance, options, opinions, and strategies related to environmental issues in support of SBCTA projects and the SBCTA program.

CONSULTANT may be asked to perform an independent cost estimate, review a cost proposal and/or scope of work, or otherwise assist on development of a scope of work for environmental work required in any phase of a project.

CONSULTANT may be asked to lead the effort on coordination and/or consultation with one or more resource agencies.

Peer Review

In an oversight capacity, CONSULTANT may be asked to review and comment upon any and all environmental studies, analysis, reports, and/or plans prepared by other consultants, and to attend relevant meetings in order to gain background on the topics included in the aforementioned documents. Expertise related to air quality, noise studies, hazardous waste, environmental justice, biological issues/assessments, cultural issues, water quality, visual/aesthetic resources, land use issues, regulations, storm water, and other specialties will be required.

Permits and Permit Requirements

CONSULTANT may be asked to apply for resource agency permits and/or to successfully complete activities necessary to successfully fulfill environmental permit requirements. Activities may be required to be performed prior to and/or during construction. In addition, CONSULTANT may be asked to perform mitigation and restoration monitoring on a post-construction basis.

Environmental Documents

CONSULTANT may be asked to produce NEPA and/or CEQA compliant environmental documents/studies such as Initial Studies/Environmental Assessments (IS/EA), Environmental Impact Report/Environmental Impact Studies (EIR/EIS), environmental re-evaluations, supplemental EIS and/or reassessments of existing/outdated materials. In addition to meeting federal and state requirements, the Caltrans Standard Environmental Reference shall be utilized to assure compliance with formatting and content of documents.

Studies and Reports

CONSULTANT may be asked to provide as needed environmental support, field study, technical study and the associated reporting. Expertise related to air quality, noise studies, hazardous waste, environmental justice, biological issues/assessments, cultural issues, paleontological issues, water quality, visual/aesthetic resources, land use issues, current regulations, and other specialties will be required.

Reports prepared by CONSULTANT shall be submitted in draft form, and opportunity provided for SBCTA peer review. After addressing the peer review comments the draft document shall be submitted to CALTRANS, if applicable, to review and direct revisions prior to finalizing.

CONSULTANT shall provide the reproduction services required for the projects inclusive of the number of individual sets to be delivered for the submittal tasks outlined in this Scope of Work.

Hazardous Materials

If during any phase of a project residual soils and/or decontamination fluids and/or contaminated soil or fluids require off-site disposal, materials will be disposed of in a manner consistent with applicable requirements and regulations. CONSULTANT will characterize materials and offsite disposal method and site. If necessary, CONSULTANT may be required to characterize materials through collection and analysis of up to two composite soil samples. CONSULTANT will arrange shipment and offsite disposal appropriate for the type of material requiring disposal. Consultant will either: sign the non-hazardous soils or hazardous waste manifest (Manifest), as applicable, for transportation and offsite disposal of the materials, naming SBCTA as the generator of the material on the Manifest; or provide written certifications to SBCTA sufficient to enable SBCTA to sign the Generator's/Officer's Certification of the Manifest.

Work Breakdown

The tasks that the CONSULTANT will be providing services for include, but are not limited to the tasks listed below, on an as needed basis. The responsibility of the CONSULTANT will vary depending on whether they are providing oversight services or are responsible for the completion of the task.

PROJECT MANAGEMENT

Environmental Project Management, Coordination and Consultation, and Peer Review will be performed under the Environmental Project Management Tasks below. Other study related activities performed by the consultant will be performed under the work break down structure following this section.

- 100.10 Project Management – Project Approval and Environmental Document Component
- 100.20 Project Management – Construction Component
- 100.25 Project Management – Right of Way Component

PLANNING PHASE

150.20 Preliminary Environmental Analysis Report (PEAR)

The Preliminary Environmental Analysis Report (PEAR) identifies the potential environmental impacts of each alternative, as well as potential mitigation costs. Although existing data will most frequently be used in the preparation of this report, project specific circumstances may indicate the need for or advisability of conducting more detailed investigations. Costs developed in this activity will be used for programming purposes; consequently, the analysis should be of sufficient detail to identify all potential costs. For those projects where the initiation document is combined with the project report/environmental document (such as PSSRs and PSR/PR), this activity also includes those tasks required for the environmental document.

150.20.05 Initial Noise Study

Evaluate noise and will conduct a background document review of the project vicinity and make contacts with outside agencies and individuals. Perform a windshield survey or equivalent of the project. Documentation will include the results of the background research and fieldwork. It will describe the project setting, identify and describe sensitive receptors, and discuss possible impacts, and potential abatement measures. The documentation will identify anticipated interagency coordination and permits to enter. A summary statement will be provided for inclusion in the PEAR. The summary should note issues, risks, and assumptions that might affect the alternatives, cost, schedule, or viability of the project. Include the approximate delineation of sensitive receptors on mapping. Include a resource estimate and a schedule by WBS code for completing studies for the environmental document. The following attachments will be completed:

- Noise Study portion of the PEAR Environmental Studies Checklist
- Noise Abatement portion of PEAR Environmental Commitments Cost Estimate, for standard PSRs
- Estimated Resources
- Conduct background document review
- Perform a windshield survey or equivalent
- Prepare documentation
- Project setting/sensitive receptors
- Potential impacts
- Potential abatement

- Monitoring
- Agency Coordination
- Recommendations
- Summary
- PEAR Environmental Studies Checklist
- PEAR Environmental Commitments Cost Estimate for standard PSR

150.20.10 Hazardous Waste Initial Site Assessments/Investigations

Hazardous waste Initial Site Assessments (ISA) are required for all projects. This information is required in order to complete the PEAR and PID. Additionally, for “high risk” sites, as assessed by the Hazardous Waste Technical Specialist, it is strongly recommended that a Preliminary Site Investigation (PSI) at least be started during the K Phase.

150.20.15 Scenic Resource and Landscape Architecture Review

This task includes two subtasks: a Scenic Resource Review and a Landscape Architectural Review. The Scenic Resource Review looks at the proposed project to determine if scenic resources exist within the project limits, and whether these resources will be impacted by the proposal. For projects on the State Highway System, the following information is collected:

- Verification of information from the RTP stage;
- Identification of possible scenic resources and the project’s potential visual impact(s);
- Identification of possible mitigation measures and preliminary costs to be included in the PSR estimate (e.g., special grading requirements, architectural features on bridges and walls, urban street amenities, landscape treatment, right-of way requirements)
- Identification of Officially Designated State Scenic Highways in the project area
- Public input is solicited during this phase to address local concerns and integrate appropriate design features through a ‘context sensitive solutions’ approach per Director’s Policy DP-22.
- For projects off the State Highway System, a Preliminary Environmental Study (PES) form is completed. The Landscape Architectural Review typically includes recommendations regarding:
 - Design strategies that integrate the project with the surrounding environment.
 - Erosion control, slope design, and Storm Water Data Report recommendations.
 - Replacement Highway Planting and Mitigation Planting requirements
 - Integration with the Comprehensive Corridor Plan, if available
 - Traveler and Worker Safety
 - Preservation of Historic Period Landscapes

150.20.20 Initial NEPA/404 Coordination

Includes Pre-Consultation with appropriate resource agencies in order to reach consensus on need and purpose, avoidance alternatives, and feasible alternatives.

150.20.25 Initial Biology Study

Biologist will perform background research, fieldwork, evaluation and reporting. The fieldwork may be a windshield survey or equivalent, Caltrans photolog or aerial photo survey, and/or

on-the-ground survey depending on the size and complexity of the project. For the documentation, summarize the background review and the survey findings. Identify the type of survey used and provide a brief description of the setting and sensitive biological resources present.

Identify specific studies or focused surveys needed for the subsequent environmental document, noting seasonal restrictions or agency protocols that need to be considered in the project schedule. Include an explanation and estimated timeline of required resource agency coordination (e.g., Section 7). Note anticipated permits, agreements or approvals (e.g., 401, 404, 1602). In the preliminary evaluation, consider whether the proposed project may require an Individual 404 permit or qualify for a nationwide permit. Include a list of contacts and sources consulted during the PEAR analysis.

Discuss the project's potential effects on biological resources: recommended avoidance, minimization, and mitigation measures and potential environmental commitments. Identify changes to the project scope or costs that could be driven by biological commitments, such as wetland mitigation, compensatory or replacement habitat acquisition, and habitat restoration. When preparing a standard PSR, provide associated cost estimates and preliminary schedules for habitat acquisition, design, construction, and monitoring. Scheduling should take into consideration the time needed by ROW to acquire permits to enter.

Conclude with a summary paragraph for inclusion in the PEAR. The summary should note potential biological resources issues, risks, and assumptions that might affect the alternatives, cost, schedule, or viability of the project. Include the approximate delineation of known sensitive biological resources on or near the project on the mapping provided by the generalist, and attach it to the documentation. Include a resource estimate and a schedule by WBS code for completing studies for the environmental document and obtaining necessary approvals to achieve PA&ED.

150.20.30 Initial Records and Literature Search for Cultural Resources

The cultural resources specialist conducts background research and fieldwork as appropriate, and prepares documentation. Background research includes literature and database searches (e.g., common references, ethnographic studies, bridge survey, photo logs or DHIPP, Sanborn maps), contacting record repositories (e.g., the appropriate regional Information Center and the Native American Heritage Commission (NAHC) regarding the Sacred Lands Inventory), and soliciting information or concerns from knowledgeable sources such as Native American contacts (tribes and interested parties), organizations (e.g. local historical societies), and individuals (e.g., local historians). In notifying tribes and interested Native American contacts of scoping efforts, ask if they have any known concerns beyond any archaeological properties that could affect the alternatives, cost, schedule, or viability of the project, while assuring the tribal representatives that this inquiry is a very early assessment of the environmental concerns for planning purposes.

Fieldwork as discussed here is essentially a preliminary review of the project area, although for small projects, fieldwork may comprise on-the-ground examinations. For larger projects, a windshield survey or equivalent is more appropriate.

Following the pre-field research and fieldwork, the specialists prepare documentation of their findings. The documentation lists the records consulted, contacts made and what was learned, notes the type of survey(s) performed, briefly describes the project setting and sensitivity for cultural resources. The documentation will include a section describing each cultural resource identified during the background research and fieldwork. The documentation discusses the potential effects of the project on resources within or adjacent to the project area and notes potential effects on Section 4(f) properties. In addition the documentation notes whether the proposed project would be located on or affect tribal lands or whether a federal agency is involved. Such circumstances may affect the applicability of the Section 106 Programmatic Agreement. The regular Section 106 process must be followed if the proposed project is located on or affects tribal lands or if another federal agency would be the NEPA federal lead agency. On federal or tribal lands, federal or tribal requirements (e.g. Archaeological Resources Protection Act (ARPA) permits, Native American Graves Protection and Repatriation Act (NAGPRA) Action Plans, or Special Use permits) would also be applicable, depending on the anticipated work involved.

Explain concurrences needed in the environmental document and other coordination required such as consultation with the State Historic Preservation Officer (SHPO) for compliance with Sections 5024 and 5024.5 of the Public Resources Code (PRC) and Section 106 of the National Historic Preservation Act (NHPA).

150.20.40 Initial Community Impact Analysis, Land Use, and Growth Studies

Conduct a pre-field background search (e.g., previous environmental documents) and make contacts with outside agencies (e.g., city planning departments). In most cases, the fieldwork will be limited to a windshield survey or equivalent. The analysis may include a brief review of current census information. The preliminary analysis should identify community impact issues and set the scope of subsequent socioeconomic/community analysis. The analysis will address impacts related to economy, social considerations, environmental justice, relocation, farmlands/timberlands, and community services.

Summarize the results of the background review and fieldwork. Discuss the existing social and economic conditions in the area. Discuss number and type of structures potentially impacted and number of potential relocations, if any. Address impacts to neighborhoods, business districts, and ethnic, disabled or other minority groups. Note anticipated agency coordination, permits, and approvals. Make recommendations for environmental commitments. Include the type and magnitude of studies needed for the environmental document.

The specialist evaluating these resources will conduct a pre-field background search (e.g., previous environmental documents), GIS data-bases, and make contacts with outside agencies. In most cases, the fieldwork will be limited to a windshield survey or equivalent. The preliminary analysis should briefly consider existing and future land use, consistency with State, Regional, and Local Plans, and identify any park and/or recreational facility, equestrian trail, bikeway, or other recreational trail.

Determine if the project and/or alternatives is likely to induce growth in the project area. Identify any local government “no growth” ordinances or policies. Assess the potential for the project to facilitate planned growth, and assess the potential for unplanned growth. Identify if the project will be located along a new alignment or provide new access. Identify any indirect impacts that could result from the project. The PEAR will identify whether a formal growth-related, indirect impact analysis is needed.

150.20.45 Initial Air Quality Study

The specialist evaluating this resource will conduct a background document review of the project vicinity and make contacts, as necessary, with outside agencies and individuals. The specialist will perform a windshield survey or equivalent of the project and provide documentation that includes the results of the background research and fieldwork. The air quality documentation will discuss the attainment status of the project area, potential impacts, potential environmental commitments, and long-term monitoring that may be needed. The documentation will identify conformity, mobile source air toxics (MSATs), particulate matter (PM) 10 and PM 2.5, interagency participation and permits. A summary statement will be provided for inclusion in the PEAR. The summary should note issues, risks, and assumptions that might affect the alternatives, cost, schedule, or viability of the project.

150.20.50 Initial Water Quality Studies

Evaluate potential water quality issues and include a discussion of the various environmental permits that will be required for the project to protect water quality, including pollution from stormwater runoff, waste discharges to land or surface waters, and hazardous waste sites. Discussion will include details of work performed to identify and remediate hazardous waste properties. Hydrology and Floodplain evaluation is also discussed.

The documentation includes a description of the setting; the findings of background research and field visit; and identifies bodies of water, drainages, rivers and streams that might be impacted. Basin plans that are in effect are reference and existing discharge conditions could affect the project design, scheduling or construction techniques are identified. In addition, anticipated agency coordination, permits, and environmental commitments are documented. This section of the PEAR should include a list of all anticipated waste discharge and dewatering requirements.

Discussion is included on how minimization and avoidance of stormwater pollution impacts are to be achieved through permit and Best Management Practices (BMPs) throughout design, construction, and long-term maintenance. The report should note if the project will require structural BMPs; the project footprint may have to be revised to accommodate these features. Structural BMPs must be coordinated with the Project Engineer.

150.20.55 Initial Floodplain Study

Evaluate floodplain issues by reviewing a background document of the project area, reviewing of the Federal Emergency Management Agency (FEMA)/ National Flood Insurance Program flood maps, and contacting outside agencies and individuals as necessary. A field visit should be performed by the Hydraulic Engineer for all but the simplest projects.

The documentation includes a description of the hydraulic and floodplain setting (including any special requirements described in the Basin Plan), describes potential impacts to local hydrology, and identifies additional studies and agency coordination that will be needed for the environmental document. Floodplain criteria as defined in 23 CFR 650, Subpart A (sections 650.101 thru 650.117) may also need to be consulted. The documentation also includes constraints and recommendations that may affect project design.

150.20.60 PEAR Preparation

Prepare Preliminary Environmental Analysis Report (PEAR) or a Categorical Exemption/Categorical Exclusion (CE/CE) for qualifying projects where the PID is combined with project report/environmental document. Reference the Caltrans PEAR Handbook for further details regarding PEAR preparation, formatting, and content.

150.20.65 Initial Paleontology Study

A paleontological identification report (PIR) may be prepared at any time during project development; however, the PIR is recommended during PEAR preparation in order to document the potential for presence or non-presence of paleontological resources in the project area.

Evaluating potential paleontological resources includes a review of databases and/or a background document review, as well as contact with outside agencies, museums, universities, and individuals. Conducting a windshield survey or equivalent of the project area, if appropriate, follows this work.

The preparer will describe the geologic and paleontological setting of the project area and the results of database/background/contact review. The report should also discuss tribal government, agency coordination, approvals, and permits (e.g., permits to conduct investigations on BLM, USFS, or USACOE-administered lands).

Provide a summary statement for inclusion in the PEAR. The summary should note issues, risks, and assumptions that might affect the alternatives, cost, schedule, or viability of the project.

150.20.70 Initial Native American Coordination

See WBS 150.20.30

150.20.99 Other PEAR Products

All other work, during the PEAR efforts, not defined or covered in other 150.20 activities.

150.25 Approved PID (PSR, PSSR, etc.)

This activity includes all tasks required to develop the PID text and exhibits, as well as the effort required to circulate, review and update the PID. It also includes the development and approval of any supplemental PIDs.

150.25.05 Draft PID

This activity includes peer review and submittal to Caltrans for on-system and/or federal aid projects.

150.35 Required Permits during Project Initiation Documents Development

This activity includes all work, normally prior to approval of the combined PR/PSSR, required in order to determine what permits may or may not be required. Note: This does not include coordination with resource agencies covering the scoping and NEPA/404 MOU process covered under activities of future phases of the project.

150.40 Permits during Project Initiation Documents Development (if necessary)

All work involved in obtaining permits for combined PR/PSSR, including:

- Discussions and negotiations with the permitting agency.
- Preparation of the permit and attachments such as exhibits, maps, etc.
- Obtain funds for any required permit fee.
- Submit permit application.

Possible Permits Include:

150.40.05 U.S. Army Corps of Engineers Permit (404)

150.40.10 U.S. Forest Service Permit(s)

150.40.20 Department of Fish and Game 1600 Agreement(s)

150.40.30 Local Agency Concurrence/Permit

150.40.35 Waste Discharge (NPDES) Permit(s) Includes all effort needed to obtain a National Pollutant Discharge Elimination System (NPDES) permit.

150.40.40 U.S. Fish and Wildlife Service Approval

150.40.45 Regional Water Quality Control Board 401 Permit

150.40.95 Other Permits

ENVIRONMENTAL PHASE

165.05.10 Public and Agency Scoping Process

Prepare and publish legal notices, and perform all public and agency participation tasks related to the overall environmental product prior to circulation of the Draft Environmental Document to the public. For on-system projects all documents shall be submitted to Caltrans prior to distribution and/or finalization.

- Prepare written notification of initiation of environmental studies.
- Prepare Draft Notice of Intent (NOI) (NEPA requirement -- EIS only) and submit to FHWA for Federal Register publication.
- Prepare and circulate Notice of Preparation (NOP) (CEQA requirement -- EIR only).
- Conduct and document Public and Agency environmental scoping meeting(s)
- Prepare and coordinate with SBCTA and Tribal Transportation Planning Agency a Public Participation Plan, meeting MPO, State Implementation Plan (SIP), FHWA Metropolitan Planning and tribal requirements.
- Conduct and document public and agency open house and workshop meetings during development of the environmental document.
- Conduct and document other formal and informal public participation activities such as citizen's committees, focus groups, presentations to political bodies, and media appearances, not directly related to preparation and coordination of a technical work product.

- Prepare & circulate newsletters and other public informational and press materials
- Prepare and maintain Project Mailing List

165.05.15 Alternatives for Further Study

The Project Manager, Management, and the Project Development Team select alternative(s) for further study in the Draft Environmental Document and Draft Project Report. The selection process and criteria are documented for use in later stages of the project. Alternatives are based on those developed and documented in the Project Initiation Document, with additions or deletions as required.

- Perform preliminary alternatives analysis
- Consider public comment and participation
- Review alternatives analysis with Project Development Team
- Prepare and review alternative selection documentation
- Preliminary alternatives analysis report (used by PDT and public)
- Public and PDT Review documentation and comments
- Response to comments

165.10 General Environmental Studies

Perform environmental technical studies, other than for Biology and Cultural Resources, and prepare technical reports and other work products documenting study results.

165.10.15 Community Impact Analysis Land Use and Growth Studies

Perform all activities related to socioeconomic, land use, and growth impact technical studies for use in the environmental document, and prepare a technical report documenting study results.

- Perform ethnicity and economic studies to determine the characteristics of the communities affected by the project. This includes Environmental Justice requirements.
- Perform land use studies to determine the relationship of the project to local, regional, and other planning, and identify compatibility issues with existing land uses.
- Perform growth impact studies.
- Prepare interim reports for internal and peer review.
- Prepare technical report with mapping & other graphics.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.
- Coordinate with local and regional agencies, ethnic and community groups, and business organizations.
- Farmland Evaluation and Coordination

165.10.20 Visual Impact Assessment and Scenic Resource Evaluation

Perform all activities related to Visual Impact Assessment (VIA) and Scenic Resource Evaluation (SRE) for use in the environmental document, and prepare a technical report documenting study results.

- Perform a visual inventory of the project area.
- Prepare visual simulations and exhibits of the proposed alternatives.
- Coordinate with local agencies, citizens groups, and business groups related to community design and scenic issues.
- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.
- Perform Scenic Resource Evaluation.

165.10.25 Noise Study

Perform all activities related to noise impact analysis for use in the Environmental Document, and prepare a technical report documenting study results.

- Identify sensitive receptors and analysis locations.
- Collect existing noise information, including monitoring data from Air Resources Board (ARB) and Air Pollution Control District (APCD) sites.
- Perform noise modeling.
- Develop estimates of effectiveness for alternative mitigation measures.
- Prepare technical report with preliminary barrier plans.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.30 Air Quality Study

Perform all activities related to air quality impact analysis for use in the environmental document, and prepare a technical report documenting study results.

- Identify sensitive receptors and analysis locations.
- Collect existing CO data
- Perform CO and/or other monitoring. NOTE: Scheduling of this activity should take into account appropriate study windows.
- Perform micro-scale modeling to predict future pollutant concentrations with no project and all applicable alternatives.
- Verify Federal Clean Air Act conformity status of the project; coordinate with regional and air quality agencies to obtain concurrence in the conformity status of the project, and carry out additional conformity-related activities, if necessary, including regional modeling of additional alternatives and recommendations for RTP and/or RTIP revisions.
- Develop estimates of effectiveness for alternative mitigation measures.
- Prepare monitoring and technical reports.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures for use in the Environmental Document text.

165.10.35 Water Quality Studies

Perform all activities related to water quality impact analysis for use in the environmental document, and prepare a technical report documenting study results.

- Identify receiving waters, their regulatory status, and their uses.
- Collect existing water quality information, including monitoring data from other agencies as available.
- If necessary due to inadequate existing information, conduct on-site sampling and/or monitoring and prepare monitoring report.
- Perform modeling if necessary and appropriate to predict future pollutant concentrations with no project and all applicable alternatives.
- Verify applicability of Sole Source Aquifer, NPDES, and other laws and regulations to the project and design of drainage facilities.
- Develop estimates of effectiveness for alternative drainage facilities and mitigation measures.
- Prepare technical report with mapping & other graphics.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.40 Energy Studies

Perform all activities related to energy impact analysis for use in the environmental document, and prepare a technical report documenting study results.

- Perform modeling or use other analysis methods to predict future energy use with no project and all applicable alternatives.
- Verify applicability of energy-related laws and regulations to the project and design of drainage facilities.
- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.45 Summary of Geotechnical Report

Prepare summary of Preliminary Geotechnical Report for inclusion in the Draft Environmental Document.

- Review Preliminary Geotechnical Report
- Prepare abstract for inclusion in Environmental Document text.

165.10.55 Draft Right of Way Relocation Impact Document

Perform all activities related to relocation impact analysis for use in the Environmental Document, and prepare a technical report documenting study results.

- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document text.

- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.60 Location Hydraulic & Floodplain Study Reports

Perform all activities related to preparing a Location Hydraulic Study, including structures hydraulics, for use in the environmental document and Draft Project Report, and a flood plain study for use in the Environmental Document, and prepare a technical report or reports documenting study results.

Note: These studies are usually combined into one document since they address largely the same issues. The Location Hydraulic Study is a specific FHWA requirement where a project will encroach on a flood plain. The Flood plain Study may consider a broader range of issues than FHWA requires for the Location Hydraulic Study, and is usually part of the information required to deal with the Corps of Engineers in the 404 permit process.

- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.65 Paleontology Study

Tasks involved with the identification and evaluation of paleontological resources within the project's study area.

- Identification of geologic strata potentially affected by project related activities (including borrow sites, cuts and haul roads) and assessment of its potential to contain significant paleontological resources.
- Literature search of paleontological resources in the region.
- Consultation with paleontologists with expertise in the region.
- Develop preliminary mitigation plan, if necessary.
- Develop summary report of conclusions for inclusion in the Environmental Document.
- Prepare Paleontological Identification Report (PIR), if not prepared for PID.
- Prepare Paleontological Evaluation Report (PER).
- Prepare Paleontological Monitoring Plan (PMP).

165.10.70 Wild and Scenic Rivers Coordination

Tasks involved with the identification and evaluation of wild and scenic rivers within the project's study area.

- Identification of all river reaches officially designated as being part of the National Wild and Scenic River System and official "study" river.
- Identification of all river reaches officially designated as "wild", "scenic", or "recreational" by the California Resources Agency.
- Prepare summary report of conclusions for inclusion in the Environmental Document.

165.10.75 Environmental Commitments Record

Prepare and/or update the Environmental Commitments Record (ECR) and its associated

documentation (e.g., Mitigation Monitoring and Reporting Record (MMRR) or Permits, Agreements and Mitigation (PAM)). In the case of a CE, transmit to Design for inclusion into the PS&E package. The ECR is used as a part of the Environmental input for the RE Pending File, Environmental Certification at RTL, and the Certificate of Environmental Compliance upon completion of construction of the project.

165.10.80 Hazardous Waste Initial Site Assessments/Investigations

Hazardous waste Initial Site Assessments (ISA) are required for all projects. This information should have been acquired during the previous phase in order to properly complete the PEAR and PID. If an ISA was not completed during the planning phase, its costs should be captured here.

165.10.85 Hazardous Waste Preliminary Site Investigations

Perform all activities related to one or more Preliminary Site Investigations (PSIs) as defined under procedures, and prepare a technical report documenting study results.

- Review and, if necessary, update Initial Site Assessment.
- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.10.99 Other Environmental Studies

All other work, during the General Environmental Studies efforts, not defined or covered in other 165.10 elements.

165.15 Biological Studies

Perform all activities related to preparing Biological Studies Reports necessary for the preparation of the project's Environmental Document related to the project.

- Review of project initiation package
- Conduct literature review and windshield study
- Review the Biology section of the Preliminary Environmental Assessment Report (PEAR)
- Review project documents and perform information search
- Evaluate which potential studies or surveys may be necessary
- Assess potential for biological resources to occur in project area
- Select protocols for conducting biological surveys
- Coordinate with SBCTA, Caltrans and resource agencies
- Conduct required focused surveys to determine presence/absence of federally and State-listed species within site during appropriate seasons, daytime hours, durations, and repetitions depending on the species and the protocol from the appropriate resource agency and with consideration to the project schedule.
- Resource agency and property owner notifications shall be made by the consultant, where required.
- Secure all required permits
- Record and map location of the species on an aerial photograph

- Prepare a Survey Report to include a report of findings:
 - Site location plotted on U.S. Geological Survey (USGS) 7.5-minute topographic map;
 - Description of survey methods including list of all biologists, acreage of habitat surveyed, and the number and dates of the surveys;
 - Mapping of the precise location of any sensitive plants, if observed;
 - Estimation of population numbers, if observed;
 - If required prepare morphological analysis in order to differentiate the federally species from other related species.
 - If trapping occurs, all animals captured will be identified to species, sexed, assessed for reproductive condition and age, marked, weighed, and released;
 - If necessary provide relocation services; and
 - Completed field forms for the appropriate resource agency showing the location of the sensitive species, if observed.

165.15.05 Biological Assessment

Perform all tasks related to endangered species and other studies required to complete a Biological Assessment report.

- Obtain endangered species list for project area.
- Perform presence/absence and other field studies.
- Determine effect on species.
- Perform formal and informal coordination with resource agencies and document the same.
- Prepare Biological Assessment Report.
- Prepare abstract (s) for inclusion in the Natural Environmental Study and Environmental Document.
- Prepare memo discussing recommended and/or required mitigation measures.

165.15.10 Wetlands Study

Perform all tasks related to identifying, studying project effects on, and determining mitigation for wetlands in the project area, and prepare a report.

- Coordinate endangered species information with Biological Assessment work.
- Delineate wetlands in the project area to Corps of Engineers standards, and obtain Corps approval of delineation.
- Evaluate, quantify, and map temporary and permanent impacts to the waters of the U.S.
- If required, prepare a hydrogeomorphic method (HGM), rapid assessment, or other reports.
- Determine effect on species and amount/type of wetlands affected.
- Prepare technical report.
- Wetland Delineation materials.
- Prepare abstract(s) for inclusion in Natural Environment Study and Environmental Document text.
- Memo discussing recommended and/or required mitigation measures.

165.15.15 Resource Agency Permit Related Coordination

Effort involved directly with formal consultation and coordination required in order to complete the biological studies. This work may result from studies done under any of the other biological task areas and may be required in order to complete those studies. The purpose of separating this effort is to identify the workload involved with permit and mandatory consultation work in the biology field. The intent of this activity is to gain consensus with the resource agencies on the impacts and mitigation's on the proposed alternatives necessary for completion of the Draft Environmental Document (DED).

- Obtain concurrence by the Corps of Engineers with initial purpose and need and range of alternatives, per NEPA/404 MOU requirements.
- Coordinate work with Biological Assessment, Wetlands Study, and Natural Environment Study work.
- Perform Section 7 and/or Section 10 consultation with the U.S. Fish & Wildlife Service.
- Perform formal consultation and obtain concurrence in biological and wetland studies under the NEPA/404 Coordination MOU process.
- Perform early consultation with California Department of Fish and Game regarding biology issues related to possible Section 1600 permits.
- Perform formal and informal biology-related coordination with other resource agencies as needed.
- Prepare and submit preliminary Section 404 permit application to the Army Corps of Engineers per NEPA/404 Memorandum of Understanding (MOU).
- Prepare and submit Section 408 permit application to the San Bernardino County Flood Control District.
- Migratory Bird Act (U.S. Fish and Wildlife Service).
- Fish and Game Code 2081 or 2080.1 (California Department of Fish and Wildlife).
- Fish and Game code 1002 and Title 14 Sections 650 and 670.1 (California Department of Fish and Wildlife).

165.15.20 Natural Environment Study (NES) Report

Based on information developed in the Biological Assessment and Wetlands Study reports, and other information as directed by technical guidance, prepare a Natural Environment Study (NES) Report. This report is the master document covering compliance with biological study and consultation requirements, and providing language and mitigation measures for use in the Environmental Document.

- Review other biological study work.
- Prepare technical report.
- Prepare abstract for inclusion in Environmental Document text.
- Prepare transmittal memo outlining study results, potential significance of impacts and significance criteria, and proposed mitigation measures.

165.15.99 Other Biological Studies

All other work, during the Biological Studies efforts, not defined or covered in other 165.15 elements.

165.20 Cultural Resource Studies

Perform studies and prepare cultural resources (archaeological, historical, and architectural reports) in order to comply with the requirements of CEQA, NEPA, Section 106 of the National Historic Preservation Act, and Section 5024 of the California Public Resources Code. Included is consultation with Native American communities. Produce documentation (e.g., from FHWA or State Historic Preservation Officer (SHPO)) that compliance with applicable Federal and/or state cultural resource laws and regulations has been achieved.

165.20.05 Archaeological Survey

Archaeological Survey Report (ASR) that details study methods and results.

165.20.05.05 Area of Potential Effects/Study Area Maps

Specialist will prepare an Area of Potential Effects (APE) maps for projects with a Federal nexus and Study Area maps for those with State-only involvement.

165.20.05.10 Native American Consultation

Consult with federally recognized tribes and California Indian traditional cultural leaders, unrecognized groups, and individuals on their concerns regarding project activities. Simultaneously, these efforts also include identifying other cultural concerns and areas of cultural significance that a proposed project may impact and that, under environmental law, may need to be addressed. Consultation includes identification, evaluation, determination of effects, and treatment of archaeological resources. In addition, consultation includes identification of areas important to Native Americans that may be unrecognized by people outside the culture. These include sacred sites, plant-gathering areas, and certain historic properties that are referred to as Traditional Cultural Properties. This activity will include the following subtasks:

165.20.05.15 Records and Literature Search

165.20.05.20 Field Survey

165.20.05.25 Archaeological Survey Report (ASR)

165.20.05.99 Other Archaeological Survey Products

165.20.10 Extended Phase I Archaeological Studies

If required, specialist may be asked to prepare an Extended Phase I (XPI) study is an extension of the identification phase for archaeological resources, meeting the requirements of 36 CFR 800.4(b), “to identify historic properties within the area of potential effects,” and similar requirements under CEQA. The XPI Proposal is used to explain the reasons for the XPI study, to describe the proposed field methods, and will be used as the basis for determining when the study goals have been met and fieldwork can cease. Refer to the Standard Environmental Reference, Chapter 5, Section 5.5 for a complete discussion of Extended Phase I studies. Subtasks include:

165.20.10.05 Native American Consultation

165.20.10.10 Extended Phase I Proposal

165.20.10.15 Extended Phase I Field Investigation

165.20.10.20 Extended Phase I Materials Analysis

165.20.10.25 Extended Phase I Report

165.20.10.99 Other Extended Phase I Archaeological Study Products

All other work, during the Extended Phase I Archaeological Studies efforts, not defined or covered in other 165.20.10 elements.

165.20.15 Phase II Archaeological Studies

A Phase II report is a technical report detailing the methods and results of Phase II studies for projects involving only one alternative or projects where all alternatives have the same impacts on all archaeological resources. Activities included are:

- 165.20.15.05 Native American Consultation
- 165.20.15.10 Phase II Proposal
- 165.20.15.15 Phase II Field Investigation
- 165.20.15.20 Phase II Materials Analysis
- 165.20.15.25 Phase II Report

165.20.15.99 Other Extended Phase II Archaeological Study Products

This task covers all other work, during the Extended Phase II Archaeological Studies efforts, not defined or covered in other 165.20.15 elements.

165.20.20 Historical and Architectural Resource Studies

Produce technical report(s) detailing the methods and results of the Historic and Architectural Resource studies. Activities included are:

- 165.20.20.05 Preliminary Area of Potential Effects/Study Area Maps for Architecture
- 165.20.20.10 Historic Resource Evaluation Reports - Archaeology
- 165.20.20.15 Historic Resource Evaluation Reports - Architecture
- 165.20.20.20 Bridge Evaluation

165.20.25 Cultural Resource Compliance Consultation Documents

Compliance documents submitted to FHWA and/or the State Historic Preservation Officer (SHPO) for concurrence regarding resource identification, significance, project effects, and mitigation measures. Activities included are:

- 165.20.25.05 Final Area of Potential Effects/Study Area Maps
- 165.20.25.10 PRC 5024.5 Consultation
- 165.20.25.15 Historic Property Survey Reports / Historic Resource Compliance Reports
- 165.20.25.20 Finding of Effect (FOE)
- 165.20.25.25 Archaeological Data Recovery Plan/Treatment Plan
- 165.20.25.30 Memorandum of Agreement (MOA)
- 165.20.25.99 Other Cultural Resource Compliance Consultation Products

165.25 Draft Environmental Document

Prepare Draft Environmental Document (DED) with all attachments or Categorical Exemption/Categorical Exclusion documentation. Conduct all necessary in-house and external reviews (NEPA and CEQA documents) and obtain U.S. DOT (Federal Highways (FHWA), FTA, or other Administration) approval to circulate NEPA Document.

165.25.05 Draft Environmental Document Analysis

Analyze technical studies and prepare DED (CEQA draft ND/IS or EIR; NEPA draft EA or EIS; typically combination CEQA/NEPA document). Activity includes the coordination of the studies required for the ED.

165.25.10 Section 4(f) Evaluation

For projects with USDOT involvement where the project “uses” public owned lands of a public park, recreation area or wildlife and waterfowl refuge of national, state, or local significance or historic or archaeological sites listed or eligible for the Nation Register of Historic Places are impacted by the project, Specialist will determine whether the “use” is de minimus or qualifies for a programmatic Section 4(f). Specialist will perform an analysis to determine whether there is one or more feasible and prudent avoidance alternatives to the “use” of the Section 4(f) p

165.25.15 Categorical Exemption / Categorical Exclusion (CE) Determination

Includes review, circulation and approval.

165.25.20 Environmental Quality Control & Other Reviews

Carry out formal and informal review of DED within Consultant’s firm and as a peer review activity, including all required quality control reviews. Revise DED as required addressing any comments. Prepare Quality Control Review Certification.

165.25.25 Approval to Circulate Resolution

Includes time and effort required to resolve comments.

165.25.99 Other Draft Environmental Document Products

All other work, during the Draft Environmental Document efforts, not defined or covered in other 165.25 elements.

175.05 DED Circulation

Preparation and circulation of the DED, this effort does not include the public hearing process and responding to comments.

175.05.05 Master Distribution and Invitation Lists

Update the project's existing mailing list and prepare the distribution list for all interested individuals, groups, and governmental agencies.

175.05.10 Notices Regarding Public Hearing & Availability of Draft Environmental Document

This includes all efforts required to prepare and issue a Notice of Availability for the DED, mail notifications of the public hearing, either the published "Notice of Opportunity" or the first published public hearing notice.

175.05.15 DED Publication and Circulation

Includes formal public circulation period, publishing/reproduction (including both paper and electronic formats) and mailing of the DED. This activity does not include the public hearing

process and responding to comments. Includes providing documents to SBCTA or Caltrans for transmittal of DED to CTC and preparation of CTC agenda item.

175.05.99 Other DED Circulation Products

All other work, during the DED Circulation efforts, not defined or covered in other 175.05 elements.

175.10 Public Hearing

Perform all tasks for the purpose of preparing and holding Public Hearing for a project.

175.10.05 Need for Public Hearing Determination

Based upon the response to the "Notice of Opportunity" for a public hearing, meetings are scheduled with the interested parties to determine if a public hearing is required.

175.10.10 Public Hearing Logistics

Arrange for Public Hearing Logistic - Includes all formal arrangements for the public hearing including:

- Select and obtain public hearing officer
- Obtain hearing room
- Obtain security
- Obtain court reporter
- Obtain language interpreters
- Prepare handouts

175.10.15 Displays for Public Hearing

Preparation of any displays, exhibits, equipment, signs, models, or other physical features for use at the public hearing.

175.10.20 Second Notices of Public Hearing and Availability of DED

This includes the second published and all subsequent public hearing notice and general publicity regarding the public hearing. Including:

- Display ads
- Flyers or newsletters mailed / distributed to residents and interested parties
- Notices on bulletin boards in public places
- Press release to all media
- Distribution of notices through schools and service clubs
- Copies of the notice sent to OPPD & FHWA
- Availability of DED

175.10.25 Map Display and Public Hearing Plan

175.10.30 Display Public Hearing Maps

Includes either formal or informal display of the maps to be shown at the public hearing, prior to the public hearing.

175.10.35 Public Hearing

Includes all remaining activities relating to holding the public hearing.

175.10.40 Record of Public Hearing

Prepare record of public hearing.

175.10.99 Other Public Hearing Products

All other work, during the Public Hearing efforts, not defined or covered in other 175.10 elements.

175.15 Public Comment Responses and Correspondence

Includes the formal response to comments on the DED for the preparation of the Final Environmental Document (FED).

175.20 Project Preferred Alternative

Identify the project's preferred alternative to be carried forward in the Project Report (PR) and Final Environmental Document (FED).

- Assemble all the data needed to make the selection of the preferred alternative.
- PDT and other meetings to select the preferred alternative.
- Prepare and submit to the NEPA/404 Agencies, a request for concurrence with the Least Environmentally Damaging Practicable Alternative (LEDPA) determination and conceptual mitigation plan.

180.10.05 Approved Final Environmental Document

Includes efforts required to prepare and obtain approval of the Final Environmental Document (FED).

180.10.05.05 Draft Final Environmental Document Review

Includes reproduction of draft FED, performance of internal district and required QA/QC reviews, and documentation of comments received.

180.10.05.10 Revised Draft Final Environmental Document

Includes modification of Final Environmental Document (FED) in response to all comments received as a result of internal district and required QA/QC reviews and consideration of the following:

180.10.05.15 Section 4(f) Evaluation

180.10.05.20 Findings

180.10.05.25 Statement of Overriding Considerations

180.10.05.30 CEQA Certification

180.10.05.40 Section 106 Consultation and MOA

All technical studies, reports, coordination, and agreements associated with completing Section 106 Consultation for projects involving multiple alignments where the preferred alternative identified until after circulation of the Draft Environmental Document. Efforts may include:

- Performing Phase II Archaeological Studies for the Preferred Alternative (including Native American Consultation, proposal preparation, field investigations, analysis, and report preparation).
- Prepare and Process Supplemental Cultural Resources Compliance Documents for the Preferred Alternative (including preparation of Final Area of Potential Effect map, Supplemental Historic Property Survey Report, Finding of Effect, Archaeological Data Recovery Plan/Treatment Plan, and Memorandum of Agreement (MOA)).
- Processing of supplemental compliance documents through FHWA and/or the State Historic Preservation Officer for concurrence on resource significance, project effects, and mitigation measures.

180.10.05.45 Section 7 Consultation

If necessary perform the following:

180.10.05.50 Final Section 4(f) Statement

180.10.05.55 Floodplain Only Practicable Alternative Finding

180.10.05.60 Wetlands Only Practicable Alternative Finding

180.10.05.65 Section 404 Compliance

If necessary, obtain a permit, achieve acceptance of stipulations, or assist in constructing/coordination of some other agreement.

180.10.05.70 Mitigation Measures

Assist in determining mitigation measures, negotiating, finding and securing mitigation measures.

180.10.10 Public Distribution of FED and Respond To Comments

Includes publication/reproduction (including both paper and electronic formats), preparation of a transmittal letter, publication of the Notice of Availability, transmittal of copies of the Federal Register, and distribution of the Final Environmental Document (FED). Includes transmittal of Final Environmental Document (FED) to CTC, preparation of CTC agenda item and respond to comments on the FED.

180.10.15 Final Right of Way Relocation Impact Document

Complete and update the draft Right of Way Impact Study done during the DED phase.

180.10.99 Other FED Products

All other work, during the FED efforts, not defined or covered in other 180.10 elements.

180.15 Completed Environmental Document

Prepare the Notice of Determination (NOD) and Record of Decision (ROD) and obtain FHWA approval of the ROD.

180.15.05 Record of Decision (NEPA)

Includes efforts required to draft and obtain Federal approval of the Record of Decision (ROD)

180.15.10 Notice of Determination (CEQA)

Includes preparation of Notice of Determination (NOD,) making and sending copies to HQ, CTC action, and filing with the Office of Planning and Research.

180.15.20 Environmental Commitments Record

Includes preparing or updating of the Environmental Commitments Record (ECR) and its associated documentation (e.g., Mitigation Monitoring and Reporting Record (MMRR) or Permits, Agreements, and Mitigation (PAM)) for transmission to Design for PS&E. The ECR is used as a part of the Environmental input for the RE Pending File, Environmental Certification at the conclusion of PS&E, and the Certificate of Environmental Compliance at the conclusion of construction.

180.15.99 Other Completed Environmental Document Products

All other work, during the Completed Environmental Document efforts, not defined or covered in other elements.

DESIGN PHASE**205.05 Required Permits**

This activity includes all work required in order to determine what permits may be required or may not be required and for assisting in all activities leading to securing permits.

205.10 Permits

All work involved in obtaining permits, including:

- Discussions and negotiations with the permitting agency.
- Preparation of the permit and attachments such as exhibits, maps, etc.
- Obtain funds for any required permit fee.
- Submit permit application.

Partial listing of Permits:

205.10.05 U.S. Army Corps of Engineers Permit (404)

205.10.10 U.S. Forest Service Permit(s)

205.10.20 Department of Fish and Game 1600 Agreement(s)

205.10.30 Local Agency Concurrence/Permit

Perform any coordination necessary with the local agency(ies) to obtain concurrence from the appropriate local agency(ies) when state highway construction impacts existing local facilities.

205.10.40 Waste Discharge (NPDES) Permit(s)

Includes all effort needed to obtain a National Pollutant Discharge Elimination System (NPDES) permit.

205.10.45 U.S. Fish and Wildlife Service Approval

Includes all effort needed to obtain Service approval.

205.10.50 Regional Water Quality Control Board 401 Permit

Includes all effort needed to obtain a 401 permit.

205.10.60 Updated ECR

Includes all efforts necessary to update the Environmental Commitments Record (ECR).

205.10.95 Other Permits

Includes all permits not listed above, such as flood control district or other permits.

CONSTRUCTION PHASE**235.05 Environmental Mitigation**

All work involved in order to accomplish environmental mitigation as determined in the Final Environmental Document (FED) and associated regulatory permits and agreements.

235.05.05 Historical Structures Mitigation

All work to move, sell, rehabilitate, or provide landscape buffers for historic structures. Includes historic buildings and historic engineering features such as bridges, roads, trails, canals, and railroads.

- Marketing Plan
- Historic American Building Survey (HABS) recordation
- Historic American Engineering Record (HAER)
- Prepare mitigation report for FHWA, State Historic Preservation Office (SHPO), and Advisory Council on Historic Preservation (ACHP) submittal

235.05.10 Archaeological and Cultural Mitigation

Recover archaeological data (Phase III) and perform other research related to the site's National Register of Historic Places (NRHP) eligibility (excavation, analyses, report preparation, and distribution). This activity is only applicable when an archaeological site is eligible for the National Register of Historic Places for its research potential under Criterion "d". This activity also includes non-excavation work related to the data recovery. Publish Phase III final report on results of excavation and research, produce a curated collection, and fulfill mitigation requirements.

- Pre-excavation burial agreement with Native Americans.
- Arrangements for Native American monitors.
- Curation agreement.
- Site mapping.
- Right of Entry, if needed.
- Site visit with consultants and Native Americans.
- All field work.
- Analyses of recovered materials.

- Repatriations of human remains and sacred objects, if recovered.
- Preparation, submittal, and review of draft report on excavations
- Publish Phase III final report.
- Transfer collection and field notes and pay fees to curation facility.
- Transmit final report to FHWA, SHPO, ACHP, tribes, and the scientific community and obtain approval letters if required.
- Establish an Environmental Sensitive Area (ESA) to protect remaining portions of site.

235.05.15 Biological Mitigation

Perform the design and monitoring of all biological mitigation measures as outlined in the final environmental document and included as a part of the parent project that created the impact. In the event that permit renewals or extensions result in new or changed requirements, the Environmental Commitments Record (ECR) and related documents (e.g., MMRR), RE Pending File, Environmental Certification at RTL, and similar documents must also be updated.

- Prepare Mitigation Monitoring Plan
- Design and delineation of mitigation measures into project plans.
- Preparation of special provisions
- Reviews by affected units and regulatory agencies.
- Prepare and distribute monitoring reports.
- Prepare and submit permit renewal and extension requests to resource agencies.
- Train field personnel

235.05.25 Paleontology Mitigation

All tasks related to the monitoring for or recovery of paleontological resources affected by the project related activities, contract (or task order) oversight, coordination and monitoring of field work, report review.

- Prepare, review and update, as necessary, the Paleontological Mitigation Plan (PMP).
- Train field personnel, if required.
- Prepare reports on mitigation work.
- Prepare a Paleontological Stewardship Summary.

235.05.99 Other Environmental Mitigation Products

All other work, during the Environmental Mitigation efforts, not defined or covered in other elements.

235.10 Detailed Site Investigation for Hazardous Waste

Perform a detailed Site Investigation (SI) through development of a task order using the District/Region's on-call contract. The investigation should fully characterize the contamination, identify appropriate and feasible cleanup alternatives, and estimate cleanup costs.

235.10.05 Right or Permit for Hazardous Waste Site Investigations (SI)

Obtain right or permit to enter, or request the same from SBCTA, to access an identified property for the purpose of conducting a hazardous waste site investigation. Adequate time should be requested in the right or permit to ensure completion of the detailed SI.

235.10.10 Hazardous Waste Sites Survey

Determine which identified sites require a detailed site investigation.

235.10.15 Detailed Hazardous Waste Site Investigation SI

Develop a workplan for conducting a Detailed Site Investigation (DSI) and feasibility studies and/or conduct the detailed SI. Consultants work under the direction and control of SBCTA with coordination of the Caltrans District 8 Hazardous Waste Coordinator or other assigned staff.

235.15 Hazardous Waste Management Plan

The remedial investigation and feasibility studies of potential mitigation strategies for the site constitute the Hazardous Waste Management Plan (HWMP). A part of the HWMP is the Remedial Action Plan (RAP). This is the actual plan necessary for implementing the remediation.

- Develop RAP
- Review RAP and determine scope of HWMP
- Develop HWMP
- Approve HWMP

235.25 Hazardous Waste Clean-up

Hazardous Waste Technical Specialists provide support and/or manage remediation during construction. Prepare work plan, coordinate with resource/regulatory agencies, perform remediation and complete a cleanup report if required by a resource/regulatory agency.

235.30 Hazardous Substances Disclosure Document (HSDD)

Hazardous Waste Technical Staff prepare and approve the HSDD, including validation of site investigation findings and cleanup completed by others. If a proposed property acquisition is located outside the boundary of previous hazardous waste studies for the project, additional investigations may be needed before acquisition. If prior studies indicate that a situation exists where some action by the existing owner is required, progress of that action (including tank removal), if any, will be assessed and further recommendations made as needed before the HSDD can be approved.

- Review of R/W Certification for consistency with prior project scope.
- Field review of site.
- Verification of status of any recommended remediation (tank removal) by owner.
- Preparation and approval of the Certificate of Sufficiency for acquisition.

235.35 Long Term Mitigation Monitoring

Work involved in the monitoring of mitigation sites over an extended period to ensure compliance with objectives of the permit issued by the regulatory agency.

- Field review of site
- Develop and submit performance reports to the regulatory agency
- Perform remedial action to correct deficiencies

235.40 Updated Environmental Commitments Record

Includes all efforts necessary to update the Environmental Commitments Record (ECR) and its associated documentation (e.g., Mitigation Monitoring and Reporting Record (MMRR) or Permits, Agreements, and Mitigation (PAM)) prepared. The updated ECR must be coordinated with Design. The ECR is used as a part of the Environmental input for the RE Pending File, Environmental Certification at the conclusion of PS&E, and the Certificate of Environmental Compliance at the conclusion of construction.

255.15 Environmental Reevaluation

This activity is initiated when there are changes in any factors that might affect the validity of the project's Environmental Document (ED) or CE Determination. Pertinent factors include, but are not limited to, changes in the project scope, identification of new issues, and changes in laws or regulations as they apply to the project. Reevaluation is required for Federal nexus projects at each project decision point and three years after completion of the ED or CE. In the event that permit renewals or extensions result in new or changed requirements, the Environmental Commitments Record, Mitigation Monitoring and Reporting Record, RE Pending File, and similar documents must also be updated.

Note: FED's are only valid for three years; consequently this activity may be required more than once. Technical studies that may be required to assess the new impacts includes but is not limited to: biological, archaeological, visual and noise studies.

- Drafting review and approval of the reevaluation.
- Prepare and submit permit renewal and extension requests to resource agencies.

260.75 Environmental Certification at RTL

This activity includes all environmental work necessary to review the PS&E and for the Environmental Branch Chief, or designee, to complete the Environmental Certification.

NOTE: This Certification is based on a "snapshot" of the Environmental Commitments Record (ECR), or similar document (e.g., Mitigation Monitoring and Reporting Record), which is also used to provide Environmental's staff input for the Resident Engineer's File.

195.40.30 Hazardous Waste and Hazardous Materials

Monitoring state-owned properties for potential hazardous waste and hazardous materials. Includes coordinating with the Caltrans and tenants for cleanup.

295.35 Certificate of Environmental Compliance

The purpose of the certificate is to document the Department's environmental compliance efforts for all measures specified in final environmental (or other project) documents and to inform all project stakeholders (including regulatory agencies) as to the outcome of the mitigation efforts. The information contained in this Certificate should be based on the Environmental Commitments Record (ECR), or similarly summary, initiated during PA&ED.

The ECR is also used for Environmental Certification at RTL and for input into the RE Pending File. The Certificate should contain, as a minimum, the following information summaries:

- Brief project descriptions including county, route, PM, and EA
- Impacts
- Mitigation associated with each impact
- Mitigation completed according to agreements and the agency with which that agreement was reached and the date it was completed.
- Mitigation not completed according to agreements, why it was not so accomplished, what was done instead, and when that was completed.
- Updated Environmental Commitments Records (or similar, e.g., Mitigation Monitoring and Reporting Record) to cover any on-going future commitments (copies must be provided to the impacted units (e.g., Maintenance).

295.40 Long Term Environmental Mitigation/Mitigation Monitoring After Construction Contract Acceptance

This task includes mitigation or monitoring of mitigation after Construction Contract Acceptance over an extended period to ensure compliance with resource and regulatory agency permits and agreements. The updated Environmental Commitments Records should be filed with SBCTA as evidence that SBCTA has met its obligation to fully document environmental compliance efforts for projects, both for its own projects, or if required for Caltrans or other agency project where SBCTA is providing these services.

Minute Action

AGENDA ITEM: 11

Date: June 3, 2020

Subject:

Interstate 215 Bi-County Landscape Right-of-Way Easement

Recommendation:

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

- A. Authorize staff to complete the appraisals of properties identified in Table A and make offers of just compensation to the property owners for the acquisition of property necessary for the Interstate 215 Bi-County Landscaping Project (Project); and
- B. Authorize the Director of Project Delivery to add or delete parcels in Table A as deemed necessary for the Project.

Background:

In June 2015, new High Occupancy Vehicle (HOV) lanes constructed as part of the Interstate 215 (I-215) Bi-County Project (Project) were opened to the public. Final construction activities were completed by the contractor in late 2015, and subsequently, closeout activities began. The Project's environmental document required follow-up corridor landscaping. To comply with this requirement and since the proposed landscape improvement work was not in the previously approved project report and environmental document, preliminary engineering and a new environmental document including a supplemental project report are now being initiated for the landscaping of the I-215 Bi-County corridor.

On January 9, 2019, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) awarded Contract No. 19-1002005 to EXP US Services (EXP), Inc. for the I-215 Bi-County Landscape Project environmental, design, and Right-of-Way (ROW) services.

The landscaping project is currently in the Plans, Specifications, and Estimates (PS&E) phase, and during the design process it was determined that an easement is needed to allow an irrigation lateral connection from a water main on a local street to the State ROW. The anticipated property rights needed for the Project is listed in Table A.

As the final design nears completion, the property rights and property listed in Table A may slightly change. For the purposes of streamlining the ROW process in order to meet the project schedule, staff recommends that updates to the list be authorized by the Director of Project Delivery and presented at a future Board of Directors Metro Valley Study Session meeting as an informational item.

Upon completion of appraisals, just compensation will be offered to property owners in an amount not less than the appraised value of the property rights required for project implementation. Staff will make diligent efforts to reach settlements with the affected property owners. In the event that settlement agreements cannot be reached with property owners, as the lead for eminent domain, SBCTA would have Resolution of Necessity (RON) hearings and consider the adoption of RONs as necessary.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

Table A

No.	Assessor Parcel Number	Owner	Current Land Use	Rights Needed
1	0164-421-20	Desiree Singletary	Single Family Residence	Irrigation Easement

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 Budget under Task No. 0820 Interchange Projects, Sub-Task No. 0839 I-215 Bi-County Landscaping.

Reviewed By:

This item was reviewed and recommended for approval (18-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 14, 2020. SBCTA General Counsel has reviewed this item.

Responsible Staff:

Paula Beauchamp, Director of Project Delivery and Toll Operations

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 12

Date: June 3, 2020

Subject:

Update on the Countywide Senate Bill 743 Vehicle Miles Traveled Implementation Study

Recommendation:

Receive an update on the Countywide Senate Bill 743 (SB 743) Vehicle Miles Traveled Implementation Study and forthcoming local jurisdiction implementation of State of California SB 743 requirements.

Background:

Senate Bill 743 (SB 743), signed by the Governor in 2013, requires changes in the way transportation impacts are identified. The legislation states:

“Transportation analyses under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) typically study changes in automobile delay. New methodologies under the California Environmental Quality Act are needed for evaluating transportation impacts that are better able to promote the state’s goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations.”

The legislation directed that:

“The Office of Planning and Research (OPR) shall prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to the guidelines adopted pursuant to Section 21083 establishing criteria for determining the significance of transportation impacts of projects within transit priority areas.”

The Final OPR recommendations were to apply the vehicle miles traveled (VMT) metric statewide, not just in transit priority areas. The recommendations were incorporated into Section 15064.3 of the California Environmental Quality Act (CEQA) Guidelines adopted in December, 2018. In part, the section states:

“Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, “vehicle miles traveled” refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project’s effect on automobile delay shall not constitute a significant environmental impact.”

The CEQA guidelines also stated that *“Beginning on July 1, 2020, the provisions of this section shall apply statewide.”* The County of San Bernardino was in the process of preparing an updated General Plan and determined that it would incorporate the VMT requirements into its

Entity: San Bernardino County Transportation Authority

policies, subsequently adopting a set of guidelines for VMT analysis in July 2019. The City of Rancho Cucamonga (City) was one of the first cities to begin working on the response to the VMT requirements, and it was determined that it would be beneficial if a countywide effort was initiated to assist all the cities in San Bernardino County in complying with the requirements. SBCTA agreed to be the lead agency for this effort. Each jurisdiction subsequently contributed a population share of the costs, and a consultant was hired through the City of Rancho Cucamonga contracting process to assist all the jurisdictions with implementation. SBCTA's agreement with the City for this effort was approved by the SBCTA Board of Directors (Board) in early 2019.

The Countywide SB 743 VMT Implementation Study is now nearing completion, and the consultant has prepared a set of tools to assist local jurisdiction staff with the process of helping their city councils with adoption of the necessary features to implement VMT analysis. Among the tools included are:

- Sample staff report
- Sample transportation impact analysis guidelines
- Sample resolution adopting the guidelines
- A list of the decisions that jurisdictions would need to be making to implement SB 743 requirements, among which include:
 - Project screening criteria: Minimum daily trip threshold
 - Project screening criteria: Land use types not requiring analysis
 - Project-generated VMT methodology: VMT based on production/attraction vs. origin/destination
 - Project-generated VMT methodology: Benchmarks (e.g. city-level or county-level VMT averages)
 - Project-generated VMT methodology: Threshold options (i.e. what the CEQA "target" would be for VMT reduction for land use projects, relative to the baseline)
 - Whether to continue to use traditional "traffic level of service" for analysis of land use projects, for local planning purposes (no longer an impact according to CEQA guidelines)

Most city staff are currently in the process of preparing the materials needed to brief their city councils and potentially planning commissions. The purpose of this SBCTA agenda item is to advise Board members that such presentations are likely to come through city councils within the next two months.

It should also be noted that the California Department of Transportation (Caltrans) is preparing its own guidelines to govern their review of land use projects with regard to impacts on state highways. The intent is to provide guidance for their local districts to comment on local development projects through the Inter-Governmental Review (IGR) process. They recently released a draft Transportation Impact Study Guide (TISG) that documented how Caltrans anticipates this process to work. They are still in the process of obtaining comments. SBCTA prepared a letter on the draft TISG that, among other things, urged Caltrans not to take a "one-size-fits-all" approach statewide (see attached). There is documented analysis, such as the recent Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) that it is not possible for the Inland Empire San Bernardino County Transportation Authority

to achieve the statewide target of 15% reduction in VMT/capita. SBCTA will keep local jurisdictions apprised of further developments on that front.

The focus of the above guidelines is on the local jurisdiction role as CEQA lead agency for land use projects. The CEQA guidelines also address the VMT impacts of transportation projects:

“(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.”

SBCTA does not own any roadways, and therefore does not need to take any action with regard to policies and processes governing thresholds for impact analysis. As stated above, however, agencies “have discretion to determine the appropriate measure of transportation impact consistent with CEQA....” In its project management role, SBCTA will follow Caltrans guidance for state highways and local jurisdiction guidance when the project involves local jurisdiction roadways. Local jurisdictions will need to determine their policies toward defining the impacts of capacity-increasing roadway projects. This could range from using efficiency and/or safety metrics to following more of the emerging Caltrans model of adopting VMT as the primary metric for state highways.

It should also be noted that a second phase of the Countywide SB 743 VMT Implementation Study will begin early in Fiscal Year 2020/2021 under a grant from SCAG. The focus of Phase 2 will be more on the mitigation of impacts. This is a challenging area for development projects in San Bernardino County, as the number and effect of on-site mitigation measures that developers and jurisdictions can implement is limited.

SBCTA has been supportive of programmatic approaches to mitigation (e.g. CEQA coverage through the General Plan process or even a regional process) to help satisfy expectations of VMT reduction. Other options include off-site mitigation, such as VMT mitigation banks, which open up other voluntary opportunities for development projects to comply. But the requirements for these can be rigorous, and it is not at all clear how feasible these will be for San Bernardino County. The SBCTA Board will be apprised of progress on Phase 2 at appropriate points during next fiscal year.

Financial Impact:

This item has no impact on the Fiscal Year 2019/2020 Budget.

Reviewed By:

Material in this item has also been presented to the Transportation Technical Advisory Committee and the Planning and Development Technical Forum at various workshops beginning in February 2020. This item was received by the Board of Directors Metro Valley Study Session on May 14, 2020 and the Mountain/Desert Policy Committee on May 15, 2020.

Responsible Staff:

Steve Smith, Director of Planning

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:



cta

San Bernardino County
Transportation Authority

12.a

March 30, 2020

Ellen Greenberg, Deputy Director Sustainability
Chris Schmidt, SB 743 Program Manager
California Department of Transportation
Sacramento, CA

Subject: SBCTA Comments on the Draft VMT-Focused Transportation Impact Study Guide

Dear Ms. Greenberg and Mr. Schmidt:

SBCTA/SBCOG greatly appreciate the opportunity for informal review of the Caltrans Transportation Impact Study Guide (TISG). Our Board members represent the county's 24 cities plus the County of San Bernardino. We also are managing the Countywide SB 743 Implementation Study, which is assisting our local jurisdictions with implementation of SB 743 by July 1, 2020. Our comments and suggestions on the TISG are provided below:

1) Projects subject to Caltrans review and comment

At the webinar on March 24, questions were asked about how we would know when land use projects warranted submittal to Caltrans for review. No specific criteria for submittal are provided in the draft TISG, and it was unclear from Caltrans staff whether additional guidance would be provided. Therefore, we are offering the following approach to more clearly delineate submittal requirements.

Section 4 of the TISG discusses projects presumed to have a less than significant impact on vehicle miles traveled. The TISG citation from the OPR Technical Advisory states the following under the section "Screening Threshold for Small Projects."

"Many local agencies have developed screening thresholds to indicate when detailed analysis is needed. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact."

It would therefore seem unnecessary that Caltrans would need to review projects that fall under this threshold, regardless of location, but the TISG does not specifically state that. In the interest of project streamlining, would Caltrans consider using this benchmark as a criterion for not requiring submittal for their review? Many local agencies are using this size criterion as well, or even higher, and it would seem reasonable that projects could be exempted from review at the low levels of trip/VMT generation indicated in the OPR Technical Advisory.

2) Thresholds of Significance – Rural Areas

Section 6 of the TISG states: “OPR’s Technical Advisory indicates significance thresholds for projects in rural areas, i.e. in non-MPO counties, may be best determined on a case-by-case basis.” It is noteworthy that San Bernardino County is the largest county geographically in the U.S., and 97% of our land falls outside an urbanized area boundary. Yet the entire county, being in the SCAG region MPO, would fall into the area for urban analysis under the current definition. The OPR Technical Advisory language is not binding, so would Caltrans consider treating all areas outside federally designated Urbanized Areas as rural? This would simplify and streamline the process of analysis. Caltrans would still have the case-by-case review option as provided for in Section 6.

3) Thresholds of Significance – 15% OPR recommendation and programmatic approaches

On lines 276 through 278, the TISG states: "Caltrans suggests use of OPR’s recommended thresholds of significance for land use projects and may request mitigation from projects and plans which do not meet those thresholds." This is referring to per capita or per employee thresholds 15% below existing city or regional VMT per capita.

As we know, California is a very diverse state, and the draft TISG already makes some special provisions for rural areas. Although San Bernardino County transportation agencies are investing heavily in transit, TDM, and bike/ped, and concur with the overall goal of reducing VMT, evidence has shown (in the SCAG RTP/SCS and elsewhere), that the Inland Empire cannot achieve the 15% VMT/capita reduction in the OPR Technical Advisory on a consistent basis. We are hoping that Caltrans will be open to variations in these thresholds of significance by geographic area, based on substantial evidence.

We appreciated the statement made by Caltrans staff at the March 24 TISG webinar that (paraphrasing) Caltrans is not looking for the amount of impact, but “whether we are meeting the purpose and intent.” We fully understand the direction the state is going by transitioning from a LOS-based analysis to VMT-based analysis, and we are making significant financial and process commitments to support it. For example:

- SBCTA and Omnitrans are investing over \$600 million in capital funding (i.e. excluding operations) for high-capacity transit infrastructure over a 10-year period. This is an extraordinary investment for a county generally thought to be suburban, with just over 2 million residents.
- SBCTA/SBCOG are serving as lead on our Countywide SB 743 Implementation Study, and will shortly start Phase 2, looking at opportunities for programmatic approaches like VMT mitigation banks and exchanges.
- We have completed or are currently engaged in multiple countywide or Inland Empire initiatives on GHG reduction, zero-emission vehicle readiness, climate adaptation plans (with Western Riverside COG), freight impacts and healthy communities, Regional Conservation Investment Strategy (under AB 2087), etc. A more complete listing can be found in our Sustainability Fact Sheet, available at:

https://www.gosbcta.com/wp-content/uploads/2019/09/SBCTA-Sustainability_FINAL_digital.pdf

- SBCTA, together with RCTC and SCAG, have an application pending with Caltrans for a Sustainable Transportation Planning Grant titled “Inland Empire Next Generation Shared-Ride and Virtual Travel Study,” which could serve as a basis for future sub-regional TDM initiatives.

In other words, “we get it” when it comes to initiatives for VMT and GHG reduction. But we also cannot close our eyes to the realities on the ground. We concur with Caltrans’ observation at the March 24 webinar that not every project can achieve the same level of VMT reduction. What is important is the overall strategy. That said, it is also important to understand the overall challenge we face in the Inland Empire. We conducted a review of the VMT data from the recent draft SCAG RTP/SCS (known as *Connect SoCal*, to be adopted within the next month) and came away with several observations, documented in our comment letter to SCAG. The SCAG VMT analysis points out that even after many billions of dollars expended in transit capital/operations and TDM initiatives, the regionally sanctioned modeling shows that the best we can do is reduce VMT/capita by 5% in San Bernardino County by 2045.

Regionally, *Connect SoCal* reduces per capita VMT by 9.5% between 2016 and 2045, but the population increases by about 20%. In other words, total VMT can still be expected to increase regionally by about 10%. The VMT increase in the Inland Empire will be more in the range of 25%. The rate of population growth tends to outstrip the per capita reductions that can be achieved, so expectations of VMT reduction need to be tempered with what is realistic. It should be noted that the analysis includes very significant increases in assumptions about density around transit stations, together with an unprecedented expansion of transit service, mobility hubs, and technology-based strategies, and is based on some of the most sophisticated modeling available. While *Connect SoCal* demonstrates achievement of the 19% GHG/per capita reduction targets, this is largely possible because of the ability to leverage technology-based reductions within our transportation and land use strategy.

We do not bring up these points to be resistant to implementation of VMT-based analysis – just the opposite. Our actions on the ground on transit, TDM, and bike/ped demonstrate that we are doing what we can do to, within our financial capacity, to reduce VMT and GHGs, perhaps as much as any suburban county in the state. But the analysis in *Connect SoCal* demonstrates how difficult it is to reduce VMT even with many billions of dollars invested in alternative modes of travel, because it relies on being able to influence changes in human trip making behavior. We can provide for the alternative modes, but travelers must respond in the day-to-day choices they make. This is what we mean by “realities on the ground.”

At the same time, our experience with the current world-wide tragedies surrounding the Coronavirus has provided an extreme set of circumstances by which VMT has been reduced, in part, by large numbers of people working at home. Sadly, part of this reduction has also come by businesses closing down. We hope we never have to repeat what we are

all going through, and trust that things will get back to normal in the near future. But we have also seen great creativity and responsiveness to the situation, enabled by the amazing tools made available by the private sector over the last several years.

We bring this up, because there is clearly more opportunity for taking advantage of recent technological advances to reduce trip-making. This was part of our thinking when SBCTA, RCTC, and SCAG submitted the Caltrans grant application referenced above, which included an emphasis on virtual travel. Businesses and individuals will need to strike the right balance between trip reduction and economic productivity in the years to come, and it is difficult to predict how significant the long-term impact of virtual travel will be. But part of our strategy (and challenge) will be to capture that as part of our VMT analysis in San Bernardino County and elsewhere.

The point is this: it is the overall strategy that matters most, not a project-by-project mitigation approach, which will be an inefficient way to deal with this challenge, and could have a stifling impact on other economic and housing goals. For example, there is great concern here about the additional mitigation costs, which could be substantial, further driving up the cost of housing. Both transportation agencies and the development community should be able to take credit for some of the technology-based advances in reduced VMT, which could be far more cost-efficient and effective than traditional on-site or off-site mitigation. Therefore, with respect to the TISG, we would request the following of Caltrans as it moves forward:

1. Allow the thresholds of significance to be tailored to the realities on the ground and sensitive to the widely differing geographic characteristics of the State. San Bernardino County is not the City of Los Angeles, and it would seem that differences in expectations should reflect that. There should be no one-size-fits-all template, and the approach should recognize that mitigation measures need to be realistic, with an understanding of the choices actual travelers will make. Human travel behavior is complex, and mitigation strategies that look good on paper or in a university classroom may not work as well in the real world.
2. Give us time to develop more complete strategies, together with the development community, that will be more efficient and cost-effective than a project-by-project approach. Caltrans comment letters should recognize alternatives to project-by-project mitigation and not imply that a development project is a “bad project” simply because it cannot feasibly mitigate its VMT impacts on its own. In practice, jurisdictions and the development community will only respond and adhere to mitigation measures that are going to be feasible in nature. A mitigation cannot serve its purpose if the mitigation request is not grounded in reality. Thus, if the mitigation request is infeasible, as the CEQA lead agency, the local jurisdictions with their project proponents will ignore the mitigation measures.

Ellen Greenberg, Deputy Director Sustainability

Chris Schmidt, SB 743 Program Manager

March 30, 2020

We would conclude our comments with the general note that the TISG should be seen as providing flexibility to those areas, like San Bernardino County, that demonstrate “the purpose and intent” of our transportation planning and project implementation going forward. A project-by-project approach will not serve our state or region well. And as Caltrans staff noted on the TISG webinar, the programmatic approaches are only beginning to be considered. It is in that spirit of partnership with the state, region, local jurisdictions, and the private sector that we respectfully submit these comments on the TISG.

Sincerely,

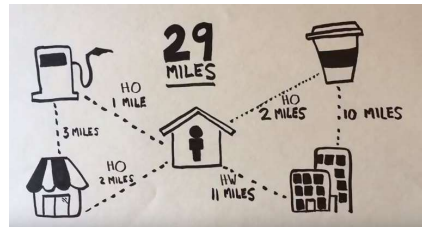


Steve Smith, P.E.

Planning Director

4/27/2020

San Bernardino County SB 743 Vehicle Miles Traveled (VMT) Implementation Study



1

Intent of Legislation

Appropriately balance the needs of congestion management with statewide goals related to:



SB 743 OVERVIEW

2

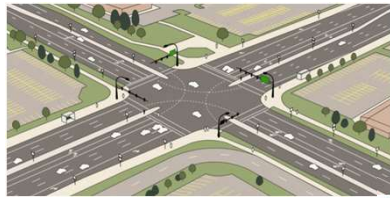
4/27/2020

What is SB 743 changing?

Changes the discussion in CEQA on transportation impacts:

Eliminates level of service (LOS) analysis for determining traffic impacts
(vehicle delay no longer a CEQA impact)

- **LOS is currently used to determine: widening of roadways and intersections and project mitigation**
- **VTM metric recommended by Gov's Office of Planning and Research to apply statewide**
- **OPR recommends reduction of 15% VMT per capita or employee**



SB 743 OVERVIEW

3

The Countywide SB 743 Implementation Study

- Final CEQA guidelines adopted Dec. 2018
- SB 743 applies statewide beginning July 1, 2020
- County of SB addressed 743 requirements through General Plan update (adopted July 2019 guidelines)
- Most cities interested in a countywide collaboration/coordination
- Study initiated in February 2019



COUNTYWIDE APPROACH

4

4/27/2020

What has the Countywide Study done?

- Explained applicability of 743 to CEQA lead agencies
 - Development projects for local jurisdictions
 - Transportation projects (use of VMT metric at agency discretion)
 - Rural/urban, large/small, regardless of staffing or resources
 - Provide evidence-based thresholds
- Created templates that local jurisdictions can adapt
- Provided tools to simplify the process
- Fostered consistency by using one model (SBTAM)
- Identified mitigation measures
- Provided analysis of sample projects (consistent benchmark)
- Cost savings



COUNTYWIDE APPROACH

5

What Primary Decisions Must Jurisdictions Make?

- Project screening criteria (size and type)
- VMT analysis methodology
- VMT reduction thresholds of significance
- Whether to continue using LOS for local planning purposes

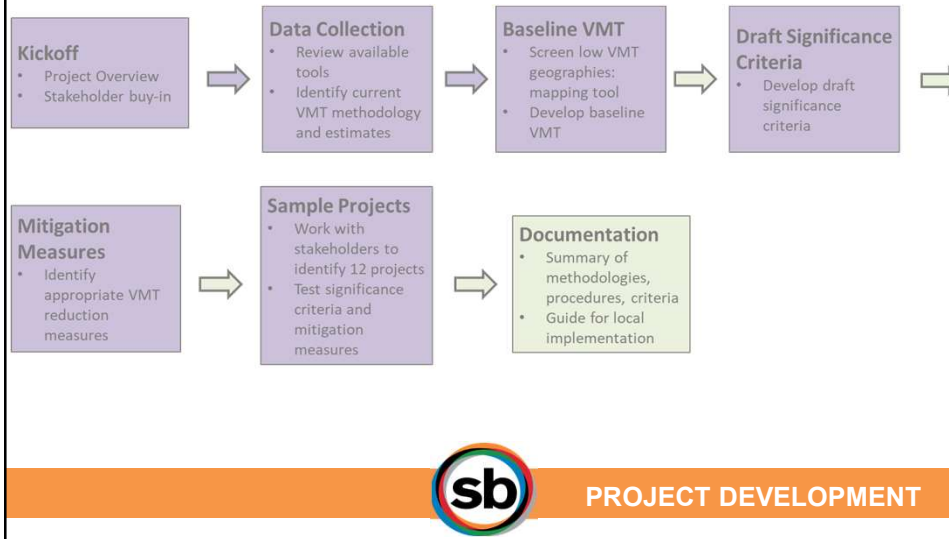


COUNTYWIDE APPROACH

6

4/27/2020

How was the project developed?



7

What are the final deliverables?

- To assist jurisdiction implementation:
 - Sample resolution
 - Sample staff report
 - Decision making checklist
 - Sample Planning Commission/Council presentation
 - Mapping screening tool
 - Results of area meetings and one-on-one consultation/training
- Set of memos that will reside on SBCTA website or servers



8

4/27/2020

What is next?

- **Jurisdiction staffs will be making presentations**
 - Background on SB 743
 - Reviewing decision options
 - Highlighting implications for each jurisdiction
- **Further assist jurisdictions with SB 743 implementation (SCAG Grant)**
 - Technical assistance and outreach
 - Refinements of guidelines and modeling procedures
 - Develop mitigation strategies and general plan guide including countywide mitigation banking option
 - Evaluate opportunity for a CEQA Programmatic EIR



NEXT STEPS

9

Minute Action

AGENDA ITEM: 13

Date: June 3, 2020

Subject:

Inland Empire Comprehensive Multimodal Corridor Plan

Recommendation:

Receive a report on the status of the Inland Empire Comprehensive Multimodal Corridor Plan.

Background:

The Road Repair and Accountability Act of 2017, or Senate Bill (SB) 1 created the Solutions for the Congested Corridors Program (SCCP) which continuously appropriates \$250 million annually. SCCP funds are allocated by the California Transportation Commission (Commission) to projects designed to achieve a balanced set of transportation, environmental, and community access improvements within highly congested travel corridors throughout the state.

Statute requires that SCCP funding shall be available for projects that make specific performance improvements and are part of a comprehensive corridor plan designed to reduce congestion in highly traveled corridors by providing more transportation choices for residents, commuters, and visitors to the area of the corridor while preserving the character of the local community and creating opportunities for neighborhood enhancement projects. Applications for Cycle 2 of SCCP funding are due to the Commission on July 17, 2020.

The Commission has adopted Comprehensive Multimodal Corridor Plan (CMCP) Guidelines to serve as a companion document to the Commission's adopted SCCP Guidelines. In anticipation of the requirement for CMCPs, the San Bernardino County Transportation Authority (SBCTA) and the Riverside County Transportation Commission (RCTC) joined together with the Southern California Associated Governments (SCAG) to apply for a California Department of Transportation (Caltrans) Sustainable Transportation Planning Grant to prepare the Inland Empire Comprehensive Multimodal Corridor Plan (IE CMCP). The agencies were successful in receiving a \$500,000 grant, and a consultant was hired by SCAG to initiate the project in July 2019. Caltrans District 8 is an integral partner in the development of the CMCP. A first draft of the IE CMCP was recently delivered to the agencies for review.

Overall Structure of the CMCP

The purpose of this agenda item is to review with SBCTA Board members the approach being taken for development of the CMCP and provide an opportunity for comment. The CMCP will be made available for Commission review along with the submittal of the SCCP grant applications.

An outline of the draft IE CMCP is provided as Attachment 1 to this agenda item. The CMCP was originally structured as two very large corridors: north-south, from Victorville to Temecula, and east-west, from the Banning/Beaumont area to the Los Angeles (LA) and Orange County lines. This approach was logical, because so much of the travel is interconnected. In the east-west direction, for example, one could find reasons to use any one of the four major east-west freeways (Interstate 10, State Route 60, State Route 91, or State Route 210) to travel to

Entity: San Bernardino County Transportation Authority

Los Angeles, and many people and logistics firms make those tradeoffs by looking at real-time traffic and routing information.

But it was recognized during the study process that within these corridors there was also a great deal of diversity, so much so that it would have been challenging to define the problems and analyze solutions in an effective, multimodal way. The terrain varies, the land uses vary, the congestion levels vary, the community needs vary, the existing multimodal network varies, and the strategies/solutions vary.

It was therefore determined that the problems and strategies could be more clearly identified by breaking down the two major corridors into sub-corridors. The study team then engaged in a collaborative process for determining logical geographic sub-corridors, and defined five sub-corridors for each of the two major corridors. The sub-corridors are described as areas between cities or geographically definable points, like county lines, and include the following:

North-South Sub-Corridors

1. Victorville to San Bernardino
2. San Bernardino to Riverside
3. Cajon Pass to Eastvale
4. Riverside to Temecula
5. Beaumont to Temecula

East-West Sub-Corridors

6. Apple Valley to LA County Line
7. Banning to Rialto
8. Riverside/Rialto to LA County Line
9. Riverside to Orange County Line
10. Hemet to Corona

One of the major sections of the draft CMCP is a review of the characteristics, future growth potential, problems, opportunities, strategic issues and approaches that may apply to each of the ten identified sub-corridors. Each sub-corridor may have features in common with other sub-corridors, as well as features that are unique to that sub-corridor. The intent is to capture the themes or strategies that define “where each sub-corridor is headed,” in terms of how we should invest in its multimodal improvement and be responsive to its environmental and community characteristics.

For each sub-corridor, there is an introductory overview, followed by a brief bullet list of “Problems to be Addressed”, followed by a listing of strategies that may be appropriate to guide the overall development of the sub-corridor. This is followed by a more detailed review of the demographic and land use characteristics of each corridor, various attributes of the transportation system, and forecasts of what the corridor may look like in the future. At the end of each sub-corridor discussion, a listing is presented of proposed multimodal improvements, with an emphasis on the near-term (generally the next 10 years), but with some longer term projects/initiatives identified as well. Figure 1 is a map of the north-south sub-corridors and Figure 2 is a map of the east-west sub-corridors.

Attachment 2 is a Sub-corridor Strategic Approach Working Paper. The paper is being incorporated into the overall CMCP report, but it is a useful summary of how the CMCP is approaching each corridor's unique needs and characteristics. The full draft CMCP will be available for reference to SCCP applications by June 2020. It should be finalized in the August/September timeframe. Should the Commission require Board approval of a final CMCP, a future agenda item will request Board approval at the appropriate time.

Figure 1. North-South CMCP Sub-Corridors

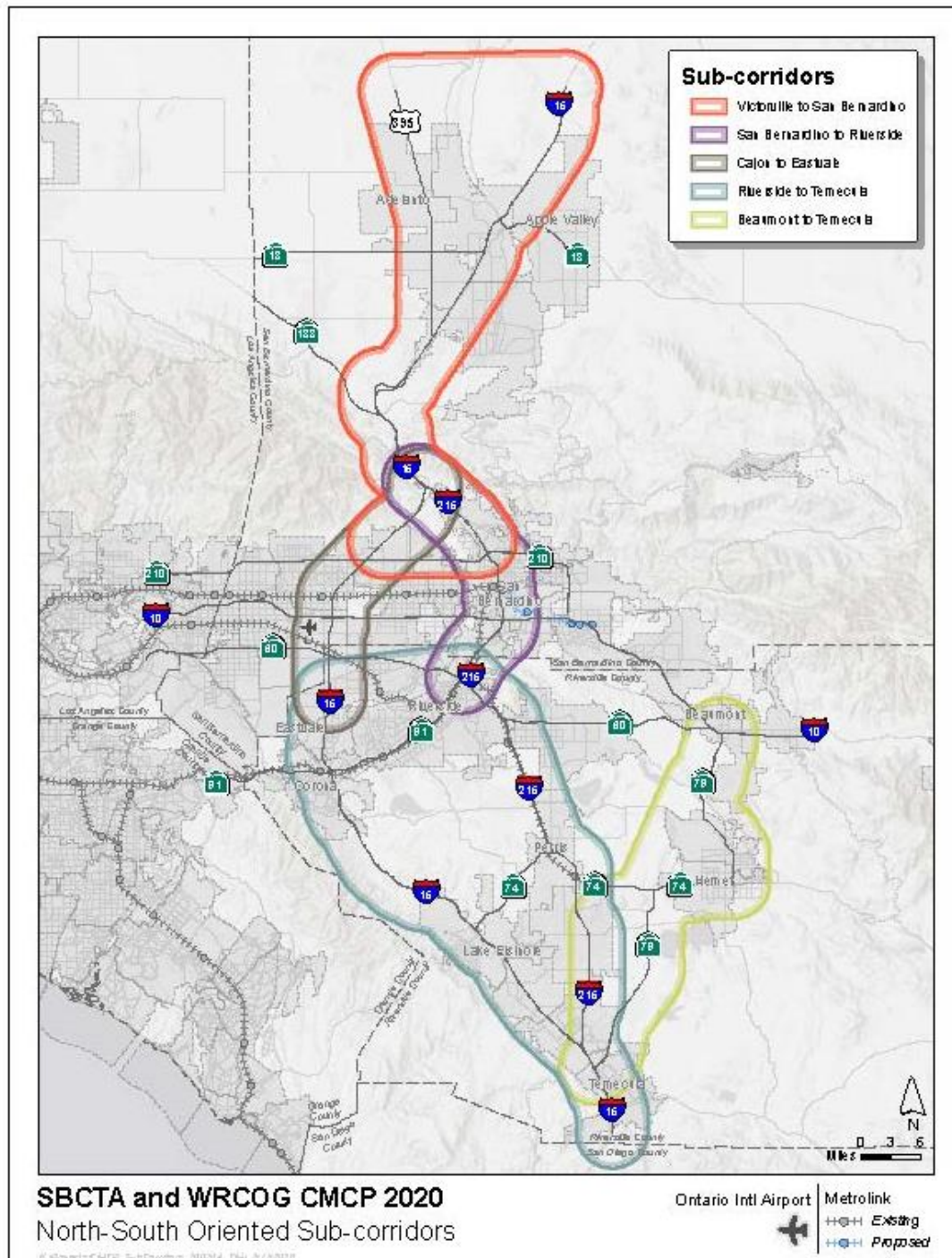
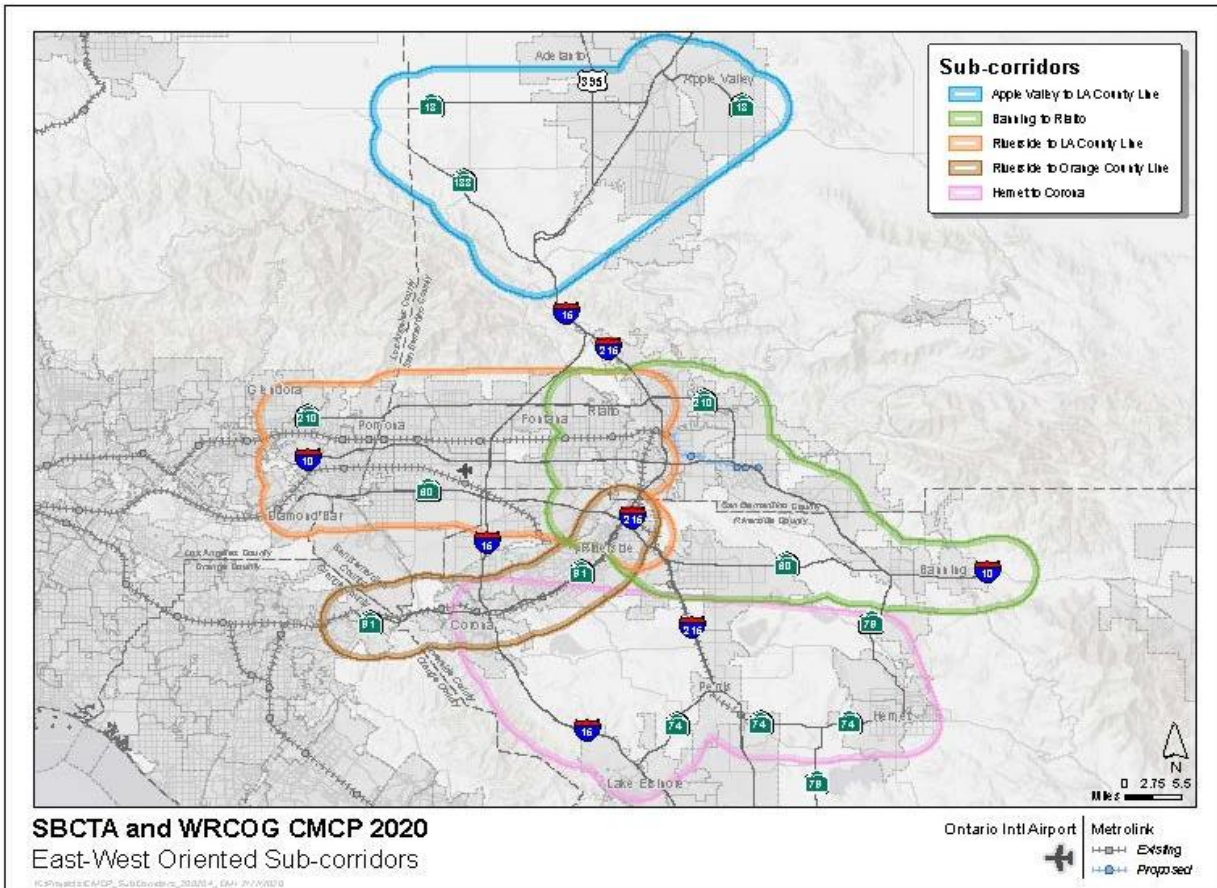


Figure 2. East-West CMCP Sub-Corridors



Financial Impact:

This item has no impact on the Fiscal Year 2019/2020 budget.

Reviewed By:

The material in this agenda item was reviewed by the Transportation Technical Advisory Committee on November 4, 2019 and May 4, 2020. This item was received by the General Policy Committee on May 13, 2020.

Responsible Staff:

Steve Smith, Director of Planning

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Attachment 1: Inland Empire CMCP Report Draft Outline

1. Introduction/Summary
 - 1.1. Overview and purpose of CMCP effort
 - 1.2. SB-1 context and CTC Corridor Plan Guidelines
 - 1.3. Geographic Boundaries and Sub-Corridor Structure
2. The Inland Empire's Strategic Approach to the CMCP: Transportation Planning, Sustainability, Land Use Integration, and Project Evaluation
 - 2.1. Overview of Statewide Goals and Requirements Affecting Transportation
 - 2.2. Overview of Inland Empire Transportation Plans and Sustainability Initiatives
 - 2.3. Inland Empire Strategic Approaches
 - 2.3.1. Transportation Planning: Goals, policies, objectives and performance measures
 - 2.3.2. Sustainability, Land Use Integration, and Community Development
 - 2.3.3. Project Evaluation, Funding, and Priority Setting
 - 2.4. CMCP recommended performance measures
3. Corridor Characteristics – Larger East/West and North/South study areas
 - 3.1. Socioeconomic/Land Use
 - 3.2. Corridor Trip characteristics
 - 3.3. Safety
 - 3.4. Active Transportation
 - 3.5. Transit
 - 3.6. Freeway and arterial
 - 3.7. Freight
 - 3.8. Future growth and projected changes
4. Stakeholder Outreach
 - 4.1. RCTC Reboot My Commute campaign summary
 - 4.2. San Bernardino County CMCP survey results
 - 4.3. Other outreach efforts conducted for CMCP Sub-Corridor Strategic Approach and Priority Projects
 - 5.1. Purpose and Structure of Sub-Corridor Approach (explain the common outline across sub-corridors)
 - 5.2. North/South Sub-corridors
 - 5.2.1. Victorville to San Bernardino
 - 5.2.2. San Bernardino to Riverside
 - 5.2.3. Cajon to Eastvale
 - 5.2.4. Riverside to Temecula
 - 5.2.5. Beaumont to Temecula

5.3. East/West Sub-corridors

- 5.3.1.Apple Valley to LA County Line
- 5.3.2.Banning to Rialto
- 5.3.3.Riverside to LA County Line
- 5.3.4.Riverside to Orange County Line
- 5.3.5.Hemet to Corona

5.4. Comparison of Ten Sub-corridor characteristics

- 6. Summary of ten year and post ten year corridor plans
- 7. Implementation and funding plan

Technical Appendices

**ATTACHMENT 2:
INLAND EMPIRE COMPREHENSIVE MULTIMODAL CORRIDOR PLAN
- STRATEGIC APPROACHES BY SUB-CORRIDOR -**

****** WORKING COPY - FOR INCORPORATION INTO DRAFT INLAND EMPIRE CMCP ******

RATIONALE FOR CMCP SUB-CORRIDORS

The Inland Empire CMCP was originally structured as two very large corridors: North-South, from Victorville to Temecula, and East-West, from the Banning/Beaumont area to the LA and Orange County lines. This approach was logical, because so much of the travel is interconnected. In the east-west direction, for example, one could find reasons to use any one of the four major east-west freeways (I-10, SR-60, SR-91, or SR 210) to travel to Los Angeles, and many people and logistics firms make those tradeoffs by looking at real-time traffic and routing information.

But it was recognized during the study process that within these corridors there was also a great deal of diversity, so much so that it would have been challenging to define the problems and analyze solutions in an effective, multimodal way. The terrain varies, the land uses vary, the congestion levels vary, the community needs vary, the existing multimodal network varies, and the strategies/solutions vary.

It was therefore determined that the problems and strategies could be more clearly identified by breaking down the two major corridors into sub-corridors. The study team then engaged in a collaborative process for determining logical geographic sub-corridors, and defined five sub-corridors for each of the two major corridors. The sub-corridors are described as areas between cities or geographically definable points (like county lines) and include the following:

North-South Sub-Corridors

1. Victorville to San Bernardino
2. San Bernardino to Riverside
3. Cajon Pass to Eastvale
4. Riverside to Temecula
5. Beaumont to Temecula

East-West Sub-Corridors

6. Apple Valley to LA County Line
7. Banning to Rialto
8. Riverside/Rialto to LA County Line
9. Riverside to Orange County Line
10. Hemet to Corona

Maps of the sub-corridors are provided in Figures 1 and 2. The purpose of this section is to present a review of the characteristics, future growth potential, problems, opportunities, strategic issues and approaches that may apply to each of the ten identified sub-corridors in the IE CMCP. Each sub-corridor may have features in common with other sub-corridors, as well as features that are unique to that sub-corridor. The intent is to capture the themes or strategies that define “where each sub-corridor is headed,” in terms of how we should invest in its multimodal improvement and be responsive to its environmental and community characteristics. For each corridor, there is an introduction to each corridor and a brief bullet list of “Problems to be Addressed” followed by a listing of strategies that may be appropriate to guide the overall development of the sub-corridor. This is followed by a more detailed review of the demographic and land use characteristics of each corridor, various attributes of the transportation system, and forecasts of what the corridor may look like in the future. At the end of each

In developing the strategic approach for each sub-corridor, the classes of strategies considered are highly multimodal in nature, and they also consider the types of “customers” that will be served: 1) passenger travel and freight; 2) trips by purpose: for work, school, business, shopping, recreation, social interaction; and 3) specific activity centers: airports, downtowns, hospitals, educational institutions, commercial clusters, mixed-use clusters, and transit hubs.

Figure 1. Map of North-South Sub-Corridors

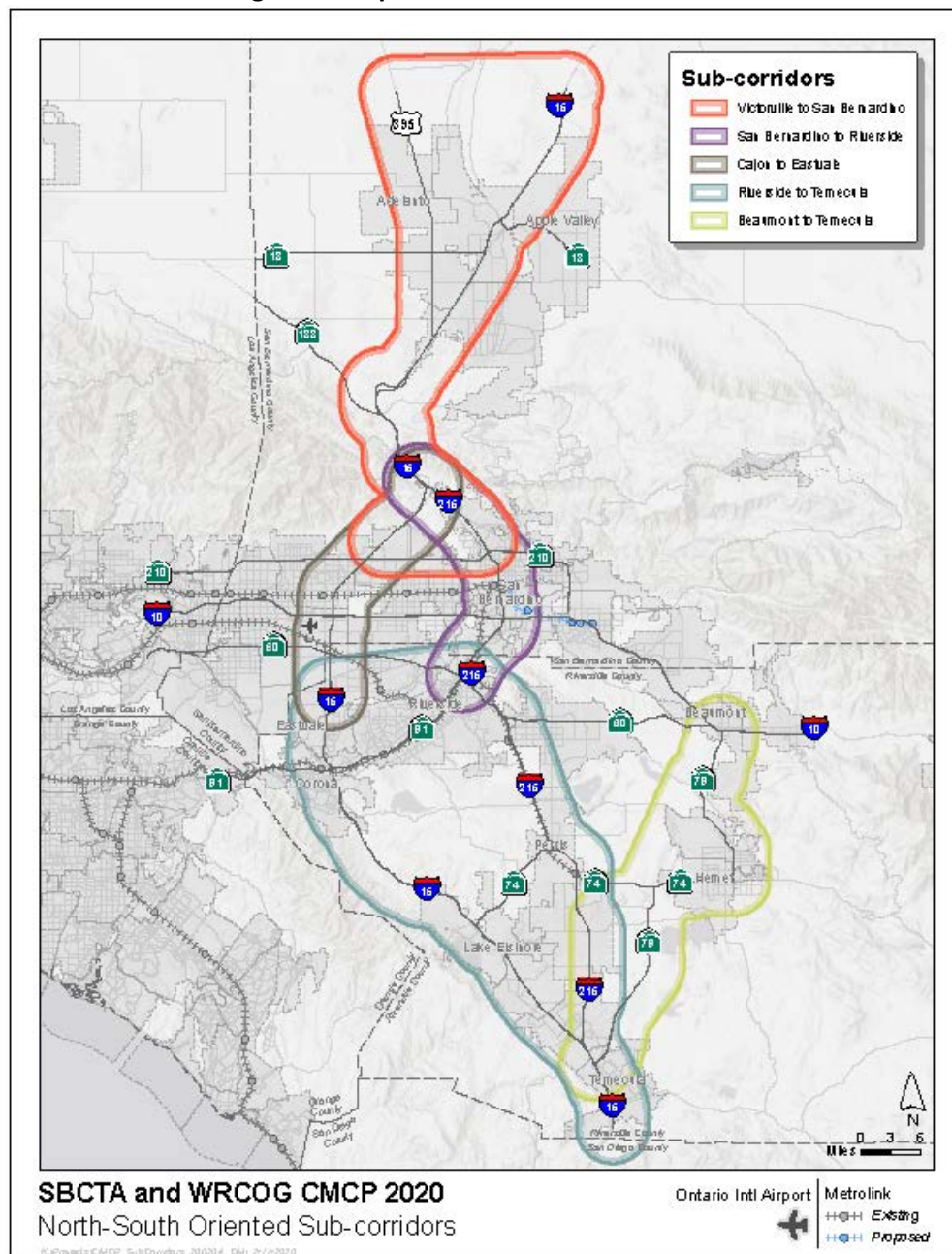
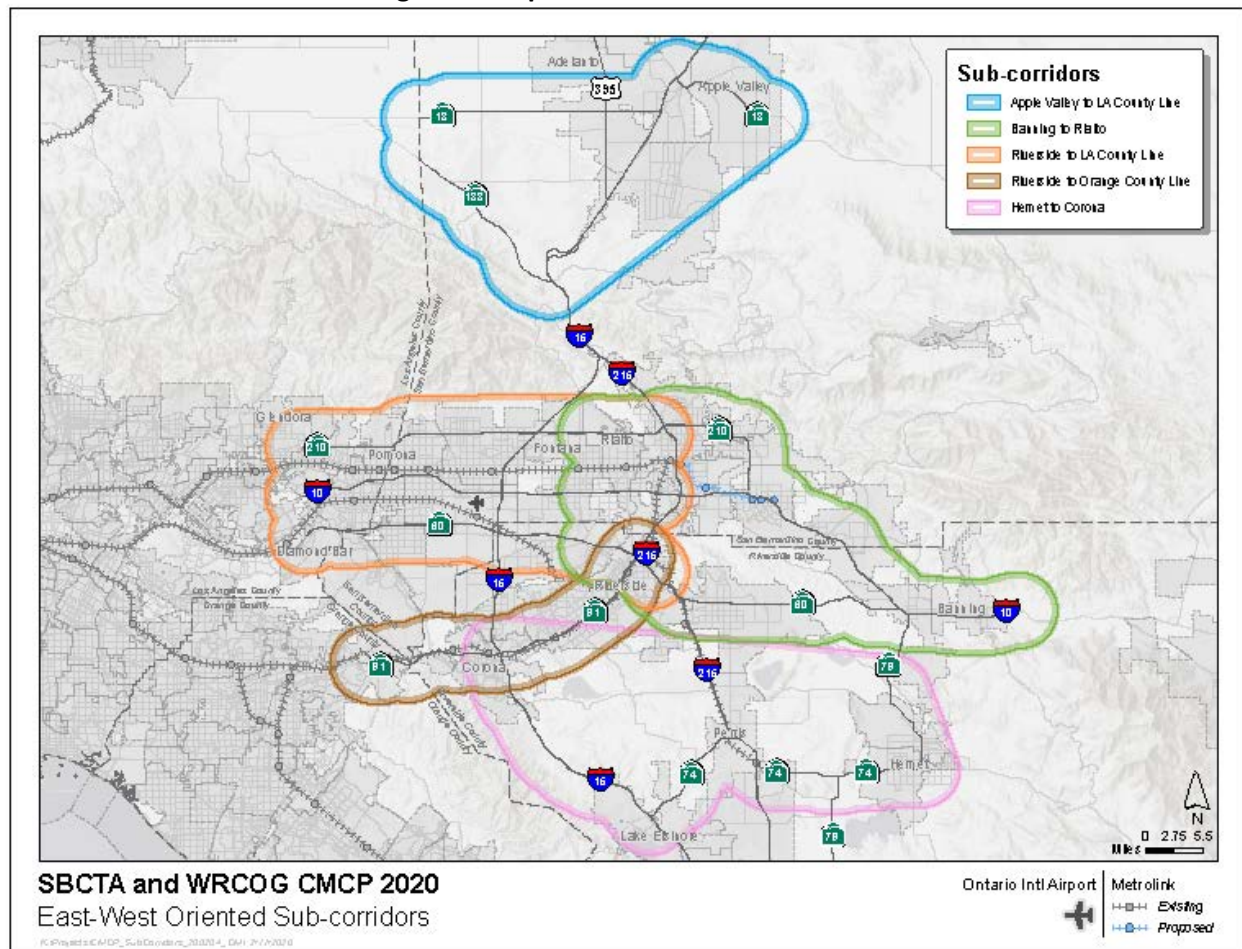


Figure 2. Map of East-West Sub-Corridors



Overlaying the strategies are the statewide and regional goals to: reduce VMT, criteria pollutants, and GHG emissions; improve mobility and accessibility; enhance the quality of life in our local communities; and protect habitat and aquatic resources. This requires integrated, multi-pronged approaches that consider all modes of transportation and complementary strategies for land use, environment, and protection of community character.

The transportation modes reflect an emphasis on public transportation, non-motorized travel, shared-ride (carpool/vanpool), and virtual travel (i.e. for work-at-home, web-based business, teleconferencing, etc.), a highway network focused on effective management and operations (e.g. through HOV/managed lanes, traveler information, and signal coordination), as well as accommodation of freight and logistics through strategic access improvements.

There is a large pool of existing and emerging multimodal options to draw from and build on in the Inland Empire: **commuter rail (Metrolink IEOC, 91/Perris Valley, Riverside, and San Bernardino lines), light rail (with the Gold Line getting at least as far as Pomona in the next few years), regional rail (with self-powered zero-emission trainsets), and high speed rail (Virgin Rail from Apple Valley to Las Vegas).** Efficient and frequent **local bus, express bus, and BRT** options also exist and are being expanded with the forthcoming **West Valley Connector BRT**. Lyft is now providing an important **connection to Ontario International Airport** from two different Metrolink lines, and **first/last mile connections** are being

advanced linking transit and key destinations. **Regional multi-use (class I) trails** are creating a backbone that provides the regional connectivity needed to service those who can take these modes for daily commutes. **Land use and housing** are intertwined with the regional transportation network in a way that, because of much higher costs in coastal counties, has historically produced longer commutes and travel times for inland residents. The challenge before us now is to encourage better balance in jobs and housing regionally, for the sake of livability, cost, and VMT/GHG reduction.

ONGOING IMPLEMENTATION OF INLAND EMPIRE OR COUNTY-LEVEL STRATEGIC INITIATIVES AND PROGRAMS

While a strategic approach has been crafted for each sub-corridor, we recognize that there are some over-arching strategic initiatives and programs, county-wide or IE-wide in nature, that relate to all the sub-corridors. Planning and decision-making within the sub-corridors would be influenced and/or enhanced through these larger-area strategies. A brief description of these initiatives and programs is provided below, prior to addressing the sub-corridor-specific strategic approaches. **Initiatives** focus primarily on planning efforts, especially in the environmental arena, that will lead to implementation by countywide or regional agencies. **Programs** refer to ongoing area-wide investments in operational activities (i.e. are not corridor-specific) that are part of the multimodal implementation process. For example Riverside and San Bernardino Counties have a robust rideshare assistance program called IE Commuter. In effect, this program promotes trip-reduction in every sub-corridor. And rather than repeat all of these programs in the lists of multimodal strategies and projects in every sub-corridor, a table has been provided to highlight each program and its geographic extent. The initiatives are presented first, followed by the programs.

Multimodal Planning, Community, and Environmental Initiatives

A. Inland Empire Initiatives

- a. Climate Adaptation Partnership between SBCOG and Western Riverside COG – This plan has been prepared to address the potential effects of climate change in Riverside and San Bernardino counties and identify ways to work together to address the challenges. A draft climate adaptation report has been prepared, and an Inland Empire Climate Collaborative has been formed. The *District-level Climate Vulnerability Assessment* (existing) also complements these efforts, and there will be a future District-level Climate Action Report.
- b. *Healthy Communities and Healthy Economies: A Toolkit for Goods Movement* – This effort was completed jointly by RCTC, SBCTA, and LA Metro to provide practical tools for minimizing and mitigating the impacts of goods movement activities on local communities, while also recognizing the economic benefits that the logistics industry brings.
- c. *Inland Empire Next Generation Shared Ride and Virtual Travel Study* – This Caltrans Sustainable Transportation Planning Grant application is pending, but would be an Inland Empire wide look at ways to increase use of Transportation Demand Management (TDM) strategies such as shared-ride systems and virtual travel opportunities like work-at-home and digital business. The Coronavirus has forced the entire U.S. to quickly adapt to virtual travel wherever possible, and the study would examine how to capture some of these opportunities more long term.
- d. *Managed Lanes Study* led by Caltrans District 8 in partnership with SBCTA and RCTC. The purpose of the study is to assess viability of conversion, addition, and implementation of

managed lanes (High Occupancy Vehicle, High Occupancy Toll, and Toll lanes) within San Bernardino and Riverside Counties for the next 20 years. Currently, Caltrans District 8 has planned 56-lane miles of managed lane systems in the region and the study will identify the potential for additional managed lanes. The study will complement other long-range regional studies and plans. As part of this effort, Caltrans is coordinating with local and regional transportation agencies to gather input on identifying and evaluating potential corridors to implement managed lanes. The study is expected to be completed in late 2021.

- e. *Caltrans District-level Active Transportation Plan.* This is an upcoming effort and will identify many strategies and improvements needed for advancing non-motorized travel in the Inland Empire. Every district will develop a plan under the HQ contract in place. This plan will complement existing county-level and local-level plans (we have pulled local ATP's proposed routes).

B. San Bernardino County

- a. Countywide Greenhouse Gas Reduction Plan – The Countywide GHG Plan and EIR were prepared in 2014 to address 2020 GHG reduction goals. Individual jurisdictions have prepared their own Climate Adaptation Plans (CAPs) based on the countywide plan and EIR. The Countywide GHG Reduction Plan is now being updated to address 2030 goals.
- b. Countywide Zero Emission Bus Initiative – Infrastructure and funding needs are being identified for the five transit operators in the county in response to the CARB Innovative Clean Transit (ICT) regulation.
- c. Countywide SB 743 VMT Implementation Study – Lead agencies throughout California have been given until July 1, 2020 to implement the transition from use of Level of Service (LOS) analysis for CEQA documents to the use of vehicle miles traveled (VMT). This countywide effort is providing guidance to local jurisdictions for adoption and implementation of their local processes governing VMT analysis.
- d. Zero-Emission Vehicle Readiness and Implementation Plan – This is a countywide effort to identify, prioritize, and implement electric vehicle charging stations to facilitate the attainment of the State's vehicle electrification goals in San Bernardino County.
- e. Healthy Communities Best Practices Toolkit – The San Bernardino County Department of Public Health created a Strategic Plan for the implementation of Healthy Communities policies. The toolkit, a collaboration between SBCOG and the County, will contain sample policies, resolutions, processes, organizational structure, and lessons learned from agencies that have implemented health-related policies.
- f. Habitat Conservation – San Bernardino County and SBCOG are collaborating on an effort to create a Regional Conservation Investment Strategy (RCIS) through the process established by the California Department of Fish and Wildlife under AB 2087. A first draft plan was submitted to CDFW in late 2018 and will be developed further in conjunction with resource agencies and a range of stakeholder groups. Habitat connectivity is an important consideration.

C. Western Riverside County

- a. Countywide SB 743 VMT Implementation Study – Lead agencies throughout California have been given until July 1, 2020 to implement the transition from use of Level of Service (LOS) analysis for CEQA documents to the use of vehicle miles traveled (VMT). This Western Riverside County effort is providing guidance to local jurisdictions for adoption and implementation of their local processes governing VMT analysis.
- b. Sustainability Framework for Riverside County – the framework is a blueprint that serves as a beginning point to establish, implement, and refine a sub-regional sustainability

plan. It provides an integrated approach to sustainability which consists of six core components: economic development, education, health, transportation, water and wastewater, and energy, and the environment.

- c. Multi-Species Habitat Conservation Plan (MSHCP – in place since 2002) - a comprehensive, multi-jurisdictional conservation plan focusing on maintaining biological and ecological diversity within the urbanizing region. The Plan captures approximately 1.26 million acres covering multiple species and multiple habitats within a diverse landscape, from urban centers to undeveloped foothills and montane forests, and many bioregions like the Santa Ana Mountains, Riverside Lowlands, San Jacinto Foothills and San Bernardino Mountains.
 - d. Park and Ride Strategy and Toolkit – In partnership with San Diego Association of Governments (SANDAG), RCTC completed the Park and Ride Strategy and Toolkit. It identifies strategies and tools to help improve the planning, operation, and management of site-specific lots and the regional network as a whole.
- D. County or City-level Initiatives
- a. Riverside County's Good Neighbor Policy for logistics and warehousing projects in unincorporated area of Riverside County. Policy provides a framework through which logistics centers or warehouses greater than 250,000 square feet are designed, constructed and operated that lessen impacts on surrounding communities and the environment. One such requirement is establishing a 300 feet minimum buffer between truck bays and loading docks and surrounding homes.
 - b. San Bernardino Countywide Vision - The Countywide Vision Statement, approved in 2011 by SBCTA/SBCOG, its member cities, and the County of San Bernardino, was a bold step toward a sustainable future, setting the County on a sustainable course for nine distinct sectors or elements. The Vision states that: "We envision a sustainable system of high-quality education, community health, public safety, housing, retail, recreation, arts and culture, and infrastructure, in which development complements our natural resources and environment."
 - c. Inclusion of transportation-efficient land use policies and other sustainability policies in local general plans and specific plans corridor-wide. See SCAG Local Profiles at <https://www.scag.ca.gov/DataAndTools/Pages/LocalProfiles.aspx> for additional information on characteristics of each Inland Empire jurisdiction.

Multimodal Transportation Programs

As indicated earlier, there are programs underway at the Inland Empire level or at the county level that are very much a part of the multimodal transportation strategy but do not fall neatly into the individual sub-corridors. As the sub-corridor strategies are presented, it is important to remember that these programs serve as overlays to the lists of strategies or projects listed at the sub-corridor level. So if a certain sub-corridor does not seem as multimodal as others, it is important to remember that these program-level activities are still at work to reduce GHGs and VMT as well as to improve system safety, efficiency, and operations. Many of these involve partnerships across state, regional, and local agencies.

The programs are generally categorized as follows:

- Active Transportation (AT) – While some AT activities are project-specific, others are programmatic, such as Safe Routes to School or local/regional funding programs
- Intelligent Transportation System/Incident Management (ITS/IM) – Examples include signal coordination and freeway service patrols

- Rail – Regional improvement and funding programs are in place that benefit upgrades in the Metrolink commuter rail system
- Safety – Caltrans sponsors ongoing transportation funding initiatives to maintain and provide safety upgrades to local and state highways
- Transit (other than rail) – Each transit agency has its own investment plan for improving the customer experience and customer/driver safety.
- Transportation Demand Management (TDM) – A wide array of TDM strategies is promoted through IE Commuter, from ridesharing to vanpooling to alternative work schedules
- Vehicle Electrification and Alternative Fuel Programs (VE/AF) – There are numerous statewide and regional programs for funding and incentivizing more rapid turnover of auto and truck fleets to benefit air quality and GHG reduction.

Many of these programs could be eligible for SB 1 funding under the Solutions for Congested Corridor Program. But in some cases, other state or regional programs are designed to provide funding for implementation. Examples would be freeway service patrols and vehicle electrification or alternative fuel programs. A listing of relevant area-wide programs is provided in Table X.

Table X. Areawide Multimodal Programs (not specific to a sub-corridor)

Program Type	Project Title/Description	Partners	Status	Source
AT	Safe Routes to School - Education, Encouragement, Enforcement	CTCs, COGs, and cities	Ongoing	RCTC Traffic Relief Plan and SBCo Non-Motorized/AT Plan
AT	Transportation Development Act Article 3 Funding (bike/ped infrastructure)	CTCs, cities, transit agencies	Ongoing	TDA Calls for Projects
ITS/IM	Freeway Traffic Management System/TMC	Caltrans	Ongoing	Caltrans Planning for Operations
ITS/IM	Interchange and arterial signal coordination and local TMCs	Caltrans Local Jurisdiction TMC	Ongoing	Caltrans Planning for Operations
ITS/IM	Freeway Service Patrols	RCTC/SBCTA	Ongoing	RCTC/SBCTA FSP Plans
Rail	Ongoing maintenance and schedule upgrades	SCRRA	Ongoing	SCRRA SRTP
Rail	Southern California Optimized Rail Expansion (SCORE) Program	SCRRA/SCAQMD	Ongoing	SCORE
Rail	Acquisition of clean locomotives	SCRRA/SCAQMD	Ongoing	TRP
Safety	State Highway Operation and Protection Program (SHOPP)	Caltrans	Ongoing	SHOPP

Safety	Highway Safety Improvement Program (HSIP) – Competitive program for local safety projects	Caltrans/Cities	Ongoing	HSIP Guidelines
Transit	Ongoing route and schedule upgrades	RTA, Omnitrans, VVTA, and other transit agencies	Ongoing	S RTPs
Transit	Expansion of express and regional bus network with improved frequencies.	RTA	Ongoing	S RTPs
Transit	Transit agency responses to CARB Innovative Clean Transit (ICT) rule	RTA, Omnitrans, VVTA, and other transit agencies, and CTCs	Ongoing	Transit Agencies/S RTP
Transit	Fare equipment and ITS technology upgrades to improve operations	RTA, Omnitrans, other transit agencies, and CTCs	Ongoing	S RTPs
TDM	Design and construction of Park and Ride Facilities	Caltrans, CTCs, Cities	Ongoing	TRP/CTP
TDM	IE Commuter Rideshare Program	RCTC/SBCTA	Ongoing	TRP/CTP
TDM	Vanclub - Riverside County Vanpool Program	RCTC	Ongoing	TRP/CTP
TDM	Loop and VVTA Vanpool Programs	SBCTA and VVTA	Ongoing	TRP/CTP
VE/AF	CARB funding programs (e.g. AQIP)	CARB	Ongoing	
VE/AF	Electric Vehicle and charging infrastructure rebates/incentives	State/Utility Cos.	Ongoing	
VE/AF	Regional funding (e.g. Carl Moyer)	SCAQMD/MDAQMD	Ongoing	

STRATEGIC APPROACHES WITHIN EACH SUB-CORRIDOR

The two major North-South and East-West corridors that are being addressed in the IE CMCP have been organized into ten “sub-corridors” that have transportation issues and opportunities that can be more easily understood and addressed at that smaller geographic level. The sub-corridors include:

North-South Sub-Corridors

1. Victorville to San Bernardino
2. San Bernardino to Riverside
3. Cajon Pass to Eastvale
4. Riverside to Temecula
5. Beaumont to Temecula

East-West Sub-Corridors

6. Apple Valley to LA County Line
7. Banning to Rialto
8. Riverside/Rialto to LA County Line
9. Riverside to Orange County Line
10. Hemet to Corona

The bullet points under each corridor attempt to capture the primary problems to be addressed and the themes and directions for further development of each sub-corridor (under the “Strategy” subheading).

Strategic Approach (Victorville to San Bernardino)

Problems to be Addressed:

- Substantial “down-the-hill” commuting from the Victor Valley to San Bernardino, Riverside, and LA, with residents motivated to endure the commutes as a result of more affordable housing in the Victor Valley.
- I-15 is a nationally significant freight corridor, but travel through the Cajon Pass is congested and unreliable.
- High number of serious traffic accidents and incidents on State Routes: I-15 in Cajon Pass, U.S. 395, and SR-138.
- Significant weekend congestion, not just weekday.
- Lack of adequate alternate routes when the regionally-significant corridor is shut down.

Strategy

- 1) Enhance the ease and reliability of freight and passenger travel in the Cajon Pass and Victor Valley, through the addition of express toll lanes on I-15, consistent with the SCAG Regional Express Lane Network in the RTP/SCS, with toll discounts/exemptions for transit, vanpools, and 3+ carpools;
- 2) Conduct operational studies on I-15 in the Cajon Pass geared toward improving safety and reducing the frequency and severity of traffic incidents. Also conduct operational studies on alternate routes to I-15 for use in the event of extended I-15 closures. Program operational improvements into the Caltrans SHOPP;
- 3) Continue growth of vanpool and carpool formation from the Victor Valley to employment centers in the Valley and greater LA Basin and monitor express bus operation from Victorville to San Bernardino for evidence of expansion opportunity;
- 4) Through economic development and other strategies, increase employment opportunities in the Victor Valley for Victor Valley residents, to reduce jobs-to-housing imbalance and reduce long commutes from the Victor Valley to SBD/LA/RIV.
- 5) Complete Mojave Riverwalk, the principal north-south Class 1 trail in the Victor Valley.
- 6) Consider developing a comprehensive signal synchronization network for the Victor Valley, and prioritize arterial corridors for early implementation;
- 7) Complete the widening of 2-lane segments on SR-138 west of I-15 for safety purposes; and
- 8) Complete widening of U.S. 395 for safety and operational purposes and as a significant north-south freight and recreational route connecting to the Tehachapis via SR-58 and to the eastern Sierras.

Strategic Approach (San Bernardino to Riverside – “University Corridor”)

Problems to be Addressed:

- Large off-campus student and employee populations.
- Congestion at entry points to universities.
- Specific bottleneck locations: (southbound I-215 at Orange Show Road, southbound I-215 at SR-60 junction, northbound I-215 at merge with SR-60 on-ramps).
- Nationally significant freight corridor and large concentration of warehousing and logistics centers.
- Antiquated interchange designs.

Strategy

- 1) Build on existing multimodal strategy to enhance rail, transit and shared-ride access to and from Cal State San Bernardino and University of California Riverside;
- 2) Coordinate express transit/rail service between San Bernardino and Riverside;
- 3) Focus on north-south arterial operations and safety improvements for parallel facilities such as Riverside Avenue, Mount Vernon Avenue, and Reche Canyon Road;
- 4) Complete Divergent Diamond Interchange (DDI) at the I-215/University Avenue interchange to accommodate continued Cal State growth;
- 5) Make strategic operational improvements to and/or reconstruct interchanges on I-215 between SR-60 and Orange Show Road to address bottlenecks;
- 6) Implement managed-lane system on SR-91 in downtown Riverside;
- 7) Build on substantial existing transit assets (e.g. move forward with SCORE program on the multiple Metrolink lines – increasing frequency and improving service);
- 8) Implement first/last mile transit connections (particularly from major destinations to Metrolink stations); and
- 9) Work with SCAQMD and CARB to provide incentives for accelerating turnover of the truck fleets.

Strategic Approach (Cajon Pass to Eastvale)

Problems to be addressed:

- I-10/I-15 interchange is 12th on ATRI's national list of the top 100 truck bottlenecks.
- Nationally significant freight corridor, with heavy congestion on I-15 between SR-60 and SR-210.
- Southern end of the corridor houses some of the largest and most intense logistics activities in the nation, with attendant local traffic and environmental impacts.
- Lack of good north-south transit service, and need improved transit service to Ontario International Airport.
- Large population and housing growth; large number of master planned communities.

Strategy

- 1) Implement managed-lane system on I-15, with toll discounts or exemptions for transit, vanpools, and 3+ carpools;
- 2) Complete the West Valley Connector BRT, Phase 1. The north-south portion parallels I-15 from Victoria Gardens to Rancho Cucamonga Metrolink Station, through Ontario employment centers, and to ONT.
- 3) Coordinate operational strategies for managed lanes between Riverside and San Bernardino Counties;
- 4) Grow vanpool and carpool formation from the Victor Valley to employment centers in the Valley, Riverside County, and greater LA Basin;
- 5) Implement "Healthy Communities and Healthy Economies Toolkit for Goods Movement" (given continued warehouse/distribution facility development);
- 6) Work with SCAQMD and CARB to provide incentives for accelerating turnover of the truck fleets; and
- 7) Implement San Sevaine Class 1 Trail System, running north-south along I-15.

Strategic Approach (Riverside to Temecula)

Problems to be Addressed:

- Significant and growing congestion in both directions at the I-215/SR-60 junction in Riverside.
- Significant and growing congestion at the I-15/I-215 merge/diverge in Temecula and on I-15 north and southbound in Corona.
- Congestion at critical interchanges on I-15 and I-215 (e.g. Newport Road, Railroad Canyon Road, SR-74, etc.).
- Lack of good parallel facilities to I-15 and I-215 throughout the corridor (due largely to topography).
- Nationally significant freight corridor and large concentration of warehousing and logistics centers.
- Large amount of housing development concentrated along the corridor; exacerbating the job-housing imbalance.

Strategy

- 1) Extend the managed-lane system on I-15 southerly from Cajalco Road in Corona to SR-74 (Central Avenue) in Lake Elsinore, with toll discounts for transit, vanpools, and 3+ carpools;
- 2) Continue commuter bus operations on I-15 to stations on IEOC Metrolink line and express bus utilizing managed lanes;
- 3) Implement “Healthy Communities and Healthy Economies Toolkit for Goods Movement” (given continued warehouse/distribution development in this corridor);
- 4) Make strategic operational improvements to and/or reconstruct interchanges on I-15 and I-215, such as Franklin Street, Scott Road, and French Valley Parkway;
- 5) Improve the north-south arterial network along I-15 and I-215, where possible, to better accommodate local short-distance trips that are now occurring on freeway system.
- 6) Enhance marketing and incentives for ridership on the Perris Valley Line to Riverside;
- 7) Grow vanpool and carpool formation from southwest Riverside County to employment centers in Riverside, Corona, and San Bernardino County;
- 8) Deploy new technologies to proactively manage traffic and improve roadway conditions;
- 9) Build on substantial transit assets. Invest in Metrolink rail expansion for the 91/Perris Valley Line, construct accessibility improvements to existing 91/Perris Valley Metrolink stations;
- 10) Work with SCAQMD and CARB to provide incentives for accelerating turnover of the truck fleets; and
- 11) Invest in grade separation projects to improve goods movement efficiency and passenger rail movement.

Strategic Approach (Beaumont to Temecula)

Problems to be Addressed:

- Overall lack of good north-south mobility, particularly in the Hemet/San Jacinto Area. Local traffic gets mixed with regional traffic.
- Major bottlenecks at the I-10/SR-79 interchange and the I-15/SR-79 North interchange.
- Lack of good north-south transit service in this corridor.
- Major tourism destinations result in travel at all times and on all days.

Strategy

- 1) Fund and implement the SR-79 realignment;
- 2) Make operational improvements on existing north-south arterials from San Jacinto to Temecula;
- 3) Grow vanpool and carpool formation to reduce vehicle flows connecting Beaumont, San Jacinto, Hemet, and Temecula;

- 4) Examine ways to improve north-south transit connectivity;
- 5) Deploy new technologies to proactively manage traffic and improve roadway conditions;
- 6) Make strategic operational improvements to and/or reconstruct interchanges on the I-10/ Highland Springs interchange, I-215/Keller Road, and Garbani Road interchanges;
- 7) Investment into grade separation projects to improve goods movement efficiency and passenger rail movement; and
- 8) Work with tribal governments to facilitate employee commute options and explore funding opportunities for regional improvements.

Strategic Approach (Apple Valley to LA County Line)

Problems to be Addressed:

- Lack of good east-west connectivity between the Victor Valley and Antelope Valley.
- Lack of good east-west connectivity within the Victor Valley, constrained by limited crossings of the Mojave River and the BNSF railroad.
- Congestion at arterial junctions with I-15 interchanges.

Strategy

- 1) Enhance east-west access by completing improvements in the Greentree Corridor, linking Apple Valley, Victorville, and I-15;
- 2) Work with Virgin Trains and State to facilitate High Speed Rail connection to Antelope Valley Metrolink Line;
- 3) Conduct necessary studies to improve the operations and safety of SR-18 from U.S. 395 to SR-138 and potentially program its widening;
- 4) Look for opportunities to fund the High Desert Corridor, but recognize SR-18 widening as a partial solution to improve east-west mobility between the Antelope and Victor Valleys;
- 5) Fund and implement strategic I-15 interchange improvements as identified in the Measure I Strategic Plan; and
- 6) Fund and implement other improvements identified in the Victor Valley portion of the SBCTA 10-Year Delivery Plan.

Strategic Approach (Banning to Rialto)

Problems to be Addressed:

- Several significant bottlenecks on I-10: eastbound and westbound merge/diverge with I-215, eastbound merge with SR-210, and eastbound upgrade in Yucaipa, and I-10/SR-60 junction.
- Significant and growing congestion in both directions at the I-215/SR-60 junction in Riverside and I-10/SR-60 junction in Beaumont due to population and housing increases.
- Multiple congested interchanges: I-10/SR-79 interchange in Beaumont, and interchanges on I-10 at Mountain View, California, Alabama, and University.
- Ongoing congestion on SR-210 westbound north of I-10 and eastbound at Highland Ave.
- Nationally significant freight corridor and large concentration of warehousing and logistics centers.
- Metrolink San Bernardino Line and Riverside Line are well-used, but capacity limitations limit substantial additional growth.
- Cities with Metrolink stations would like to take advantage of those locations for transit oriented development, but parcel assembly/development costs are high and train

frequencies are not always conducive to the mid-day and bi-directional mobility needed to support TOD type uses.

Strategy

- 1) Construct Redlands Passenger Rail Project from University of Redlands to downtown San Bernardino, including use of zero-emission multiple unit (ZEMU) trainsets;
- 2) Implement managed-lane systems on SR-60 from downtown Riverside to Moreno Valley and on I-10 from Redlands westerly;
- 3) Make strategic operational improvements to and/or reconstruct interchanges on SR-60/Potrero Blvd, SR-60/Gilman Springs Road, and I-10 interchanges at SR-79, County Line Road, University Ave., Alabama St., California St.;
- 4) Implement I-10 Eastbound Truck Climbing Lane in Yuciapa, addressing one of the most serious freight bottlenecks in the Inland Empire.
- 5) Invest in grade separation projects to improve goods movement efficiency and passenger rail movement;
- 6) Accelerate truck fleet turnover for air quality improvement;
- 7) Implement “Healthy Communities and Healthy Economies Toolkit for Goods Movement” (given continued warehouse/distribution development);
- 8) Build on substantial transit assets. Invest in Metrolink rail expansion for the IE/OC, San Bernardino, and Riverside Lines as described in the SCRRA SCORE Program; construct accessibility improvements and station improvements to existing Metrolink stations.

Strategic Approach (Riverside/Rialto to LA County)

Problems to be Addressed:

- I-10 and SR-60 are nationally significant freight corridors, with heavy congestion on I-10 between the LA County Line and Sierra Interchange and throughout SR-60.
- I-10/I-15 interchange is 12th on ATRI’s national list of the top 100 truck bottlenecks.
- Metrolink stations represent some of Inland Empire’s best opportunities for TOD, but need to increase train frequency over time and make it easier for jurisdictions/developers to build on infill sites (limited capabilities since loss of redevelopment funding).
- Lack of good transit connection to Ontario International Airport.
- Major housing and population increases, especially in parts of the corridor south of SR-60 and north of SR-210

Strategy

- 1) Build on substantial existing transit assets (e.g. move forward with SCORE program on the multiple Metrolink lines – increasing frequency and improving service on Riverside, San Bernardino, and IE/OC lines);
- 2) Build West Valley Connector BRT connecting Pomona, Montclair, Ontario, and Rancho Cucamonga, with significant destinations in each jurisdiction, including Ontario International Airport.
- 3) Implement first/last mile transit connections (particularly from major destinations to Metrolink stations);
- 4) Enhance transit access to Ontario International Airport (complete ONT Rail Access Alternatives Analysis);
- 5) Enhance freight access at freeway interchanges to improve first/last mile efficiency (list key interchanges for freight access);

- 6) Implement managed-lane system on I-10 from LA County Line to Ford Street; and SR-60 from I-15 to Moreno Valley;
- 7) Accelerate truck fleet turnover for air quality improvement;
- 8) Implement “Healthy Communities and Healthy Economies Toolkit for Goods Movement” (given continued warehouse/distribution development);
- 9) Encourage TOD and affordable housing at transit stations;
- 10) Implement “next-generation” shared-ride and virtual travel systems; and
- 11) Build out regional active transportation network.

Strategic Approach (Riverside to Orange County Line)

Problems to be Addressed:

- SR-91 is a nationally significant freight corridor, with heavy congestion on SR-91.
- Lack of adequate alternate routes into Orange County; largely due to topography. SR-91 is the only route into Orange County from Riverside County and San Bernardino County. SR-60/57 is highest capacity alternate, but is highly congested. SR-74 provides a low-capacity highway alternative which is available to south OC.
- Job-housing imbalance. Riverside County provides more affordable housing options compared to Orange County and Los Angeles County, but less job opportunities.
- High number of traffic incidents.

Strategy:

- 1) Complete Santa Ana River trail;
- 2) Build on substantial transit assets. Invest in Metrolink rail expansion for the IE/OC Line, construct accessibility improvements and station improvements to existing Metrolink stations;
- 3) Implement first/last mile transit connections (particularly from major destinations to Metrolink stations);
- 4) Continue multimodal investment into the managed lane system on SR-91; continue collaborating with OCTA on 91 Express Lanes; and
- 5) Continue express bus service utilizing managed lanes for time and cost savings on shared rides.

Strategic Approach (Hemet to Corona)

Problems to be Addressed:

- Lack of good east-west routes. No adequate east-west routes to connect communities.
- Need to preserve environmentally sensitive areas and habitats
- High number of traffic incidents on east-west roadways

Strategy

- 1) Complete regional Salt Creek Trail;
- 2) Complete Mid-County Parkway to provide regional east-west corridor and minimize use of local roads;
- 3) Build on substantial transit assets. Invest in Metrolink rail expansion for the 91/Perris Valley Line, and construct accessibility improvements and station improvements at existing Metrolink stations;

- 4) Implement first/last mile transit connections (particularly from major destinations to Metrolink stations); and
- 5) Complete SR-79 realignment; improve access to SR-74.

Minute Action

AGENDA ITEM: 14

Date: June 3, 2020

Subject:

Development Mitigation Annual Report for Fiscal Year Ending June 30, 2019

Recommendation:

Receive information on the Development Mitigation Annual Report for Fiscal Year ending June 30, 2019.

Background:

Preparation of the Development Mitigation Annual Report (DMAR) is an on-going requirement of the San Bernardino County Transportation Authority (SBCTA) Congestion Management Program (CMP). The Valley and Victor Valley jurisdictions are required to provide information on development activity and the expenditure of development mitigation funds on projects contained in the Development Mitigation Nexus Study for Fiscal Year 2018/2019. The development fees collected are used by the jurisdictions as the local share of arterial, interchange, and railroad grade separation projects for which SBCTA provides the “public share.”

This agenda item provides a summary of the Valley and Victor Valley jurisdictions’ DMAR. Table 1 represents development mitigation data for each Valley and Victor Valley jurisdiction and Figure 1 presents a historical reference of development mitigation fees collected and dwelling units permitted. City data is provided in Table 1 and County data is provided in Table 2, organized by sphere of influence.

Implementation and maintenance of a development mitigation program is required of each local jurisdiction in the Valley and Victor Valley to maintain conformance with the SBCTA Land Use/Transportation Analysis Program of the CMP. Failure to submit the annual DMAR would result in non-compliance with the provisions of the Development Mitigation Program and other provisions in the CMP.

Based on the information provided to SBCTA by the jurisdictions submitting reports, \$59,733,855 in development mitigation fees for transportation projects was collected and \$15,678,923 of development mitigation fees was expended on Nexus Study projects during Fiscal Year ending June 30, 2019. Of the approximately \$59.7 million of transportation related development impact fees collected by local jurisdictions, a portion of the fees are associated with local projects that were not included in the Nexus Study, which addresses only regional projects. Therefore, not all of the fees will be expended on Nexus Study projects. The \$59,733,855 of development mitigation represents a 19.5% decrease in development mitigation revenue from the \$51,248,029 collected in Fiscal Year 2017/2018 which was a 17.5% increase from Fiscal Year 2016/2017 revenue.

Since the implementation of the SBCTA Development Mitigation Program began in Fiscal Year 2006/2007, a total of \$422,741,650 has been collected and a total of \$225,409,058 in development mitigation has been expended on projects contained in the SBCTA Development Mitigation Nexus Study. It should be noted that some of the data on quantities of development

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

(units and square footage) could not be included in the table because it did not fit standard development type categories. However, all the fees for these developments were included.

The DMAR is an attempt to secure information on development fees collected and expended on Nexus Study projects in a manner that is less formal than a full audit. Overall, the annual reporting has been informative and provides the mechanism for SBCTA staff to monitor the level of development contributions being generated by local jurisdictions for projects included in the Nexus Study. Accurate and reliable information is imperative for implementation of the Measure I Valley Freeway Interchange, the Valley Major Street, Victor Valley Major Local Highway and Victor Valley Local Street Programs as outlined in the Measure I 2010-2040 Strategic Plan.

Table 1
City/Town Development Mitigation Summary Table
For the Year Ending June 30, 2019

City/Town	# of SF Units Permitted	# of MF Units Permitted	Sq Ft of Commercial Permitted	Sq Ft of Office Permitted	Sq Ft of Industrial Permitted	Fees Collected in FY 18/19*	Fees Expended on Nexus Projects in FY 18/19	Cumulative Dev. Mit. Revenue**	Cumulative Dev. Mit. Expenditures On Nexus Projects***
Adelanto	0	0	0	0	0	\$0	\$0	\$4,274,890	\$0
Apple Valley	90	2	31,063	0	1,429,838	\$996,583	\$0	\$10,924,511	\$8,981,193
Chino	214	46	35,500	12,470	65,990	\$2,494,888	\$741,069	\$50,509,597	\$2,441,298
Chino Hills	29	40	0	0	0	\$15,732	\$0	\$593,114	\$4,992,658
Colton	41	0	9,835	138,003	570,835	\$1,898,852	\$43,777	\$7,665,434	\$281,408
Fontana	350	191	72,441	0	1,943,339	\$7,147,781	\$5,256,844	\$66,782,722	\$47,466,277
Grand Terrace	30	0	0	0	0	\$550,368	\$0	\$1,992,289	\$292,790
Hesperia	167	133	46,881	129,000	0	\$2,835,838	\$46,783	\$21,596,657	\$28,124,965
Highland	2,418	0	10,743	0	0	\$268,028	\$0	\$6,813,718	\$0
Loma Linda	0	92	7,522	0	14,000	\$110,794	\$0	\$8,449,031	\$2,660,076
Montclair	9	23	71,618	42,601	520,242	\$1,052,132	\$0	\$3,536,134	\$234,305
Ontario	800	284	81,610	350	4,002,240	\$6,339,311	\$1,721,033	\$44,692,453	\$35,139,577
Rancho Cucamonga	17	518	10,129	73,926	950,278	\$9,532,945	\$1,954,287	\$46,318,928	\$7,901,709
Redlands	78	123	27,885	164,866	185,088	\$638,351	\$10,524	\$14,728,009	\$4,544,189
Rialto	28	11	85,386	0	2,899,418	\$8,934,140	\$2,345,688	\$34,905,750	\$14,955,971
San Bernardino	44	105	0	22,201	388,214	\$919,296	\$390,594	\$18,405,972	\$8,554,948
Upland	190	455	3,000	4,000	7,800	\$9,533,390	\$0	\$15,259,946	\$2,374,363
Victorville	293	0	112,800	0	0	\$2,198,619	\$1,500,000	\$25,394,324	\$45,029,921
Yucaipa	43	0	0	0	0	\$352,740	\$1,663,605	\$6,489,384	\$8,388,930
Total	4,841	2,023	606,413	587,417	12,977,282	\$55,819,789	\$15,674,205	\$389,332,864	\$222,364,578

Notes:

1. May include fees from other sources not listed in the summary table
2. Only includes revenue collected beginning FY06/07
3. Only includes expenditure of development mitigation fees

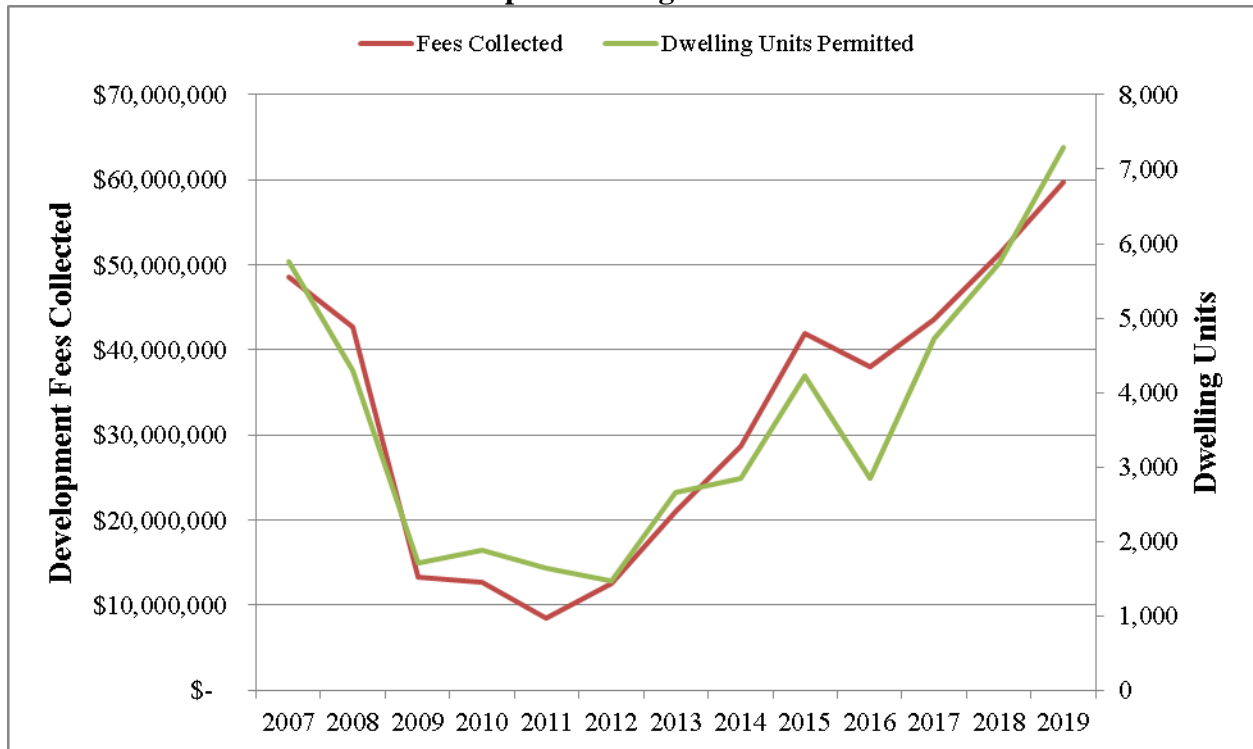
Table 2
San Bernardino County Development Mitigation Summary Table
For the Year Ending June 30, 2019

County Sphere/ Subarea	# of SF Units Permitted	# of MF Units Permitted	Sq Ft of Commercial Permitted	Sq Ft of Office Permitted	Sq Ft of Industrial Permitted	Fees Collected in FY 18/19*	Fees Expended on Nexus Projects in FY 18/19	Cumulative Dev. Mit. Revenue**	Cumulative Dev. Mit. Expenditures On Nexus Projects***
Adelanto Sphere	0	0	0	0	0	\$0	\$0	\$0	\$0
Apple Valley Sphere	26	0	0	0	0	\$72,020	\$0	\$745,122	\$0
Chino Sphere	3	0	0	0	0	\$21,066	\$0	\$451,658	\$388
Colton Sphere	2	0	0	0	0	\$8,818	\$0	\$23,717	\$0
Devore/Glen Helen	4	0	0	0	0	\$25,652	\$0	\$141,563	\$148,337
Fontana Sphere	0	19	3,856	0	7,924	\$185,196	\$4,718	\$5,013,335	\$514,777
Hesperia Sphere	36	0	0	0	0	\$362,160	\$0	\$2,331,218	\$622,315
Loma Linda Sphere	0	0	0	0	0	\$0	\$0	\$188,925	\$0
Montclair Sphere	1	0	0	0	0	\$3,668	\$0	\$51,295	\$0
Redlands Sphere	16	0	9,100	0	0	\$251,601	\$0	\$561,770	\$0
Redlands Donut Hole	0	281	20,502	0	0	\$757,462	\$0	\$9,496,703	\$123,366
Rialto Sphere	2	0	526	0	690,676	\$2,055,965	\$0	\$8,404,793	\$1,635,297
San Bernardino Sphere	9	0	2,700	0	0	\$37,172	\$0	\$523,968	\$0
Upland Sphere	5	0	0	0	0	\$5,775	\$0	\$178,909	\$0
Victorville Sphere	28	0	0	0	0	\$127,512	\$0	\$817,516	\$0
Yucaipa Sphere	0	0	0	0	0	\$0	\$0	\$0	\$0
Total County Sphere/Subarea	132	300	36,684	0	698,600	\$3,914,067	\$4,718	\$28,930,493	\$3,044,480
GRAND TOTAL	4,973	2,323	643,097	587,417	13,675,882	\$59,733,855	\$15,678,923	\$418,263,357	\$225,409,058

Notes:

1. May include fees from other sources not listed in the summary table
2. Only includes revenue collected beginning FY06/07
3. Only includes expenditure of development mitigation fees

Figure 1
Development Mitigation Trends



Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 budget.

Reviewed By:

The tables contained in this item were discussed with the Transportation Technical Advisory Committee (TTAC) on May 4, 2020. This item was received by the General Policy Committee on May 13, 2020.

Responsible Staff:

Steve Smith, Director of Planning

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Minute Action

AGENDA ITEM: 15

Date: June 3, 2020

Subject:

Cooperative Agreement No. 20-1002383 with the Department of Transportation for the Widening of State Route 18

Recommendation:

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

A. Approve Cooperative Agreement No. 20-1002383 (Agreement) with California Department of Transportation (Caltrans) for oversight of the Project Study Report– Project Development Support (PSR-PDS) for the widening of State Route (SR) 18 from US 395 to SR-138 in Los Angeles County.

B. Authorize San Bernardino County Transportation Authority to reimburse Caltrans up to \$250,000 for oversight of the PSR-PDS for the widening of SR-18 from US 395 to SR-138 in Los Angeles County, as identified in the Agreement.

Background:

In 2006, the counties of San Bernardino and Los Angeles, and the cities of Adelanto, Victorville, Apple Valley, Lancaster, and Palmdale, formed a Joint Powers Authority to develop a new freeway/expressway, referred to as the High Desert Corridor (HDC), from State Route (SR) 14 to Interstate 15 (I-15) (the “High Desert Corridor Joint Powers Authority” or “JPA”). The cost of constructing the full multimodal HDC was estimated at over \$8 billion, and a pathway for the funding and construction of all or a portion of the HDC has not yet materialized.

At the recommendation of both Los Angeles County Metropolitan Transportation Authority (Metro) and San Bernardino County Transportation Authority (SBCTA) staff, the JPA voted to look into other feasible and practical transportation options to connect the two counties, consistent with the goals of the HDC, at its December 20, 2018 meeting. Included in this planning process was a study of SR-18 and SR-138 between Palmdale and Victorville as potential east-west highway improvements.

The study would examine design concepts, potential impacts, and costs for improving mobility from Palmdale, following the SR-138, connecting to SR-18 just west of the Los Angeles/San Bernardino county line, and continuing to US 395. Although the widening of SR-138 will be completed in Los Angeles County in the near future, methods to enhance mobility on SR-138 through operational and signal improvements will be considered as part of this effort. However, the primary focus will be to prepare a California Department of Transportation (Caltrans) programming document through the Project Study Report – Project Development Support (PSR-PDS) process specifically for the widening of SR-18 between SR-138 and US 395. The preparation of the PSR-PDS will require project oversight by Caltrans, and the purpose of this agenda item is to recommend that the SBCTA Board of Directors (Board) approve the Agreement between Caltrans and SBCTA that will govern this oversight. SBCTA will be responsible for reimbursing Caltrans up to \$250,000 for its oversight activities. Metro will share 50 percent of this cost, or \$125,000, and will reimburse SBCTA under a separate agreement, Contract No. 19-1002228. In July 2019, the Board authorized the SBCTA

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

Executive Director to make modifications to the scope of work to reflect the eventual agreement between SBCTA and Caltrans, including addressing Caltrans oversight. That Agreement was not executed, given the need to wait for finalization of the Agreement with Caltrans covering PSR-PDS oversight. It is in another item on this agenda for the Board's consideration.

Metro will be the Consultant Contract Manager for the SR-18/138 Corridor Study and will issue a task order through the Metro Highway Program On-Call/Bench. However, SBCTA will be the Lead Agency and the overall Project Manager as the majority of the project will be within San Bernardino County. SBCTA will oversee adherence to the scope of work, lead all agency and stakeholder coordination, manage the consultant team's efforts in the technical work, lead all project meetings and presentations, and perform other responsibilities ordinarily assigned to the Project Manager. Metro will assist SBCTA in managing the project and will provide information and documents of records related to the segment of the project in Los Angeles County as well as all necessary coordination between SBCTA and Caltrans District 7.

The cost for the SR-18/138 Corridor Study under the consultant's contract is estimated at \$750,000, to be apportioned to both SBCTA and Metro at 50% each. SBCTA will pay its project cost share (\$375,000) directly to Metro in two installments, one payment during Fiscal Year 2019/2020 (if execution of said agreement is timely) and one during Fiscal Year 2020/2021. The Agreement between SBCTA and Caltrans being approved under this agenda item will involve reimbursement to Caltrans for costs incurred up to \$250,000, with half of this amount being provided to SBCTA by Metro through Contract No. 19-1002228.

Financial Impact:

This item has no financial impact on the Fiscal Year 2019/2020 budget. The funding for this cooperative agreement has been included in the proposed Fiscal Year 2020/2021 budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 15, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and the draft cooperative agreement.

Responsible Staff:

Steve Smith, Director of Planning

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Contract No:	<u>20-1002383</u>	Amendment No.:	<u> </u>
Contract Class:	<u>Payable</u>	Department:	<u>Planning</u>
Vendor No.:	<u>0450</u>	Vendor Name:	<u>Caltrans</u>
Description:	<u>Cooperative Agreement with Caltrans for PSR-PDS on SR-18 from SR-138 to US-395</u>		
List Any Related Contract Nos.:	<u>19-1002228</u>		

Dollar Amount							
Original Contract		\$	250,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	250,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	250,000.00

Board of Directors	Date:	06/03/2020	Board	Item #	6732
--------------------	-------	------------	-------	--------	------

Other Contracts	Sole Source?	N/A	No Budget Adjustment
Local	Funding Agreement		

[illegible]

Steve Smith

Task Manager (Print Name)

Additional Notes:

COOPERATIVE AGREEMENT COVER SHEET

Work Description

PREPARE A PROJECT STUDY REPORT – PROJECT DEVELOPMENT SUPPORT (PSR-PDS) FOR THE WIDENING OF STATE ROUTE 18 BETWEEN STATE ROUTE 138 IN LOS ANGELES COUNTY AND US-395 IN SAN BERNARDINO COUNTY.

Contact Information

CALTRANS

Ashraf Habbak, Project Manager
464 West 4th Street, 6th Floor
San Bernardino, CA 92401
Office Phone: 909-806-3259
Email: Ashraf.Habbak@dot.ca.gov

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

Steve Smith, Director of Planning
1170 W. Third Street
San Bernardino, CA 92410
Office Phone: (909) 884-8276
Email: SSmith@goSBCTA.com

COOPERATIVE AGREEMENT DRAFT

This AGREEMENT, effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

San Bernardino County Transportation Authority, a public corporation/entity, referred to hereinafter as SBCTA.

An individual signatory agency in this AGREEMENT is referred to as a PARTY. Collectively, the signatory agencies in this AGREEMENT are referred to as PARTIES.

RECITALS

1. PARTIES are authorized to enter into a cooperative agreement for improvements to the State Highway System per California Streets and Highways Code, Sections 114 and 130 and California Government Code, Section 65086.5.
2. For the purpose of this AGREEMENT, *Prepare a Project Study Report – Project Development Support (PSR-PDS) for the widening of State Route 18 between State Route 138 in Los Angeles County and US-395 in San Bernardino County*, will be referred to hereinafter as PROJECT. SBCTA desires that a Project Initiation Document (PID) be developed for the PROJECT. The Project Initiation Document will be a Project Study Report - Project Development Support (PSR-PDS).
3. All obligations and responsibilities assigned in this AGREEMENT to complete the following PROJECT COMPONENT will be referred to hereinafter as WORK:
 - PROJECT INITIATION DOCUMENT (PID)

Each PROJECT COMPONENT is defined in the CALTRANS Workplan Standards Guide as a distinct group of activities/products in the project planning and development process.

4. The term AGREEMENT, as used herein, includes this document and any attachments, exhibits, and amendments.

This AGREEMENT is separate from and does not modify or replace any other cooperative agreement or memorandum of understanding between the PARTIES regarding the PROJECT.

PARTIES intend this AGREEMENT to be their final expression that supersedes any oral understanding or writings pertaining to the WORK. The requirements of this AGREEMENT will preside over any conflicting requirements in any documents that are made an express part of this AGREEMENT.

If any provisions in this AGREEMENT are found by a court of competent jurisdiction to be, or are in fact, illegal, inoperative, or unenforceable, those provisions do not render any or all other AGREEMENT provisions invalid, inoperative, or unenforceable, and those provisions will be automatically severed from this AGREEMENT.

Except as otherwise provided in the AGREEMENT, PARTIES will execute a written amendment if there are any changes to the terms of this AGREEMENT.

AGREEMENT will terminate 180 days after PID is signed by PARTIES or as mutually agreed by PARTIES in writing. However, all indemnification articles will remain in effect until terminated or modified in writing by mutual agreement.

5. No PROJECT deliverables have been completed prior to this AGREEMENT.
6. In this AGREEMENT capitalized words represent defined terms, initialisms, or acronyms.
7. PARTIES hereby set forth the terms, covenants, and conditions of this AGREEMENT.

RESPONSIBILITIES

Sponsorship

8. A SPONSOR is responsible for establishing the scope of the PROJECT and securing the financial resources to fund the WORK. A SPONSOR is responsible for securing additional funds when necessary or implementing PROJECT changes to ensure the WORK can be completed with the funds obligated in this AGREEMENT.

PROJECT changes, as described in the CALTRANS Project Development Procedures Manual, will be approved by CALTRANS as the owner/operator of the State Highway System.

9. SBCTA is the SPONSOR for the WORK in this AGREEMENT.

Implementing Agency

10. The IMPLEMENTING AGENCY is the PARTY responsible for managing the scope, cost, schedule, and quality of the work activities and products of a PROJECT COMPONENT.

- SBCTA is the Project Initiation Document (PID) IMPLEMENTING AGENCY.

The PID identifies the PROJECT need and purpose, stakeholder input, project alternatives, anticipated right-of-way requirements, preliminary environmental analysis, initial cost estimates, and potential funding sources.

11. The IMPLEMENTING AGENCY for a PROJECT COMPONENT will provide a Quality Management Plan (QMP) for the WORK in that component. The QMP describes the IMPLEMENTING AGENCY's quality policy and how it will be used. The QMP will include a process for resolving disputes between the PARTIES at the team level. The QMP is subject to CALTRANS review and approval.
12. Any PARTY responsible for completing WORK will make its personnel and consultants that prepare WORK available to help resolve WORK-related problems and changes for the entire duration of the PROJECT including PROJECT work that may occur under separate agreements.

Funding

13. SBCTA is the only PARTY obligating funds in this AGREEMENT and will fund the cost of the WORK in accordance with this AGREEMENT.

If, in the future, CALTRANS is allocated state funds and Personnel Years (PYs) for PID review or development of this PROJECT, PARTIES will agree to amend this AGREEMENT to change the reimbursement arrangement for PID review.

14. Funding sources, PARTIES committing funds, funding amounts, and invoicing/payment details are documented in the Funding Summary section of this AGREEMENT.

PARTIES will amend this AGREEMENT by updating and replacing the Funding Summary, in its entirety, each time the funding details change. Funding Summary replacements will be executed by a legally authorized representative of the respective PARTIES. The most current fully executed Funding Summary supersedes any previous Funding Summary created for this AGREEMENT.

15. PARTIES will not be reimbursed for costs beyond the funds obligated in this AGREEMENT.

If an IMPLEMENTING AGENCY anticipates that funding for the WORK will be insufficient to complete the WORK, the IMPLEMENTING AGENCY will promptly notify the SPONSOR.

16. Unless otherwise documented in the Funding Summary, overall liability for project costs within a PROJECT COMPONENT will be in proportion to the amount contributed to that PROJECT COMPONENT by each fund type.
17. Unless otherwise documented in the Funding Summary, any savings recognized within a PROJECT COMPONENT will be credited or reimbursed, when allowed by policy or law, in proportion to the amount contributed to that PROJECT COMPONENT by each fund type.
18. WORK costs, except those that are specifically excluded in this AGREEMENT, are to be paid from the funds obligated in the Funding Summary. Costs that are specifically excluded from the funds obligated in this AGREEMENT are to be paid by the PARTY incurring the costs from funds that are independent of this AGREEMENT.

CALTRANS' Quality Management

19. CALTRANS, as the owner/operator of the State Highway System (SHS), will perform quality management work including Quality Management Assessment (QMA) and owner/operator approvals for the portions of WORK within the existing and proposed SHS right-of-way.
20. CALTRANS' Quality Management Assessment (QMA) efforts are to ensure that SBCTA 's quality assurance results in WORK that is in accordance with the applicable standards and the PROJECT's quality management plan (QMP). QMA does not include any efforts necessary to develop or deliver WORK or any validation by verifying or rechecking WORK.

When CALTRANS performs QMA, it does so for its own benefit. No one can assign liability to CALTRANS due to its QMA.

21. CALTRANS, as the owner/operator of the State Highway System, will approve WORK products in accordance with CALTRANS policies and guidance and as indicated in this AGREEMENT.
22. SBCTA will provide WORK-related products and supporting documentation upon CALTRANS' request for the purpose of CALTRANS' quality management work.

Project Initiation Document (PID)

23. As the PID IMPLEMENTING AGENCY, SBCTA is responsible for all PID WORK except those activities and responsibilities that are assigned to another PARTY in this AGREEMENT and those activities that may be specifically excluded.
24. Should SBCTA request CALTRANS to perform any portion of PID preparation work, except as otherwise set forth in this AGREEMENT, SBCTA agrees to reimburse CALTRANS for such work and PARTIES will amend this AGREEMENT.
25. CALTRANS will be responsible for completing the following PID activities:

CALTRANS Work Breakdown Structure Identifier (If Applicable)	AGREEMENT Funded Cost
100.05.10.xx Quality Management	Yes
150.05.05.xx Provision of Existing Reports, Data, Studies, and Mapping	Yes
150.25.20 PID Circulation, Review, and Approval	Yes

26. CALTRANS will provide relevant existing proprietary information and maps related to:

- Geologic and Geotechnical information
- Utility information
- Environmental constraints
- Traffic modeling/forecasts
- Topographic and Boundary surveys
- As-built centerline and existing right-of-way

Due to the potential for data loss or errors, CALTRANS will not convert the format of existing proprietary information or maps.

27. When required, CALTRANS will perform pre-consultation with appropriate resource agencies in order to reach consensus on need and purpose, avoidance alternatives, and feasible alternatives.
28. CALTRANS will actively participate in the Project Delivery Team meetings.

29. The PID will be signed on behalf of SBCTA by a Civil Engineer registered in the State of California.
30. CALTRANS will review and approve the Project Initiation Document (PID) as required by California Government Code, Section 65086.5.

CALTRANS will complete a review of the draft PID and provide its comments to SBCTA within 60 calendar days from the date CALTRANS received the draft PID from SBCTA. SBCTA will address the comments provided by CALTRANS. If any interim reviews are requested of CALTRANS by SBCTA, CALTRANS will complete those reviews within 30 calendar days from the date CALTRANS received the draft PID from SBCTA.

After SBCTA revises the PID to address all of CALTRANS' comments and submits the revised draft PID and all related attachments and appendices, CALTRANS will complete its review and final determination of the revised draft PID within 30 calendar days from the date CALTRANS received the revised draft PID from SBCTA. Should CALTRANS require supporting data necessary to defend facts or claims cited in the revised draft PID, SBCTA will provide all available supporting data in a reasonable time so that CALTRANS may conclude its review. The 30-day CALTRANS review period will be stalled during that time and will continue to run after SBCTA provides the required data.

No liability will be assigned to CALTRANS, its officers and employees by SBCTA under the terms of this AGREEMENT or by third parties by reason of CALTRANS' review and approval of the PID.

Additional Provisions

Standards

31. PARTIES will perform all WORK in accordance with federal and California laws, regulations, and standards; Federal Highway Administration (FHWA) standards; and CALTRANS standards. CALTRANS standards include, but are not limited to, the guidance provided in the:
- CADD User's Manual
 - CALTRANS policies and directives
 - Plans Preparation Manual
 - Project Development Procedures Manual (PDPM)
 - Workplan Standards Guide

Noncompliant Work

32. CALTRANS retains the right to reject noncompliant WORK. SBCTA agrees to suspend WORK upon request by CALTRANS for the purpose of protecting public safety, preserving property rights, and ensuring that all WORK is in the best interest of the State Highway System.

Qualifications

33. Each PARTY will ensure that personnel participating in WORK are appropriately qualified or licensed to perform the tasks assigned to them.
34. The IMPLEMENTING AGENCY for a PROJECT COMPONENT will coordinate, prepare, obtain, implement, renew, and amend any encroachment permits needed to complete the WORK.

Protected Resources

35. If any PARTY discovers unanticipated cultural, archaeological, paleontological, or other protected resources during WORK, all WORK in that area will stop and that PARTY will notify all PARTIES within 24 hours of discovery. WORK may only resume after a qualified professional has evaluated the nature and significance of the discovery and CALTRANS approves a plan for its removal or protection.

Consultant Selection

36. Not Applicable

Encroachment Permits

37. CALTRANS will issue, upon proper application, the encroachment permits required for WORK within State Highway System (SHS) right-of-way. SBCTA, their contractors, consultants, agents and utility owners will not work within the SHS right-of-way without an encroachment permit issued in their name. CALTRANS will provide encroachment permits to SBCTA, their contractors, consultants, and agents at no cost. CALTRANS will provide encroachment permits to utility owners at no cost. If the encroachment permit and this AGREEMENT conflict, the requirements of this AGREEMENT will prevail.
38. The IMPLEMENTING AGENCY for a PROJECT COMPONENT will coordinate, prepare, obtain, implement, renew, and amend any encroachment permits needed to complete the WORK.

Protected Resources

39. If any PARTY discovers unanticipated cultural, archaeological, paleontological, or other protected resources during WORK, all WORK in that area will stop and that PARTY will notify all PARTIES within 24 hours of discovery. WORK may only resume after a qualified professional has evaluated the nature and significance of the discovery and CALTRANS approves a plan for its removal or protection.

Disclosures

40. PARTIES will hold all administrative drafts and administrative final reports, studies, materials, and documentation relied upon, produced, created, or utilized for the WORK in confidence to the extent permitted by law and where applicable, the provisions of California Government Code, Section 6254.5(e) will protect the confidentiality of such documents in the event that said documents are shared between PARTIES.

PARTIES will not distribute, release, or share said documents with anyone other than employees, agents, and consultants who require access to complete the WORK without the written consent of the PARTY authorized to release them, unless required or authorized to do so by law.

41. If a PARTY receives a public records request pertaining to the WORK, that PARTY will notify PARTIES within five (5) working days of receipt and make PARTIES aware of any disclosed public records.

Hazardous Materials

42. If any hazardous materials, pursuant to Health and Safety Code 25260(d), are found within the PROJECT limits, the discovering PARTY will notify all other PARTIES within twenty-four (24) hours of discovery.
43. PARTIES agree to consider alternatives to PROJECT scope and/or alignment, to the extent practicable, in an effort to avoid any known hazardous materials within the proposed PROJECT limits.
44. If hazardous materials are discovered within PROJECT limits, but outside of State Highway System right-of-way, it is the responsibility of SBCTA in concert with the local agency having land use jurisdiction over the property, and the property owner, to remedy before CALTRANS will acquire or accept title to such property.

Claims

45. Any PARTY that is responsible for completing WORK may accept, reject, compromise, settle, or litigate claims arising from the WORK without concurrence from the other PARTY.
46. PARTIES will confer on any claim that may affect the WORK or PARTIES' liability or responsibility under this AGREEMENT in order to retain resolution possibilities for potential future claims. No PARTY will prejudice the rights of another PARTY until after PARTIES confer on the claim.
47. If the WORK expends state or federal funds, each PARTY will comply with the Federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards of 2 CFR, Part 200. PARTIES will ensure that any for-profit consultant hired to participate in the WORK will comply with the requirements in 48 CFR, Chapter 1, Part 31. When state or federal funds are expended on the WORK these principles and requirements apply to all funding types included in this AGREEMENT.

Accounting and Audits

48. PARTIES will maintain, and will ensure that any consultant hired by PARTIES to participate in WORK will maintain, a financial management system that conforms to Generally Accepted Accounting Principles (GAAP), and that can properly accumulate and segregate incurred PROJECT costs and billings.

49. PARTIES will maintain and make available to each other all WORK-related documents, including financial data, during the term of this AGREEMENT.

PARTIES will retain all WORK-related records for three (3) years after the final voucher.

PARTIES will require that any consultants hired to participate in the WORK will comply with this Article.

50. PARTIES have the right to audit each other in accordance with generally accepted governmental audit standards.

CALTRANS, the State Auditor, FHWA (if the PROJECT utilizes federal funds), and SBCTA will have access to all WORK -related records of each PARTY, and any consultant hired by a PARTY to participate in WORK, for audit, examination, excerpt, or transcription.

The examination of any records will take place in the offices and locations where said records are generated and/or stored and will be accomplished during reasonable hours of operation. The auditing PARTY will be permitted to make copies of any WORK-related records needed for the audit.

The audited PARTY will review the draft audit, findings, and recommendations, and provide written comments within thirty (30) calendar days of receipt.

Upon completion of the final audit, PARTIES have forty-five (45) calendar days to refund or invoice as necessary in order to satisfy the obligation of the audit.

Any audit dispute not resolved by PARTIES is subject to mediation. Mediation will follow the process described in the General Conditions section of this AGREEMENT.

51. If the WORK expends state or federal funds, each PARTY will undergo an annual audit in accordance with the Single Audit Act in the Federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as defined in 2 CFR, Part 200.
52. When a PARTY reimburses a consultant for WORK with state or federal funds, the procurement of the consultant and the consultant overhead costs will be in accordance with the Local Assistance Procedures Manual, Chapter 10.

Penalties, Judgements and Settlements

53. The cost of awards, judgements, or settlements generated by the WORK is to be paid from the funds obligated in this AGREEMENT.
54. Any PARTY whose action or lack of action causes the levy of fines, interest, or penalties will indemnify and hold all other PARTIES harmless per the terms of this AGREEMENT.

GENERAL CONDITIONS

Venue

55. PARTIES understand that this AGREEMENT is in accordance with and governed by the Constitution and laws of the State of California. This AGREEMENT will be enforceable in the State of California. Any PARTY initiating legal action arising from this AGREEMENT will file and maintain that legal action in the Superior Court of the county in which the CALTRANS district office that is signatory to this AGREEMENT resides, or in the Superior Court of the county in which the PROJECT is physically located.

Exemptions

56. All CALTRANS' obligations under this AGREEMENT are subject to the appropriation of resources by the Legislature, the State Budget Act authority, programming and allocation of funds by the California Transportation Commission (CTC).

Indemnification

57. Neither CALTRANS nor any of their officers and employees is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by SBCTA, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon SBCTA under this AGREEMENT. It is understood and agreed that SBCTA, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of their officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by SBCTA, its contractors, sub-contractors, and/or its agents under this AGREEMENT.
58. Neither SBCTA nor any of their officers and employees is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this AGREEMENT. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless SBCTA and all of their officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under this AGREEMENT.

Non-parties

59. PARTIES do not intend this AGREEMENT to create a third party beneficiary or define duties, obligations, or rights for entities not signatory to this AGREEMENT. PARTIES do not intend this AGREEMENT to affect their legal liability by imposing any standard of care for fulfilling the WORK different from the standards imposed by law.
60. PARTIES will not assign or attempt to assign obligations to entities not signatory to this AGREEMENT without an amendment to this AGREEMENT.

Ambiguity and Performance

61. SBCTA will not interpret any ambiguity contained in this AGREEMENT against CALTRANS, the drafting PARTY. SBCTA waives the provisions of California Civil Code, Section 1654.

A waiver of a PARTY's performance under this AGREEMENT will not constitute a continuous waiver of any other provision.

62. A delay or omission to exercise a right or power due to a default does not negate the use of that right or power in the future when deemed necessary.

Defaults

63. If any PARTY defaults in its performance of the WORK, a non-defaulting PARTY will request in writing that the default be remedied within thirty (30) calendar days. If the defaulting PARTY fails to do so, the non-defaulting PARTY may initiate dispute resolution.

Dispute Resolution

64. PARTIES will first attempt to resolve AGREEMENT disputes at the PROJECT team level as described in the Quality Management Plan. If they cannot resolve the dispute themselves, the CALTRANS District Director and the Executive Director of SBCTA will attempt to negotiate a resolution. If PARTIES do not reach a resolution, PARTIES' legal counsel will initiate mediation. PARTIES agree to participate in mediation in good faith and will share equally in its costs.

Neither the dispute nor the mediation process relieves PARTIES from full and timely performance of the WORK in accordance with the terms of this AGREEMENT. However, if any PARTY stops fulfilling its obligations, any other PARTY may seek equitable relief to ensure that the WORK continues.

Except for equitable relief, no PARTY may file a civil complaint until after mediation, or forty-five (45) calendar days after filing the written mediation request, whichever occurs first.

PARTIES will file any civil complaints in the Superior Court of the county in which the CALTRANS District Office signatory to this AGREEMENT resides or in the Superior Court of the county in which the PROJECT is physically located.

65. PARTIES maintain the ability to pursue alternative or additional dispute remedies if a previously selected remedy does not achieve resolution.

Prevailing Wage

66. When WORK falls within the Labor Code § 1720(a)(1) definition of "public works" in that it is construction, alteration, demolition, installation, or repair or maintenance work under Labor Code § 1771, PARTIES will conform to the provisions of Labor Code §§ 1720-1815, and all applicable provisions of California Code of Regulations, Title 8, Division 1, Chapter 8, Subchapter 3, Articles 1-7. PARTIES will include prevailing wage requirements in contracts for public work and require contractors to include the same prevailing wage requirements in all subcontracts.

Work performed by a PARTY's own employees is exempt from the Labor Code's Prevailing Wage requirements.

If WORK is paid for, in whole or part, with federal funds and is of the type of work subject to federal prevailing wage requirements, PARTIES will conform to the provisions of the Davis-Bacon and Related Acts, 40 U.S.C. §§ 3141-3148.

When applicable, PARTIES will include federal prevailing wage requirements in contracts for public works. WORK performed by a PARTY's employees is exempt from federal prevailing wage requirements.

SIGNATURES

PARTIES are empowered by California Streets and Highways Code to enter into this AGREEMENT and have delegated to the undersigned the authority to execute this AGREEMENT on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this AGREEMENT.

Signatories may execute this AGREEMENT through individual signature pages provided that each signature is an original. This AGREEMENT is not fully executed until all original signatures are attached.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Michael D. Beauchamp
District Director

VERIFICATION OF FUNDS AND AUTHORITY:

Mary Risaliti
District Budget Manager

CERTIFIED AS TO FINANCIAL TERMS AND POLICIES:

Darwin Salmos
HQ Accounting Supervisor

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

Darcy McNaboe
President, Board of Directors

Attest:

Name Tbd
Title TBD

Approved as to form and procedure:

Julianna K. Tillquist
General Counsel

Attachment: Coop 8-1717, 2-121-2020 for EA (6732 : Cooperative Agreement with Caltrans for PSR-PDS for SR-18 Widening)

FUNDING SUMMARY NO. 01

<u>FUNDING TABLE</u> v. 1			
Source	Party	Fund Type	PID
			Totals
LOCAL	SBCTA	Measure	\$ 250,000
Totals			\$ 250,000

<u>SPENDING SUMMARY</u> v 2			
Fund Type	PID		Totals
	CALTRANS	SBCTA	
Measure	250,000	0	\$ 250,000
Totals	250,000	0	\$ 250,000

Funding

1. Per the State Budget Act of 2012, Chapter 603, amending item 2660-001-0042 of Section 2.00, the cost of any engineering support performed by CALTRANS towards any local government agency-sponsored PID project will only include direct costs. Indirect or overhead costs will not be applied during the development of the PID document.

Invoicing and Payment

2. PARTIES will invoice for funds where the SPENDING SUMMARY shows that one PARTY provides funds for use by another PARTY. PARTIES will pay invoices within forty-five (45) calendar days of receipt of invoice when not paying with Electronic Funds Transfer (EFT). When paying with EFT, SBCTA will pay invoices within five (5) calendar days of receipt of invoice.
3. If SBCTA has received EFT certification from CALTRANS then SBCTA will use the EFT mechanism and follow all EFT procedures to pay all invoices issued from CALTRANS.
4. When a PARTY is reimbursed for actual cost, invoices will be submitted each month for the prior month's expenditures. After all PROJECT COMPONENT WORK is complete, PARTIES will submit a final accounting of all PROJECT COMPONENT costs. Based on the final accounting, PARTIES will invoice or refund as necessary to satisfy the financial commitments of this AGREEMENT.

Project Initiation Document (PID)

5. CALTRANS will invoice SBCTA for a \$36,000 initial deposit after execution of this AGREEMENT and forty-five (45) working days prior to the commencement of PID expenditures. This deposit represents two (2) months' estimated costs.

Thereafter, CALTRANS will invoice and SBCTA will reimburse for actual costs incurred and paid.

SCOPE SUMMARY

WORK ELEMENT	CALTRANS	SBC TA	N/A
0.100.05.05.xx - Quality Management Plan		X	
0.100.05.05.xx - Risk Management Plan		X	
0.100.05.05.xx - Communication Plan		X	
0.100.05.10.xx - Cooperative Agreement for PA&ED Phase	X		
0.100.05.10.xx - Independent Quality Assurance (IQA)	X		
0.100.05.10.xx - Project Development Team Meetings	X	X	
1.150.05.05 - Review of Existing Reports Studies and Mapping		X	
1.150.05.05.xx - Provision of Existing Reports, Data, Studies, and Mapping	X		
1.150.05.10 - Geological Hazards Review		X	
1.150.05.10.xx - Provision of Existing Geological Information	X		
1.150.05.15 - Utility Search		X	
1.150.05.15.xx - Provision of Existing Utility Information	X		
1.150.05.20 - Environmental Constraints Identification		X	
1.150.05.20.xx - Provision of Environmental Constraints Information	X		
1.150.05.25 - Traffic Forecasts/Modeling		X	
1.150.05.25.xx - Provision of Existing Traffic Forecasts/Modeling Information	X		
1.150.05.30 - Surveys and Maps for PID		X	
1.150.05.30.xx - Provision of Existing Surveys and Mapping	X		
1.150.05.35 – Transportation Problem Definition and Site Assessment		X	
1.150.05.45 - As-Built Centerline and Existing Right of Way		X	
1.150.05.xx - Provision of Existing District Geotechnical Information	X		
1.150.10 – Initial Alternatives Development		X	
1.150.10.05 - Public/Local Agency Input		X	
1.150.10.15 – Concept Alternatives Development		X	
1.150.15 – Alternatives Analysis		X	
1.150.15.05 - Right of Way Data Sheets		X	

Attachment: Coop 8-1717, 2-121-2020 for EA (6732 : Cooperative Agreement with Caltrans for PSR-PDS for SR-18 Widening)

WORK ELEMENT	CALTRANS	SBC TA	N/A
1.150.15.10 - Utility Relocation Requirements Assessment		x	
1.150.15.15 - Railroad Involvement Determination		x	
1.150.15.25 - Preliminary Materials Report		x	
1.150.15.30 – Structures Advance Planning Study (APS)		x	
1.150.15.35 - Multimodal Review		x	
1.150.15.40 - Hydraulic Review		x	
1.150.15.50 - Traffic Studies		x	
1.150.15.55 - Construction Estimates		x	
1.150.15.60 – Preliminary Transportation Management Plan		x	
1.150.20 – Preliminary Environmental Analysis Report (PEAR)		x	
1.150.20.05 - Initial Noise Study		x	
1.150.20.10 - Hazardous Waste Initial Site Assessment		x	
1.150.20.15 - Scenic Resource and Landscape Architecture Review		x	
1.150.20.20 – Initial NEPA/404 Coordination		x	
1.150.20.25 – Initial Biology Study		x	
1.150.20.30 - Initial Records and Literature Search for Cultural Resources		x	
1.150.20.40 - Initial Community Impact Analysis, Land Use, and Growth Studies		x	
1.150.20.45 - Initial Air Quality Study Studies		x	
1.150.20.50 - Initial Water Quality Studies		x	
1.150.20.60 - Preliminary Environmental Analysis Report Preparation		x	
1.150.20.65 - Initial Paleontology Study		x	
1.150.25.05 - Draft PID		x	
1.150.25.10 – Approved Exceptions to Design Standards		x	
1.150.25.20 - PID Circulation, Review, and Approval	x		
1.150.25.25 - Storm Water Data Report		x	
1.150.25.30.05 – Cost Estimate for Alternatives		x	
1.150.25.99 – Other PID Products		x	
1.150.35 - Required Permits During PID Development		x	

WORK ELEMENT	CALTRANS	SBCTA	N/A
1.150.40 - Permit Identification During PID Development		x	
1.150.45 - Base Maps and Plan Sheets for PID		x	

Minute Action

AGENDA ITEM: 16

Date: June 3, 2020

Subject:

Cooperative Agreement No. 19-1002228 between San Bernardino County Transportation Authority and Los Angeles County Metropolitan Transportation Authority for State Route 18/138 Corridor Study

Recommendation:

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

A. Approve Cooperative Agreement No. 19-1002228 (Agreement) between San Bernardino County Transportation Authority (SBCTA) and Los Angeles County Metropolitan Transportation Authority (Metro) for collaboration on the State Route 18/138 Corridor Study. The Agreement commits SBCTA to fund 50% (\$375,000) of the cost for consultant services to prepare the Project Study Report-Project Development Support (PSR-PDS), to be funded with Measure I 2010-2040 Victor Valley Subarea Project Development and Traffic Management Systems funds, for a total consultant project cost not-to-exceed \$750,000. The Agreement also commits SBCTA to accept a payment of \$125,000 from Metro to fund 50% of the cost of California Department of Transportation (Caltrans) oversight of the PSR-PDS.

B. Authorize the Executive Director to make modifications to the scope of work, through negotiations with Caltrans District 8, and to approve the final scope of work while remaining within the budget of the Agreement.

Background:

In 2006, the Counties of San Bernardino and Los Angeles, and the Cities of Adelanto, Victorville, Apple Valley, Lancaster, and Palmdale, formed a Joint Powers Authority to develop a new freeway/expressway, referred to as the High Desert Corridor (“HDC”), from State Route (SR)-14 to Interstate (I)-15 (the “High Desert Corridor Joint Powers Authority” or “JPA”). Currently, a pathway for the funding and construction of all or a portion of the HDC has not yet materialized. The cost of constructing the full multimodal HDC was estimated at over \$8 billion.

At the recommendation of both Los Angeles County Metropolitan Transportation Authority (Metro) and San Bernardino County Transportation Authority (SBCTA) staff, the JPA, at its December 20, 2018 meeting, voted to look into other feasible and practical transportation options to connect the two counties consistent with the goals of the HDC. Included in this planning process was a study of SR-138 and SR-18 between Palmdale and Victorville as potential east-west highway improvements.

The study would examine design concepts, potential impacts, and costs for improving mobility from Palmdale, following the SR-138, connecting to SR-18 just west of the Los Angeles/San Bernardino county line, and continuing to US 395. Although the widening of SR-138 will be completed in Los Angeles County in the near future, methods to enhance mobility on SR-138 through operational and signal improvements will be considered as part of this effort. The Project Study Report-Project Development Support (PSR-PDS) will be prepared only for SR-18 from SR-138 to US 395. This effort collectively will be known as the “SR-18/138 Corridor Study” (Project).

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

Metro will be the Contract Manager and will issue a task order through the Metro Highway Program On-Call/Bench to a qualified consultant; however, SBCTA will be the Lead Agency and the Project Manager as the majority of the Project will be within San Bernardino County. SBCTA will prepare the scope of work, lead all agency and stakeholder coordination, manage the consultant team's efforts in the technical work, lead all Project meetings and presentations, and perform other responsibilities ordinarily assigned to the Project Manager. Metro will assist SBCTA in managing the Project and will provide information and documents of records related to the segment of the Project in Los Angeles County, as well as all necessary coordination between SBCTA and Department of Transportation (Caltrans) District 7.

The cost for the Project under the consultant's contract will be apportioned to both SBCTA and Metro at 50% each; SBCTA will pay its project cost share for consultant services directly to Metro, in two installments, one payment during Fiscal Year 2019/2020 and one during Fiscal Year 2020/2021. This Agreement provides up to \$750,000 to fund the consultant project scope, with \$375,000 from Metro and \$375,000 from SBCTA. The Agreement also provides for SBCTA to receive \$125,000 from Metro to pay 50% of the cost of Caltrans oversight for the PSR-PDS.

An earlier version of Cooperative Agreement No. 19-1002228 was approved by the SBCTA Board of Directors on July 10, 2019. Subsequently, SBCTA staff held additional discussions with Caltrans regarding resources necessary for its oversight of the SR-18 PSR-PDS. After substantial negotiations with Caltrans, the least-cost estimate for Caltrans oversight was established at \$250,000. In concurrence with Metro, the resources established for consultant services (being procured through Metro) were reduced from \$800,000 to \$750,000, keeping the total cost estimate at \$1,000,000, the same amount as originally provided in the Agreement approved by the Board in July 2019. The original Agreement was never executed, given the need to wait for finalization of the Agreement with Caltrans covering PSR-PDS oversight. Therefore, the SBCTA/Metro Agreement is being brought back for approval, with updated information.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 15, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and the draft cooperative agreement.

Responsible Staff:

Steve Smith, Director of Planning

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

General Contract Information

Contract No: 19-1002228 Amendment No.: _____

Contract Class: Receivable Department: Planning

Customer ID: 01216 Customer Name: LA County Metropolitan Transportation Authority

Description: Co-op Agreement between SBCTA and Metro for the SR-18/138 Corridor Study - receivable

List Any Accounts Payable Related Contract Nos.: 19-100228, 20-1002383

Dollar Amount							
Original Contract		\$	125,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	125,000.00	Total Contingency Value		\$	-
		Total Dollar Authority (Contract Value and Contingency)				\$	125,000.00

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6731

Contract Management (Internal Purposes Only)

Local

Funding Agreement

Accounts Receivable											
Total Contract Funding:		\$		125,000.00		Funding Agreement No:		19-1002228			
Beginning POP Date:		06/15/2020		Ending POP Date:		06/30/2023		Final Billing Date:		06/30/2023	
Expiration Date:		06/30/2023									
		Sub-						Sub-			
Fund	Prog	Task	Task	Revenue	Total Contract Funding:	Fund	Prog	Task	Task	Revenue	Total Contract Funding:
GL: 6010	20	0941	0000	42904003	125,000.00	GL:					-
GL:					-	GL:					-
GL:					-	GL:					-
GL:					-	GL:					-
GL:					-	GL:					-

Steve Smith

Steve Smith

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: AR Contract #20-1002415

Attachment: CSS-20274CoopWithMetroForSR18Receivable (6731 : Cooperative Agreement No.19-1002228 between SBCTA and Metro for SR-

General Contract Information

Contract No: 19-1002228 Amendment No.: _____
 Contract Class: Payable Department: Planning
 Vendor No.: 01216 Vendor Name: LA County Metropolitan Transportation Authority
 Description: Co-op Agreement between SBCTA and Metro for the SR-18/138 Corridor Study - payable

Dollar Amount							
Original Contract		\$	375,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	375,000.00	Total Contingency Value		\$	-
		Total Dollar Authority (Contract Value and Contingency)				\$	375,000.00

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6731

Contract Management (Internal Purposes Only)

Other Contracts Local Sole Source? N/A No Budget Adjustment Funding Agreement

Accounts Payable

Estimated Start Date:		06/15/2020		Expiration Date:		06/30/2023		Revised Expiration Date:			
N/A		N/A		N/A							
								Total Contract Funding:		Total Contingency:	
Fund		Prog		Task		Sub-Task		Object		Revenue	
PA Level		Revenue Code Name		\$		375,000.00		\$		-	
GL: 4280		20		0941		0000		52005		41100000	
						MSI VV TMS		375,000.00		-	
GL:								-		-	
GL:								-		-	
GL:								-		-	
GL:								-		-	
GL:								-		-	
GL:								-		-	
GL:								-		-	
GL:								-		-	
GL:								-		-	
GL:								-		-	
GL:								-		-	

Steve Smith

Project Manager (Print Name)

Steve Smith

Task Manager (Print Name)

Additional Notes:

Attachment: CSS-20273CoopWithMetroForSR18Payable (6731 : Cooperative Agreement No.19-1002228 between SBCTA and Metro for SR-

COOPERATIVE AGREEMENT NO. 19-1002228

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

FOR

COLLABORATION ON THE SR-18/138 CORRIDOR STUDY

THIS Cooperative Agreement (“Agreement”) is made and entered into this _____ day of _____, 2019_____, 2020_____, 2020 by and between the San Bernardino County Transportation Authority (“SBCTA”) and the Los Angeles County Metropolitan Transportation Authority Los Angeles County Metropolitan Transportation Authority (“Metro”). SBCTA and Metro shall be individually or collectively, as applicable, known as “Party” or “Parties.”

RECITALS

- A. Transportation agencies in the Antelope and Victor Valleys explored the need for a multi-modal connection between the cities of Palmdale in Los Angeles County and Victorville in San Bernardino County to address the current and future travel demand and the transportation infrastructure deficiencies in that corridor. The preliminary studies and the subsequent environmental process resulted in the High Desert Corridor (“HDC”) project concept, a long-term multi-modal vision that identified a 63-mile-long east-west highway connecting the SR-14 in Los Angeles County and U.S. Highway 395/Interstate 15 in San Bernardino County as well as a passenger rail corridor between the two counties.
- B. The Counties of San Bernardino and Los Angeles, and the Cities of Adelanto, Victorville, Apple Valley, Lancaster, and Palmdale, formed a Joint Powers Authority in 2006 to develop this new freeway/expressway from SR-14 to U.S. Highway 395/I-15 (the “High Desert Corridor Joint Powers Authority” or “JPA”).
- C. A pathway for the funding and construction of all or a portion of the HDC has not yet materialized. The JPA is taking a long-term view to keep options open on the ultimate HDC facility. At the December 20, 2018 meeting of the HDC JPA, a series of

presentations were provided to the JPA members regarding progress and status of discussions on both the highway and rail portions of the corridor, as well as the funding challenges for the project. At the conclusion of the meeting, the JPA members provided direction to staff, suggesting that LA Metro and SBCTA pursue a study of SR-138 and SR-18 between Palmdale and Victorville as a potential interim east-west highway improvement, while funding and implementation pathways are pursued for the full HDC.

- D. The study would examine design concepts, potential impacts, and costs for improving mobility from Palmdale, following the SR-138, connecting to SR-18 just west of the Los Angeles/San Bernardino county line, and continuing to the junction of SR-18 and U.S. 395. The study will have two end products: 1) a Project Study Report – Project Development Support (PSR-PDS) for the widening of SR-18 from just west of 213th Street on SR-138 in Los Angeles County to U.S. 395 in San Bernardino County; and 2) a SR-138 Operational Analysis Report for the portions of the corridor on SR-138 in Los Angeles County. The PSR-PDS will be subject to Caltrans oversight, managed by Caltrans District 8, under a separate agreement between SBCTA and Caltrans. The SR-138 Operational Analysis Report will not require formal Caltrans oversight.
- E. The purpose of the SR-18 PSR-PDS will be to prepare a programming document that identifies and documents the specific corridor limits, leading to establishment of the purpose and need for improvements, analysis of alignment and cross-section alternatives, estimating costs, benefits, and impacts, as well as prioritizing proposed transportation improvements for further project development. The widening of SR-138 is being completed in Los Angeles County in the near future, and methods to enhance mobility on SR-138 through operational and signal improvements will be considered as part of this effort. This effort will be known collectively as the “SR-18/138 Corridor Study” (“Project”).
- F. SBCTA will be the Lead Agency and the Project Manager as the majority of the Project will be within San Bernardino County; and SBCTA will prepare the scope of work, lead all agency and stakeholder coordination, manage the consultant team’s efforts in technical analysis and preparation of corridor study documents, lead all Project meetings and presentations, and perform other responsibilities ordinarily assigned to the Project Manager. Metro will assist SBCTA in managing the Project and will provide information and documents of record related to the segment of the Project in Los Angeles County as well as all necessary coordination between SBCTA and Caltrans District 7.
- G. Metro will be the Contract Manager; and will issue a task order through the Metro Highway Program On-Call/Bench to a qualified consultant to develop the Corridor Study and all necessary supporting documents and services required to lead to concurrence on the findings and recommendations by Caltrans Districts 7 and 8, Metro, and SBCTA.
- H. This Agreement provides up to \$1,000,000 for professional contract services to complete the project scope and for Caltrans oversight of the PSR-PDS. Metro will contribute \$500,000 and SBCTA will contribute \$500,000. The cost for the SR-18/138 Corridor

Study (“Project Cost”) under the consultant’s contract will be capped at \$750,000, apportioned to both SBCTA and Metro at 50% each (“Project Cost Share”); SBCTA must pay its Project Cost Share of \$375,000 directly to Metro, in two equal installments, one payment during Fiscal Year 2019-2020 and one during Fiscal Year 2020-2021, unless the issuance by Metro of the consultant Notice to Proceed is delayed beyond June 30, 2020, in which case, Fiscal Years 2020-2021 and 2021-2022 will be used. The cost of Caltrans oversight will be capped at \$250,000, apportioned to both SBCTA and Metro at 50% each (“Oversight Cost Share”). Metro must pay its Oversight Cost Share of \$125,000 directly to SBCTA in one installment during Fiscal Year 2020-2021, and SBCTA will be responsible for reimbursement of Caltrans oversight costs. Although a draft of the Scope of Work is included in this document, the final scope may require modification, and such modifications will be jointly reviewed by Metro and SBCTA project management staff.

- I. Parties desire to proceed with the Project in a timely manner.
- J. This Agreement is intended to delineate the duties and responsibilities of the Parties for the Project.

NOW, THEREFORE, SBCTA and METRO agree to the following:

SECTION I

SBCTA AGREES:

1. To participate in the Project and pay the Project Cost Share directly to Metro in order to complete the SR-18/138 Corridor Study.
2. To monitor the performance and cost of the consultant’s Project effort and to provide comments and recommendations to Metro regarding consultant’s performance of the scope. Metro will be responsible for managing the consultant contract and providing direction to the consultant on matters of scope, cost, and schedule.
3. To provide up to \$375,000 to Metro, to the extent necessary for Metro to compensate the consultant for Project work, and in no event shall SBCTA fund more than 50% of the Project Cost Share.
4. To reimburse Metro within 30 days after Metro submits an original and two copies of the signed invoices in the proper form, for each of two equal payments from SBCTA, of up to \$375,000 total, one for Fiscal Year 2019-2020 and one for Fiscal Year 2020-2021, unless the issuance by Metro of the consultant Notice to Proceed is delayed beyond June 30, 2020, in which case, Fiscal Years 2020-2021 and 2021-2022 will be used.

5. To directly receive Oversight Cost Share payment of \$125,000 from Metro and maintain financial records of such receipt.
6. To pay the \$250,000 Oversight Cost Share to Caltrans in order for Caltrans to complete its oversight of the SR-18 PSR-PDS.
7. To refund to Metro a 50% proportional share of Project Costs not expended for Caltrans Oversight.

SECTION II

METRO AGREES:

1. To participate in the Project and pay the Oversight Cost Share directly to SBCTA in order to complete the SR-18/138 Corridor Study.
2. To include the scope and funding for the Project in its contract with consultant and to take responsibility for contract management, with SBCTA's advisory assistance.
3. To communicate, in timely fashion, with SBCTA on any issues related to the consultant's performance, and agree to work with SBCTA on resolution of contract and Project-related issues.
4. To directly receive Project Cost Share payments from SBCTA and maintain financial records of such receipt.
5. That it will not authorize consultant to perform Project work under Metro's contract with consultant that is in excess of the maximum funding amount from SBCTA stated in this Agreement without a written amendment to this Agreement, executed by SBCTA and Metro.
6. To refund to SBCTA a 50% proportional share of Project Costs not expended for the Project.
7. To provide up to \$125,000 to SBCTA, to the extent necessary for SBCTA to compensate Caltrans for Oversight work on Project, and in no event shall Metro fund more than 50% of the Oversight Cost Share.

8. To reimburse SBCTA within 30 days after SBCTA submits an original and two copies of the signed invoices in the proper form, for the payment of up to \$125,000 total in Fiscal Year 2020-2021, subject to adjustments in the project schedule.
9. To maintain all source documents, consultant invoices, books and records connected with performance of the consultant under its contract with Metro for a minimum of five (5) years from the date of completion of the Project. Copies will be made and furnished by Metro upon written request by SBCTA.

SECTION III

IT IS MUTUALLY AGREED:

1. Neither SBCTA nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by Metro under or in connection with any work, authority or jurisdiction delegated to Metro under this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, Metro shall fully defend, indemnify and save harmless SBCTA, its officers, directors and employees, from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by Metro under or in connection with any work, authority or jurisdiction delegated to Metro under this Agreement. Metro's indemnification obligation applies to SBCTA's "active" as well as "passive" negligence but does not apply to SBCTA's "sole negligence" or "willful misconduct".
2. Neither Metro nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by SBCTA under or in connection with any work, authority or jurisdiction delegated to SBCTA under this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, SBCTA shall fully defend, indemnify and save harmless Metro, its officers, directors and employees, from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by SBCTA under or in connection with any work, authority or jurisdiction delegated to SBCTA under this Agreement. SBCTA's indemnification obligation applies to Metro's "active" as well as "passive" negligence but does not apply to Metro's "sole negligence" or "willful misconduct".
3. A determination of failure of the consultant to perform under the terms of the consultant contract with Metro will be at the sole discretion of Metro, after consultation with SBCTA. The opportunity to cure a breach of the consultant contract

- with Metro will be the responsibility of Metro and the consultant after consultation with SBCTA. SBCTA will not be responsible for direction provided by Metro to consultant that is different from the scope included in this Agreement unless a revised scope is included in a written amendment to this Agreement, executed by SBCTA and Metro.
4. This Agreement will be considered terminated either upon completion of the scope, as amended, by the consultant, or by the written agreement of the Parties.
 5. The failure of performance by either Party hereunder shall not be deemed to be a default where delays or defaults are due to the following force majeure events: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; acts of God; acts of the public enemy; epidemics; quarantine restrictions; freight embargoes; lack of transportation; governmental restrictions; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor, railroad, or suppliers; acts of the other Party; acts or failure to act of any other public or governmental agency or entity (other than that acts or failure to act of the Parties); provided that such force majeure events are beyond the control or without the fault of the Party claiming an extension of time to perform or relief from default. An extension of time for any such force majeure event shall be for the period of the forced delay and shall commence to run from the time of the commencement of the force majeure event, if notice by the Party claiming such extension is sent to the other Party within thirty (30) days of the commencement of the force majeure event. Times of performance under this Agreement may also be extended in writing by mutual agreement between the Parties, provided that the term of this Agreement may be extended only by a duly authorized written amendment to this Agreement.
 6. The Recitals to this Agreement are true and correct and are incorporated into this Agreement.
 7. The scope of the Project in Attachment A will be added to consultant's contract, pending modifications negotiated between Metro, SBCTA, and Caltrans Districts 7 and 8. The Project Cost and Project Cost Shares, will be added to consultant's contract as full compensation for consultant's performance of the scope.
 8. Both SBCTA and Metro will be responsible for the costs of their own staff time and staff expenses over the course of the Project, and none of the funding provided for the Project scope will be used for staff expenses.
 9. This Agreement is effective and shall be dated on the date executed by SBCTA.

[Signatures on following page]

IN WITNESS WHEREOF, Metro and SBCTA have executed this Agreement below.

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY

By: _____
Darcy McNaboe
President, Board of Directors

Date: _____

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist
General Counsel

Date: _____

LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY

By: _____
Phillip A. Washington
Chief Executive Officer

Date: _____

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Mary C. Wickham
County Counsel

Attachment A

Scope of Work for the SR-18/138 Corridor Study San Bernardino County Transportation Authority and Los Angeles County Metropolitan Transportation Authority DRAFT, July, 2019, SUBJECT TO MODIFICATION

Corridor Background, Including the High Desert Corridor

The construction of the High Desert Corridor (HDC) is a long-term vision conceived by agencies in the Antelope and Victor Valleys as a new transportation facility in the High Desert region of Los Angeles and San Bernardino counties. The proposed 63-mile-long west-east facility would provide route continuity and relieve traffic congestion between SR-14 in Los Angeles County and U.S. Highway 395/Interstate 15 in San Bernardino County. The project would comprise one or more of the following major components-- highway, tollway, rail transit, bikeway-- and recommendations for green energy facilities.

The Counties of San Bernardino and Los Angeles, and the Cities of Adelanto, Victorville, Apple Valley, Lancaster, and Palmdale formed a Joint Powers Authority (JPA) in 2006 to develop this new freeway/expressway from SR-14 to I-15. The HDC began as a highway-focused project, but has evolved into a proposed multipurpose corridor designed to improve connectivity between the Antelope Valley and Victor Valley. Consequently, the HDC concept has incorporated a high-speed rail connection, a bikeway and a green energy element integrated into a sustainable project package. Additional information on the JPA and the HDC initiatives may be found at: <https://cms.sbcounty.gov/dpw/Transportation/HighDesertCorridor.aspx>.

An Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was prepared by Caltrans and LA Metro addressing design concepts, potential benefits, and impacts of the HDC. The draft EIS/EIR was released in late 2014. The final environmental documents were approved by Caltrans on June 20, 2016. However, no federal Record of Decision (ROD) has been certified. All the environmental documentation is available at: <https://www.metro.net/projects/high-desert-corridor/>.

Demographic and economic profiles of the cities in the SR-18/138 corridor are available in the Local Profiles for 2017 prepared by SCAG. Rather than repeat information here, the profiles for the cities of Lancaster and Palmdale in Los Angeles County, and the cities/towns of Adelanto, Apple Valley, Hesperia, and Victorville in San Bernardino County may be referenced at: <http://www.scag.ca.gov/DataAndTools/Pages/LocalProfiles.aspx>.

Need for the SR-18/138 Corridor Study

A pathway for the funding and construction of all or a portion of the HDC has not yet materialized. The JPA is taking a long-term view to keep options open on the ultimate HDC facility. At the December 20, 2018 meeting of the HDC JPA, a series of presentations was provided to the JPA members regarding progress and status of discussions on both the highway

Two components of the Corridor Study are included in the Scope of Work. The primary component (Part 1) is the preparation of a Project Study Report-Project Development Support (PSR-PDS) document for the section of SR-18 from west of 213th st on SR-138 to U.S. 395. This will become the Caltrans programming document that will allow for the widening of SR-18 within these limits from the current two-lane facility. The secondary component (Part 2) is the preparation of an Operational Improvements Report for SR-138 in Los Angeles County from SR-18 to Palmdale. This component will be independent from the SR-18 PSR/PDS. Figure 1 provides a geographic overview of the study area being considered, including the project limits for the two components.

The map illustrates the proposed SR-18 corridor from Lancaster to Victorville. A blue line represents the 'Extent of Full Corridor', which follows the existing SR-18 route from Lancaster through Palmdale, San Victor, and Adelanto to Victorville. A yellow line represents the 'Extent of SR-18 PSR-PDS', which follows the existing SR-18 route from Lancaster through Palmdale, San Victor, and Adelanto to Victorville, and then continues as a new alignment through Hesperia and Apple Valley to Victorville. The map also shows major highways (14, 138, 122, 18, 15, 2, 395), cities (Lancaster, Palmdale, San Victor, Adelanto, Victorville, Apple Valley, Hesperia), and geographical features like the San Gabriel Mountains. A legend indicates incorporated areas (dashed lines) and unincorporated communities (dotted lines).

19-1002228

Study Objectives

The overall objective of the SR-18/138 Corridor Study is to develop a plan to improve near-term east-west mobility in the Palmdale-Victorville corridor within approximately the next 10 years. The length of SR-18 is approximately 17 miles from SR-138 to U.S. 395, and about three miles of this is in LA County.

Most of SR-138 in LA County has already been widened to at least four lanes, and the remainder will be completed in the near future. There is an approximately 5-mile section still two lanes just west of the SR-18/138 merge. SR-18 remains a two-lane facility from SR-138 to US-395, widening to four lanes with a center median/turn lane east of U.S. 395 to I-15.

SR-138 extends easterly from SR-18 to an interchange in the Cajon Pass. Thus, SR-138 is an important link between major employment hubs and can serve as a reliever route to I-15 during partial and full closures of the Cajon Pass, allowing an alternate path for the movement of goods and people during such incidents. It is included in the National Network of Surface Transportation Assistant Act (STAA) for oversized trucks as a State Highway Terminal Access Route and is classified as a “High Emphasis” route in the Interregional Road System (IRRS). Three SR-138 segments remain to be widened in San Bernardino County, but these are not considered part of the SR-18/138 Corridor Study.

No widening projects have occurred on SR-18 except for several spot intersection improvements. In San Bernardino County, a portion of SR-18 is included in the adopted Measure I Major Local Highways Program (MLHP) project list for the Victor Valley (widening to four lanes from U.S. 395 to Baldy Mesa), but no funds have been allocated. Neither Caltrans, LA County nor San Bernardino County have current plans for improvement of other portions of SR-18 west of Baldy Mesa.

The specific objectives of the SR-18/138 Corridor Study are to:

1. Identify and confirm the specific corridor limits for the two study components, leading to establishment of the purpose and need for improvements, analysis of alignment and cross-section alternatives, estimating costs, benefits, and impacts, as well as prioritizing proposed transportation improvements for further project development.
2. Prepare a programming document using the Caltrans Project Study Report/Project Development Support format, analyzing the potential for widening SR-18 from west of 213th St on SR-138 in Los Angeles County to U.S. 395 in San Bernardino County. SBCTA will manage Part 1 of the project, with reviews of the PSR-PDS to be conducted primarily by SBCTA and Caltrans District 8, with Metro and District 7 focusing on the LA County portion.
3. Prepare an Operational Improvements Report documenting potential operational and signal improvements on SR-138 in LA County. Recommendations for project development “Next Steps” will be included, to be reviewed primarily by Metro and Caltrans District 7.

Scope of Work

Part 1 – PSR-PDS for SR-18 from SR-138 to U.S. 395

Part 1 of the Scope of Work will follow the framework of Appendix S of the Caltrans PDPM, entitled “Preparation Guideline for Project Study Report-Project Development Support Project Initiation Document.” As stated in the appendix, “The development of a project study report-project development support (PSR-PDS) project initiation document (PID) provides a key opportunity for Caltrans and involved regional and local agencies to achieve consensus on the purpose-and-need, scope, and schedule of a project.” Appendix S may be accessed at:

<http://www.dot.ca.gov/design/manuals/pdpm.html>. The PSR-PDS Preparation Procedures are organized into the following steps or tasks:

1. Develop Work Programs for PSR-PDS Development (this task will occur prior to consultant involvement)
2. Hold Pre-PID Meeting
3. Obtain Authorization for PID Preparation
4. Obtain and Review Existing Reports, Studies, Mapping or Other Information
5. Form the Project Development Team
6. Develop Consensus on the Project Purpose-and-Need
7. Review the Project Site
8. Identify Additional Data Requirements for Project Scoping
9. Perform the Initial Engineering Analysis and Develop Alternatives
10. Develop Cost Estimates
11. Develop Schedule
12. Identify Risks
13. Perform Quality Management
14. Complete PSR-PDS
15. Perform Caltrans District Review and Obtain Approval

It is expected that, in addition to Caltrans, LA Metro, and SBCTA, the Counties of Los Angeles and San Bernardino would be included on the Project Development Team, together with the Cities of Adelanto, Palmdale, and Victorville. Public outreach will be a consideration in the development of the PSR-PDS, but should be limited in scale. Additional outreach will occur in the future environmental documentation phase. Consultants should propose the extent, nature and scale of the outreach in their submittals,

Part 2 – Operational Improvements Report for SR-138 in Los Angeles County

Part 2 of the Scope of Work involves preparation of an Operational Improvements Report for SR-138 in Los Angeles County from SR-18 to Palmdale. It will be an independent effort from Part 1, but will result in specific project recommendations for further project development on operational and signal improvements. No additional widening of SR-138, beyond what is currently programmed, need be considered in LA County as part of Part 2. However, methods to enhance traffic flows on SR-138 through operational and signal improvements will be considered as part of this effort. Specific tasks for Part 2 include:

- A. Conduct Operational Inventory of SR-138
- B. Identify Options for Operational Improvement
- C. Assess Effectiveness and Estimate Costs
- D. Recommend Improvements, Funding Opportunities, Schedule, and Responsibility

Individual projects that emerge out of both Parts 1 and 2 of the SR-18/138 Corridor Study effort may be separately programmed and funded. For example, the operational/signal evaluation on SR-138 in LA County may result in one or more projects being programmed in the SHOPP, use local funds, and/or grants. Funding for subsequent phases of SR-18 improvement has not been identified in either LA or San Bernardino County, but is likely to be phased. The results of the SR-18 PSR-PDS will be presented to the HDC JPA, as well as to LA Metro and SBCTA technical and policy committees, as appropriate. The results of Part 2 may be presented to the appropriate technical and policy committees in LA County. It is expected that the study schedule will be in the range of 18-24 months, but consultants should recommend a schedule appropriate and feasible for their proposed scope of work.

Minute Action

AGENDA ITEM: 17

Date: June 3, 2020

Subject:

Southern California Regional Rail Authority Preliminary Budget Request for Fiscal Year 2020/2021 - Continuing Appropriations Resolution

Recommendation:

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

- A. Approve a three-month continuing appropriations resolution for the Southern California Regional Rail Authority (SCRRA) Preliminary Budget request in an amount not-to-exceed member agency subsidies that were approved for Fiscal Year (FY) 2019/2020 Quarter 1, of which \$5,236,570 was San Bernardino County Transportation Authority's share, and defer consideration and adoption of the budget to September 30, 2020; and
- B. Approve the re-allocation and use of \$2,396,000 of operating surplus funds from FY 2017/2018 and FY 2018/2019 to offset the amount required to continue appropriations; and
- C. Allocate \$2,840,570 of Valley Local Transportation Funds to SCRRA for operations during the three-month continuing resolution period.

Background:

The Southern California Regional Rail Authority (SCRRA) Joint Powers Authority (JPA), requires a preliminary budget to be presented to the member agencies by May 1st of each year. Adoption of the final SCRRA budget by the SCRRA Board of Directors (Board) is contingent upon each of the five (5) member agencies approving their financial contribution for the fiscal year. The five (5) member agencies include San Bernardino County Transportation Authority (SBCTA), Los Angeles County Metropolitan Transportation Authority (LA Metro), Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC), and Ventura County Transportation Commission (VCTC). Formal development of the Fiscal Year (FY) 2020/2021 (FY21) budget began in December 2019, with budget development updates presented to the SCRRA Audit and Finance Committee in January 2020 and to the SCRRA Board in March 2020. There are two key funding sources for the operating budget: 1) fare revenue from riders; and 2) corresponding subsidies from member agencies. The designation of the novel coronavirus as a pandemic by the World Health Organization and subsequent national, state and local declarations of emergency in March, has led to the precipitous decline in ridership in response to health guidelines to limit travel to essential workers only. As of the preparation of this report, the stay-at-home orders are still in effect and uncertainty remains for the length of the orders in the region. As a result, the impact of the novel coronavirus has significantly disrupted the budget development process and impeded SCRRA's ability to transmit a completed proposed FY21 budget by the deadline prescribed by the JPA.

SCRRA Finance Policy 1.1 allows the Board to adopt a continuing appropriations resolution until such time as the SCRRA proposed budget is approved. At the April 24, 2020 meeting, the SCRRA Board approved staff's recommendation to delay transmittal of the proposed FY21 budget to the member agencies and defer consideration and adoption of the proposed FY21 budget by June 30th as required by the JPA. Additionally, the SCRRA Board approved a

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

recommendation to request the member agencies for a three-month continuing appropriations resolution for SCRRA's FY21 budget. This action allows extended time for development and transmittal of a Proposed FY21 Budget from SCRRA to the member agencies by August 1, 2020, with consideration and adoption by member agencies by September 30, 2020.

A continuing appropriations resolution provides that payments for services performed on behalf of SCRRA shall continue until such time as the SCRRA budget is adopted. Such a resolution will allow the use of funds, not to exceed Quarter 1 (Q1) of the FY 2019/2020 (FY20) adopted budget for SCRRA to proceed with uninterrupted operations until the FY21 budget is adopted. During this period, the 30% service reduction remains in place and no merit pool or cost of living adjustment will be implemented. As a point of reference, the total amount of member subsidies (system-wide) for Q1 of FY20 were approximately \$37.81 million. SBCTA's share of this was \$5,236,570. Additionally, operating surplus funds may be used to offset amounts required for the continuing appropriations requested by SCRRA of its member agencies. Currently, SBCTA has approximately \$1,841,000 of FY 2017/2018 surplus funds, as well as \$555,000 of FY 2018/2019 surplus funds available for re-allocation, for a total of \$2,396,000. As SBCTA's share of available operating surplus funds exceeds \$100,000, re-allocation of these funds for such purposes requires SBCTA Board approval, in accordance with SBCTA Policy No. 31605. Taking into account the \$2,396,000 of surplus funds, \$2,840,570 of new funding will be provided to SCRRA at the beginning of FY21 to operate during the three-month continuing resolution pending SBCTA Board approval of this item. The source of funds for the new funding is Valley Local Transportation Funds.

Financial Impact:

This item has no financial impact on the SBCTA Fiscal Year 2019/2020 Budget and is consistent with the Proposed SBCTA Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 14, 2020.

Responsible Staff:

Rebekah Soto, Management Analyst

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Minute Action

AGENDA ITEM: 18

Date: June 3, 2020

Subject:

Fiscal Year 2019/2020 Second Quarter Transit Operator Update

Recommendation:

Receive and file the San Bernardino County Multimodal Transportation Second Quarter Update.

Background:

Multi-modal services are an important part of how people travel throughout San Bernardino County. This is reflected in projects and programs San Bernardino County Transportation Authority (SBCTA) is currently constructing and managing, as well as its involvement with the transit operators and the Southern California Regional Rail Authority (SCRRA). Although SBCTA's primary responsibility to the operators is to allocate funding, SBCTA is still required to be tuned in to the trends and statistics of its operators. To help facilitate this, as well as keep the SBCTA Transit Committee and Board of Directors apprised of this information, SBCTA staff, in consultation with the transit operators, SCRRA and AMMA Transit Planning, created the San Bernardino County Multimodal Transportation Quarterly Report (Report).

The purpose of the Report is to identify the range of public transportation options available, provide high level information about services, and report on current initiatives that the operators and SBCTA are working on. It also tracks key performance indicator trends.

The primary source of data used in the Report is from TransTrack. TransTrack is a county-wide transit performance software that the San Bernardino County transit operators, except SCRRA, use to provide operations and financial data on a monthly basis. This allows SBCTA to pull data reports independently from the transit operators. The other source of data for the Report came from transit operators' staff as well as their respective Board of Directors agenda reports. This allowed for collaboration between SBCTA staff and the operators' staff to ensure that an accurate picture is being presented.

The attached Report encompasses October 2019 through December 2019 data. However, during the data gathering process, a pandemic was declared caused by the novel coronavirus (COVID-19). On March 19th, 2020, California was the first state to respond with a statewide stay-at-home order to protect the health and well-being of all Californians. This order drastically affected transit operations.

The commentary/analysis section in this report has usually been discussion on the quarter's activity with the operator's pages as supporting material. However, in the wake of this crisis, staff felt that this section should be devoted to the most current operations and ridership information related to COVID-19. The individual operator pages contain second quarter information as well as analysis and activities for that quarter.

As the COVID-19 crisis arose, the operators began diligently using their social media platforms to keep riders abreast of the quickly changing environment, as well as began increasing the frequency of vehicle cleanings. Additionally, some of the bus operators moved forward with not

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

collecting fares as well as having riders enter the back of the vehicle to limit the contact between riders and operator. All the agencies in the county, except the City of Needles, started to decrease service in correlation with the ridership decreasing. The City of Needles opted not to decrease service since they only have one route and it runs hourly.

By the fourth week of March, Omnitrans ridership for the month had fallen overall by 66%, to just under 77,000 weekly boardings. Victor Valley Transit Authority (VVTA) lost 78% of its ridership over a four-week period, to a weekly low of almost 8,700 boardings by the last full week in March, down from over 40,000 passenger boardings. Mountain Transit experienced losses of 71%, from over 3,500 weekly boardings to just over 1,000. Morongo Basin Transit Authority (MBTA) saw its ridership decline by 59% from over 5,800 boardings to 2,400. Needles Transit Services saw a 44% decrease in boardings and Metrolink reported a decline of 88% for their ridership.

The next two quarters will continue to show the impact on ridership to these services, possibly well into the next fiscal year. Staff will continue to work with the transit operators on how best we can support their services in the coming months.

Financial Impact:

This item has no impact on the Fiscal Year 2019/2020 budget.

Reviewed By:

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

Responsible Staff:

Nancy Strickert, Transit Program Manager

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

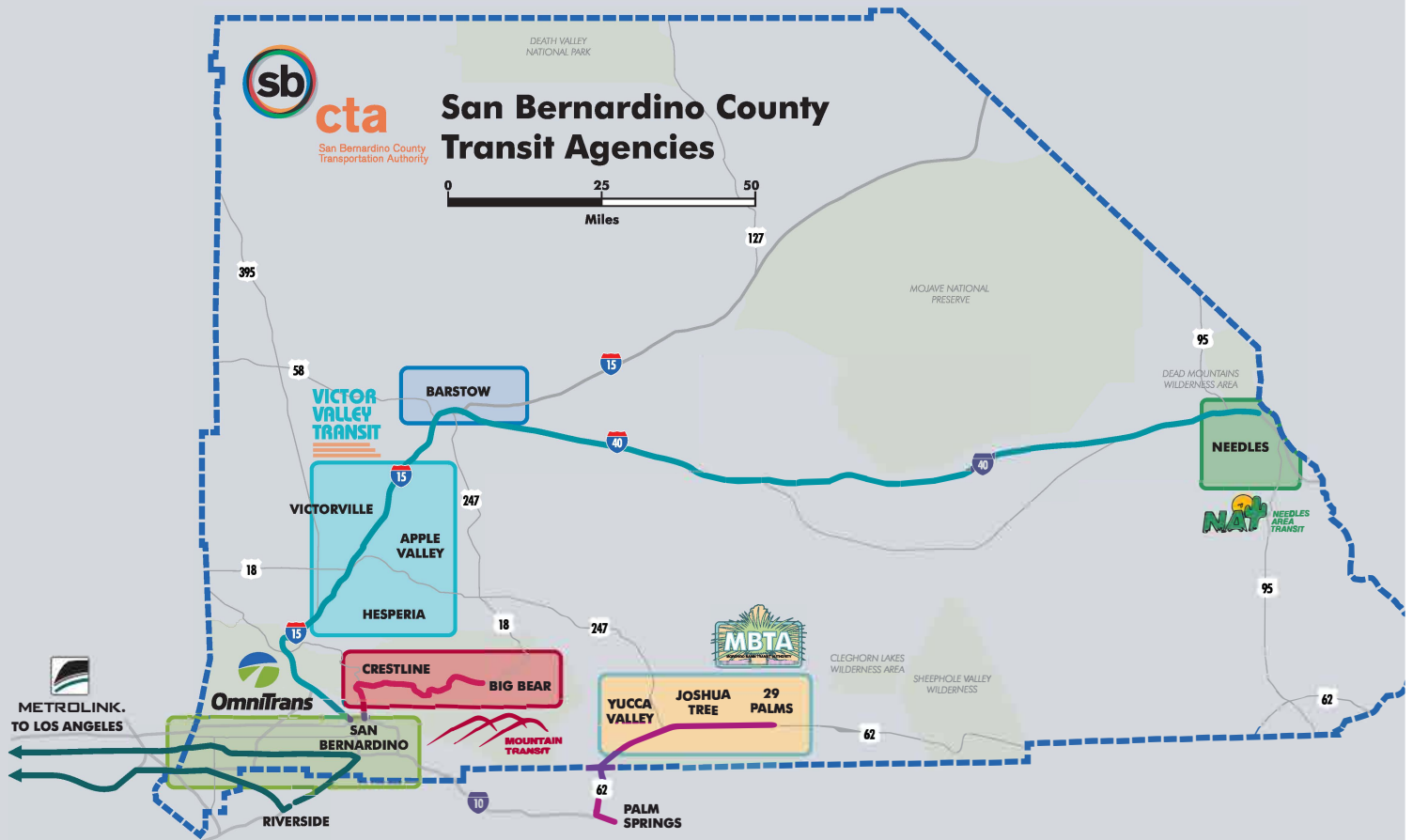
San Bernardino County Transportation Authority



cta

San Bernardino County
Transportation Authority

San Bernardino County Multimodal Transportation Quarterly Report



Second Quarter Update FY 2019/2020 & COVID-19 Update



This page intentionally left blank.

SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT

Table of Contents

Introduction.....	1
Commentary.....	2
Public Transit Bus Operators.....	5
Omnitrans.....	5
Omnitrans CTSA.....	6
Victor Valley Transit Authority.....	7
VVTA CTSA.....	8
VVTA Vanpool Program.....	9
Morongo Basin Transit Authority.....	10
Mountain Transit.....	11
Needles Transit Services.....	12
Rail.....	13
Metrolink.....	13
Other Modes.....	14
SBCTA Rideshare Programs.....	14

This page intentionally left blank.

SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT

Introduction

Purposes

The QUARTERLY SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION REPORT, released by the San Bernardino County Transportation Authority (SBCTA), was conceived to address several purposes:

- To identify the range of public transportation options available across San Bernardino County.
- To provide high-level information about specific transportation services and programs available.
- To report on current initiatives and to track trends in key performance indicators.

This provides a comprehensive, current picture of the County's public transportation options to inform the various audiences of policy makers, agency staff and members of the general public.

An Overarching Goal to Grow Ridership

By considering San Bernardino County as a whole, specifically its multimodal transportation network, it becomes easier to identify and initiate improvements that support public transportation users. This, in turn, will help to grow network use and build ridership.

Report Approach

The report will be prepared on a quarterly basis. Quarterly information will be provided for the first three quarters and then year-end information will be presented in the fourth quarter report. In order to allow time for compilation of data and preparation of the report, the report will be presented about four months after the quarter has ended.

Information is drawn from two sources:

- TransTrack – the countywide transit reporting and performance data system into which all transit operators are providing operations and financial data each month;
- Staff and board reports – individual program and service initiatives are compiled in collaboration with each transportation provider, reporting on agency interests and concerns.

The County's Public Transportation Modes and Programs

San Bernardino County is served by six public transit operators:

- Omnitrans – providing services in the San Bernardino Valley, connecting to Riverside and Los Angeles counties.
- Victor Valley Transit Authority (VVTa) – providing services in the Greater Victor Valley and the Barstow area, connecting to the San Bernardino Valley.
- Morongo Basin Transit Authority (MBTA) – providing services in Twenty-nine Palms, Yucca Valley and the Morongo Valley communities, connecting to the Coachella Valley.
- Mountain Transit (MT) – providing services in the Lake Arrowhead and Big Bear communities, connecting to the San Bernardino Valley.
- City of Needles Transit Services – providing service within the City of Needles and limited connections into Arizona.
- Rail services operated by Metrolink.

Additionally, there are three other modes of transportation:

- Consolidated Transportation Service Agency (CTSA) specialized transportation programs operated by Omnitrans and VVTa.
- Vanpool programs operated by VVTa and SBCTA.
- SBCTA's new Lyft subsidy program (ONT Lyft Program), enhancing service to Ontario International Airport.

Evolution of This Report

This is envisioned as a "living" report that will evolve to meet developing interests and concerns. Clearly, the new and continuing initiatives, reported by operators, will change. The operating data and key performance indicators reported, even the programs identified, may change as the needs and concerns of SBCTA and its partners develop.

Commentary

Public Transit in the Age of the Coronavirus

The early months of 2020 were marked by a pandemic, a global outbreak of a respiratory disease caused by a novel (new) coronavirus. The disease it causes has been named “the coronavirus disease 2019” (abbreviated “COVID-19”). California was the first state to respond with a statewide stay-at-home order to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19. This legal order has disrupted almost every aspect of day-to-day life, and most certainly, public transportation.

The long-term implications of this time have yet to be understood, but the immediate impact has been a precipitous reduction in transit ridership. Federal funding will arrive due to the passage of the Coronavirus Aid, Relief and Economic Security (CARES) Act, a \$2 trillion economic aid package that includes \$25 billion in emergency relief funding for public transportation. These funds can be used for “operating costs to maintain service and lost revenue due to the coronavirus public health emergency, including the purchase of personal protective equipment, and paying the administrative leave of operations personnel due to reductions in service.” State apportionments will be available to recipients of 49 U.S.C. §§ 5307, 5311, 5337 and 5340.

Additionally, the Federal Transit Administration (FTA) has established an Emergency Relief docket that allows recipients in states with an emergency declaration for COVID-19 to request temporary relief from federal requirements under 49 U.S.C. Chapter 53.

San Bernardino County’s transit agencies acted quickly and aggressively to respond to the challenge of providing an essential service, while maintaining a safe environment for riders and drivers and operating service commensurate with reduced ridership and staff. While the affects of COVID-19 occurred after the second quarter of FY 19/20, due to the substantial impact on public transit, available information on those impacts, and on public transit’s responses during this crisis, is provided in this Quarterly Update. Implications of the coronavirus pandemic will be further refined and presented in more detail in the Third and Fourth Quarter Updates and subsequent future updates.

Transit Operators’ COVID-19 Responses

Communication

All agencies are alerting riders to service changes through multiple channels, including:

- service alerts and agency websites;
- social media, such as Twitter, Facebook and Instagram;
- news sites.

On-Board Changes

Countywide, when vehicles allow, passengers board through the back door to increase distance between the driver and passengers.

For vehicles that don’t have a front and back door, the first two rows of benches are cordoned off to enable social distancing between driver and passengers.

All agencies have increased cleaning inside vehicles.

Service Changes

With people riding transit less due to school and non-essential business closures, many agencies have reduced services by running on weekend or Sunday schedules and temporarily suspending routes with low ridership:

- Metrolink implemented a 30% service reduction, primarily reducing off-peak service. It also identified \$7 million in cuts to offset revenue loss.
- Omnitrans has temporarily eliminated several routes and has decreased service frequencies. Routes that were planned to be eliminated in September 2020 were permanently eliminated.
- VVTA reduced hours of operation to Sunday service hours. This is effectively a 61% reduction of service. Express and intercity routes have been temporarily discontinued.
- MBTA has temporarily suspended intercity and commuter routes.
- Mountain Transit is running most routes on limited schedules and has temporarily suspended service on the weekend trolley and intercity routes.
- Needles Transit Services has not made any service changes.

SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT

Fare Policy

Omnitrans, VVTA, MBTA and Mountain Transit have suspended fare collection. Needles Transit Services and Metrolink have not suspended fares.

Eliminating fares contributes to several goals:

- assisting riders struggling with reduced work, lay-offs and unemployment;
- encouraging social distancing by eliminating the need for interactions between the bus driver and passengers, and preventing people from clustering around fare machines; and
- eliminating any risk of spreading the virus from collecting currency.

Other

- Passengers are asked to make only essential trips.
- Face coverings are required to ride public transit, consistent with the April 7, 2020, San Bernardino County's Acting Health Officer order.
- All agencies have increased sanitation of high-touch surfaces at their facilities and transit centers.

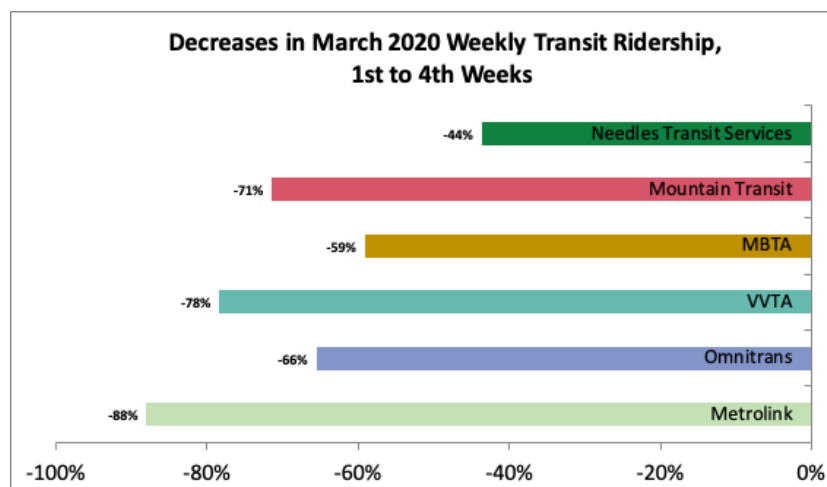
Ridership Impacts of COVID-19 for March 2020

The impacts of COVID-19 and California's stay-at-home order presented dramatically in downturns in public transit ridership through March. In San Bernardino County, both Omnitrans and VVTA were beginning to see ridership declines between the first and second weeks of March, in advance of the Governor's order. Omnitrans' 223,000 weekly boardings fell by 20% that first week, while VVTA's 40,000 weekly boardings fell by 25%. Post the March 19 stay-at-home order, declines were more precipitous for Omnitrans and VVTA, while the smaller operators began to see ridership fall as well, although to lesser degrees.

By the fourth week of March, Omnitrans' ridership for the month had plummeted by 66%, to just under 77,000 weekly boardings. VVTA lost 78% of its ridership over four weeks, to a low of almost 8,700 boardings by the last full March week, down from over 40,000 passenger boardings. Mountain Transit experienced losses of 71%, from over 3,500 weekly boardings to just over 1,000. MBTA saw its ridership decline by 59%, from over 5,800 boardings to 2,400. Needles Transit Services saw a 44% decrease in boardings.

Metrolink's ridership decreased by 88% during this period.

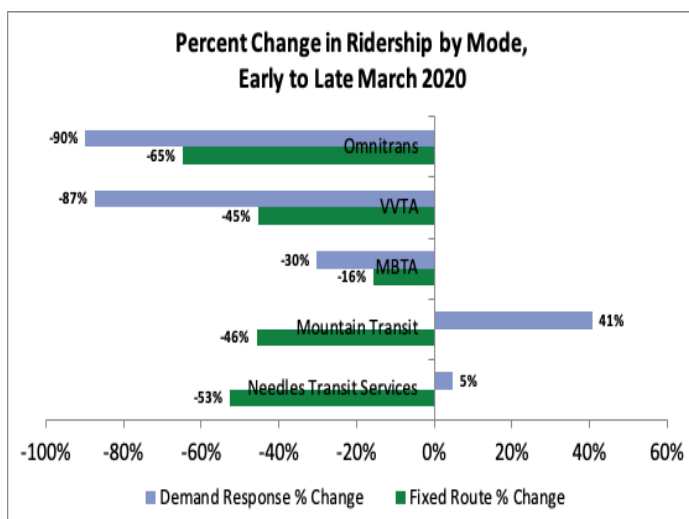
	March 1-7	March 8-14	March 15-21	March 22-28	Four Week Total	% Change 1st to 4th Weeks
Omnitrans	223,349	179,002	113,229	76,971	592,551	-66%
VVTA	40,148	30,251	12,310	8,683	91,392	-78%
MBTA	5,887	4,804	2,966	2,406	16,063	-59%
Mountain Transit	3,547	1,913	1,743	1,014	8,217	-71%
Needles Transit Services	685	501	426	386	1,998	-44%
Total Passenger Boardings					710,221	



Ridership Changes by Mode

There were differences in passengers' use of demand response versus fixed-route service for each of the operators. For the largest operators, both Omnitrans and VVTA demand response ridership fell away at substantially higher rates than did their fixed-route passengers. Between 87% to 90% of demand response ridership disappeared, in contrast with fixed-route ridership losses of 65% for Omnitrans and 45% for VVTA. Presumably, this reflected the fact that demand response riders, generally seniors and persons with disabilities, are likely to include persons at greatest threat from moderate to severe COVID-19 illness and they therefore chose not to ride and presuming that many of their destinations had closed. Fixed-route riders, conversely, were more likely to include persons on essential business, including job trips, and these individuals continued their use of public transit.

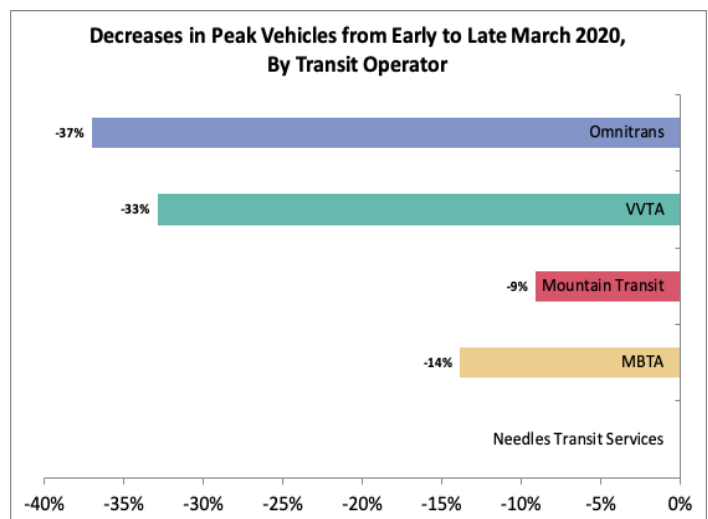
This pattern of greater decline among demand response riders than fixed-route continued for MBTA riders, albeit at lesser rates of decline that are consistent with their overall ridership changes. Both Mountain Transit and Needles Transit Services saw increases in use of demand response services over fixed-route, with a 41% increase for Mountain Transit Dial-a-Ride and a 5% increase on Needles Dial-a-Ride.



Peak Fleet Decisions

Omnitrans and VVTA made significant changes in routing and in service levels, with Mountain Transit and MBTA making adjustments in service levels, but not to the same degree. As measured by changes in peak vehicles on the road by late March 2020, both VVTA and Omnitrans had reduced peak fleet size between 30% to 40%. VVTA took 25 buses off the road while Omnitrans reduced its peak fleet by 77 vehicles.

MBTA and Mountain Transit made smaller adjustments in vehicle deployment, reflecting their smaller scale operations. MBTA removed eight vehicles while Mountain Transit removed one vehicle. Needles Transit Services continued its single fixed-route and single paratransit vehicle operation.



SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT Public Transit Bus Operators



Performance¹

	2nd Quarter (Oct-Nov-Dec)		
	Prior Year FY 18/19	Current Year FY 19/20	% change
SYSTEM Total Passenger Trips	2,816,098	2,760,863	-2.0%
Fixed-Route Trips	2,726,001	2,678,977	-1.7%
Demand Response Trips	90,097	81,886	-9.1%
SYSTEM Performance			
Revenue Hours	209,678	210,040	0.2%
Passengers per Rev Hour	13.4	13.1	-2.1%
Revenue Miles	2,838,260	2,898,633	2.1%
Passengers per Rev Mile	0.99	0.95	-4.0%
OPERATIONS Expense			
Total Operating Cost	\$22,541,038	\$20,978,554	-6.9%
Passenger Revenue	\$5,940,550	\$6,060,480	2.0%
Farebox Recovery Ratio Systemwide	26.4%	28.9%	9.6%
Subsidy per Pass Trip Systemwide	\$5.89	\$5.40	-8%
Fixed-Route Cost per Trip	\$6.68	\$6.38	-4%
Demand Response Cost per Trip	\$48.17	\$47.61	-1%
FLEET Characteristics			
Vehicles in Peak Service			
Fixed-Route		154	
Demand Response		96	
Total Vehicles in Peak Service		250	
Service Area Square Mileage		463	
Vehicles per Square Mile		0.54	
OMNITRANS FAMILY of Services			
Bus Rapid Transit Route		Green Line/sbX	
Express Fixed-Routes		215, 290	
High-Frequency Routes (15 minutes)		Routes 1, 3/4, 14, 61, 66	
Local Fixed-Routes		20 routes	
Community Circulators		4 OmniGo routes	
Access ADA Service		Complementary paratransit	
FY 2019/20 Annual Funding Allocation			
State of California, Local Transportation Fund (LTF)		\$44,105,444	
State Transit Assistance (STA)		\$4,646,062	
State of Good Repair (SGR)		\$215,633	
Low Carbon Transit Operations Program (LCTOP)		\$294,270	
Measure I, Local Sales Tax Measure		\$11,673,790	
Federal Transit Administration (FTA) 5307		\$16,941,200	
Federal Transit Administration (FTA) 5339		\$2,327,925	
Total		\$80,204,324	

Second Quarter

Commentary and Trends

Ridership

Omnitrans' 2.7 million one-way passenger trips provided this 2019 October-November-December period represented a 2% decline over the comparable 2018 second quarter. This decline was lower than anticipated, given the 14% fare increase implemented on September 3.

Fixed-route trips declined at a slower rate of -1.7% while the demand response fell at a larger rate of -9%. In the first quarter of FY 2019/2020, fixed-route ridership had increased by 3% while demand response trips had fallen at a rate comparable to the second quarter experience.

System Performance

Revenue hours during this period remained relatively constant while revenue miles increased by 2%, adding another 40,000 revenue miles. The -2% decline in productivity to 13.1 passengers-per-revenue-hour and -4% decline in passengers-per-revenue-mile reflected the systemwide ridership downturn.

Operating Costs

Operating costs were \$1.5 million lower (-7%) while passenger revenue was up 2% in the quarter's year-over-year comparison. This resulted in a 9.6% increase in the farebox recovery ratio, systemwide. This was also reflected in decreased per passenger costs, by -4% for the fixed-route cost per trip of \$6.38 per trip and by -1% for the demand response cost per trip of \$ 47.61.

Activities

- Ordered the first four electric buses along with charging equipment.
- Kicked off the Strategic Plan with the goal of reaffirming, revising or creating new vision, mission and values.
- Awarded new contract to First Transit for OmniAccess, OmniGo and MicroTransit Pilot. Omnitrans and First Transit are partnering with RideCo on the MicroTransit technology.

¹ Extracted from TransTrack Manager Quarterly Scorecard during April 2020.



Performance

	2nd Quarter (Oct-Nov-Dec)		
	Prior Year	Current Year	% Change
	FY 18/19	FY 19/20	
TOTAL TRIPS	32,003	47,248	47.6%
TREP Mileage Reimbursement Trips	4,190	3,195	-23.7%
Lyft/Taxi Ride Program Trips	542	1,113	105.4%
Travel Training Program	865	8,299	859.4%
Partners Program Trips			
<i>Anthesis (formerly Pomona Valley Workshop)</i>	11,153	11,904	6.7%
<i>Central City Lutheran</i>	1,352	1,168	-13.6%
<i>City of Grand Terrace</i>	468	1,125	140.4%
<i>City of Redlands</i>	607	499	-17.8%
<i>Community Senior Services</i>	8,671	8,758	1.0%
<i>OPARC</i>	4,155	3,874	-6.8%
<i>City of Chino</i>	2018 CFP Partner	2,198	-
<i>Highland Senior Center</i>	2018 CFP Partner	1,501	-
<i>Loma Linda University Adult Day Health</i>	2018 CFP Partner	2,275	-
<i>West End YMCA</i>	2018 CFP Partner	1,339	-
<i>City of Fontana</i>	2019 CFP Partner	0	
<i>City of Yucaipa</i>	2019 CFP Partner	0	
<i>Foothill AIDS Project</i>	2019 CFP Partner	0	

Second Quarter

Commentary and Trends

Ridership

The Consolidated Transportation Services Agency (CTSA) of Omnitrans continued its multiple specialized transportation programs, reflecting substantial increases in trip-making, up 48% in the second quarter, year-over-year comparison to 47,000 passenger trips. This was an increase of more than 15,000 trips from the FY 2018/2019 second quarter.

The largest share of this increase was reflected in a re-booting of Omnitrans' travel training program. Accounting for 25% of all trips provided in the second quarter FY 2019/2020, and an almost ten-fold increase over the prior year second quarter, this represented almost 8,300 trips. The CTSA significantly increased its travel training activities, including more group trainings, and then tracked trainees' use of fixed-route services through numbered bus passes and Omnitrans' GFI data sets.

The CTSA Lyft/Taxi Ride program doubled in size, providing 1,100 trips in the FY 2019/2020 second quarter. This program is open to persons within the Omnitrans service area who are age 62 and older and/or Access eligible.

Existing CTSA Partners Programs account for almost six in ten trips provided (58%) this quarter. Of these, the Grand Terrace program increased almost three-fold, providing more than 1,100 trips this quarter. There was a smaller 6% increase in the Anthesis program, formally the Pomona Valley Workshop, which transported almost 12,000 passenger trips in the second quarter. Community Senior Services saw a modest 1% increase in trips, to almost 8,800 passenger trips. City of Redlands, Central City Lutheran and OPARC saw declining ridership, among the 5,500 passenger trips these three programs provided.

New CTSA Partners Program trips account for 15% of this quarter's total trips provided. Operated by Loma Linda University Adult Day Health, City of Chino, Highland Senior Center and the West End YMCA, these programs provided an additional 7,300 trips.

SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT Public Transit Bus Operators



Performance¹

	2nd Quarter (Oct-Nov-Dec)		
	Prior Year FY 18/19	Current Year FY 19/20	% change
SYSTEM Total Passenger Trips	434,634	440,729	1.4%
Fixed-Route Trips	379,629	384,910	1.4%
Commuter Bus Trips	8,099	7,750	-4.3%
Demand Response Trips	46,906	48,069	2.5%
SYSTEM Performance [excludes vanpool revenue hours and miles]			
Revenue Hours	65,282	65,250	0.0%
Passengers per Rev Hour	6.7	6.8	1.5%
Revenue Miles	1,143,659	1,129,606	-1.2%
Passengers per Rev Mile	0.38	0.39	0.0%
OPERATIONS Expense [excludes vanpool expense and revenue]			
Total Transit Operating Cost	\$6,181,930	\$6,488,496	5.0%
Passenger Revenue	\$847,468	\$784,769	-7.4%
Farebox Recovery Ratio Systemwide	13.7%	12.1%	-11.8%
Subsidy/Pass Trip - Systemwide	\$12.27	\$12.94	5%
Fixed-Route Cost per Trip	\$11.88	\$12.22	3%
Commuter Bus Cost per Trip	\$26.79	\$22.66	-15%
Demand Response Cost per Trip	\$31.02	\$33.47	8%
FLEET Characteristics			
Vehicles in Peak Service		Including	
Fixed-Route	47	7 Electric Buses	
Commuter	6		
Demand Response	38		
Total Vehicles in Peak Service	91		
Service Area Square Mileage	1,082		
Vehicles per Square Mile	0.08		
VFTA FAMILY of Services			
Local Fixed/Regional Routes	22 routes		
County Fixed-Routes	6 routes		
Commuter Bus	NTC Commuter (Ft. Irwin), 7 routes		
Intercity Routes	2 routes		
Flexible Transit	ADA Direct Access		
Vanpool Program	219 vanpools		
FY 2019/20 Annual Funding Allocation			
State of California, Local Transportation Fund (LTF)	\$19,083,833		
State Transit Assistance (STA)	\$734,901		
State of Good Repair (SGR)	\$691,283		
Low Carbon Transit Operations Program (LCTOP)	\$939,282		
Measure I, Local Sales Tax Measure	\$1,131,200		
Federal Transit Administration (FTA) 5307	\$8,107,731		
Federal Transit Administration (FTA) 5339	\$1,057,378		
Federal Transit Administration (FTA) 5311	\$671,949		
Congestion Mitigation and Air Quality (CMAQ)	\$2,862,735		
Total	\$35,280,292		

Second Quarter

Commentary and Trends

Ridership

VVTA saw a slight increase in its second quarter, year-over-year comparison, representing an additional 6,000 one-way passenger trips. VVTA's demand response services saw the greatest percentage increase, at 2.5%, adding an additional 1,000 passenger trips. Fixed-route trip-making added 5,000 trips while the commuter bus declined by 250 one-way trips during this period, compared to 2018 second quarter. These patterns of fixed-route and demand response increase with a commuter bus decrease were similar to first quarter FY 2019/2020 patterns of change.

System Performance

Revenue hours were flat and there was a slight bump in productivity systemwide, from 6.7 passengers per hour to 6.8 passengers per revenue hour. Revenue miles decreased -1.2%.

Operating Costs

Operating costs increased 5%, representing \$317,000. There was a 5% increase in systemwide subsidy per passenger trip, from \$12.27 to \$12.94. Fixed-route and demand response per trip costs both increased, by 3% and 8%, respectively, while the commuter bus per passenger trip cost decreased by -15%, from \$26.79 to \$22.66 in this year-over-year comparison.

¹ Extracted from TransTrack Manager Quarterly Scorecard during April 2020.

SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT Public Transit Bus Operators



Consolidated Transportation Services Agency

Performance

	2nd Quarter (Oct-Nov-Dec)		
	Prior Year FY 18/19	Current Year FY 19/20	% change
TOTAL TRIPS	8,276	7,773	-6.1%
TRIP Program	5,659	5,114	-9.6%
Nonprofit Providers	1,097	634	-42.2%
Foothill AIDS Project		402	
Abundant Living Church		0	
Victor Valley Community Service Council		33	
Trona Community and Senior Center		155	
Church for Whosoever		30	
Bonnie Baker Senior Center		14	
Travel Training Program	1,315	722	-45.1%
Fare Media Scholarship Program	205	1,303	
Total CAR TRIPS		176	
Needles CarShare Program		176	
TOTAL MILES	119,218	104,168	-12.6%
TRIP Program	119,218	104,168	-12.6%
TOTAL HOURS	110	101	-8.6%
Transit Ambassador Program	110	101	-8.6%

Second Quarter

Commentary and Trends

CTSA programs saw a decrease in utilization across each of its programs, by almost -10% for the TRIP program, by -42% for its nonprofit transportation providers and by -45% for travel training contacts.

There was increased use of the fare media scholarship program.

Reporting on the Needles CarShare program rentals (car trips) continued this quarter, and at 176 car trips, it was 25% over the 141 car trips reported in the first quarter of FY 2019/2020.

Mileage reported by TRIP program participants decreased by 15,000 miles (-12.6%), consistent with the drop in utilization.



SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT Public Transit Bus Operators

Performance

2nd Quarter (Oct-Nov-Dec)

	Prior Year FY 18/19	Current Year FY 19/20	% change
Performance			
Number of Vanpools	204	219	7.4%
Revenue Miles	1,313,495	1,377,087	4.8%
Revenue Hours	26,611	27,458	3.2%
Unlinked Passenger Trips	142,520	148,125	3.9%
Passenger Miles	4,398,460	7,213,874	64.0%
Subsidies Disbursed	\$265,735	\$316,073	18.9%
Passenger Fares	\$284,953	\$320,038	12.3%

Second Quarter

Commentary and Trends

VVTA's vanpool continued its addition of vanpools, a 7% increase over second quarter of the prior year, now to 219 vanpools.

Revenue miles and hours increased modestly but passenger miles jumped by 64% from 4.4 million to 7.2 million, reflecting the increased numbers of commuters in these added vanpools.

The subsidy of \$316,000 dispersed to vanpool commuters increased by almost 19%, but well below this 64% increase in passenger miles, which will be reflected in comparable increases in later Section 5307/5309 apportionments to VVTA.

SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT Public Transit Bus Operators



Performance¹

2nd Quarter (Oct-Nov-Dec)			
	Prior Year FY 18/19	Current Year FY 19/20	% change
SYSTEM Total Passenger Trips	71,945	65,164	-9.4%
Fixed-Route Trips	67,643	59,287	-12.4%
Commuter Bus Trips	1,796	1,489	-17.1%
Demand Response Trips	4,302	4,388	2.0%
SYSTEM Performance			
Revenue Hours	8,639	8,144	-5.7%
Passengers per Rev Hour	8.3	8.0	-3.9%
Revenue Miles	172,399	160,822	-6.7%
Passengers per Rev Mile	0.42	0.41	-2.9%
OPERATIONS Expense			
Total Operating Cost	\$780,602	\$881,326	12.9%
Passenger Revenue	\$88,834	\$87,713	-1.3%
Farebox Recovery Ratio Systemwide	11.4%	10.0%	-12.5%
Subsidy per Pass Trip - Systemwide	\$9.62	\$12.18	26.7%
Fixed-Route Cost per Trip	\$8.40	\$10.55	25.6%
Commuter Bus Cost per Trip	\$35.59	\$54.40	52.9%
Demand Response Cost per Trip	\$34.48	\$39.82	15.5%
TREP Mileage Reimbursement Program			
TREP Clients		125	
TREP Trips		1,865	
TREP Miles Reimbursed		30,228	
Mileage Reimbursement Cost		\$8,849	
FLEET Characteristics			
Vehicles in Peak Service			
Fixed-Route/Commuter		9	
Demand Response		4	
Total Vehicles in Peak Service		13	
Service Area Square Mileage		1,300	
Vehicles per Square Mile		0.01	
MBTA FAMILY of Services			
Highway Bus		#1 Yucca Valley-Twenty-nine Palms	
Intercity Routes to Palm Springs		#12 Yucca Valley-PS, #15 MCAGCC-PS	
Other Community Routes		#3 Marine Base, #7 Yucca Valley, #21 Landers	
Ready Ride Service		In 6 communities	
FY 2019/20 Annual Funding Allocation			
State of California, Local Transportation Fund (LTF)		\$3,079,208	
State Transit Assistance (STA)		\$177,950	
State of Good Repair (SGR)		\$111,316	
Low Carbon Transit Operations Program (LCTOP)		\$151,275	
Measure I, Local Sales Tax Measure		\$104,300	
Federal Transit Administration (FTA) 5311		\$398,562	
Total		\$4,022,611	

Second Quarter

Commentary and Trends

Ridership

MBTA saw decreases in its ridership by -9% systemwide in this second quarter, year-over-year comparison. There was the greatest percentage decrease in MBTA's commuter bus (Routes 12 and 15), by -17%, followed by fixed-route trips at -12%, or about 8,000 fewer trips. Demand response trips on the system's Ready Ride increased by 2%.

System Performance

Revenue hours and miles were decreased by about 6%. Passenger farebox fell 1.3%.

Operating Costs

Operating costs grew 13% and this translated into increases in the passenger subsidy-per-trip, systemwide an increase of 27%, from \$9.62 to \$12.18 in this second quarter comparison. The fixed-route cost-per-trip of \$10.55 was a 26% year-over-year increase; the commuter bus cost-per-trip of \$54.40 was a 53% increase for the same period. The demand response cost grew at a smaller rate, 16% from \$34.48 to \$39.82.

Activities

The bus stop on Highway 62 at Sunburst Avenue (westbound) was in need of serious improvements. MBTA submitted a recommendation to the County to request the developer working on the location assist with the improvements. The developer agreed and the improvements have been made.

¹ Extracted from TransTrack Manager Quarterly Scorecard during April 2020.

SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT Public Transit Bus Operators



Performance¹

	2nd Quarter (Oct-Nov-Dec)		
	Prior Year FY 18/19	Current Year FY 19/20	% change
SYSTEM Total Passenger Trips	44,846	42,892	-4.4%
Fixed-Route Trips	35,843	34,388	-4.1%
Commuter Bus Trips	5,335	5,162	-3.2%
Demand Response Trips	3,668	3,342	-8.9%
SYSTEM Performance			
Revenue Hours	9,747	8,994	-7.7%
Passengers per Rev Hour	4.6	4.8	3.7%
Revenue Miles	164,772	147,235	-10.6%
Passengers per Rev Mile	0.27	0.29	0.0%
OPERATIONS Expense			
Total Operating Cost	\$799,452	\$819,128	2.5%
Passenger Revenue	\$90,932	\$82,799	-8.9%
Farebox Recovery Ratio Systemwide	11.4%	10.1%	-11.1%
Subsidy per Pass Trip - Systemwide	\$15.80	\$17.17	8.7%
Fixed-Route Cost per Trip	\$11.84	\$13.55	14.4%
Commuter Bus Cost per Trip	\$36.50	\$32.04	-12.2%
Demand Response Cost per Trip	\$45.97	\$47.48	3.3%
FLEET Characteristics			
Vehicles in Peak Service			
Fixed-Route		9	
Demand Response		4	
Off the Mountain		4	
Trolley Vehicle		2	
Total Vehicles in Peak Service		19	
Service Area Square Mileage		269	
Vehicles per Square Mile		0.05	
MOUNTAIN TRANSIT FAMILY of Services			
Off-the-Mountain Routes -2		Rim Rt. 6; Big Bear Rt. 5	
Local Fixed-Routes -5		Rim Rts. 2, 4; Big Bear Rts. 1,3,11	
Weekend Trolley -1		Big Bear - September to November	
Summer Trolley -1		Lake Arrowhead	
Dial-a-Ride -2		Big Bear Valley and Rim	
FY 2019/20 Annual Funding Allocation			
State of California, Local Transportation Fund (LTF)		\$2,428,238	
State Transit Assistance (STA)		\$108,888	
State of Good Repair (SGR)		\$77,590	
Low Carbon Transit Operations Program (LCTOP)		\$105,429	
Measure I, Local Sales Tax Measure		\$76,400	
Federal Transit Administration (FTA) 5311		\$281,774	
Congestion Mitigation and Air Quality (CMAQ)		\$560,000	
Total		\$3,638,319	

Second Quarter

Commentary and Trends

Ridership

Mountain Transit saw a decrease in ridership of -4% systemwide in this second quarter, year-over-year comparison. Representing a decline of about 1,500 passenger trips, demand response services saw the largest decline of -9%, while fixed-route ridership fell -4% and Off-the-Mountain commuter bus fell -3%.

System Performance

Revenue hours decreased -8% and revenue miles decreased -11% for this second quarter comparison. This contributed to an almost 4% increase in productivity of passengers-per-revenue-hour while passengers-per-revenue-mile held constant.

Operating Costs

Operating costs increased 2.5% while passenger fares fell almost 9%. Systemwide, the farebox recovery ratio declined from 11.4% to 10.1% in this second quarter comparison, bringing the system close to its systemwide minimum standard of 10% farebox recovery threshold.

The farebox recovery is low for this quarter due to the way fares are collected for the seasonal Route 9 (Late November-Mid-March/Early April). Fares are not collected until after the season ends, so the farebox will balance out over the course of the year.

The subsidy-per-passenger of \$17.17 systemwide is an almost 9% increase. This increase was disproportionately represented by the fixed-route increase of 14% to \$13.55; fixed-route serves more than eight out of ten Mountain Transit riders. Demand response per trip costs increased just 3% to \$47.48. For commuter bus service, there was a decrease in per trip costs of 12% to \$32.04.

¹ Extracted from TransTrack Manager Quarterly Scorecard during April 2020.



Needles Transit Services

SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT Public Transit Bus Operators

Performance¹

	2nd Quarter (Oct-Nov-Dec)		
	Prior Year FY 18/19	Current Year FY 19/20	% change
SYSTEM Total Passenger Trips	9,656	8,042	-16.7%
Fixed-Route Trips	8,458	6,712	-20.6%
Demand Response Trips	1,198	1,330	11.0%
SYSTEM Performance			
Revenue Hours	1,180	1,215	3.0%
Passengers per Rev Hour	8.2	6.6	-19.1%
Revenue Miles	15,416	15,631	1.4%
Passengers per Rev Mile	0.63	0.51	-17.9%
OPERATIONS Expense			
Total Operating Cost	\$107,099	\$128,638	20.1%
Passenger Revenue	\$12,301	\$17,171	39.6%
Farebox Recovery Ratio Systemwide	11.5%	13.3%	16.2%
Subsidy per Pass Trip - Systemwide	\$9.82	\$13.86	41.2%
Fixed-Route Cost per Trip	\$9.81	\$15.09	53.8%
Demand Response Cost per Trip	\$20.17	\$20.57	2.0%
FLEET Characteristics			
Vehicles in Peak Service			
Fixed-Route	1		
Demand Response	1		
Total Vehicles in Peak Service	2		
Service Area Square Mileage	31		
Vehicles per Square Mile	0.06		
City of Needles Transit Services			
Needles Area Transit	Community deviated fixed route		
Demand Response	Local & Medical/Shopper Dial-a-Rides		
FY 2019/20 Annual Funding Allocation			
State of California, Local Transportation Fund (LTF)	\$213,025		
State Transit Assistance (STA)	\$203,762		
State of Good Repair (SGR)	\$7,679		
Measure I, Local Sales Tax Measure	\$10,100		
Federal Transit Administration (FTA) 5311	\$39,707		
Total	\$474,273		

Second Quarter

Commentary and Trends

Ridership

Needles Transit Services saw a decrease to 8,000 passenger trips (-17%), down from 9,700 in the year-over-year comparison and from 10,500 provided during the prior quarter. Declines reflect, in large part, the impacts of the free trips that had previously been provided under the Low Carbon Transit Programs (LCTOP) subsidy. Losses were in fixed-route service, at -21%, as demand response services saw an 11% increase in this FY 2019/2020 over last year's second quarter.

System Performance

Productivity has declined -19%, consistent with the decrease in passengers.

Operating Costs

Operating costs increased by 20% in this year-over-year comparison, reflecting the new contract with Transportation Concepts. This rippled into a 41% increase in the subsidy-per-passenger, to \$13.86, a 54% increase in the fixed-route cost-per-trip of \$15.09 and in the 2% increase in the demand response cost-per-trip of \$20.57. Despite these increases, these unit costs are well below those of the other public transportation providers in San Bernardino County.

¹ Extracted from TransTrack Manager Quarterly Scorecard during April 2020.

SAN BERNARDINO COUNTY MULTIMODAL TRANSPORTATION QUARTERLY REPORT Rail




Performance

	2nd Quarter (Oct-Nov-Dec)		
	Prior Year FY 18/19	Current Year FY 19/20	% change
SYSTEM Passenger Boardings by Line			
TOTAL San Bernardino Line	735,370	790,121	7.4%
TOTAL Inland Empire Orange County (IEOC) Line	322,610	329,017	2.0%
Boardings at San Bernardino County Stations:			
San Bernardino Line	294,097		
IEOC Line	7,054		
Riverside Line	35,081		
FINANCIAL - Total San Bernardino Line w/ MOW			
Operating Cost SB Line	\$13,229,587		
Farebox Revenue SB Line	\$4,648,852	\$4,998,631	7.5%
Farebox Recovery Ratio SB Line	35.1%		
FINANCIAL - Total IEOC Line w/ MOW			
Operating Cost IEOC Line	\$6,988,234		
Farebox Revenue IEOC Line	\$1,872,109	\$1,826,662	-2.4%
Farebox Recovery Ratio IEOC Line	26.8%		
PERFORMANCE MEASURES - San Bernardino Line			
Passenger Miles	26,066,446	27,870,487	7%
Average Passenger Trip Length	35.4	35.3	0%
PERFORMANCE MEASURES - IEOC Line			
Passenger Miles	10,796,649	10,994,804	1.8%
Average Passenger Trip Length	33.5	33.4	-0.3%
SERVICE LEVELS			
San Bernardino Line			
# of trains per weekday WB		20	
# of trains per weekday EB		20	
# of trains per Saturday WB/EB		10	
# of trains per Sunday WB/EB		7	
IEOC Line - with stops in San Bernardino County			
# of trains per weekday WB		8	
# of trains per weekday EB		8	
# of trains per weekend WB		2	
# of trains per weekend EB		2	

Second Quarter

Commentary and Trends

Ridership

Metrolink ridership grew by 7% in this second quarter, year-over-year comparison, for the lines serving San Bernardino County. This translates to an increase in ridership of almost 55,000 passenger trips.

Operating Costs

Operating costs increased a comparable 7.5% on the San Bernardino Line but decreased by 2.4% on the Inland Empire Orange County Line. Passenger miles grew on the San Bernardino Line by 7% to 27.8 million passenger miles traveled during this second quarter FY 2019/2020 period. On the Inland Empire Orange County Line, the 2% increase represented almost 11 million passenger miles traveled.



Rideshare Programs

San Bernardino County
Transportation Authority

Performance

SB Loop Program

2nd Quarter (Oct-Nov-Dec)

FY 2019/20

SYSTEM Totals

Number of Vanpools	51
Vanpool Passenger Trips	28,499

SYSTEM Performance

Passenger Miles	1,159,994
-----------------	-----------

OPERATIONS Expense

Subsidies Disbursed	\$54,540
Passenger Revenue	\$157,182
Subsidy per Passenger Trip	\$1.91
Average Cost per Passenger Trip	\$7.43

Second Quarter

Commentary and Trends

This new program supported operation of 51 vanpools in this second quarter, up 31% from the first quarter of FY 2019/2020.

Commuters on second quarter vanpools represented 28,500 passenger trips and almost 1.2 million passenger miles traveled.

Subsidies supporting these vanpool commuters represented \$55,000.

Activities

Continued Phase II Radio/Digital Marketing Campaign, including:

- Online Digital Paid Search Ads
- Radio Ads (KOLA 99.9 and KGGI 99.1)
- Printed Ads at Inland Empire 66ers and Rancho Cucamonga Quakes

ONT Lyft Program

2nd Quarter (Oct-Nov-Dec)

FY 2019/20

SYSTEM Passenger Boardings by Line

TOTAL Rides	46
Total Rides Redeemed by Mobile App	45
Total Rides Redeemed by Call Center	1
Repeat Rides	14
Repeat Riders	4

Rides by Origin

Ontario Airport	20
Montclair	14
Rancho Cucamonga	4
Upland	2
Ontario East	5
Cancelled Rides (by Rider)	1

Second Quarter

ONT Lyft Program

This new program, which launched November 19, 2019, provides sponsored Lyft rides from four Metrolink stations and Omnitrans transit centers. The program covers up to \$35 off each ride. SBCTA funds the pilot program to increase public transportation serving Ontario International Airport (ONT).

To participate, riders enter the GOSBCTA code into the Promos field in the Lyft app one time, and the subsidy will apply automatically to any eligible ride and automatically renew at the end of each month. Riders without smartphones and riders with specialized mobility needs can participate by calling a Call Center.

Commentary and Trends

SBCTA's new ride hailing program generated 46 rides between four Metrolink stations and Ontario International Airport in second quarter FY 2019/2020.

All but one of these rides were ordered through the cell phone app. One request came through the Call Center.

The Montclair Transit Center was the second most common destination after Ontario Airport.

This page intentionally left blank.

Minute Action

AGENDA ITEM: 19

Date: June 3, 2020

Subject:

San Bernardino Countywide Zero-Emission Bus Study Update

Recommendation:

Receive and file an update on the status of the San Bernardino Countywide Zero-Emission Bus Study.

Background:

In April 2019, San Bernardino County Transportation Authority (SBCTA) issued a Contract Task Order (CTO) to WSP USA, Inc. (WSP) to conduct a countywide analysis comparing the current fleet of buses in San Bernardino County to zero-emission buses (ZEB) in response to the California Air Resources Board (CARB) Innovative Clean Transit (ICT) regulation, which was passed in December 2018. This regulation requires the state's 200 public transit agencies to transition their fleets to fully zero-emission by 2040.

The study focuses on fleet conversion towards compliance that involves all Transit Operators within the county; this includes Omnitrans, Victor Valley Transit Authority (VVTa), Mountain Transit, Morongo Basin Transit Authority (MBTA) and City of Needles. It should be noted that due to the unique operating landscape and conditions of the Mountain Transit service area, Mountain Transit has hired a separate lead consultant to develop a ZEB Implementation Plan that will be tailored to the mountainous region. The analysis considers the economics and financials of full fleet conversion; examines the difference in costs between Battery-Electric Bus (BEB) and Hydrogen Fuel Cell (HFC) buses versus a Compressed Natural Gas (CNG) bus; as well as the cost of new capital, rehabilitation and overall operations; including power/fuel and maintenance costs. The goals of the analysis are three-fold: (1) determine the most cost-effective approach to a 100% bus fleet with zero-emission population; (2) determine the capital improvements required to achieve ZEB fleets for all of the county's transit operations; and (3) provide a financing and purchasing strategy that allows local Transit Operators to meet ZEB deadlines.

ICT requirement deadlines vary based on agency size. Of the five transit agencies within San Bernardino County, Omnitrans is the only agency considered a "Large Transit Agency", while the remaining four are considered "Small Transit Agencies". The table below demonstrates the purchasing and reporting deadlines as required by CARB:

CARB New Bus Purchasing Requirements			
Agency	2023	2026	2029
Omnitrans	25%	50%	100%
VVTa	N/A	25%	100%
Mountain Transit			
MBTA			
City of Needles			

Entity: San Bernardino County Transportation Authority

CARB Reporting Requirements		
Agency	Board-Approved Roll-Out Plan	Annual Compliance Report
Omnitrans	July 1, 2020	Due every March (2021-2050)
VVTA	July 1, 2023	
Mountain Transit		
MBTA		
City of Needles		

A case-by-case analysis for each operator was tailored to the individual needs of the agency. The purpose of the recommendations are as follows:

- Creating a Rollout Plan to satisfy CARB compliance for large transit operator (Omnitrans) by July 1, 2020. The remaining operators have until July 1, 2023 to file with the state. This report indicates the technological recommendations: either BEB, including systems using a variety of electricity sources; hydrogen fuel cell electric buses (FCEB); or a combination thereof. Additionally, guidance is provided for fleet purchases, infrastructure requirements, such as charger installation and on-site hydrogen fuel storage, and the associated construction timelines.
- A Master Plan detailing the overall purpose of the study and outlining the five county operators.
 - Technological overview of BEBs, FCEBs and various charging and fueling strategies.
 - Review of current technological constraints when approaching new sources of fueling and technology, such as in-ground inductive charging.
 - Overview of current operating conditions and challenges faced by the five county operators. Each agency has its own designated section including the items listed below:
 - Battery Optimization Lifecycle Tool (BOLT) modeling methodology and modeling results, thus indicating which current routes can be served with BEB technology. FCEB and fuel sourcing, and infrastructural cost data and synthesis.
 - Existing and planned bus facilities (depots) have been reviewed, visited and documented to provide preliminary plans and step-by-step implementation strategies for achieving a zero-emission fleet in terms of infrastructure improvements and upgrades.
 - Financial analysis detailing the expected capital costs of transitioning to a zero-emission fleet, such as higher purchasing costs as well as expected operations and maintenance costs over the lifecycle of the bus. These scenarios include a sensitivity analysis and were performed via data received from each of the individual operators to provide specific, applicable results and figures.
 - Energy analysis of each operator depot site to determine the electrical load capability and feasibility from a utility side of on-site charging, and the associated power usage increases and coordination with local utility companies.

- Recommendations on fleet purchasing and phasing of construction timelines to ensure regulatory compliance by 2040. Each agency has a recommended technological path forward for successful implementation.
- Disadvantaged Community Analysis (DCA) which determines which operators' depots lie within areas in need of environmental justice and equity concerns, such as pollution exposure and low-income communities.
- Final Policy Recommendations and Summary of Conclusory Findings.

The table below provides a cost analysis summary including capital, operations, and costs associated with the non-cash components of environmental costs, by transit operator. The non-cash components of the cost analysis refer to monetized values for tailpipe emissions and upstream emissions of carbon dioxide (CO₂), criteria pollutants and noise, as well as state credits that the operators can obtain. The table includes a non-cash estimate of tailpipe emissions for CNG buses, for comparative purposes.

		Capital	Operating	Non-Cash Environmental	Total
Morongo Basin Transit Authority	Scenario 1: Baseline CNG	\$ 11,910,000	\$ 17,800,000	\$ 11,860,000	\$ 41,570,000
	Scenario 2: BEB	\$ 17,960,000	\$ 11,910,000	\$ 6,470,000	\$ 36,340,000
	Cost Difference (BEB-CNG)	\$ 6,050,000	\$ (5,890,000)	\$ (5,390,000)	\$ (5,230,000)
Mountain Transit	Scenario 1: Baseline Unleaded/D	\$ 11,670,000	\$ 20,310,000	\$ 1,090,000	\$ 33,070,000
	Scenario 2: BEB	\$ 16,200,000	\$ 17,600,000	\$ 950,000	\$ 34,750,000
	Cost Difference (BEB-CNG)	\$ 4,530,000	\$ (2,710,000)	\$ (140,000)	\$ 1,680,000
Omnitrans	Scenario 1: Baseline CNG	\$ 177,610,000	\$ 205,970,000	\$ 156,490,000	\$ 540,070,000
	Scenario 2: BEB	\$ 244,470,000	\$ 181,690,000	\$ 42,160,000	\$ 468,320,000
	Scenario 3: FCEB	\$ 242,710,000	\$ 152,320,000	\$ 41,670,000	\$ 436,700,000
	Cost Difference (BEB-CNG)	\$ 66,860,000	\$ (24,280,000)	\$ (114,330,000)	\$ (71,750,000)
	Cost Difference (FCEB-CNG)	\$ 65,100,000	\$ (53,650,000)	\$ (114,820,000)	\$ (103,370,000)
Victor Valley Transit Authority	Scenario 1: Baseline CNG	\$ 53,170,000	\$ 110,080,000	\$ 53,780,000	\$ 217,030,000
	Scenario 2: BEB	\$ 84,000,000	\$ 99,680,000	\$ 14,870,000	\$ 198,550,000
	Scenario 3: FCEB	\$ 91,170,000	\$ 115,260,000	\$ 14,650,000	\$ 221,080,000
	Cost Difference (BEB-CNG)	\$ 30,830,000	\$ (10,400,000)	\$ (38,910,000)	\$ (18,480,000)
	Cost Difference (FCEB-CNG)	\$ 38,000,000	\$ 5,180,000	\$ (39,130,000)	\$ 4,050,000
Needles	Scenario 1: Baseline Unleaded	\$ 855,000	\$ 1,132,000	\$ 93,000	\$ 2,080,000
	Scenario 2: BEB	\$ 1,409,000	\$ 587,000	\$ 61,000	\$ 2,057,000
	Cost Difference (BEB-CNG)	\$ 554,000	\$ (545,000)	\$ (32,000)	\$ (23,000)

While the study provides additional break-down of capital and environmental costs in the more detailed Master Plan, which are driven by annual mileage, the costs are summarized in the table above over the analysis period, which differs by operator because the study period ends when the last bus procured retires. After SBCTA staff has had an opportunity to analyze annual funding needs relative to anticipated revenue, a recommended funding plan will be presented to the Board for approval. Staff anticipates Congestion Mitigation and Air Quality (CMAQ) funds, which are received at about \$25 million per year, will be a significant source of funding for this purpose.

Capital Costs Analysis Horizons			
Operators	No build	Build – ZEB	Build – FCEB
Omnitrans	2038	2039	2038
VVTA	2039	2040	2040
Needles	2037	2038	N/A
MBTA	2030	2031	N/A
MT	2033	2033	N/A

Similarly, the following table provides the analysis period for the non-cash environmental costs. Annual figures are also discussed in the Master Plan.

Environmental Costs Analysis Horizons			
Operators	No build	Build – ZEB	Build – FCEB
Omnitrans	2052	2050	2050
VVTA	2053	2053	2053
Needles	2042	2042	N/A
MBTA	2040	2040	N/A
MT	2043	2045	N/A

To date, the WSP team has submitted a preliminary draft Rollout Plan to SBCTA and the transit agencies for review. This plan is a regulatory document as required by CARB; each transit agency must submit a Rollout Plan in accordance with CARB deadlines outlined in the table above. Two Rollout Plans have been developed: 1) Omnitrans as a stand-alone submission due to the deadline for large agency submissions of July 1, 2020, which can be found at the following link: <https://www.gosbcta.com/wp-content/uploads/2020/05/Final-Omnitrans-Rollout-Plan.pdf>; and 2) San Bernardino Countywide Rollout Plan, which includes the remaining four transit operators as the deadline for smaller agencies is July 1, 2023, which can be found at the following link: https://www.gosbcta.com/wp-content/uploads/2020/04/FINAL_SBCTA-Rollout-Plan_4.17.20.pdf. CARB allows for individual and joint-group submissions, upon written notification of intent to submit a joint plan. The San Bernardino Countywide Rollout Plan has been developed in such a way that allows for the smaller transit operators to submit the plan as a joint-group, or each respective agency can extract their respective plans from the document and submit individually. Additionally, a Master Plan has been developed that provides more detailed and implementation-focused analyses. This document serves as a planning and feasibility document that provides all five transit operators. The final Master Plan can be found in its entirety at the following link: https://www.gosbcta.com/wp-content/uploads/2020/05/SBCTA-ZEB-Final-Master-Plan_04.24.20.pdf.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 budget.

Reviewed By:

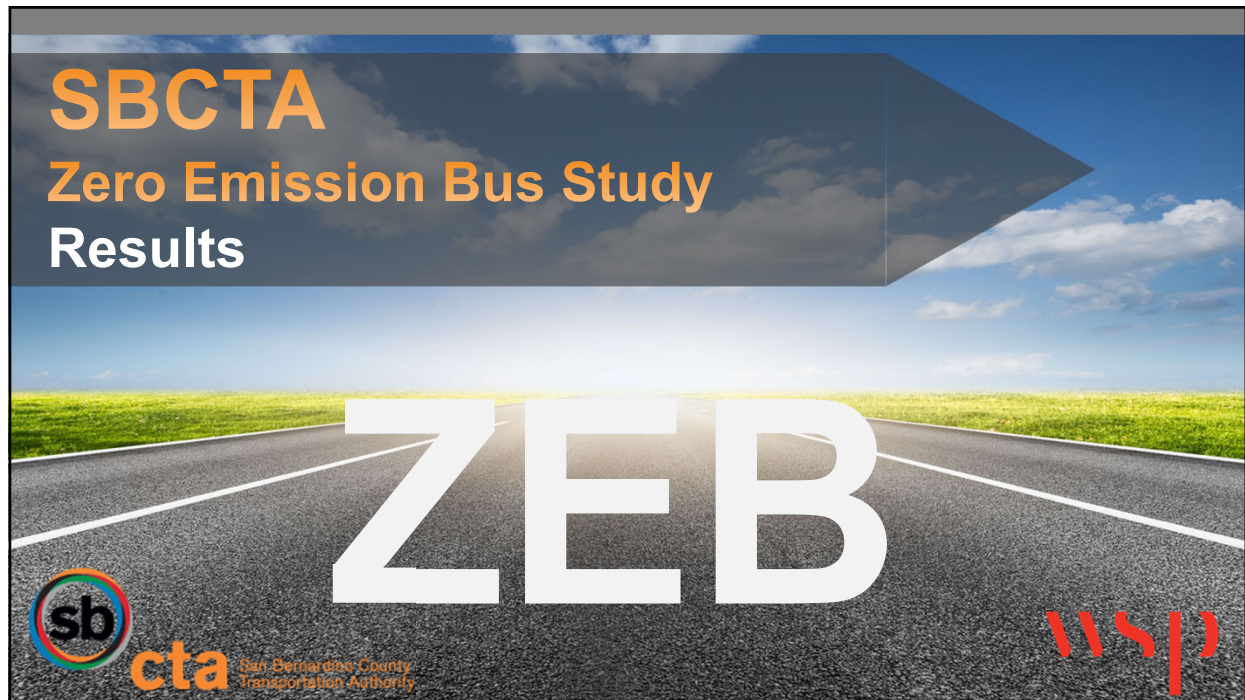
This item was received by the Transit Committee on May 14, 2020.

Responsible Staff:

Rebekah Soto, Management Analyst

Approved
Board of Directors
Date: June 3, 2020


Witnessed By:



1

Rollout Plan vs Master Plan

<h3 style="text-align: center; text-decoration: underline;">Rollout Plan</h3> <ul style="list-style-type: none"> High(er)-level Meets CARB ICT rule requirements 	<h3 style="text-align: center; text-decoration: underline;">Master Plan (Countywide Study)</h3> <ul style="list-style-type: none"> More detailed and implementation-focused Serves as a feasibility document Provides each agency with the foundation to further explore ZEB options, goals etc. <u>Not</u> required by CARB
--	--



2

ICT Requirements

Purchasing

2023

Large Transit Agencies (Omnitrans)

- 25% of new purchases need to be ZEB by **Jan. 2023**
- 50% of new purchases need to be ZEB by **Jan. 2026**
- 100% of new purchases need to be ZEB by **Jan. 2029**

2026

Small Transit Agencies (all others)

- 25% of new purchases need to be ZEB by **Jan. 2026**
- 100% of new purchases need to be ZEB by **Jan. 2029**

Reporting

2020

Large Transit Agencies (Omnitrans)

- Board-approved **Rollout Plan** due to CARB by **July 1, 2020**
- **Annual Compliance Report** due to CARB every **March (2021-2050)**

2023

Small Transit Agencies (all others)

- Board-approved **Rollout Plan** due to CARB by **July 1, 2023**
- **Annual Compliance Report** due to CARB every **March (2021-2050)**

3

Master Plan Elements

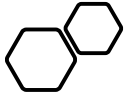


Facilities & Infrastructure



Vehicle Performance

4



Zero Emission Buses

Types Studied



Overhead charging



Subsurface inductive charging



Hydrogen fuel cell



Overhead catenary charging

5

Facilities & Infrastructure



Available space

Charging Infrastructure
Hydrogen Storage & Fueling



Electrical Infrastructure

Identify any electrical upgrades
required



Accessibility & Safety

Navigable by buses and refueling
vehicles. In accordance with safety
regulations



Future-Readiness

In alignment with planned
projects and future expansion,
community acceptance

6

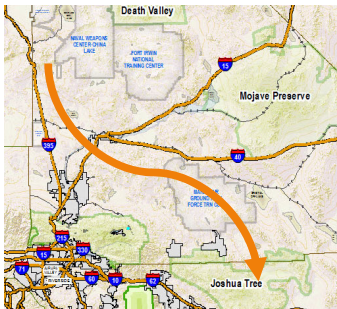
Facilities Assessments at a Glance

	MBTA		Mountain		Needles	VVTA		Omnitrans	
	Joshua Tree	29 Palms	Big Bear	Crestline		Hesperia	Barstow	East Valley	West Valley
Adequate Space for H2 Storage	Complies	Contingent on planning	Fail	Fail	Fail	Contingent on planning	Contingent on planning	Complies	Complies
Refueling Accessibility	Complies	Complies	Fail	Fail	Fail	Complies	Complies	Complies	Complies
Adequate Space for Electrical Upgrades	Complies	Complies	Complies	Complies	Complies	Complies	Complies	Complies	Complies
Safety Code Compliance	Complies	Complies	Complies	Complies	Fail	Complies	Complies	Complies	Complies
Community Acceptance	Complies	Complies	Complies	Fail	Fail	Complies	Complies	Fail	Complies

■ Complies
 ■ Contingent on planning
 ■ Fail

7

Vehicle Viability & Performance



Vehicle Range & Availability

Modeled all service blocks to compare ZE technologies
 Three degrees of sensitivity
 (Liberal, Base, Conservative)



Charging Strategies

Measured performance of base-only charging & on-route charging
 On-route used to complete service blocks as needed



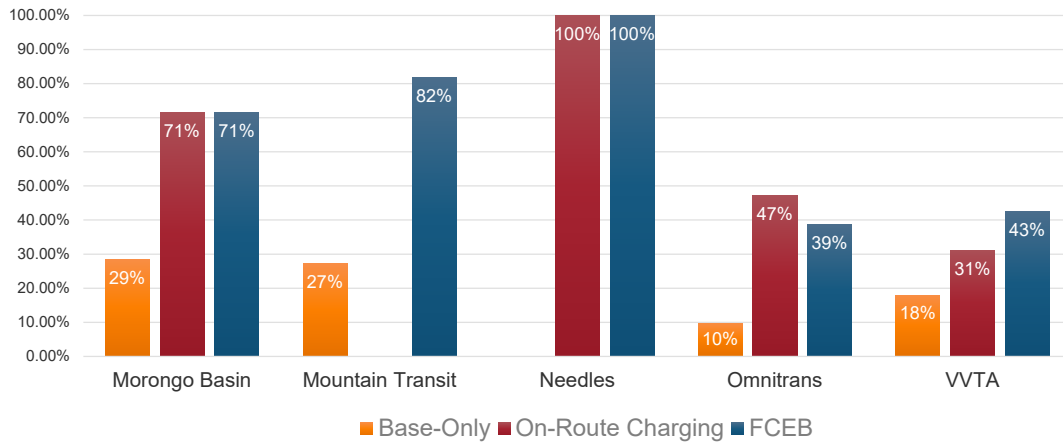
Fueling Strategies

Compared multiple hydrogen fueling options for feasibility
 Cutaway routes automatically failed FCEB viability test

8

Vehicle Performance at a Glance

% Service Blocks Complete Under Modeled Scenarios



9

For Small Bus Dependent Agencies: BEBs

Agencies

- MT
- MBTA
- Needles

Strategies

- Incremental adoption to allow technology to evolve
- Potential exemption for routes that could not be completed



10

Victor Valley FCEB Takes Lead





- Technology phase-in
- CNG decommissioning
- Begin with liquid delivery
 - Hesperia ~2,000 kg/day
 - Barstow ~500 kg/day
- Option to produce on-site

11

Omnitrans:

BEBs with Facility + Layover Charging, HFCEBs Possibly Later

42% of Service Blocks Incomplete

Under conservative estimations for FCEB and BEB technologies

~4,000 kg of Hydrogen per Day

Under conservative estimations at East Valley. ~2,000 kg per day required at West Valley. Typical delivery truck carries this much hydrogen in a single trip.

BEB Peak Demand 17 MW

Energy demand and consumption can translate to high O&M costs





12

Cost Analysis Summary					
		Capital	Operating	Non-Cash Environmental	Total
Morongo Basin Transit Authority	Scenario 1: Baseline CNG	\$ 11,910,000	\$ 17,800,000	\$ 11,860,000	\$ 41,570,000
	Scenario 2: BEB	\$ 17,960,000	\$ 11,910,000	\$ 6,470,000	\$ 36,340,000
	Cost Difference (BEB-CNG)	\$ 6,050,000	\$ (5,890,000)	\$ (5,390,000)	\$ (5,230,000)
Mountain Transit	Scenario 1: Baseline Unleaded/D	\$ 11,670,000	\$ 20,310,000	\$ 1,090,000	\$ 33,070,000
	Scenario 2: BEB	\$ 16,200,000	\$ 17,600,000	\$ 950,000	\$ 34,750,000
	Cost Difference (BEB-CNG)	\$ 4,530,000	\$ (2,710,000)	\$ (140,000)	\$ 1,680,000
Omnitrans	Scenario 1: Baseline CNG	\$ 177,610,000	\$ 205,970,000	\$ 156,490,000	\$ 540,070,000
	Scenario 2: BEB	\$ 244,470,000	\$ 181,690,000	\$ 42,160,000	\$ 468,320,000
	Scenario 3: FCEB	\$ 242,710,000	\$ 152,320,000	\$ 41,670,000	\$ 436,700,000
	Cost Difference (BEB-CNG)	\$ 66,860,000	\$ (24,280,000)	\$ (114,330,000)	\$ (71,750,000)
Victor Valley Transit Authority	Cost Difference (FCEB-CNG)	\$ 65,100,000	\$ (53,650,000)	\$ (114,820,000)	\$ (103,370,000)
	Scenario 1: Baseline CNG	\$ 53,170,000	\$ 110,080,000	\$ 53,780,000	\$ 217,030,000
	Scenario 2: BEB	\$ 84,000,000	\$ 99,680,000	\$ 14,870,000	\$ 198,550,000
	Scenario 3: FCEB	\$ 91,170,000	\$ 115,260,000	\$ 14,650,000	\$ 221,080,000
Needles	Cost Difference (BEB-CNG)	\$ 30,830,000	\$ (10,400,000)	\$ (38,910,000)	\$ (18,480,000)
	Cost Difference (FCEB-CNG)	\$ 38,000,000	\$ 5,180,000	\$ (39,130,000)	\$ 4,050,000
	Scenario 1: Baseline Unleaded	\$ 855,000	\$ 1,132,000	\$ 93,000	\$ 2,080,000
	Scenario 2: BEB	\$ 1,409,000	\$ 587,000	\$ 61,000	\$ 2,057,000
	Cost Difference (BEB-CNG)	\$ 554,000	\$ (545,000)	\$ (32,000)	\$ (23,000)

13

SBCTA
Zero Emission Bus Study

Questions?

sb cta San Bernardino County Transportation Authority

11/5/13

14

Minute Action

AGENDA ITEM: 20

Date: June 3, 2020

Subject:

Amendment No. 8 to Contract Task Order No. 11 issued for Contract No. 00-1000939 Staff Augmentation Support Services

Recommendation:

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

Authorize the Executive Director, or his designee, to execute Amendment No. 8 to Contract Task Order No. 11 issued for Contract No. 00-1000939, On-Call Consultant Support Services, between San Bernardino County Transportation Authority and Mott MacDonald for Staff Augmentation Support Services, in an amount of \$1,500,000, for a Contract Task Order total of \$6,122,604.82.

Background:

In December 2013, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved the award of Contract No. C14003 to Mott MacDonald Group (Mott MacDonald), formerly Hatch Mott MacDonald, and Contract No. C14086 to WSP USA, formerly Parsons Brinckerhoff, for On-Call Transit and Rail Services. The combined authorized amount was for a total not-to-exceed amount of \$20 million to be shared by both contracts through the contract task order (CTO) process. In April 2018, the Board authorized increasing the combined contract amount to \$26,750,000, including extending the contract term from December 31, 2018 to December 31, 2022. The use of on-call services under the CTO approach has been successful, with the staff provided having become familiar with SBCTA processes and procedures and gaining efficiencies over time.

The Transit and Rail Department responsibilities consist of general transit tasks such as regional representation, right-of-way management, transit operations, various planning activities, and delivery of transit capital projects. In order to provide additional resources to the Transit and Rail Department, CTO No. 11 was issued to Mott MacDonald in March 2014 for a not-to-exceed amount of \$489,822. The CTO was intended to provide staff augmentation resources needed for the capital improvement program, project controls, and general management of transit tasks. The scope of work (SOW) under CTO No. 11 included: 1) oversight of the overall capital improvement program and overall program management assistance; 2) project management staff to assist in managing individual projects; and 3) technical and administrative assistance, including such services as document project control, funding, planning, environmental, engineering, right-of-way service activities, construction oversight, and general support for miscellaneous transit and rail activities. Although the SOW included with CTO No. 11 was intended to allow the various services envisioned for the department for the life of the on-call contract, the initial CTO fee was only to provide a full-time on-site Project/Program Manager and an Administrative Assistant and was structured to be amended on a yearly basis as funding and resources needed for the capital program and other tasks undertaken by the department were better defined. Below is a summary of the various amendments executed under the previous SBCTA approval policy and reported out to the General Policy Committee on a monthly basis.

Entity: San Bernardino County Transportation Authority

1. Amendment No. 1: Increased CTO amount by \$283,614 to include a full time Project Engineer for the Downtown San Bernardino Passenger Rail Project and the San Bernardino Transit Center Project for services through 6/30/2015.
2. Amendment No. 2: Extended CTO period of performance to 9/30/2015. No additional funds authorized.
3. Amendment No. 3: Increased CTO amount by \$805,922 to continue staff augmentation support of the Program Manager, Project Manager and Project Controls staff from October 2015 through June 2016.
4. Amendment No. 4: Increased CTO amount by \$1,245,656 to continue staff augmentation support of the Program Manager, Project Manager and Project Controls staff from July 2016 through June 2017.
5. Amendment No. 5: Extended CTO period of performance to 12/31/2018. No additional funds authorized.
6. Amendment No. 6: Increased CTO amount by \$1,251,709 to continue staff augmentation support of the Program Manager, Project Manager and Project Controls staff from July 2017 through December 2018.
7. Amendment No. 7: Increased CTO amount by \$545,911.82 to continue staff augmentation support of the Program Manager, Project Manager and Project Controls staff from January 2019 through December 2022.

As mentioned above, it has been the practice to review the staff augmentation need on a fiscal year basis with an amendment to support the CTO for the upcoming fiscal year. This is done by examining the activities, demand and positions staffed, as well as the monthly burn rate. The staff augmentation need has stabilized. There are core positions that support daily activities of the department and are fully integrated SBCTA business practices. Those positions consist of two part time staff that support coordination of activities between different but dependent tasks, project reporting requirements, and general oversight of the consultant staff. It also consists of two full time positions that are focused on overall project controls and act as liaisons with the SBCTA Finance Department, with a focus on procurement and budget.

The amendment requested, in an amount of \$1,500,000, is based on our current burn rate of \$45,000 per month, plus a ten percent (10%) contingency, for a duration of approximately thirty (30) months, which will bring us to the end of the period of performance for our on-call contracts. As part of the SBCTA Fiscal Year 2020/2021 Budget (Budget), staff is requesting to bring one of these positions in-house due to the nature of the work and to allow stability as we move forward with delivery of more transit related projects and programs. The amendment requested does not assume approval of that additional SBCTA position, however, a future amendment to reduce the funding assigned to CTO No. 11 will be processed pending approval of the SBCTA Budget.

The available funding allocated under Contract No. C14003 to Mott MacDonald and Contract No. C14086 to WSP USA for on-call services is limited. It has been used to facilitate various studies, support for the SBCTA vanpool program, right-of-way design review, support for the transit operators, and support services including SBCTA staff augmentation and capital project delivery. It is anticipated that with approval of this amendment to CTO No. 11 and a future award for program management service for the West Valley Connector previously authorized by

Board of Directors Agenda Item

June 3, 2020

Page 3

the Board, that there will be a limited amount of funding available for additional studies or services.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 14, 2020. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the amendment.

Responsible Staff:

Carrie Schindler, Director of Transit and Rail Programs

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:



Contract Task Order Amendment

Except as otherwise expressly provided herein, Consultant hereby agrees to perform the work described below in accordance with all of the terms and conditions of the Master Contract referenced below. The Consultant shall furnish the necessary facilities, professional, technical and supporting personnel required by this Contract Task Order (CTO) as described below.

Consultant Name: Mott MacDonald **Contract No.:** C14003/00-1000939

CTO No.: 11

Amendment No.: 8

Period of Performance: CTO Start Date is effective on date executed by SBCTA **CTO Completion Date:** 12/31/2022

Scope of Work Description – Staff Augmentation: Increase CTO in the amount noted below to support CTO 11 scope of work ongoing activities for remainder on on-call contract.

CTO Pricing – See Attached Price Proposal /Fee Schedule

☐ Lump Sum ☒ Time and Materials

Original CTO Amount:	<u>\$489,822.00</u>	Not to Exceed CTO Amount:	\$ <u>489,822.00</u>
-----------------------------	----------------------------	----------------------------------	-----------------------------

Amendment # <u>08</u> to CTO # <u>11</u>:	Not to Exceed Amendment Amount:	\$ 1,500,000
--	--	---------------------

Cumulative Amount of All Previous Amendments: \$ 4,132,812.82

TOTAL CTO AMOUNT (Amount includes all Amendments): \$ 6,122,604.82

Funding String For This CTO: 1040.30.0312.0353.52005.41200000

<u>Subcontractors:</u>	DBE	Amount	Cumulative Amount
-------------------------------	------------	---------------	--------------------------

_____ \$ _____ \$

_____ \$ _____ \$

Consultant hereby acknowledges receipt and acceptance of the Contract Task Order.

Authorized to sign:

Name: _____

Date _____

San Bernardino County Transportation Authority

Executive Director – Raymond Wolfe

Date _____

Contract Expires:12/31/2022**Available Authority: \$3,447,518.22**

Minute Action

AGENDA ITEM: 21

Date: June 3, 2020

Subject:

Amendment No. 3 to Contract No. 16-1001363 with Kaplan, Kirsch & Rockwell, LLP

Recommendation:

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

Approve Amendment No. 3 to Contract No. 16-1001363 with Kaplan, Kirsch & Rockwell, LLP, for legal services to support the Redlands Passenger Rail Project, extending the contract term to June 30, 2022.

Background:

San Bernardino County Transportation Authority (SBCTA) originally procured the services of Kaplan, Kirsch & Rockwell, LLP (KK&R) in September 2015 via an on-call contract to provide attorney services related to Federal and California state law and regulations affecting railroads, and to provide legal advice, opinions and representation in litigation and administrative proceedings. Over the course of the contract, SBCTA primarily tasked KK&R with reviewing and drafting agreements specifically for the Redlands Passenger Rail Project (RPRP). Most notably, KK&R provided legal advice on meeting Federal Transit Administration (FTA) Buy America requirements for the purchase of rail vehicles to support RPRP, the three-party Arrow service operating and maintenance agreement, and tax-exemption status for the rail vehicles. Staff is requesting an extension to existing Contract No. 16-1001363 with KK&R to ensure continued access to their legal expertise specific to railroads, shared-use agreements, and related regulatory requirements.

In November 2016, Contract No. 16-1001363 was amended to increase the contract value from \$100,000 to \$200,000. In June 2019, Amendment No. 2 to the contract was approved extending the term through June 30, 2020. An increase to the contract value is not being requested at this time as there is sufficient contract balance to support the anticipated services needed. However, the contract amendment does include a one-time adjustment of a 3% increase to the assigned hourly rates. In accordance with SBCTA Contracting and Procurement Policy No. 11000, the maximum term for procurement contracts shall be five (5) years unless otherwise authorized by the SBCTA Board of Directors. Staff is requesting the Board of Directors authorize the extension of Contract No. 16-1001363 with KK&R to June 30, 2022, ensuring access to their services through the delivery of RPRP and start-up of Arrow service.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 14, 2020. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft amendment.

Responsible Staff:

Carrie Schindler, Director of Transit and Rail Programs

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item
June 3, 2020
Page 2

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino County Transportation Authority

General Contract Information

Contract No: 16-1001363 Amendment No.: 3Contract Class: Payable Department: TransitVendor No.: 01190 Vendor Name: KAPLAN, KIRSH & ROCKWELL, LLPDescription: Legal Services - Expert Railroad Legal Advice

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	100,000.00	Original Contingency		\$	-
Prior Amendments		\$	100,000.00	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	200,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	200,000.00

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6728

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? No No Budget Adjustment _____

Local _____ Professional Services (Non-A&E) _____

Accounts Payable

Estimated Start Date: 07/29/2015 Expiration Date: 06/30/2020 Revised Expiration Date: 06/30/2022

N/A

N/A

N/A

Total Contract Funding:

Total Contingency:

Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	200,000.00	\$	-
GL	4150	30	0315	0324	52200	41100000	Sales Tax-MSI		200,000.00		-
GL							Revenue Bond Proceeds				-
GL											-
GL											-
GL											-
GL											-
GL											-
GL											-
GL											-
GL											-

Victor Lopez

Carrie Schindler

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: 16-1001363 CSS (6728 : Amendment No. 3 to Contract No. 16-1001363 with Kaplan Kirsch & Rockwell LLP)

AMENDMENT NO. 3 TO CONTRACT NO. 16-1001363
FOR
RAILROAD RIGHT OF WAY LEGAL SERVICES
(KAPLAN KIRSCH & ROCKWELL LLP)

This Amendment No. 3 to Contract No 16-1001363 is made by and between the San Bernardino County Transportation Authority ("SBCTA") and the firm of Kaplan Kirsch & Rockwell LLP ("ATTORNEY").

RECITALS

- A. SBCTA, under Contract No 16-1001363, engaged ATTORNEY to provide legal services relating to Federal and state law and regulations affecting railroads, including providing legal advice and opinions, and representation in litigation and administrative proceedings ("Contract"); and
- B. On November 28, 2016, SBCTA and ATTORNEY entered into Amendment No. 1 to Contract increasing the contract price by \$100,000; and
- C. On June 3, 2019, SBCTA and ATTORNEY entered into Amendment No. 2 to Contract extending its term through June 30, 2020; and
- D. SBCTA and ATTORNEY desire to further amend the Contract to extend its termination date to June 30, 2022, and to update the hourly rates, which have not been adjusted since the Contract was originally executed.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, SBCTA and ATTORNEY agree as follows:

- 1. ARTICLE 2. PERIOD OF PERFORMANCE is deleted and replaced in its entirety to read as follows:

"The Period of Performance by ATTORNEY under this Contract shall commence upon issuance of a written Notice to Proceed (NTP) issued by SBCTA, unless agreed otherwise, and shall continue in full force and effect through completion of the Services or June 30, 2022, whichever is first to occur."
- 2. Attachment "B" to the Contract is deleted and replaced with Attachment "B" attached hereto and incorporated herein by this reference.
- 3. The Recitals set forth above are incorporated herein by this reference.
- 4. Except as amended by this Amendment No. 3, all other provisions of the Contract, and amendments thereto, shall remain in full force and effect and are incorporated herein by this reference.

5. This Amendment No. 3 is effective upon execution by SBCTA.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 3 below.

KAPLAN, KIRSCH & ROCKWELL, LLP

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Charles Spitulnik, Partner

By: _____
Darcy McNaboe, Board President

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist, General Counsel

Date: _____

CONCURRENCE:

By: _____
Jeffery Hill, Procurement Manager

Date: _____

ATTACHMENT “B”

ATTORNEYS FEES AND CHARGES

Term: July 29, 2015 – June 30, 2020

<u>Attorney</u>	<u>Hourly Rate</u>
C. Alexander	\$285.00
A. Fultz	\$375.00
H. Haney	\$285.00
N. Hunt	\$325.00
P. Jessen	\$395.00
S. Kaplan	\$425.00
P. Kirsch	\$425.00
W. E. Pilsch	\$395.00
L. Potter	\$425.00
J. Putnam	\$395.00
S. Rockwell	\$395.00
C. Spitulnik	\$425.00
K. van Heuven	\$345.50
L. Zarzecki	\$285.00
Law Clerks	\$130.00

Term: July 1, 2020 – June 30, 2022

<u>Attorney</u>	<u>Hourly Rate</u>
C. Alexander	\$294.00
A. Fultz	\$386.00
H. Haney	\$294.00
N. Hunt	\$294.00
P. Jessen	\$407.00
S. Kaplan	\$438.00
P. Kirsch	\$438.00
W. E. Pilsch	\$407.00
L. Potter	\$438.00
J. Putnam	\$407.00
S. Rockwell	\$407.00
C. Spitulnik	\$438.00
K. van Heuven	\$356.00
L. Zarzecki	\$294.00
Law Clerks	\$134.00

Minute Action

AGENDA ITEM: 22

Date: June 3, 2020

Subject:

Revisions to Measure I Strategic Plan Policies - Rural Mountain/Desert Subareas

Recommendation:

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

Approve revisions to Measure I 2010-2040 Strategic Plan Rural Mountain/Desert Subareas Policies:

- 40016 – Rural Mountain/Desert Subareas Local Street Program
- 40018 – Rural Mountain/Desert Subareas Senior and Disabled Transit Program

Background:

In April 2009, San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved the Measure I 2010-2040 Strategic Plan (Strategic Plan). In September 2017, a comprehensive update was approved by the Board to make the financial and project data current and to adopt policy wording changes that needed to be consistent with current practice. In 2018, further revisions were made, and since then, additional needed revisions have been identified by staff while administering the Measure I programs. While some minor changes have been made to achieve countywide consistency among policies, the following describe the substantive revisions.

Local Street Program Eligibility

In order to be eligible for Local Street Program funds, local jurisdictions must submit a five-year capital improvement plan. The requirements for the format of the submittal have been clarified. Additionally, the project eligibility requirements for the Local Street Program are largely based on State Gas Tax eligibility requirements with minor specific determinations made specifically for SBCTA. Policy 40016 (Attachment 1) has been updated to reflect the latest reporting and eligibility requirements.

Compliance Audit Requirements

Policy 40016 MDLS-21 (Attachment 1) and Policy 40018 MDSDT-16 (Attachment 2) require an annual audit to determine whether each local jurisdiction used Measure I Transportation Sales Tax Funds only on eligible projects and accounted for those expenses correctly. The language regarding the deadline for completion of the audit was unclear as well as the penalty if it was not met, or the audit was not completed.

Staff is recommending adding December 31st as the Compliance Audit Deadline, rather than “six months from the end of the fiscal year” as currently written, and to include the penalty to withhold fund allocations or payments to any jurisdiction failing to meet the deadline beginning in March of the next calendar year if a deadline extension is not approved by the SBCTA Board. The allocation or payment will be released only when the audit is satisfactorily completed.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

Financial Impact:

There is no impact to the Fiscal Year 2019/2020 budget.

Reviewed By:

These policy revisions were reviewed by members of the Transportation Technical Advisory Committee on May 4, 2020, and the City/County Manager Technical Advisory Committee on May 7, 2020. This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 15, 2020. SBCTA's General Counsel has reviewed this item and the draft policy revisions.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino County Transportation Authority

San Bernardino County Transportation Authority	Policy	40016
Adopted by the Board of Directors April 1, 2009	Revised	07/11/18
Rural Mountain/Desert Subareas Local Street Program (MDLS) Measure I 2010-2040 Strategic Plan	Revision No.	<u>54</u>

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

Table of Contents

| [Purpose](#) | [References](#) | [Definitions](#) | [Policies for the Rural Mountain/Desert Subareas Local Street Program](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to establish requirements for the Local Street Programs for the Colorado River, Morongo Basin, Mountains, and North Desert subareas, including project eligibility, adoption of Five Year Plans by local jurisdictions, accounting requirements, and development mitigation requirements.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

SBCTA Congestion Management Program

III. DEFINITIONS

Local Street Program: Measure I program in all subareas that provides funds through a pass-through mechanism directly to local jurisdictions for expenditure on street and road construction, repair, maintenance and other eligible local transportation priorities. Local Street Program funds can be used flexibly for any eligible transportation purpose determined to be a local priority, including Local Street, major highways, state highway improvements, freeway interchanges, transit, and other improvements/programs to maximize use of transportation facilities.

Allocation: An action by the SBCTA Board of Directors to assign a specific amount of Measure I funds from a Measure I program to a project. The allocation decision is made annually by the Board of Directors by March of each year. Allocation of Local Street Program funds occur monthly as a direct pass-through to local jurisdictions.

Five-Year Plan: A plan of projected local jurisdiction expenditures for the next five years on ~~Local Street Projects~~local projects eligible for Local Street Program funds, updated annually and submitted to SBCTA by local jurisdictions.

Independent Taxpayer Oversight Committee: A “Mandated Taxpayer Safeguard” established by Ordinance 04-01 for Measure I 2010-2040 to provide citizen review and to ensure that all Measure I funds are spent in accordance with provisions of the Measure I Expenditure Plan and Ordinance.

Maintenance of Effort: The requirement that Measure I funding will supplement and not replace the existing local discretionary funding being used for street and highway purposes.

Maintenance of Effort Base Year Level: The amount of General Fund used for street and highway purposes in Fiscal Year 2008/2009 prior to Measure I 2010-2040 as adopted by the SBCTA Board of Directors.

IV. POLICIES FOR THE RURAL MOUNTAIN/DESERT SUBAREAS LOCAL STREET PROGRAM

A. Local Street Allocation

Policy MDLS-1: 70% of revenue collected in the Victor Valley subarea shall be apportioned for Local Street Projects. After reservation of 2% collected in the subarea for Project Development and Traffic Management Systems, each jurisdiction shall receive an allocation from 68% of the Measure I revenue. The allocation methodology is determined based on:

- 50% population. The population estimate for making the per capita calculation shall be determined by SBCTA each year based on the State Department of Finance population estimate. Annual adjustments to the population estimates are made mid-year, based on availability of DOF estimates. Following approval of the population estimates by the Board, adjustments will be made to the local pass through fund allocations retroactive to January 1 of the year.
- 50% return to source. The sales tax estimates provided by the State Board of Equalization, updated quarterly based on the prior quarter's financial data, shall be used as the basis for making the return to source calculations.

Policy MDLS-2: Local jurisdictions shall not receive their Local Street Program allocation until they have submitted their annual adopted update of their Five-Year Plan. The due date to submit the Five-Year Plan to SBCTA is September 1 of each year. If the Five-Year Plan has not been received by the due date, the pass through payments will be withheld. All withheld pass through payments will be released upon receipt of the local jurisdiction governing body's adopted Five-Year Plan.

Policy MDLS-3: The Local Street Allocation shall be remitted to local jurisdictions monthly.

Policy MDLS-4: Local Street Allocations remitted from January 1 until such time as the State Department of Finance has issued their population figures and SBCTA has made the per capita calculation, shall be based on the prior year's calculation. Once the per capita calculation has been made, the calculation will be applied retroactively to January 1 and amounts received by local jurisdictions will be adjusted to account for the difference in the amount remitted during the retroactive period and the amount that should have been remitted adjusted for the new per capita calculation.

Policy MDLS-5: Local Street Allocations sales tax generation portion will be based on the prior quarter's data. Because of the lag in receiving sales tax data from the Board of Equalization, the Sales Tax Generation calculations for that portion of the Local Street Allocation will be calculated using the data from the prior quarter. (Example: During the months of January, February and March SBCTA will use the local sales tax generation figure derived from the fourth quarter of the previous calendar year.)

Policy MDLS-6: SBCTA will make the monthly allocations using the following procedure:

- a. Determine total amount of Measure I Sales Tax generated in the subarea from information submitted by the State Board of Equalization.
- b. Multiply the total Measure I Sales Tax received for the month by 0.68 to arrive at the total subarea Local Street Allocation.
- c. Divide the Local Street Program fund into two 50% pools of funding: Allocate the two pools of funding based on:
 - 1) a jurisdiction's population share of the entire subarea population.
 - 2) jurisdiction's share of sales tax generation within the total subarea.
- d. Add the population based component and the sales tax based component of each jurisdiction's allocation to arrive at the total Local Street Allocation for each jurisdiction.
- e. Remit payment of Local Street Program fund to local jurisdiction.

Policy MDLS-7: Upon each jurisdiction in a particular subarea making a finding that an increase in Senior and Disabled Transit Service is needed to meet the unmet transit needs of senior and disabled users, the Local Street allocation may be reduced and that allocation may be shifted to the Senior and Disabled Transit Service Program for that subarea.

B. Development Fair Share Contribution

Policy MDLS-8: Development mitigation for Local Street projects in the Rural Mountain/Desert is required by Measure I 2010-2040 for all capacity improvement projects for transportation facilities funded all or in part with Local Street Program allocations as identified by a Traffic Impact Analysis

(TIA) report as required by the Congestion Management Program. The amount of the development mitigation for each project is defined by the traffic mitigation measures identified in the related TIA reports.

Policy MDLS-9: Annually as part of its audit of each jurisdictions' use of Measure I funds, SBCTA will specifically look to make sure that the development mitigation towards capacity improvements identified in TIAs is accounted for. If a material finding is made in the audit showing that a contribution of development mitigation was not made as identified by a TIA, then SBCTA may, as the agency responsible for the Congestion Management Authority Program, withhold Section 2105 Gas Tax funds or Measure I Local Street Allocations until the jurisdiction shows that they are in compliance with the Congestion Management Plan.

C. Five-Year Plan

Policy MDLS-10: Each local jurisdiction is required to annually adopt and submit to SBCTA by September 1 of each year a Five-Year Capital Improvement Plan which details the specific projects to be funded using Measure I Local Pass-Through Funds. Expenditures of Measure I Local Pass-Through Funds must be detailed in the Five-Year Capital Improvement Plan and adopted by resolution of the governing body. Expenditures can only be made on projects listed in the current Five Year Capital Improvement Plan.

Policy MDLS-11: Five-Year Capital Improvement Plans shall:

- a. Specifically identify "Named Projects" ~~improvements to be funded all or in part with Measure I Local Street Program funds~~ by street name, boundaries, and project type, subject to eligibility requirements listed in Section D below.
- b. Specifically identify "Categorical Projects" which are defined as a program of work without any identified streets, such as a pavement management program, transportation system improvements, routine roadway maintenance or other miscellaneous transportation-related expenditures as identified in Policy MDLS-14.

A Categorical Project may be listed as a Named Project only if a list of potential streets is provided as an attachment to the approved Plan and the actual streets are named in the approved and modified Plan due by the end of the fiscal year, with instructions for preparation identified in Policy MDLS-13.

- ~~cb.~~ Constrain the total annual amount of planned expenditures to 150% of SBCTA's forecasted revenue for Measure I Local Pass-Through Funds, revenue resulting from bonds secured by Measure I revenue, and remaining balances from previous year allocations.
- ~~cd.~~ Include no more than 50% of estimated annual new revenue for Categorical Projects. to general program categories. Any carryover fund balance shall not be included in the 50% limit used for general program categories.
- e. Use the SBCTA-approved forms and/or online database. Instructions will be issued to the City Manager annually prior to the deadline.

~~A general program category is defined as a pavement management program, transportation system improvement, routine roadway maintenance, and other miscellaneous categorical expenditures in a program of work without any identified streets. If a line item in the Five-Year Capital Improvement Plan includes a list of the streets to which it will apply, then it does not have to count as a general program category (i.e. a city-wide AC overlay program that lists the streets to be included in the program).~~

Policy MDLS-12: Any single project expenditure in excess of \$100,000 must be listed as a Named Project an individual project and not included in a Categorical Projects general program category. A project is defined as a specific road improvement that is eligible to receive Measure I funding.

Policy MDLS-13: The Five-Year Capital Improvement Plan shall be the basis for the annual audit. Jurisdictions will have flexibility in adding or deleting projects or moving funding between projects in their current Five-Year Capital Improvement Plan based on the necessities of the jurisdiction. However, in order for a project to be eligible for expenditure of Local Street funds, a revised Capital Improvement Plan, adopted by resolution of the governing body, is required and must be provided to

SBCTA by August 15th ~~June 30th~~ of each fiscal year. The revised Capital Improvement Plan must show any changes to the projects listed or if the amount expended on a project has been increased. If the project list has been changed. If the Capital Improvement Plan is not modified to reflect the changes, an audit finding will result. If the audit finding is not corrected, the project will not be eligible for expenditures of Local Street funds.

D. Eligible Expenditures

Policy MDLS-14: Eligible expenditures include construction, maintenance, and overhead for transportation related purposes only. Included below are definitions and types of eligible expenditures by category.

a. Construction

Construction shall be defined as the building or rebuilding of streets, roads, bridges, and acquisition of rights-of-way or their component parts to a degree that improved traffic service is provided and geometric or structural improvements are effected including allocated administration and engineering necessarily incurred and directly related to the above.

~~b.~~ *Construction work* can be separated into ~~includes~~ four categories:

- 1) New Construction – A construction that substantially deviates from the existing alignment and provides for an entirely new street or roadbed for the greater parts of its length.
- 2) Reconstruction – A construction involving realignment or the use of standards well above those of the existing element, whereby the type or the geometric and structural features are significantly changed.
- 3) Preventative Maintenance – Includes, but is not limited to, roadway activities such as joint and shoulder rehabilitation, heater re-mix, seal coats, corrective grinding of PCC1 pavement, and restoration of drainage systems.
- 4) 3R Work – All other work that does not fall into the above-defined categories for new construction, reconstruction, or preventative maintenance and typically involves the improvement of highway pavement surfaces through resurfacing, restoration, or rehabilitation. 3R Work is generally regarded as heavy, non- routine maintenance designed to achieve a ten-year service life. Specifically, 3R Work is defined as the following:
 - *Resurfacing* generally consists of placing additional asphalt concrete over a structurally sound highway, street, or bridge that needs treatment to extend its useful service life.
 - *Restoration* means returning a road, street, structure, or collateral facility to the condition existing after original construction.
 - *Rehabilitation* implies providing some betterments, such as upgrading guardrail or widening shoulders.

~~c.~~ Examples of construction expenditures:

The following examples of construction expenditures are grouped by types of work:

<i>Expenditures</i>	<i>Types of Work</i>	
Additions	1.	The addition of a frontage street or road
	2.	Addition of auxiliary lanes such as speed change, storage, or climbing lanes
Barriers	3.	Earthwork protective structures within or adjacent to the right-of-way area
	4.	Extensions and new installation of walls
	5.	Replacement of retaining walls to a higher standard
	6.	Extension of new installation of guardrails, fence lines, raised medians, or barriers for traffic safety
Bikeways	7.	Construction of bikeways where they are an integral part of the streets and highway system

	8.	Construction of bicycle or pedestrian underpasses or overhead crossings for the general public use
Bridges	9.	Reconstruction of an existing bridge or installation of a new bridge
	10.	Widening of a bridge
	11.	Replacement of bridge rails and floors to a higher standard
Curbs, etc.	12.	Installation or extension of curbs, gutters, sidewalks, or underdrain (including improvements to handicap ramps to make them ADA compliant).
Drainage	13.	A complete reconstruction or an addition to a culvert <u>including cross culverts regardless of angle of crossing; storm drains, culverts, or drainage channels which are required to be constructed or reconstructed by improvement of the roadway; longitudinal storm drains or other longitudinal culverts, including manholes; cross longitudinal gutters at intersections; and catch basins and related pipes. The term "catch basin" shall include outlet structures or curb openings. An eligible "catch basin" must be located within the road or street system rights-of-way, or as close to the curb return joining the road or street system as practicable, considering the location of obstructions and/or hydraulic considerations.</u>
	14.	Extending old culverts and drains and replacing headwalls
Interagency Projects	15.	Measure I can be expended for r Road improvements within an adjoining jurisdiction as long as the improvements are made within the County of San Bernardino
	16.	Road improvements and maintenance on a state highway as long as the appropriate agreement with Caltrans is in place
	17.	Maintenance or construction on alleys that have been formally accepted into the city or county street system
	18.	Development of facilities associated with Metrolink commuter rail operations that are determined to be a local responsibility
Landscaping	19.	Installation or addition to landscape treatment such as sod, shrubs, trees, irrigation, etc. <u>along the street or road right-of-way</u>
	20.	Purchase of land for "greenbelt" if needed to mitigate the environmental impact of a street or road construction project
Layout	21.	Change of alignment, profile, and cross-section
	22.	Reconstruction of an intersection and its approximate approaches to a substantially higher type involving a change in its character and layout including changes from a plain intersection to a major channelized intersection or to a grade separation and ramps
Lighting	23.	Installation, replacement, or expansion of street or road lighting system
<u>Associated Planning and Design</u>	24.	Project development, planning studies, and design for eligible transportation projects
	25.	Expenses incurred in attending or participating in transportation and traffic engineering sponsored programs or training conducted for street or road purposes
	26.	Engineering review of plans for construction of Valley Measure I Major Streets projects
Relocation	27.	The removal of old street and roadbeds and structures, and detour costs when connected with a construction project
	28.	Replacement in kind, when legally required, of structures that are required to be relocated for street and road purposes
Signs and Signals	29.	Installation of original traffic signs and markers on routes
	30.	Replacement of all major signs or traffic control devices on a street or road
	31.	The installation of a new sign or the replacement of an old sign

		with one of superior design such as increased size, illumination, or overhead installation
	32.	Installation or improvements of traffic signal controls at intersections and protective devices at railroad grade crossings
	33.	Purchase and installation of traffic signal control equipment including traffic actuated equipment, radio or other remote control devices and related computers, software, and that portion of preemption equipment not mounted on motor vehicles
Striping	34.	Painting or rearrangement of pavement striping and markings, or repainting to a higher standard
Surface Work	35.	Original surfacing of shoulders
	36.	Improvement of a surface to a higher type <u>of material</u>
	37.	Placing sufficient new material on soil surface or gravel street or road to substantially improve the quality or the original surface
	38.	Bituminous material of 1" or more placed on bituminous or concrete material - a lesser thickness may be considered construction provided the engineer shall certify that the resulting pavement is structurally adequate to serve anticipated traffic
	39.	Remix existing bituminous surfacing with added materials to provide a total thickness of one inch or more – a lesser thickness may be considered construction provided the engineer certifies that the resulting pavement is structurally adequate to serve anticipated traffic
	40.	Stabilization of street or road base by additive, such as cement, lime, or asphaltic material
Widening	41.	Widening of existing street or roadbed or pavement, with or without resurfacing
	42.	Resurfacing, stabilizing, or widening of shoulders including necessary connections to side streets or road approaches
Other eligible expenditures	43.	Matching funds to federal or state contributions to a roadway project
	44.	Park and ride facilities
	<u>45.</u>	<u>Undergrounding utilities or utility relocation only if part of a new roadway construction or documented as a legal road or street obligation.</u>
	<u>46.</u>	<u>Rubberized railroad grade crossing material or repair of grade crossings</u>
	<u>47.</u>	<u>Preliminary and construction engineering may be claimed on the percentage basis approved in previous years by Caltrans for contract work.</u>
	<u>48.</u>	<u>Relocation expenses necessitated by right-of-way acquisitions in accordance with the applicable government codes on relocation assistance.</u>

bd. Maintenance

Maintenance shall be defined as the preservation and upkeep of a street or road to its constructed condition and the operation of a street or road facility and its integral services to provide safe, convenient, and economical highway transportation.

Physical Maintenance is preservation and upkeep of a highway, including all of its elements, in as nearly as practicable its original condition or its subsequently improved condition; including development of a pavement management program.

Traffic Services include the operation of a highway facility, and services incidental thereto, to provide safe, convenient, and economic travel.

~~e. Examples of maintenance include:~~

The following are examples of maintenance expenditures:

1.	Scarifying, reshaping, and restoring material losses
2.	Applying dust palliatives
3.	Patching, repairing, surface treating, and joint filling on bituminous or concrete surfaces
4.	Jacking concrete pavements
5.	Repairing traveled way and shoulders
6.	Adding bituminous material of less than 1" to bituminous material including seal coats
7.	Remixing existing bituminous surfacing with added materials to provide a total thickness of less than 1" (see exception under Construction, example 39)
8.	Patching operations including base restoration
9.	Resealing street or road shoulders and side street and road approaches
10.	Reseeding and resodding shoulders and approaches
11.	Reshaping drainage channels and side slopes
12.	Restoring erosion controls
13.	Cleaning culverts and drains
14.	Removing slides and restoring facilities damaged by slides (additional new facilities shall be considered construction)
15.	Mowing, tree trimming, and watering within the street right-of-way
16.	Replacing topsoil, sod, shrubs, trees, irrigation facilities, etc., on streets and roadsides
17.	Repairing curb, gutter, rip-rap, underdrain, culverts, and drains
18.	Cleaning, painting, and repairing bridges and structures
19.	Performing all snow control operations such as erection of snow fences and the actual removal of snow and ice from the traveled way
20.	Repainting pavements, striping, and markings
21.	Repainting and repairing signs, guard rails, traffic signals, lighting standards, etc.
22.	Adding small numbers of conventional traffic control devices including signs
23.	Servicing street or road lighting and traffic control devices
24.	Furnishing power for street or road lighting and traffic control devices <u>including payment for the cost of power</u>
25.	Developing and maintaining programs that enhance management of transportation facilities such as travel demand models and pavement management programs
26.	Purchase of street-related equipment used exclusively for road maintenance
27.	Purchase of rubberized railroad grade crossing material for repair of grade crossings

c. Administrative Costs

1) Direct Costs

Direct costs are expenditures incurred solely and specifically for eligible street or road purposes or projects. Direct costs include contract payments, right-of-way acquisition, direct material and forced labor costs, and the salaries, wages, fringe benefits and related costs of employees directly participating on street and road purpose projects. Typical direct costs include:

- Compensation of employees for the time devoted and identified specifically to the performance of the eligible street or road project(s). Direct cost typically includes first level of supervision dedicated to the project. Supervisory activities above the first level of supervision may be recoverable as indirect costs.
- Costs of materials consumed or expended specifically for the purpose in which they were authorized.
- Equipment and other approved capital expenditures.
- Expense items or services contracted, or furnished specifically for the project to carry out the purpose in which they were authorized.

2) Indirect Costs (Overhead)

Indirect costs shall be defined as those elements of costs that are incurred for eligible street or road purposes that cannot be readily identified to a particular project. Cities and counties are allowed to use Measure I local funds to reimburse for indirect costs provided that there is documentation that amounts reimbursed were fairly and equitable allocated.

Overhead will only be allowed via an approved cost allocation plan or an equitable and auditable distribution of overhead among all departments.

Indirect costs typically include:

- Cost of overall supervision of field operations including payroll, facilities, advertising, general government, department or general accounting/finance, procurement, top management, data processing, legal costs and bids
 - Cost of shop supplies such as expendable small tools and non-permanent barricades, warning signs, and other devices
- ~~f. Overhead shall be defined as those elements of cost necessary in the production of an article or performance of a service which are of such a nature that the amount applicable to the functions are not readily discernible. Usually they relate to those objects of expenditure which do not become an integral part of the finished product or service. Examples of overhead components are shown below and are comprised of costs which cannot be identified or charged to a project, unless an arbitrary allocation basis is used. Overhead will only be allowed via an approved cost allocation plan or an equitable and auditable distribution of overhead among all departments.~~

- ~~1) Payroll~~
- ~~2) Personnel~~
- ~~3) Procurement~~
- ~~4) Advertising~~
- ~~5) Legal Costs~~
- ~~6) General Government~~
- ~~7) General accounting/finance~~
- ~~8) Departmental accounting/Finance~~
- ~~9) Facilities~~
- ~~10) Data processing~~
- ~~11) Top Management~~
- ~~12) Bids~~

E. Ineligible Expenditures

Policy MDLS-15: Although many types of work may be referred to as "construction", this does not make these costs automatically eligible for expenditures of Measure I funds. To be eligible, the work must be for street or road purposes.

a. Following is a list of the types of expenditures that are not eligible for financing with Measure funds:

1.	Costs of rearranging non-street or road facilities, including utility relocation, when not a legal road or street obligation
----	--

2.	New (first installation of) utilities, including water mains, sanitary sewers, and other non-street facilities
3.	Cost of leasing property or right-of-way, except when required for construction work purposes on a temporary basis
4.	Cost of constructing or improving a street or area for parking purposes, except for the width normally required for parking adjacent to the traveled way and within the right-of-way, or when off-street parking facilities are constructed in lieu of widening a street to improve the flow of traffic
5.	Decorative lighting
6.	Park features such as benches, playground equipment and restrooms
7.	Work outside the right-of-way which is not a specific right-of-way obligation
8.	Equestrian under- and overpasses or other similar structures for any other special interest group unless as a part of a right-of-way obligation
9.	Construction, installation, or maintenance of cattle guards
10.	Acquisition of buses or other mass transit vehicles or maintenance and operating costs for mass transit power systems or passenger facilities (passenger facilities include but are not limited to bus benches, shelters, and bus stop signs, or equipment and services)
11.	Maintenance or construction on alleys that have not been formally designated as part of a jurisdiction's street and road system
12.	Non-street and road-related salaries and benefits
13.	Driveways outside of the street and road right-of-way
14.	Purchase of electronic speed control devices or other non-highway related equipment
15.	Freeway telephone emergency system
16.	Interest charged for non-highway purposes
17.	Grantwriting consultant fees
<u>18.</u>	<u>Debt service payments for non-voter-approved bonds, including Certificates of Participation</u>
<u>19.</u>	<u>Over-expended funds (deficit fund balance)</u>
<u>20.</u>	<u>Negative interest allocation</u>
<u>21.</u>	<u>The value of park or other city/county owned property rededicated for a street right-of-way.</u>

F. Accounting Requirements

Policy MDLS-16: Each local jurisdiction shall establish a Special Measure I 2010-2040 Transportation Sales Tax Fund. This fund is a special revenue fund utilized to account for proceeds of specific revenue sources that are legally restricted to expenditures for street purposes. Jurisdictions should use the modified accrual basis of accounting.

Policy MDLS-17: The following requirements are to provide guidance on the specific accounting treatment as it relates to the Special Measure I Transportation Sales Tax Fund.

- All allocations shall be deposited directly into the Special Measure I Transportation Sales Tax Fund.
- Interest received by a jurisdiction from the investment of money in its Special Measure I Sales Tax Fund shall be deposited in the fund and shall only be used for street and road purposes.
- Segregation must be maintained within the Special Measure I Transportation Sales Tax Fund to show separate balances for each subarea (County only).

- d. If other revenues are commingled in the Special Measure I Transportation Sales Tax Fund, it is the responsibility of the jurisdiction to provide accurate and adequate documentation to support revenue and expenditure allocation, as well as segregated balances.
- e. It is allowable to fund prior year expenditures with current year revenues and/or fund balance as long as funded projects are included in the current adopted Five-Year Capital Improvement Plan and accounting clearly identifies the project and other pertinent data to establish a clear audit trail.
- f. If a project is deemed ineligible in the annual Compliance Audit, the Measure I funds used on that project must be repaid to the Special Measure I Transportation Sales Tax Fund in accordance with Policy MDLS-21.

g. Temporary loans of Measure I local funds can only be made among other Measure I accounts/projects if project and other pertinent data is identified to establish a clear audit trail.

h. If Measure I funds are used to purchase salable excess right-of-way, any unsold portions should be reported to SBCTA including the reasons for holding it and the anticipated date of disposal.

Policy MDLS-18: Any interest earned on investment of Measure I Transportation Sales Tax Funds must be deposited in the Special Measure I Transportation Sales Tax Fund. Any jurisdiction not electing to invest its Measure I funds but at the same time investing most of its other available funds should deposit the Measure I funds in a separate account to clearly indicate that no such monies were invested. If Measure I Transportation Sales Tax funds are invested, they must receive their equitable proration of interest earned on the total funds invested. Several methods are available to determine an equitable distribution of interest earned. Whatever method is employed, it will be analyzed during audit to determine reasonableness and confirm distribution to the Special Measure I Transportation Sales Tax Fund. It is recommended that a distribution based on average monthend cash balances be employed. In addition, if the interest distribution methodology allows for negative distributions, they will be disallowed. No interest charges based on negative cash and fund balances will be allowed.

Policy MDLS-19: Reimbursements of Measure I Transportation Sales Tax Funds previously expended for street and road construction or right-of-way purposes, from whatever source, must be deposited in the Special Measure I Transportation Sales Tax Fund. This includes but is not limited to:

- Federal Aid Urban projects
- Redevelopment agencies
- Cooperative agreements
- Equipment use rates for equipment purchased with Measure I funds and used for non-street purposes
- Equipment dispositions
- Right-of-way dispositions
- Federal and safety projects

Policy MDLS-20: Records

- a. Source Documentation - On construction or purchase of right-of-way or equipment, all expenditures charged to the Measure I Transportation Sales Tax Fund must be supported by a warrant or other source document (invoice, requisition, time sheet, equipment rental charge, engineering plans, specifications and other pertinent data) clearly identifying the project and other pertinent data to establish a clear audit trail. If street-related equipment is purchased with Measure I local funds, the jurisdiction must keep accurate records on acquisition cost, use, maintenance, and disposition.
- b. Retention Period - All source documents, together with the accounting records, are deemed to be the official records of the jurisdiction and must be retained by the jurisdiction for five (5) years.

Policy MDLS-21: Compliance Audit Deadline

- a. A jurisdiction's annual Compliance Audit must be completed by December 31st within six (6) months after end of the jurisdiction's fiscal year (Compliance Audit Deadline). SBCTA staff shall monitor the scheduling and progress of the audits to ensure prompt communication by the Auditor after information submittals by jurisdiction, and timely completion of the final MSI audit report.

- b. If a jurisdiction is not able to meet the ~~information submittal deadlines set by the Auditor or the Compliance Audit Deadline due to unforeseen circumstances beyond its control~~, the jurisdiction may submit a letter requesting an extension and specifying the period of the requested extension for consideration by the General Policy Committee at their February meeting and the Board at their March meeting. Letters must be received timely for inclusion in the agenda. If a letter is not submitted and the Compliance Audit has not been completed, notification will be made to the Board at their March meeting that future allocations of Local Pass-Through Funds for the jurisdiction will be withheld until the Compliance Audit has been completed. Upon satisfactory completion of the Compliance Audit, any withheld allocations will be paid to the City including interest determined using the current LAIF rate. ~~request to SBCTA's Executive Director no later than thirty days prior to the submittal deadline set by the Auditor or the Compliance Audit Deadline, whichever extension is required, and a two (2) month automatic extension will be granted. Any further requests for extensions of the Compliance Audit Deadline are subject to approval by the Board.~~ The Board may approve further Compliance Audit Deadline extensions, if the Board finds: (1) the Compliance Audit was not completed timely for reasons outside of the jurisdiction's control, such as federal, state, and GASB reporting requirements, or catastrophic events; or (2) it is in the best interests of SBCTA to grant the extension.
- c. SBCTA staff shall be responsible for requesting from the Board any extensions related to Auditor performance.

Policy MDLS-22 Remedies

- a. If a jurisdiction's annual Compliance Audit determines that the jurisdiction used Measure I Transportation Sales Tax Funds for ineligible expenses, the jurisdiction shall immediately repay the Measure I Transportation Sales Tax Fund in an equal amount through an internal fund transfer from another source. Repayment will include interest that would have been earned in the Measure I Transportation Sales Tax Fund from the time of ineligible expenditure to date of repayment.
- b. If a jurisdiction's annual Compliance Audit fails to be completed with an unmodified opinion by the Compliance Audit Deadline, which may be extended pursuant to Policy MDLS-21, the jurisdiction shall immediately repay the Measure I Transportation Sales Tax Fund through an internal fund transfer from another source, in the amount of the Measure I Local Street allocation for the subject fiscal year of annual Compliance Audit findings of unsubstantiated or questioned costs. Repayment will include interest that would have been earned in the Special Measure I Transportation Sales Tax Fund from the time of ineligible expenditure to date of repayment.
- c. If the jurisdiction is unable to make such immediate repayment under MDLS-22 (a) or (b), the jurisdiction shall not receive its Local Street Allocation pass-through payments until the repayment amount of ineligible expenses, unsubstantiated costs, or questioned costs, have been withheld by SBCTA. Repayment will include interest that would have been earned in the Special Measure I Transportation Sales Tax Fund from the time of ineligible expenditure to date of repayment.
- d. If the jurisdiction enters into a Repayment Agreement with SBCTA, as approved by the jurisdiction and the SBCTA Board of Directors, providing for repayment of the amounts owed under MDLS-22 (a) or (b) over a period not to exceed five (5) years, SBCTA will return any pass-through funds withheld. SBCTA will recommence withholding Local Street Allocation pass-through funds if the jurisdiction fails to comply with the terms of the Repayment Agreement.

G. Maintenance of Effort Requirements

Policy MDLS-23: The SBCTA Board of Directors shall retain authority over actions related to these Maintenance of Effort (MOE) requirements.

Policy MDLS-24: In accordance with California Public Utilities Code 190300 and Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Local Street Program funds shall not be used to supplant existing local discretionary funds being used for street and highway purposes.

Policy MDLS-25: SBCTA shall monitor local agency use of General Fund for street and highway purposes relative to their use prior to Measure I 2010-2040, which shall be referred to as the MOE base year level.

Policy MDLS-26: The following requirements are to provide guidance on the determination of a MOE base year level.

- a. The MOE base year level shall be equivalent to the discretionary General Fund expenditures for transportation-related construction and maintenance activities consistent with Policy MDLS-14 in Fiscal Year 2008/2009.
- b. Jurisdictions may propose deductions to the recorded expenditures for the following:
 - 1) Expenditures for unusual circumstances that increased the MOE base year level arbitrarily outside of the normal on-going General Fund expenditures, e.g. General Fund loans to other transportation-related funds, emergency repairs, or special projects.
 - 2) Administrative/overhead costs that were not project-specific, i.e. staff time for transportation staff was charged to a general "program" budget rather than charged directly to specific projects.
- c. The proposed MOE base year level shall be adopted by resolution of the governing body.
- d. The Independent Taxpayer Oversight Committee (ITOC) will review the proposed MOE base year levels, including the proposed deductions, as adopted by resolution of the governing body, and provide a recommendation to the SBCTA Board of Directors for approval.
- e. The MOE base year level as approved by the SBCTA Board of Directors shall remain in effect until the expiration of Measure I 2010-2040.

Policy MDLS-27: Jurisdictions shall annually provide a statement in the resolution of the governing body adopting the Five Year Capital Improvement Plan that acknowledges the jurisdiction will maintain General Fund expenditures for transportation-related construction and maintenance activities at the required MOE base year level in that fiscal year. Jurisdictions whose MOE base year level is determined to be \$0 are not required to provide this statement in the resolution.

Policy MDLS-28: The MOE requirement shall be tracked and verified as part of the annual Measure I Local Street Program audit. This will be accomplished by comparing the discretionary General Fund expenditures for transportation-related construction and maintenance activities consistent with Policy MDLS-14 to the MOE base year level.

Policy MDLS-29: General Fund expenditures in excess of the MOE base year level will carry over to subsequent fiscal years and can be applied in a future year to offset the amount the local agency may need to meet the MOE requirement. Carryover balances will be documented in the annual Measure I Local Street Program audit.

Policy MDLS-30: If the annual Measure I Local Street Program audit indicates that the required MOE base level is not being met, then the jurisdiction has the following four fiscal years to make up the amount. If the audit following those four fiscal years indicates the jurisdiction is still below the MOE base year level, SBCTA will immediately stop disbursing Measure I Local Street Program funds until an amount equivalent to the MOE base year level shortfall has been withheld. The withheld funds will be disbursed to the jurisdiction upon demonstration that the jurisdiction has met the MOE requirements.

Policy MDLS-31: The following provides guidance on resolution of MOE base year level shortfalls at the expiration of Measure I 2010-2040.

- a. If the jurisdiction has not resolved a MOE base year level shortfall within two years after the expiration of Measure I 2010-2040, any withheld funds will be distributed to other compliant jurisdictions within that subarea.
- b. If any Measure I Local Street Program audit after Fiscal Year 2033/2034 indicates that the required MOE base year level was not met, then the jurisdiction has until Fiscal Year 2038/2039 to make up the amount. If the audit of Fiscal Year 2038/2039 indicates the jurisdiction is still below the MOE base level, the jurisdiction must pay the MOE base level shortfall to SBCTA for distribution to other compliant jurisdictions within that subarea.

Policy MDLS-32: Prior to withholding or required repayment of Measure I Local Street Program funds, jurisdictions shall have an opportunity to appeal to the ITOC. The jurisdiction must present evidence to the ITOC demonstrating unusual circumstances or the need for special consideration. The

ITOC will be responsible for making a recommendation to the SBCTA Board of Directors to either approve or deny the request for special consideration.

V. REVISION HISTORY

<i>Revision No.</i>	<i>Revisions</i>	<i>Adopted</i>
0	Adopted by the Board of Directors.	04/01/2009
1	Revisions adopted by the Board of Directors on January 8, 2014, Agenda Item 14.	01/08/2014
2	Revisions adopted by the Board of Directors on May 6, 2015, Agenda Items 6 & 18.	05/06/2015
3	Amended list of eligible expenses to be more consistent with the list of eligible expenses in the State Controller's Office Gas Tax Fund Guidelines. Modified remedy language in Policy MDLS-22. Approved by the BOD 9/6/17, Agenda Item 11.	09/06/2017
4	Addition of due date of Capital Improvement Plan in MDLS-2. BOD approved changes 7/11/18, Agenda Item 25.	07/11/2018
<u>5</u>	<u>Clarified Capital Improvement Plan requirements, amended eligible expenditures to be consistent with current gas tax guidelines, added requirements for tracking equipment purchased with Measure I funds, and updated Compliance Audit Deadline extension requirements.</u>	

Attachment 2

San Bernardino County Transportation Authority	Policy	40018
Adopted by the Board of Directors April 1, 2009	Revised	9/6/17
Rural Mountain/Desert Subareas Senior and Disabled Transit (MDSDT) Program Measure I 2010-2040 Strategic Plan	Revision No.	<u>32</u>

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

Table of Contents

[Purpose](#) | [References](#) | [Definitions](#) | [Policies for Rural Mountain/Desert Subareas Senior and Disabled Transit Program](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to delineate the requirements for administration of the Rural Mountain/Desert Subarea Senior and Disabled Transit Program for Measure I 2010-2040. The policy establishes the funding allocation process, reimbursement mechanisms, project eligibility, and limitations on eligible expenditures. The policy applies to the following four subareas: Colorado River, Morongo Basin, Mountains, and North Desert.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan.

III. DEFINITIONS

Short Range Transit Plan (SRTP): A five-year financially constrained plan of projected transit service levels, operating and capital improvement expenses, updated biennially and submitted to SBCTA by local transit systems.

Allocation: An action by the SBCTA Board of Directors to assign a specific amount of Measure I funds from a Measure I program to a project. The allocation decision is made annually by the Board of Directors by March of each year. Allocation of Senior and Disabled Transit funds occur monthly as a direct pass-through to transit operators.

Consolidated Transportation Services Agency (CTSA): A agency designated pursuant to subdivision (a) of Section 15975 of the California Government Code responsible for the coordination of social service transportation.

Transportation Reimbursement Escort Program (TREP): A volunteer travel reimbursement program for elderly individuals and individuals with disabilities.

IV. POLICIES FOR RURAL MOUNTAIN/DESERT SUBAREAS SENIOR AND DISABLED TRANSIT PROGRAM

A. Organization of the Rural Mountain/Desert Subarea Senior and Disabled Transit Program

Policy MDSDT-1: The policies for the expenditure of the Rural Mountain/Desert Subarea Senior and Disabled Transit Program shall follow the intent as contained in the approved ordinance, i.e., “Senior and Disabled Transit is defined as contributions to transit operators for fare subsidies for senior citizens and persons with disabilities or enhancements to transit service provided to seniors and persons with disabilities.”

Policy MDSDT-2: Five percent (5%) of the revenue collected within each subarea shall be apportioned to the Senior and Disabled Transit Program account. Local representatives may provide additional funding beyond the five percent (5%) upon a finding that such an increase is required to address the unmet transit needs of elderly individuals and individuals with disabilities.

B. Eligible Expenditures

Policy MDSDT-3: The following expenditures shall be eligible under the Rural Mountain/Desert Senior and Disabled Transit Program.

1. Fare Subsidies

- a. Senior and Disabled Transit Program funds may be used for fare stabilization or subsidy for elderly individuals and individuals with disabilities. Future fare increases for elderly individuals and individuals with disabilities may be offset through a local fare subsidy using Senior and Disabled Transit Program funds.
- b. The amount of Senior and Disabled Transit Program funds contributed as a fare subsidy shall qualify as fare revenue for purposes of calculating the ratio of passenger fares to operating cost required by the Transportation Development Act.

2. Service and Capital Subsidies

- a. Senior and Disabled Transit Program funds may be used to support existing, new, expanded, or enhanced transportation services, including capital projects, for elderly individuals and individuals with disabilities. Examples would include direct operating subsidy for the provision of ADA complimentary paratransit service and demand responsive service for elderly individuals and individuals with disabilities.
- b. For general public transportation services, the percentage of Senior and Disabled Transit Program funds used to support operating expenses cannot exceed the percentage of elderly individuals and individuals with disabilities carried by the system in the fiscal year preceding the year in which the annual operating budget is being prepared.
- c. Senior and Disabled Transit Program funds may be used to support social service agency transportation for elderly individuals and individuals with disabilities provided such service is coordinated with and are not duplicative of the subarea public transit system or CTSA services.
- d. Senior and Disabled Transit Program funds may be used to support education and marketing of transportation services for elderly individuals and individuals with disabilities with the intent to increase consumer's awareness and knowledge of how to use the most cost-effective service available as well as to provide education opportunities to operators that help improve the quality and effectiveness of the services provided.
- e. Senior and Disabled Transit Program funds may be used as local matching funds to federal and state capital grant programs for the procurement of equipment used primarily for transportation service provided to elderly individuals and individuals with disabilities. Lacking access to federal and/or state grants, program funds may be used for the procurement of equipment used primarily for transportation service provided to elderly individuals and individuals with disabilities. These program funds may also be used for the incremental cost of accessible features associated with vehicle acquisitions.

C. Maintenance of Effort

Policy MDSDT-4: Senior and Disabled Transit Program funds shall not be used to supplant existing federal, state and local (Local Transportation Fund) funds committed to transit services.

Policy MDSDT-5: The maintenance of effort shall be determined by calculating the amount of Local Transportation Fund (LTF) each jurisdiction contributed toward transit operating expenses in Fiscal Year 2008-2009 adjusted by the Los Angeles, Riverside and Orange Counties area Consumer Price Index (CPI) for all items as determined by the U.S. Bureau of Labor Statistics.

Policy MDSDT-6: Exceptions to Maintenance of Effort

1. Upon the incorporation of a new city or town, the combined contribution of LTF by the County and the newly incorporated jurisdiction for the transit system's operating subsidy must meet the maintenance of effort requirement that would have otherwise applied to the County alone. Subsequent maintenance of effort determinations shall be made by apportioning the CPI adjusted maintenance of effort amount the County and newly incorporated jurisdiction based upon the initial population used for apportioning LTF.
2. An exception to the maintenance of effort shall apply if a jurisdiction is spending all of its LTF apportionment for transit purposes.

D. Allocation of Rural Mountain/Desert Subarea Senior and Disabled Program Funding

Policy MDSDT-7: The SBCTA Board of Directors shall annually allocate funding to specific transit projects and programs as approved in each transit system's SRTP and may allocate funding to a CTSA, if one is formed, or a public entity (city or county) providing or contracting for transportation services for elderly individuals and individuals with disabilities provided those services are coordinated with and do not duplicate the services provided by the subarea transit system, and/or the CTSA.

Policy MDSDT-8: Allocations to a specified project or program shall be limited to the annual forecast of revenues available within each subarea, unless there is also a residual balance of revenue available.

E. Disbursement of Rural Mountain/Desert Subarea Senior and Disabled Transit Program Funds

Policy MDSDT-9: Funds approved for allocation shall be disbursed monthly to each transit system, CTSA, and/or city and county through the subarea transit system and/or the CTSA.

Policy MDSDT-10: No longer applicable.

Policy MDSDT-11: No longer applicable.

F. Accounting Requirements

Policy MDSDT-12: Each transit system, CTSA and/or city and county shall establish a Special Measure I 2010-2040 Senior and Disabled Sales Tax Fund. This fund is a special revenue fund utilized to account for proceeds of specific revenue sources that are legally restricted to expenditures for Senior and Disabled transit purposes. Jurisdictions should use the modified accrual basis of accounting.

Policy MDSDT-13: The following requirements are to provide guidance on the specific accounting treatment as it relates to the Special Measure I Senior and Disabled Sales Tax Fund.

- a. All apportionments shall be deposited directly into the Special Measure I Senior and Disabled Sales Tax Fund.
- b. Interest received from the investment of money in its Special Measure I Sales Tax Fund shall be deposited in the fund and shall be used for Senior and Disabled transit purposes.
- c. If other revenues are commingled in the Special Measure I Senior and Disabled Sales Tax Fund, it is the responsibility of the transit system, CTSA and/or city and county to provide accurate and adequate documentation to support revenue and expenditure allocation, as well as segregated balances.
- d. It is allowable to fund prior year expenditures with current year revenues and/or fund balance as long as expenditures are allowable.
- e. If an expenditure is deemed ineligible in the annual Compliance Audit, the Measure I funds used must be repaid to the Special Measure I Senior and Disabled Sales Tax Fund.

Policy MDSDT-14: Any interest earned on investment of Measure I Senior and Disabled Sales Tax Funds must be deposited into that fund. Any transit system, CTSA and/or city and county not electing to invest its Measure I funds but at the same time investing most of its other available funds should deposit the Measure I funds in a separate account to clearly indicate that no such monies were invested. If Measure I Senior and Disabled Sales Tax funds are invested, they must receive their equitable proration of interest earned on the total funds invested. Several methods are available to

determine an equitable distribution of interest earned. Whatever method is employed, it will be analyzed during audit to determine reasonableness and confirm distribution to the Special Measure I Senior and Disabled Sales Tax Fund. It is recommended that a distribution based on average month end cash balances be employed. In addition, if the interest distribution methodology allows for negative distributions, they will be disallowed. No interest charges based on negative cash and fund balances will be allowed.

Policy MDSDT-15: Records:

- a. Source Documentation - All expenditures charged to the Measure I Senior and Disabled Sales Tax Fund must be supported by a warrant or other source document (invoice, requisition, time sheet) clearly identifying the project, services rendered, item purchased, and other pertinent data to establish a clear audit trail.
- b. Retention Period - All source documents, together with the accounting records, are deemed to be the official records of the transit system, CTSA and/or city and county and must be retained by the transit system, CTSA and/or city and county for five (5) years.

Policy MDSDT-16: Compliance Audit Deadline

- a. An annual Compliance Audit must be completed by December 31st ~~within six (6) months after the end of the fiscal year~~ (Compliance Audit Deadline). SBCTA staff shall monitor the scheduling and progress of the audits to ensure prompt communication by the Auditor after information submittals by the transit system, CTSA and/or city and county, and timely completion of the final MSI audit report.
- b. If a transit system, CTSA and/or city and county is not able to meet the ~~information submittal deadlines set by the Auditor or the~~ Compliance Audit Deadline, the transit system, CTSA and/or city and county may submit a letter requesting an extension and specifying the period of the requested extension for consideration by the Transit Committee at their February meeting and the Board at their March meeting. Letters must be received timely for inclusion in the agenda. If a letter is not submitted and the Compliance Audit has not been completed, notification will be made to the Board at their March meeting that future allocations of Senior and Disabled Transit Program funds will be withheld until the Compliance Audit has been completed. Upon satisfactory completion of the Compliance Audit, any withheld allocations will be paid to the transit system, CTSA and/or city and county including interest determined using the current LAIF rate. ~~request to SBCTA's Executive Director no later than thirty days prior to the submittal deadline set by the Auditor or the Compliance Audit Deadline, whichever extension is required, and a two (2) month automatic extension will be granted. Any further requests for extensions of the Compliance Audit Deadline are subject to approval by the Board.~~ The Board may approve ~~further~~ Compliance Audit Deadline extensions, if the Board finds: (1) the Compliance Audit was not completed timely for reasons outside of the control of the transit system, CTSA and/or city and county, such as federal, state, and GASB reporting requirements, or catastrophic events; or (2) it is in the best interests of SBCTA to grant the extension.
- c. SBCTA staff shall be responsible for requesting from the Board any extensions related to Auditor performance.

Policy MDSDT-17: Remedies

- a. If the annual Compliance Audit determines that the transit system, CTSA and/or city and county used Measure I Senior and Disabled Sales Tax Funds for ineligible expenses, the transit system, CTSA and/or city and county shall repay the Measure I Senior and Disabled Sales Tax Fund, in the amount of the ineligible expenses, immediately from another source through an internal fund transfer.
- b. If the annual Compliance Audit fails to be completed with an unmodified opinion by the Compliance Audit Deadline, as extended pursuant to Policy MDSDT-16, the transit system, CTSA and/or city and county shall repay the Measure I Senior and Disabled Sales Tax Fund, in the amount of the Measure I Senior and Disabled Allocation for the fiscal year subject of annual

Compliance Audit findings of unsubstantiated or questioned costs, immediately from another source through an internal fund transfer.

- c. If the transit system, CTSA and/or city and county is unable to make such immediate repayment under MDSDT-17 (a) or (b), the transit system, CTSA and/or city and county shall not receive its Senior and Disabled Allocation pass-through payments until the repayment amount of ineligible expenses, unsubstantiated costs, or questioned costs, have been withheld by SBCTA.
- d. If the transit system, CTSA and/or city and county enters into a Repayment Agreement with SBCTA, as approved by the transit system, CTSA and/or city and county and the SBCTA Board of Directors, providing for repayment of the amounts owed under MDSDT-17 (a) or (b) over a period not to exceed five (5) years, SBCTA will return any pass-through funds withheld. SBCTA will recommence withholding Senior and Disabled Allocation pass-through funds if the transit system, CTSA and/or city and county fails to comply with the terms of the Repayment Agreement.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Amended Section E to change the disbursement schedule from monthly to quarterly and added Section F on Accounting Requirements (Agenda Item 6, 7/6/16).	07/06/2016
2	Deleted Policies MDSDT-10 and MDSDT-11 as no longer applicable. Approved by the BOD 9/6/17, Agenda Item 11.	09/06/2017
3	<u>Amended MDSDT-16 to clarify Compliance Audit Deadline extensions.</u>	

Minute Action

AGENDA ITEM: 23

Date: June 3, 2020

Subject:

Revisions to Measure I Strategic Plan Policies - Victor Valley Subarea

Recommendation:

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

Approve revisions to Measure I 2010-2040 Strategic Plan Victor Valley Subarea Policies:

- 40012 – Victor Valley Local Street Program
- 40013 – Victor Valley Major Local Highways Program
- 40014 – Victor Valley Senior and Disabled Transit Program

Background:

In April 2009, San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved the Measure I 2010-2040 Strategic Plan (Strategic Plan). In September 2017, a comprehensive update was approved by the Board to make the financial and project data current and to adopt policy wording changes that needed to be consistent with current practice. In 2018, further revisions were made, and since then, additional necessary revisions have been identified by staff while administering the Measure I programs. While some minor changes have been made to achieve countywide consistency among policies, the following describe the substantive revisions.

Local Street Program Eligibility

In order to be eligible for Local Street Program funds, local jurisdictions must submit a five-year capital improvement plan. The requirements for the format of the submittal have been clarified. Additionally, the project eligibility requirements for the Local Street Program are largely based on State Gas Tax eligibility requirements, with minor specific determinations made specifically for SBCTA. Policy 40012 (Attachment 1) has been updated to reflect the latest reporting and eligibility requirements.

Cost Buy-down for Project Funding Revisions

Policy 40013 VVMLH-27 (Attachment 2) defines the cost buy-down for projects with a development share contribution requirement and identifies state, federal or private funds that may be used to buy down the cost of either the total cost of a project, the public share of the cost, or the development share of the cost. With the addition of state and federal transportation funding, staff has revised the policy to include all new funding sources and the related cost buy-down application.

Compliance Audit Requirements

Policy 40012 VVLS-18 (Attachment 1) and Policy 40014 VVSDT-16 (Attachment 3) require an annual audit to determine whether each local jurisdiction used Measure I Transportation Sales Tax Funds only on eligible projects and accounted for those expenses correctly. The language regarding the deadline for completion of the audit was unclear as well as the penalty if it was not met, or the audit was not completed.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

Staff is recommending adding December 31st as the Compliance Audit Deadline, rather than “six months from the end of the fiscal year” as currently written, and to include the penalty to withhold fund allocations or payments to any jurisdiction failing to meet the deadline beginning in March of the next calendar year, if a deadline extension is not approved by the SBCTA Board. The allocation or payment will be released only when the audit is satisfactorily completed.

Financial Impact:

There is no impact to the Fiscal Year 2019/2020 budget.

Reviewed By:

These policy revisions were reviewed by members of the Transportation Technical Advisory Committee on May 4, 2020, and the City/County Manager Technical Advisory Committee on May 7, 2020. This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 15, 2020. SBCTA General Counsel has reviewed this item and the draft policy revisions.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino County Transportation Authority

San Bernardino County Transportation Authority	Policy	40012
Adopted by the Board of Directors April 1, 2009	Revised	7/11/2018
Victor Valley Local Street (VVLS) Program Measure I 2010-2040 Strategic Plan	Revision No.	45

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA website.

Table of Contents

[Purpose](#) | [References](#) | [Definitions](#) | [Policies for the Victor Valley Local Street Program](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to establish requirements for the Victor Valley Local Street Program, including project eligibility, adoption of Five Year Plans by local jurisdictions, accounting requirements, and development mitigation requirements.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan.

SBCTA Congestion Management Program

III. DEFINITIONS

Local Street Program: Measure I program in all subareas that provides funds through a pass-through mechanism directly to local jurisdictions for expenditure on street and road construction, repair, maintenance and other eligible local transportation priorities. Local Street Program funds can be used flexibly for any eligible transportation purpose determined to be a local priority, including Local Street, major highways, state highway improvements, freeway interchanges, transit, and other improvements/programs to maximize use of transportation facilities.

Allocation: An action by the SBCTA Board of Directors to assign a specific amount of Measure I funds from a Measure I program to a project. Allocations of Local Street Program funds occur monthly as a direct pass-through to local jurisdictions.

Five-Year Plan: A plan of projected local jurisdiction expenditures for the next five years on ~~Local Street Projects~~local projects eligible for Local Street Program funds, updated annually and submitted to SBCTA by local jurisdictions.

Independent Taxpayer Oversight Committee: A “Mandated Taxpayer Safeguard” established by Ordinance 04-01 for Measure I 2010-2040 to provide citizen review and to ensure that all Measure I funds are spent in accordance with provisions of the Measure I Expenditure Plan and Ordinance.

Maintenance of Effort: The requirement that Measure I funding will supplement and not replace the existing local discretionary funding being used for street and highway purposes.

Maintenance of Effort Base Year Level: The amount of General Fund used for street and highway purposes in Fiscal Year 2008/2009, prior to Measure I 2010-2040 as adopted by the SBCTA Board of Directors.

IV. POLICIES FOR THE VICTOR VALLEY LOCAL STREET PROGRAM

A. Local Street Allocation

Policy VVLS-1 70% of revenue collected in the Victor Valley subarea shall be apportioned for Local Street Projects. After reservation of 2% collected in the subarea for Project Development and Traffic

Management Systems, each jurisdiction shall receive an allocation from 68% of the Measure I revenue. The allocation methodology is determined based on:

- 50% population. The population estimate for making the per capita calculation shall be determined by SBCTA each year based on the State Department of Finance population estimate. Annual adjustments to the population estimates are made mid-year, based on availability of DOF estimates. Following approval of the population estimates by the Board, adjustments will be made to the local pass-through fund allocations retroactive to January 1 of the year.
- 50% return to source. The sales tax estimates provided by the State Board of Equalization, updated quarterly based on the prior quarter's financial data, shall be used as the basis for making the return to source calculations.

Policy VVLS-2: Local jurisdictions shall not receive their Local Street allocation until they have submitted their annual adopted update of their Five-Year Plan. The due date to submit the Five-Year Plan to SBCTA is September 1 of each year. If the Five-Year Plan has not been received by the due date, the pass-through payments will be withheld. All withheld pass-through payments will be released upon receipt of the local jurisdiction governing body's adopted Five-Year Plan.

Policy VVLS-3: The Local Street allocation shall be remitted to local jurisdictions monthly.

Policy VVLS-4: Local Street Allocations remitted from January 1 until such time as the State Department of Finance has issued their population figures and SBCTA has made the per capita calculation, shall be based on the prior year's calculation. Once the per capita calculation has been made, the calculation will be applied retroactively to January 1 and amounts received by local jurisdictions will be adjusted to account for the difference in the amount remitted during the retroactive period and the amount that should have been remitted adjusted for the new per capita calculation.

Policy VVLS-5: Local Street Allocations sales tax generation portion will be based on the prior quarter's data. Because of the lag in receiving sales tax data from the Board of Equalization, the Sales Tax Generation calculations for that portion of the Local Street Allocation will be calculated using the data from the prior quarter. (Example: During the months of January, February and March SBCTA will use the local sales tax generation figure derived from the fourth quarter of the previous calendar year.)

Policy VVLS-6: SBCTA will make the monthly allocations using the following procedure:

- a. Determine total amount of Measure I Sales Tax generated in the subarea from information submitted by the State Board of Equalization.
- b. Multiply the total Measure I Sales Tax received for the month by 0.68 to arrive at the total amount of Local Street Program funds available for distribution to local jurisdictions.
- c. Divide the Local Street Program fund into two 50% pools of funding: Allocate the two pools of funding based on:
 - 1) a jurisdiction's population share of the entire subarea population.
 - 2) jurisdiction's share of sales tax generation within the total subarea.
- d. Add the population based component and the sales tax based component of each jurisdiction's allocation to arrive at the total Local Street Allocation for each jurisdiction.
- e. Remit payment of Local Street Program fund to local jurisdiction.

Policy VVLS-7: The Local Street program allocation will be decreased by 0.5% beginning in 2015 with additional decreases of 0.5% every five years thereafter to a maximum of 2.5% to be allocated to the Senior and Disabled Transit Service Program. This change in allocation will occur automatically unless each jurisdiction in the subarea makes a finding that such increase in Senior and Disabled Transit Service Program is not needed to address unmet transit needs of senior and disabled transit users.

B. Development Fair Share Contribution

Policy VVLS-8: A development mitigation fair share contribution is required by Measure I 2010-2040 for all capacity improvement projects on the Nexus Study Network contained in the most recent Board-adopted version of the in the urbanized Victor Valley and funded all or in part with Local Street

Program allocations. The urbanized Victor Valley is defined as the cities of Adelanto, Hesperia, Victorville, Town of Apple Valley and their spheres of influence.

Policy VVLS-9: A development mitigation fair share contribution is required by Measure I 2010-2040 for all capacity improvement projects funded all or in part with Local Street Program allocations as identified by Traffic Impact Analysis (TIA) reports as required by the Congestion Management Program in the non-urban areas. The amount of the Development Fair Share Contribution for each project is defined by the traffic mitigation measures identified in the related TIA reports.

Policy VVLS-10: Annually as part of its audit of each jurisdictions' use of Measure I funds, SBCTA will specifically review development mitigation contribution records for capacity improvements to Nexus Study Network facilities that were funded all or in part by Local Street Program allocations. If a material finding is made in the audit showing that the development fair share contribution was not made, SBCTA may, as the agency responsible for the Congestion Management Program, withhold Section 2105 Gas Tax funds or Measure I Local Street allocations until the jurisdiction shows that they are in compliance with the Congestion Management Program.

Policy VVLS-11: Jurisdictions may borrow from other internal accounts (i.e. within their own jurisdictions) to fund the required development fair share. Jurisdictions will maintain a record of borrowing between internal accounts. The internal accounts shall be reimbursed by development mitigation as development occurs.

C. Five-Year Plan

Policy VVLS-12: Each local jurisdiction is required to annually adopt a Five-Year Capital Improvement Plan which details the specific projects to be funded using Measure I Local Pass-Through Funds. Expenditures of Measure I Local Pass-Through Funds must be detailed in the Five-Year Capital Improvement Plan and ~~approved by~~adopted by resolution of the governing body. Expenditures can only be made on projects listed in the current Five Year Capital Improvement Plan.

Policy VVLS-13: Five-Year Capital Improvement Plans shall:

- a. Specifically identify "Named Projects" ~~improvements to be funded all or in part with Measure I Local Street Program funds~~ by street name, boundaries, and project type, subject to eligibility requirements listed in Section D below.
- b. Specifically identify "Categorical Projects" which are defined as a program of work without any identified streets, such as a pavement management program, transportation system improvements, routine roadway maintenance or other miscellaneous transportation-related expenditures as identified in Policy VVLS-16.

A Categorical Project may be listed as a Named Project only if a list of potential streets is provided as an attachment to the approved Plan and the actual streets are named in the approved and modified Plan due by the end of the fiscal year, with instructions for preparation identified in Policy VVLS-15.

- ~~cb.~~ Constrain the total amount of planned expenditures to 150% of SBCTA's forecasted revenue for Measure I Local Pass-Through Funds, revenue resulting from bonds secured by Measure I revenue, and remaining balances from previous year allocations.

- ~~ed.~~ Include no more than 50% of estimated annual new revenue ~~for Categorical Projects to general program categories.~~ -Any carryover fund balance shall not be included in the 50% limit used for general program categories.

~~A general program category is defined as a pavement management program, transportation system improvement, routine roadway maintenance, and other miscellaneous categorical expenditures in a program of work without any identified streets. If a line item in the Five Year Capital Improvement Plan includes a list of the streets to which it will apply, then it does not have to count as a general program category (i.e. a city-wide AC overlay program that lists the streets to be included in the program).~~

- ~~de.~~ For capacity enhancement projects ~~to listed in the Nexus Study Network roadways,~~ limit the use of Measure I local funds to the Measure I public share of the project cost and identify the required

~~development contribution. However, include total estimated cost, Measure I share of project cost and development share of project cost. Maintenance projects or projects that do not enhance the capacity of a Nexus Study Network roadway do not require a development contribution to be included in the Five Year Plan.~~

- f. Use the SBCTA-approved forms and/or online database. Instructions will be issued to the City Manager annually prior to the deadline.

Policy VVLS-14: Any single project expenditure in excess of \$100,000 must be listed as a Named Project ~~an individual project~~ and not included in a Categorical Projects general program category. A project is defined as a specific road improvement that is eligible to receive Measure I funding.

Policy VVLS-15: The Five-Year Capital Improvement Plan shall be the basis for the annual audit. Jurisdictions will have flexibility in adding or deleting projects or moving funding between projects in their current Five-Year Capital Improvement Plan based on the necessities of the jurisdiction. However, in order for a project to be eligible for expenditure of Local Street Program funds, a revised Capital Improvement Plan, adopted by resolution of the governing body, is required and must be provided to SBCTA by ~~June 30th~~ August 15th of each fiscal year. The revised Capital Improvement Plan must show any changes to the projects listed or if the amount expended on a project has been increased. if the project list has been changed. If the Capital Improvement Plan is not modified to reflect the changes, an audit finding will result. If the audit finding is not corrected, the project will not be eligible for expenditures of Local Street Program funds.

D. Eligible Expenditures

Policy VVLS-16: Eligible expenditures include construction, maintenance, and overhead for transportation related purposes only. Included below are definitions and types of eligible expenditures by category.

a. Construction

Construction shall be defined as the building or rebuilding of streets, roads, bridges, and acquisition of rights-of-way or their component parts to a degree that improved traffic service is provided and geometric or structural improvements are effected including allocated administration and engineering necessarily incurred and directly related to the above.

- ~~b.~~ Construction work includes can be separated into four categories:

- 1) New Construction – A construction that substantially deviates from the existing alignment and provides for an entirely new street or roadbed for the greater parts of its length.
- 2) Reconstruction – A construction involving realignment or the use of standards well above those of the existing element, whereby the type or the geometric and structural features are significantly changed.
- 3) Preventative Maintenance – Includes, but is not limited to, roadway activities such as joint and shoulder rehabilitation, heater re-mix, seal coats, corrective grinding of PCC1 pavement, and restoration of drainage systems.
- 4) 3R Work – All other work that does not fall into the above-defined categories for new construction, reconstruction, or preventative maintenance and typically involves the improvement of highway pavement surfaces through resurfacing, restoration, or rehabilitation. 3R Work is generally regarded as heavy, non-routine maintenance designed to achieve a ten-year service life. Specifically, 3R Work is defined as the following:
 - *Resurfacing* generally consists of placing additional asphalt concrete over a structurally sound highway, street, or bridge that needs treatment to extend its useful service life.
 - *Restoration* means returning a road, street, structure, or collateral facility to the condition existing after original construction.
 - *Rehabilitation* implies providing some betterments, such as upgrading guardrail or widening shoulders.

c. ~~Examples of construction expenditures:~~

The following examples of construction expenditures are grouped by types of work:

<i>Expenditures</i>	<i>Types of Work</i>	
Additions	1.	The addition of a frontage street or road
	2.	Addition of auxiliary lanes such as speed change, storage, or climbing lanes
Barriers	3.	Earthwork protective structures within or adjacent to the right-of-way area
	4.	Extensions and new installation of walls
	5.	Replacement of retaining walls to a higher standard
	6.	Extension of new installation of guardrails, fence lines, raised medians, or barriers for traffic safety
	7.	Construction of bikeways where they are an integral part of the streets and highway system
	8.	Construction of bicycle or pedestrian underpasses or overhead crossings for the general public use
Bridges	9.	Reconstruction of an existing bridge or installation of a new bridge
	10.	Widening of a bridge
	11.	Replacement of bridge rails and floors to a higher standard
	12.	Installation or extension of curbs, gutters, sidewalks, or underdrain (including improvements to handicap ramps to make them ADA compliant).
Drainage	13.	A complete reconstruction or an addition to a culvert <u>including cross culverts regardless of angle of crossing; storm drains, culverts, or drainage channels which are required to be constructed or reconstructed by improvement of the roadway; longitudinal storm drains or other longitudinal culverts, including manholes; cross longitudinal gutters at intersections; and catch basins and related pipes. The term "catch basin" shall include outlet structures or curb openings. An eligible "catch basin" must be located within the road or street system rights-of-way, or as close to the curb return joining the road or street system as practicable, considering the location of obstructions and/or hydraulic considerations.</u>
	14.	Extending old culverts and drains and replacing headwalls
Interagency Projects	15.	Measure I funds can be expended for Road improvements within an adjoining jurisdiction as long as the improvements are made within the County of San Bernardino
	16.	Road improvements and maintenance on a state highway as long as the appropriate agreement with Caltrans is in place
	17.	Maintenance or construction on alleys that have been formally accepted into the city or county street system
	18.	Development of facilities associated with Metrolink commuter rail operations that are determined to be a local responsibility
Landscaping	19.	Installation or addition to landscape treatment such as sod, shrubs, trees, irrigation, etc. <u>along the street or road right-of-way</u>
	20.	Purchase of land for "greenbelt" if needed to mitigate the environmental impact of a street or road construction project
Layout	21.	Change of alignment, profile, and cross-section
	22.	Reconstruction of an intersection and its approximate approaches to a substantially higher type involving a change in its character and layout including changes from a plain intersection to a major channelized intersection or to a grade separation and ramps
Lighting	23.	Installation, replacement, or expansion of street or road lighting system

<u>Associated Planning and Design</u>	24.	Project development, planning studies, and design for eligible transportation projects
	25.	Expenses incurred in attending or participating in transportation and traffic engineering sponsored programs or training conducted for street or road purposes
	26.	Engineering review of plans for construction of Valley Measure I Major Streets projects
Relocation	27.	The removal of old street and roadbeds and structures, and detour costs when connected with a construction project
	28.	Replacement in kind, when legally required, of structures that are required to be relocated for street and road purposes
Signs and Signals	29.	Installation of original traffic signs and markers on routes
	30.	Replacement of all major signs or traffic control devices on a street or road
	31.	The installation of a new sign or the replacement of an old sign with one of superior design such as increased size, illumination, or overhead installation
	32.	Installation or improvements of traffic signal controls at intersections and protective devices at railroad grade crossings
	33.	Purchase and installation of traffic signal control equipment including traffic actuated equipment, radio or other remote control devices and related computers, software, and that portion of preemption equipment not mounted on motor vehicles
Striping	34.	Painting or rearrangement of pavement striping and markings, or repainting to a higher standard
Surface Work	35.	Original surfacing of shoulders
	36.	Improvement of a surface to a higher type <u>of material</u>
	37.	Placing sufficient new material on soil surface or gravel street or road to substantially improve the quality or the original surface
	38.	Bituminous material of 1" or more placed on bituminous or concrete material - a lesser thickness may be considered construction provided the engineer shall certify that the resulting pavement is structurally adequate to serve anticipated traffic
	39.	Remix existing bituminous surfacing with added materials to provide a total thickness of one inch or more – a lesser thickness may be considered construction provided the engineer certifies that the resulting pavement is structurally adequate to serve anticipated traffic
	40.	Stabilization of street or road base by additive, such as cement, lime, or asphaltic material
Widening	41.	Widening of existing street or roadbed or pavement, with or without resurfacing
	42.	Resurfacing, stabilizing, or widening of shoulders including necessary connections to side streets or road approaches
Other eligible expenditures	43.	Matching funds to federal or state contributions to a roadway project
	44.	Park and ride facilities
	<u>45.</u>	<u>Undergrounding utilities or utility relocation only if part of a new roadway construction or documented as a legal road or street obligation</u>
	<u>46.</u>	<u>Rubberized railroad grade crossing material or repair of grade crossings</u>
	<u>47.</u>	<u>Preliminary and construction engineering may be claimed on the percentage basis approved in previous years by Caltrans for contract work</u>
	<u>48.</u>	<u>Relocation expenses necessitated by right-of-way acquisitions in</u>

		<u>accordance with the applicable government codes on relocation assistance</u>
--	--	---

bd. Maintenance

Maintenance shall be defined as the preservation and upkeep of a street or road to its constructed condition and the operation of a street or road facility and its integral services to provide safe, convenient, and economical highway transportation.

Physical Maintenance is preservation and upkeep of a highway, including all of its elements, in as nearly as practicable its original condition or its subsequently improved condition, including development of a pavement management program.

Traffic Services include the operation of a highway facility, and services incidental thereto, to provide safe, convenient, and economic travel.

e. ~~Examples of maintenance include:~~

The following are examples of maintenance expenditures:

1.	Scarifying, reshaping, and restoring material losses
2.	Applying dust palliatives
3.	Patching, repairing, surface treating, and joint filling on bituminous or concrete surfaces
4.	Jacking concrete pavements
5.	Repairing traveled way and shoulders
6.	Adding bituminous material of less than 1" to bituminous material including seal coats
7.	Remixing existing bituminous surfacing with added materials to provide a total thickness of less than 1" (see exception under Construction, example 39)
8.	Patching operations including base restoration
9.	Resealing street or road shoulders and side street and road approaches
10.	Reseeding and resodding shoulders and approaches
11.	Reshaping drainage channels and side slopes
12.	Restoring erosion controls
13.	Cleaning culverts and drains
14.	Removing slides and restoring facilities damaged by slides (additional new facilities shall be considered construction)
15.	Mowing, tree trimming, and watering within the street right-of-way
16.	Replacing topsoil, sod, shrubs, trees, irrigation facilities, etc., on streets and roadsides
17.	Repairing curb, gutter, rip-rap, underdrain, culverts, and drains
18.	Cleaning, painting, and repairing bridges and structures
19.	Performing all snow control operations such as erection of snow fences and the actual removal of snow and ice from the traveled way
20.	Repainting pavements, striping, and markings
21.	Repainting and repairing signs, guard rails, traffic signals, lighting standards, etc.

22.	Adding small numbers of conventional traffic control devices including signs
23.	Servicing street or road lighting and traffic control devices
24.	Furnishing power for street or road lighting and traffic control devices <u>including payment for the cost of power</u>
25.	Developing and maintaining programs that enhance management of transportation facilities such as travel demand models and pavement management programs
26.	Purchase of street-related equipment used exclusively for road maintenance
27.	Purchase of rubberized railroad grade crossing material for repair of grade crossings

c. Administrative Costs

1) Direct Costs

Direct costs are expenditures incurred solely and specifically for eligible street or road purposes or projects. Direct costs include contract payments, right-of-way acquisition, direct material and forced labor costs, and the salaries, wages, fringe benefits and related costs of employees directly participating on street and road purpose projects. Typical direct costs include:

- Compensation of employees for the time devoted and identified specifically to the performance of the eligible street or road project(s). Direct cost typically includes first level of supervision dedicated to the project. Supervisory activities above the first level of supervision may be recoverable as indirect costs.
- Costs of materials consumed or expended specifically for the purpose in which they were authorized.
- Equipment and other approved capital expenditures.
- Expense items or services contracted, or furnished specifically for the project to carry out the purpose in which they were authorized.

2) Indirect Costs (Overhead)

Indirect costs shall be defined as those elements of -costs that are incurred for eligible street or road purposes that cannot be readily identified to a particular project. Cities and counties are allowed to use Measure I local funds to reimburse for indirect costs provided that there is documentation that amounts reimbursed were fairly and equitable allocated.

Overhead will only be allowed via an approved cost allocation plan or an equitable and auditable distribution of overhead among all departments.

Indirect costs typically include:

- Cost of overall supervision of field operations including payroll, facilities, advertising, general government, department or general accounting/finance, procurement, top management, data processing, legal costs and bids
- Cost of shop supplies such as expendable small tools and non-permanent barricades, warning signs, and other devices

~~f.—Overhead shall be defined as those elements of cost necessary in the production of an article or performance of a service which are of such a nature that the amount applicable to the functions are not readily discernible. Usually they relate to those objects of expenditure which do not become an integral part of the finished product or service. Examples of overhead components are shown below and are comprised of costs which cannot be identified or charged to a project, unless an arbitrary allocation basis is used. Overhead will only be allowed via an approved cost allocation plan or an equitable and auditable distribution of overhead among all departments.~~

- 1) ~~Payroll~~
- 2) ~~Personnel~~
- 3) ~~Procurement~~
- 4) ~~Advertising~~
- 5) ~~Legal Costs~~
- 6) ~~General Government~~
- 7) ~~General accounting/finance~~
- 8) ~~Departmental accounting/Finance~~
- 9) ~~Facilities~~
- 10) ~~Data processing~~
- 11) ~~Top Management~~
- 12) ~~Bids~~

E. Ineligible Expenditures

Policy VVLS-17: Although many types of work may be referred to as “construction”, this does not make these costs automatically eligible for expenditures of Measure I funds. To be eligible, the work must be for street or road purposes.

a. Following is a list of the types of expenditures that are not eligible for financing with Measure funds:

1.	Costs of rearranging non-street or road facilities, including utility relocation, when not a legal road or street obligation
2.	New (first installation of) utilities, including water mains, sanitary sewers, and other non-street facilities
3.	Cost of leasing property or right-of-way, except when required for construction work purposes on a temporary basis
4.	Cost of constructing or improving a street or area for parking purposes, except for the width normally required for parking adjacent to the traveled way and within the right-of-way, or when off-street parking facilities are constructed in lieu of widening a street to improve the flow of traffic
5.	Decorative lighting
6.	Park features such as benches, playground equipment and restrooms
7.	Work outside the right-of-way which is not a specific right-of-way obligation
8.	Equestrian under- and overpasses or other similar structures for any other special interest group unless as a part of a right-of-way obligation
9.	Construction, installation, or maintenance of cattle guards
10.	Acquisition of buses or other mass transit vehicles or maintenance and operating costs for mass transit power systems or passenger facilities (passenger facilities include but are not limited to bus benches, shelters, and bus stop signs, or equipment and services)
11.	Maintenance or construction on alleys that have not been formally designated as part of a jurisdiction's street and road system
12.	Non-street and road-related salaries and benefits
13.	Driveways outside of the street and road right-of-way
14.	Purchase of electronic speed control devices or other non-highway related equipment
15.	Freeway telephone emergency system
16.	Interest charged for non-highway purposes
17.	Grantwriting consultant fees
18.	<u>Debt service payments for non-voter-approved bonds, including Certificates of Participation</u>

19.	<u>Over-expended funds (deficit fund balance)</u>
20.	<u>Negative interest allocation</u>
21.	<u>The value of park or other city/county owned property rededicated for a street right-of-way</u>

F. Accounting Requirements

Policy VVLS-18:

Each local jurisdiction shall establish a Special Measure I 2010-2040 Transportation Sales Tax Fund. This fund is a special revenue fund utilized to account for proceeds of specific revenue sources that are legally restricted to expenditures for street and road purposes. Jurisdictions should use the modified accrual basis of accounting.

Policy VVLS-19: The following requirements are to provide guidance on the specific accounting treatment as it relates to the Special Measure I Transportation Sales Tax Fund.

- a. All allocations shall be deposited directly into the Special Measure I Transportation Sales Tax Fund.
- b. Interest received by a jurisdiction from the investment of money in its Special Measure I Sales Tax Fund shall be deposited in the fund and shall be used only for street and road purposes.
- c. Segregation must be maintained within the Special Measure I Transportation Sales Tax Fund to show separate balances for each subarea (County only).
- d. If other revenues are commingled in the Special Measure I Transportation Sales Tax Fund, it is the responsibility of the jurisdiction to provide accurate and adequate documentation to support revenue and expenditure allocation, as well as segregated balances.
- e. It is allowable to fund prior year expenditures with current year revenues and/or fund balance as long as funded projects are included in the current adopted Five-Year Capital Improvement Plan and accounting clearly identifies the project and other pertinent data to establish a clear audit trail.
- f. If a project is deemed ineligible in the annual Compliance Audit, the Measure I funds used on that project must be repaid to the Special Measure I Transportation Sales Tax Fund in accordance with Policy VVLS-23.
- g. -Temporary loans of Measure I local funds can only be made among other Measure I accounts/projects if project and other pertinent data is identified to establish a clear audit trail.
- h. -If Measure I funds are used to purchase salable excess right-of-way, any unsold portions should be reported to SBCTA including the reasons for holding it and the anticipated date of disposal.

Policy VVLS-20: Any interest earned on investment of Measure I Transportation Sales Tax Funds must be deposited in the Special Measure I Transportation Sales Tax Fund. Any jurisdiction not electing to invest its Measure I funds but at the same time investing most of its other available funds should deposit the Measure I funds in a separate account to clearly indicate that no such monies were invested. If Measure I Transportation Sales Tax funds are invested, they must receive their equitable proration of interest earned on the total funds invested. Several methods are available to determine an equitable distribution of interest earned. Whatever method is employed, it will be analyzed during audit to determine reasonableness and confirm distribution to the Special Measure I Transportation Sales Tax Fund. It is recommended that a distribution based on average month-end cash balances be employed. In addition, if the interest distribution methodology allows for negative distributions, they will be disallowed. No interest charges based on negative cash and fund balances will be allowed.

Policy VVLS-21:

Reimbursements of Measure I Transportation Sales Tax Funds previously expended for street and road construction or right-of-way purposes, from whatever source, must be deposited in the Special Measure I Transportation Sales Tax Fund. This includes but is not limited to:

- Federal Aid Urban projects
- Redevelopment agencies
- Cooperative agreements
- Equipment use rates for equipment purchased with Measure I funds and used for non-street purposes
- Equipment dispositions
- Right-of-way dispositions
- Federal and safety projects

Policy VVLS-22: Records

- a. Source Documentation - On construction or purchase of right-of-way or equipment, all expenditures charged to the Measure I Transportation Sales Tax Fund must be supported by a warrant or other source document (invoice, requisition, time sheet, equipment rental charge, engineering plans, specifications and other pertinent data) clearly identifying the project and other pertinent data to establish a clear audit trail. If street-related equipment is purchased with Measure I local funds, the jurisdiction must keep accurate records on acquisition cost, use, maintenance, and disposition.
- b. Retention Period - All source documents, together with the accounting records, are deemed to be the official records of the jurisdiction and must be retained by the jurisdiction for five (5) years.

Policy VVLS-23: Compliance Audit Deadline

- a. A jurisdiction's annual Compliance Audit must be completed by December 31st within six (6) months after end of the jurisdiction's fiscal year (Compliance Audit Deadline). SBCTA staff shall monitor the scheduling and progress of the audits to ensure prompt communication by the Auditor after information submittals by jurisdiction, and timely completion of the final MSI audit report.
- b. ~~If a jurisdiction is not able to meet the information submittal deadlines set by the Auditor or the Compliance Audit Deadline due to unforeseen circumstances beyond its control, the jurisdiction may submit a letter requesting an extension and specifying the period of the requested extension for consideration by the General Policy Committee at their February meeting and the Board at their March meeting. Letters must be received timely for inclusion in the agenda. If a letter is not submitted and the Compliance Audit has not been completed, notification will be made to the Board at their March meeting that future allocations of Local Pass-Through Funds for the jurisdiction will be withheld until the Compliance Audit has been completed. Upon satisfactory completion of the Compliance Audit, any withheld allocations will be paid to the City including interest determined using the current LAIF rate. request to SBCTA's Executive Director no later than thirty days prior to the submittal deadline set by the Auditor or the Compliance Audit Deadline, whichever extension is required, and a two (2) month automatic extension will be granted. Any further requests for extensions of the Compliance Audit Deadline are subject to approval by the Board.~~ The Board may approve further Compliance Audit Deadline extensions, if the Board finds: (1) the Compliance Audit was not completed timely for reasons outside of the jurisdiction's control, such as federal, state, and GASB reporting requirements, or catastrophic events; or (2) it is in the best interests of SBCTA to grant the extension.
- c. SBCTA staff shall be responsible for requesting from the Board any extensions related to Auditor performance.

Policy VVLS-24 Remedies

- a. If a jurisdiction's annual Compliance Audit determines that the jurisdiction used Measure I Transportation Sales Tax Funds for ineligible expenses, the jurisdiction shall immediately repay the Measure I Transportation Sales Tax Fund in an equal amount through an internal fund transfer from another source. Repayment will include interest that would have been earned in the Special Measure I Transportation Sales Tax Fund from the time of ineligible expenditure to date of repayment.

- b. If a jurisdiction's annual Compliance Audit fails to be completed with an unmodified opinion by the Compliance Audit Deadline, which may be extended pursuant to Policy VVLS-23, the jurisdiction shall immediately repay the Measure I Transportation Sales Tax Fund through an internal fund transfer from another source, in the amount of the Measure I Local Street allocation for the subject fiscal year of annual Compliance Audit findings of unsubstantiated or questioned costs. Repayment will include interest that would have been earned in the Special Measure I Transportation Sales Tax Fund from the time of ineligible expenditure to date of repayment.
- c. If the jurisdiction is unable to make such immediate repayment under VVLS-24 (a) or (b), the jurisdiction shall not receive its Local Street allocation pass-through payments until the repayment amount of ineligible expenses, unsubstantiated costs, or questioned costs, have been withheld by SBCTA. Repayment will include interest that would have been earned in the Special Measure I Transportation Sales Tax Fund from the time of ineligible expenditure to date of repayment.
- d. If the jurisdiction enters into a Repayment Agreement with SBCTA, as approved by the jurisdiction and the SBCTA Board of Directors, providing for repayment of the amounts owed under VVLS-24 (a) or (b) over a period not to exceed five (5) years, SBCTA will return any pass-through funds withheld. SBCTA will recommence withholding Local Street Allocation pass-through funds if the jurisdiction fails to comply with the terms of the Repayment Agreement.

G. Maintenance of Effort Requirements

Policy VVLS-25: The SBCTA Board of Directors shall retain authority over actions related to these Maintenance of Effort (MOE) requirements.

Policy VVLS-26: In accordance with California Public Utilities Code 190300 and Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Local Street Program funds shall not be used to supplant existing local discretionary funds being used for street and highway purposes.

Policy VVLS-27: SBCTA shall monitor local agency use of General Fund for street and highway purposes relative to their use prior to Measure I 2010-2040, which shall be referred to as the MOE base year level.

Policy VVLS-28: The following requirements are to provide guidance on the determination of a MOE base year level.

- a. The MOE base year level shall be equivalent to the discretionary General Fund expenditures for transportation-related construction and maintenance activities consistent with Policy VVLS-16 in Fiscal Year 2008/2009.
- b. Jurisdictions may propose deductions to the recorded expenditures for the following:
 - 1) Expenditures for unusual circumstances that increased the MOE base year level arbitrarily outside of the normal on-going General Fund expenditures, e.g. General Fund loans to other transportation-related funds, emergency repairs, or special projects.
 - 2) Administrative/overhead costs that were not project-specific, i.e. staff time for transportation staff was charged to a general "program" budget rather than charged directly to specific projects.
- c. The proposed MOE base year level shall be adopted by resolution of the governing body.
- d. The Independent Taxpayer Oversight Committee (ITOC) will review the proposed MOE base year levels, including the proposed deductions, as adopted by resolution of the governing body, and provide a recommendation to the SBCTA Board of Directors for approval.
- e. The MOE base year level as approved by the SBCTA Board of Directors shall remain in effect until the expiration of Measure I 2010-2040.

Policy VVLS-29: Jurisdictions shall annually provide a statement in the resolution of the governing body adopting the Five Year Capital Improvement Plan that acknowledges the jurisdiction will maintain General Fund expenditures for transportation-related construction and maintenance activities at the required MOE base year level in that fiscal year. Jurisdictions whose MOE base year level is determined to be \$0 are not required to provide this statement in the resolution.

Policy VVLS-30: The MOE requirement shall be tracked and verified as part of the annual Measure I Local Street Program audit. This will be accomplished by comparing the discretionary General Fund

expenditures for transportation-related construction and maintenance activities consistent with Policy VVLS-16 to the MOE base year level.

Policy VVLS-31: General Fund expenditures in excess of the MOE base year level will carry over to subsequent fiscal years and can be applied in a future year to offset the amount the local agency may need to meet the MOE requirement. Carryover balances will be documented in the annual Measure I Local Street Program audit.

Policy VVLS-32: If the annual Measure I Local Street Program audit indicates that the required MOE base level is not being met, then the jurisdiction has the following four fiscal years to make up the amount. If the audit following those four fiscal years indicates the jurisdiction is still below the MOE base year level, SBCTA will immediately stop disbursing Measure I Local Street Program funds until an amount equivalent to the MOE base year level shortfall has been withheld. The withheld funds will be disbursed to the jurisdiction upon demonstration that the jurisdiction has met the MOE requirements.

Policy VVLS-33: The following provides guidance on resolution of MOE base year level shortfalls at the expiration of Measure I 2010-2040.

- a. If the jurisdiction has not resolved a MOE base year level shortfall within two years after the expiration of Measure I 2010-2040, any withheld funds will be distributed to other compliant jurisdictions within that subarea.
- b. If any Measure I Local Street Program audit after Fiscal Year 2033/2034 indicates that the required MOE base year level was not met, then the jurisdiction has until Fiscal Year 2038/2039 to make up the amount. If the audit of Fiscal Year 2038/2039 indicates the jurisdiction is still below the MOE base level, the jurisdiction must pay the MOE base level shortfall to SBCTA for distribution to other compliant jurisdictions within that subarea.

Policy VVLS-34: Prior to withholding or required repayment of Measure I Local Street Program funds, jurisdictions shall have an opportunity to appeal to the ITOC. The jurisdiction must present evidence to the ITOC demonstrating unusual circumstances or the need for special consideration. The ITOC will be responsible for making a recommendation to the SBCTA Board of Directors to either approve or deny the request for special consideration.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Revisions adopted by the Board of Directors on Jan. 8, 2014, Agenda Item 14.	01/08/2014
2	Revisions adopted by the Board of Directors on May 6, 2014, Agenda Items 6 & 18.	05/06/2015
3	Amended list of eligible expenses to be more consistent with the list of eligible expenses in the State Controller's Office Gas Tax Fund Guidelines. Modified remedy language in Policy VVLS-24. BOD approved changes 9/6/17, Agenda Item 11.	9/6/2017
4	Addition of due date of Capital Improvement Plan in VVLS-2. BOD approved changes 7/11/18, Agenda Item 25.	7/11/2018
<u>5</u>	<u>Clarified Capital Improvement Plan requirements, amended eligible expenditures to be consistent with current gas tax guidelines, added requirements for tracking equipment purchased with Measure I funds, and updated Compliance Audit Deadline extension requirements.</u>	

San Bernardino County Transportation Authority	Policy	40013
Adopted by the Board of Directors April 1, 2009	Revised	1/9/19
Victor Valley Major Local Highways (VVMLH) Program Measure I 2010-2040 Strategic Plan	Revision No.	56

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA website.

Table of Contents

[Purpose](#) | [References](#) | [Definitions](#) | [Policies for Victor Valley Major Local Highways Program](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to establish the requirements for administration of the Victor Valley Major Local Highways Program for Measure I 2010-2040. The policy establishes the fund apportionment and allocation process, the equitable shares for individual jurisdictions, project eligibility, reimbursement mechanisms, limitations on eligible expenditures, and the role of SBCTA. The program will be funded by 25% of the total Measure I 2010-2040 revenue collected in the Victor Valley Subarea. This program will be used by local jurisdictions to fund Major Local Highways projects of benefit to the subarea.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

SBCTA Congestion Management Plan

III. DEFINITIONS

Major Local Highways Projects: Major streets and highways serving as primary routes of travel within the subarea, which may include State highways and freeways, where appropriate. These funds may also be used to leverage other state and federal funds for transportation projects and to perform planning/project reports.

Development Share: The percentage share of total project cost assigned as the development contribution percentage as listed in the SBCTA Nexus Study.

Public Share – The share of project cost calculated as the total cost of the project minus the developer share.

Equitable Share – An approximate equal share of the total Victor Valley Subarea Public Share funds consisting of a combination of MLHP and Federal/State Funds for which SBCTA policy requires fair-share distribution among subareas.

Capital Project Needs Analysis (CPNA): A ~~five-year~~ plan of ~~capital project needs focusing on the Victor Valley projected local jurisdiction expenditures for the next five years on~~ Major Local Highways Program.s ~~eligible for Major Local Highways Program funds, updated annually and submitted to SBCTA by local jurisdictions.~~ The CPNA includes ~~estimates of project costs to be incurred by funding type, fiscal year, and phase for the five-year period following the beginning of the subsequent fiscal year. anticipated funding sources, funding amounts, project phasing, and availability of development fair share funds.~~

IV. POLICIES FOR THE VICTOR VALLEY MAJOR LOCAL HIGHWAYS PROGRAM

A. Major Local Highways – Allocation to Eligible Projects

Policy VVMLH-1: The Major Local Highways Program of the Victor Valley Subarea shall be funded from 25% of the Measure I 2010-2040 revenue collected within the subarea. This amount shall be reserved in a special account to be expended on Major Local Highways Projects of benefit to the subarea. Major Local Highways Projects are defined as major streets and highways serving as primary routes of travel within the subarea, which may include State highways and freeways. Where appropriate, Major Local Highways Projects funds can be utilized to leverage other state and federal funds for transportation projects and to perform advance planning/project reports.

- a. If, after five years of revenue collection and every five years thereafter, the local representatives from the Victor Valley Subarea and the Mountain/Desert Committee make a finding that Major Local Highways Projects funds are not required for improvements of benefit to the Victor Valley Subarea, then revenue in the Major Local Highways Projects category may be returned to jurisdictions within the Victor Valley Subarea. Such return shall be allocated and expended based upon the formula and requirements established in the general Local Street Projects category.

Policy VVMLH-2: Victor Valley Major Local Highways funds shall be allocated to each jurisdiction over the 30-year life of the Measure, subject to the qualifications stated in the policies below.

- a. Each jurisdiction shall receive an approximately equivalent share over the life of the Measure of the Victor Valley Subarea Public Share funds, including Measure I Major Local Highways, STIP, STP, CMAQ, SLPP, and LPP funds, as adjusted to account for the time-value of money, per Policy VVMLH-4 listed below.
 - 1) Equitable shares of Public Share funds will be calculated from the beginning of Measure I 2010-2040 and recalculated during the development of updates to the 10-Year Delivery Plan.
 - 2) Costs for Regional Projects that are submitted to the subarea project list by SBCTA or Caltrans, such as interstate, state highways, new major corridors, and contributions to Caltrans projects, would be deducted first before calculation of jurisdictional equitable shares. Regional Projects would be identified in the development of updates to the 10-Year Delivery Plan with concurrence of a majority of Victor Valley Subarea jurisdictions.
- b. Bonding need is determined based on Victor Valley Subarea cash flow needs as identified in the development of updates to the 10-Year Delivery Plan with concurrence of a majority of Victor Valley jurisdictions.
 - 1) Bond debt service costs will be deducted first from the available balance of Major Local Highways funds before the determination of equitable share for each jurisdiction. 2) Bond funds will be utilized to best leverage all funding sources in the Victor Valley Subarea.
 - 3) Bond funds may be utilized on any project identified in the 10-Year Delivery Plan at the determination of SBCTA.
 - 4) Bond funds will be expended first before other funding sources, including Major Local Highways funds.
 - 5) Bonding may occur for a local jurisdiction's development share contribution pursuant to Policy VVMLH-32 listed below. All debt service costs are the responsibility of the local jurisdiction and will not reduce the equitable share of other jurisdictions.
- c. Allocations shall be made with an objective of allowing projects from each jurisdiction of the subarea to be developed during each 10 year period of the Measure's life. The intent is to spread projects so that no jurisdiction has to wait until the last part of the Measure to receive benefits of Major Local Highways funds. With the concurrence of all Victor Valley subarea jurisdictions, allocations to projects that are inactive or subject to unanticipated long-term delays may be reallocated to projects that are ready to deliver, with consideration given to jurisdiction equitable shares.
- d. Allocations shall be made to projects from candidate project lists, developed according to Policy VVMLH-3, and shall be documented in the 10-Year Delivery Plan.

- e. Allocations may serve to maximize leveraging of private, local, federal, and State dollars, with attention to leveraging of Interregional Transportation Improvement Program Funds on the Interregional Road System in the rural areas of the Victor Valley Subarea as well.
- f. Allocations shall be made with an objective of delivering projects at the earliest possible date.
- g. SBCTA shall actively engage in planning and project delivery of Major Local Highways Projects in collaboration with local jurisdictions and Caltrans in a manner that will minimize the time and cost of project delivery.

Policy VVMLH-3: A master list of projects eligible for Victor Valley Major Local Highways Program funding shall be maintained and periodically updated as part of the 10-Year Delivery Plan. The list shall be consistent with the project eligibility criteria in Policy VVMLH-1 and shall be approved by the SBCTA Board, based on a recommendation of the Victor Valley Subarea representatives and the Mountain/Desert Committee. In preparing the list, input shall be considered from each of the five local jurisdictions and from other public and private stakeholders, such as Caltrans, neighboring counties, transit agencies, federal agencies, business interests and other non-governmental organizations. The list shall represent the list of eligible projects and may be amended at any time subject to the approvals listed above. The list shall not represent a commitment by SBCTA to fund all or a portion of those projects. Funding commitments will be managed under the terms of Policy VVMLH-6 shown below.

Policy VVMLH-4: Adjustments for the time-value of money for Public Share funds shall be calculated and reviewed in Fiscal Year 2029/2030 for the purpose of programming projects among local jurisdictions in the 10-Year Delivery Plan for the final ten years of the Measure and, where possible, prioritizing project funding to ensure equitable share of Public Share funds by the end of the Measure. Due to the restricted use of Federal and State funds based on program funding criteria and eligibility, calculations for time-value of money will be used as a programming tool and cannot guarantee funding availability. Local jurisdictions shall be responsible for expending their equitable share funding pursuant to paragraph (c) of Policy VVMLH-2 above.

Policy VVMLH-5: By September 30 of each year, Victor Valley jurisdictions must submit a Five-Year Capital Projects Needs Analysis (CPNA) for projects in the Victor Valley Major Local Highways Program. The CPNAs cover a five-year prospective period that commences the following fiscal year. The needs analysis shall document project needs by fiscal year and include anticipated funding sources, funding amounts and project phasing where appropriate. The needs analysis shall also demonstrate the availability of the development mitigation fair share funds, where appropriate, for projects in the urbanized Victor Valley. Approval of a jurisdiction's CPNA by the jurisdiction's Council/Board of Supervisors must be accommodated within the timeframe of the September 30 submittal date.

Policy VVMLH-6: Approximately every two years, SBCTA staff shall be responsible for preparation of a 10-Year Delivery Plan, to be approved by the SBCTA Board, that will incorporate the needs and plans for the Victor Valley Major Local Highways Program. The SBCTA Board of Directors shall annually approve a Measure I revenue estimate for the Major Local Highways Program in the Victor Valley for the subsequent fiscal year as part of agency budgeting. SBCTA will assess the CPNAs and revenue estimate relative to the 10-Year Delivery Plan and any subsequent allocations to determine whether funding is sufficient to support planned projects. SBCTA staff shall maintain a cumulative accounting of allocations to projects by jurisdiction, adding allocations to jurisdictions' accounts each year. Measure I funds shall be retained by SBCTA until reimbursed to jurisdictions based on invoices received.

Policy VVMLH-7: During preparation of each 10-Year Delivery Plan, SBCTA staff will compile a list by jurisdiction of the cumulative amount of Public Share funds received for projects, requested amount of Public Share funds, and equitable to-date and future share calculations. This list will be used by members of the subarea and the Mountain/Desert Committee to make their recommendation to the SBCTA Board of Directors on projects to be included in the 10-Year Delivery Plan.

Policy VVMLH-8: No longer applicable.

B. Development Fair Share Contribution

Policy VVMLH-9: Development Fair Share Contribution is required by Measure I 2010-2040 for Major Local Highways Projects covered under the Development Mitigation Nexus Study for the urbanized areas or a Traffic Impact Analysis in the non-urban areas, excluding any eligible freeway mainline projects. Development fair share for arterials, interchanges and railroad grade crossings are determined by the most recent version of the Nexus Study adopted by the SBCTA Board of Directors in the urbanized Victor Valley or by a Traffic Impact Analysis as required by the SBCTA Congestion Management Program in the non-urbanized areas.

Policy VVMLH-10: Jurisdictions may borrow from other internal accounts (i.e. within their own jurisdictions) to fund the required development fair share for projects. The internal accounts shall be reimbursed by development mitigation as development occurs. Jurisdictions will maintain a record of borrowing between internal accounts..

C. Cost Reimbursement

Policy VVMLH-11: The Major Local Highways Program shall be administered as a cost reimbursement program. Sponsoring agencies shall enter into Project Funding Agreements with SBCTA prior to receiving authorization from SBCTA to expend funds. Following the authorization to expend funds, the sponsoring agency may incur expenses for the components of the project identified in the scope of work included in the Project Funding Agreement. Local jurisdictions shall not be reimbursed for any costs incurred prior to the execution of the Project Funding Agreement.

Policy VVMLH-12: On an exception basis and subject to SBCTA Board approval, the advanced reimbursement of anticipated expenses may be permissible. Only the right-of-way and construction phases are eligible and are subject to the conditions stated below.

- Right-of-way: Only right-of-way transactions in excess of \$500,000 shall be considered for advance reimbursement. The advanced reimbursement shall be based on an accepted written appraisal or sales contract. Adjustments to this estimate based on actual costs shall be reconciled with SBCTA within 30 days of close of escrow and subject to the provisions governing right-of-way purchase established in Policy VVMLH-23.
- Construction: The advanced reimbursement shall be based on an awarded construction contract in excess of \$10,000,000. The amount to be advanced to the local jurisdiction shall not be greater than 10% of the public share of total project cost or of three months estimated peak burn rate for the project, whichever is less. The advanced reimbursement shall be used to help provide liquidity to the local jurisdiction for payment to the contractor and shall be reconciled at the end of the construction phase of the project. SBCTA shall reimburse jurisdiction invoices, in addition to the advanced reimbursement amount, until the public share amount remaining in the contract is equivalent to the advanced reimbursement, after which the advanced reimbursement shall satisfy SBCTA reimbursement requirements.

Policy VVMLH-13: A local jurisdiction may begin expenditure of funds following the execution of the Project Funding Agreement. The Project Funding Agreement shall include the scope of work for a project or project phase and a commitment to provide the development share of the funding through all the phases of the project, as required by Policy VVMLH-9. The Project Funding Agreement shall be executed by the local jurisdiction and SBCTA prior to the expenditure of funding on any phase of the project. Local jurisdictions shall not be reimbursed for any costs incurred prior to the execution of the Project Funding Agreement.

Policy VVMLH-14: Local jurisdictions that desire to deliver a Major Local Highways project to which funds cannot be allocated in a given year shall be eligible for reimbursement through an Advance Expenditure Agreement, as found in Policy 40011, Victor Valley Project Advancement and Advance Expenditure Processes.

D. Local Jurisdiction Invoices

Policy VVMLH-15: Local jurisdictions shall submit invoices to SBCTA for actual expenditures incurred for components of a project as identified in the scope of work included in the Project Funding Agreement. Invoices may be submitted to SBCTA no more frequently than monthly.

Policy VVMLH-16: Local jurisdictions shall provide adequate documentation to substantiate the costs included in the invoice. At a minimum, the jurisdiction must submit the invoice provided by the contractor to the agency, which shall include unit costs, quantities, labor rates and other documentation, as appropriate, to substantiate expenses incurred by the contractor. If jurisdiction staff time reimbursement is requested, documentation must be submitted to substantiate expenses and shall include unit costs, quantities, labor rates and other documentation as appropriate.

Policy VVMLH-17: The sponsoring agency shall be reimbursed for the actual project costs minus the development mitigation fair share percentage documented in the SBCTA Development Mitigation Nexus Study, up to the limit of Measure I Major Local Highways funding specified in the Project Funding Agreement.

E. Local Jurisdiction Reimbursement Schedule

Policy VVMLH-18: SBCTA shall reimburse the local jurisdiction for eligible expenditures within 30 days of receiving a complete and satisfactory invoice package.

F. Development Mitigation Fair Share Credit Agreements

Policy VVMLH-19: Local jurisdictions and developers shall be allowed to enter into credit agreements or other arrangements approved by the City Council/Board of Supervisors. Such agreements will be strictly between the local jurisdiction and the developer. Jurisdictions are advised to provide these credit agreements to SBCTA for review to ensure they are structured in a way that will adequately document private share costs for which the jurisdiction desires credit.

Policy VVMLH-20: A copy of the credit agreement or other arrangement and invoices to substantiate quantities and unit costs for a Nexus Study project included in a credit agreement or other arrangement shall be provided when a local jurisdiction submits an invoice for reimbursement.

Policy VVMLH-21: Local jurisdictions that submit an invoice involving a credit agreement or other arrangement shall separate the development mitigation portion of construction costs from any non-development mitigation portion of the development project in a verifiable fashion.

Policy VVMLH-22: Reimbursement shall occur for only the public share of the Nexus Study project costs.

G. Ineligible Expenditures

Policy VVMLH-23: The following costs are ineligible for reimbursement:

- Additional environmental or architectural enhancement not required as part of the mitigation established in the environmental document(s) prepared for a project.
- Project oversight costs, with the exception of construction support costs.
- Property acquired through the right-of-way acquisition process that is not required for the actual construction of a project. SBCTA will either:
 - 1) Reimburse the jurisdiction for the public share of the portion of the property acquisition required for the project, with the "project portion" calculated as the sales price times the percentage of the acreage actually required for the project, or
 - 2) At the request of the jurisdiction, reimburse based on the difference between the total sales price of the parcel and the residual value of the excess land not needed for the construction of the project, as determined by a qualified appraisal.
- Additional project scope not included in the Project Funding Agreement between the sponsoring agency and SBCTA, except when SBCTA and the local agency mutually agree to a project scope change and amend the Project Funding Agreement.

H. Construction Cost Overruns

Policy VVMLH-24: Jurisdictions shall bear full responsibility for construction cost overruns, which is established as any amount in excess of the total cost of the accepted bid and contingencies up to 10% of the construction bid. On an exception basis, SBCTA and the local jurisdiction may agree to the modification of the project scope, and the jurisdiction may be reimbursed for the public share of the additional costs pursuant to an amendment to the Project Funding Agreement.

I. SBCTA Project Management

Policy VVMLH-25: SBCTA may manage development and delivery of Major Local Highways projects when requested to do so by the sponsoring jurisdiction. In such cases, SBCTA's costs for project management shall be borne by the sponsoring agency.

Policy VVMLH-26: The following conditions are established for projects under SBCTA project management:

- The sponsoring agency must submit a written request for SBCTA oversight of the project
- SBCTA staff or SBCTA consultants must have available staff resources for project management
- The sponsoring agency shall pay actual SBCTA project oversight costs, to be estimated in advance by SBCTA, as documented by the SBCTA financial management system.

J. Cost Buy-down for Projects with a Development Share Contribution

Policy VVMLH-27: State, federal, or private funds may be used to buy down either the total cost of a project, the public share of the project cost, or the development share of the project cost based on the following criteria:

1. Funds that buy down the total cost of the project (after which the development fair share percentage is applied) include railroad contributions, State grants and Federal Congressional earmarks (through appropriations process, competition, etc.) from transportation sources that are not allocated or approved by SBCTA (e.g., IMD, Demo, grants obtained by Caltrans-ATP, SHOPP, STIP-IIP); TCRP, TCEP, PNRS, or TIGER, BUILD, or INFRA with local agency listed as lead recipient; PUC; HSIP; and HBP).
2. Funds considered part of the public share of the project cost include apportionments or allocations of State or federal transportation funds to SBCTA for funding of projects, whether managed by SBCTA or local agency (e.g., TCRP, and INFRA, BUILD, PNRS, SCCP, TCEP with SBCTA listed as lead recipient, CMIA, TCIF, SLPP formula and LPP (formula and Authority competitive)), and State allocation and Federal apportionment by SBCTA (e.g., STIP-RIP, CMAQ, HIP, STP, TEA (SBCTA Allocation), TDA).
3. Funds that buy down the development share of the project cost include other state or federal appropriations of funding to a project from a non-transportation source (e.g., HUD, BIA, DOD) or SLPP and LPP local competitive programs that have a (due to its DIF match requirement).

Fund definitions:

- ATP = Caltrans Active Transportation Program
- BIA = Bureau of Indian Affairs or individual tribal contributions
- BUILD = federal Better Utilizing Investments to Leverage Development
- CMAQ = federal Congestion Mitigation and Air Quality
- CMIA = Corridor Mobility Improvement Account (Proposition 1B)
- Demo = Demonstration project or similar project earmarked for a local jurisdiction in federal appropriations
- DOD = Department of Defense
- HBP = federal Highway Bridge Program
- HIP = federal Highway Infrastructure Program
- HPFC = High Priority Freight Corridors Program (SB 1)
- HSIP = Highway Safety Improvement Program
- HUD = federal Housing and Urban Development
- IIP = Interregional Improvement Program

- INFRA = federal Infrastructure for Rebuilding America Grants Program
- ITIP = Interregional Transportation Improvement Program
- IMD = federal Interstate Maintenance Discretionary
- LPP = Local Partnership Program (SB 1)
- MAP-21 = federal Moving Ahead for Progress in the 21st Century Act
- PNRS = federal Projects of National and Regional Significance
- PUC = California Public Utilities Commission
- SB 1 = Senate Bill 1, the Road Repair and Accountability Act of 2017
- SCCP = Solutions for Congested Corridor Program (SB 1)
- SHOPP = State Highway Operation and Protection Program
- SLPP = State/Local Partnership Program (Proposition 1B)
- STIP = State Transportation Improvement Program
- STP = federal Surface Transportation Program
- TCEP = Trade Corridor Enhancement Program (SB 1)
- TCIF = Trade Corridor Improvement Funds (Proposition 1B)
- TCRP = Caltrans Traffic Congestion Relief Program
- TDA = state Transportation Development Act
- TEA = Transportation Enhancement Activities (supplanted by ATP)
- TIGER = federal Transportation Investment Generating Economic Recovery

K. Measure I Reserve

Policy VVMLH-28: SBCTA shall budget for a reserve for the Victor Valley subarea equivalent to 20% of the annual Measure I revenue from the Victor Valley Major Local Highways Program.

Policy VVMLH-29: The 20% reserve shall be established with the first year of Measure I 2010-2040 apportionment and escalated annually to remain proportional to the growth in annual Measure I revenue.

Policy VVMLH-30: The reserve may be used to:

- Advance federal or state funds that require reimbursement.
- Manage cash flow for the Victor Valley Major Local Highways Program.
- Cover unforeseen expenses associated with projects that received an allocation of Measure I 2010-2040 funds.
- Leverage other state or federal funds to which SBCTA might otherwise lose access.

Policy VVMLH-31: Should Measure I reserves be used, revenue accrual within the year or revenue from the subsequent year's apportionment will be used to replenish the reserve.

L. Development Mitigation Fair Share Loans and Loan Repayment

Policy VVMLH-32: On an exception basis, project sponsors and other participating local jurisdictions may request loans from SBCTA for the development contribution to facilitate project delivery. Any such loan is subject to approval by the SBCTA Board of Directors on a case-by-case basis after a risk assessment and a complete analysis of the impact of the proposed loan on the other projects in the Major Local Highways Program and on the jurisdiction's equitable share of the Major Local Highways Program. A loan agreement, separate from any other cooperative agreement or funding agreement, shall be approved by the jurisdiction City Council/Board of Supervisors and SBCTA Board of Directors detailing agreement terms. The following set of options for development share loans from SBCTA may be considered by the SBCTA Board:

1. Loans from a jurisdiction's Measure I Local Street Program funds (no bonding) - Allow loans for up to 2/3 of the development share (local share) from a jurisdiction's Measure I Local Street Program "pass-through" funds, with a commitment by the jurisdiction to reimburse the Measure I Local Street Program account with Development Impact Fee (DIF) funds as they are collected or with other legally appropriate non-Measure I funds. Other legally appropriate funds could include proceeds from a Community Facilities District (CFD) or other development-based sources (note:

when DIF funds are referenced elsewhere in this policy, this implies other legally appropriate non-Measure I funds as well). This option assumes no bonding is required, i.e. cash flow in the jurisdiction's Local Street Program is sufficient to cover up to 2/3 of local share costs. Conditions for receipt of a loan under this option include:

- a. Local pass-through funds would be transferred by the jurisdiction to the jurisdiction's DIF fund as an internal loan to pay up to 2/3 of the local share of project invoices. The jurisdiction would need to provide the other 1/3 in cash, as needed for project expenses, from either DIF funds or their own internal loans.
 - b. A maximum 10-year term, beginning at the completion of project construction, would be identified for DIF funds to replenish the local pass-through account. The first annual payment would be no later than the end of construction.
 - c. 100 percent of the jurisdiction's Nexus Study portion of DIF funds not previously committed to projects (or to funding the other 1/3 of the local share) would need to be committed to repayment of the loan by a transfer to the jurisdiction's local pass-through fund.
 - d. No interest would be charged.
 - e. SBCTA would monitor the repayment of the loan through the annual audit process and the annual development mitigation report provided to SBCTA. Records of the transfer of funds to and from the jurisdiction's DIF fund and the Local Street pass-through fund must be attached to the development mitigation report and will be subject to SBCTA audits of the Local Street Program.
 - f. The jurisdiction would need to show the use of the loan funds, its repayment plan, and the use of the funds repaid to the local pass-through fund in its 5-Year Measure I Capital Improvement Plan (CIP). Repaid funds must be used in accordance with the Measure I Local Street Program.
 - g. If the jurisdiction has not repaid the pass-through funds by the end of the term, the term would need to be renegotiated. The jurisdiction would need to continue to repay the loan until it is retired. If full repayment does not occur by the end of Measure I 2010-2040, (i.e. because insufficient DIF funds are collected) the loan obligation will be considered fulfilled.
 - h. In addition to the 2/3 cap on the local share portion to be covered by the loan, a limit on percentage of local pass-through funds may need to be set on a case-by-case basis as a potential hedge against Measure I revenue being lower than forecast.
 - i. Any additional cost of administration of the loan incurred by SBCTA may be included as a cost to be borne by the jurisdiction and may be included in the loan.
2. Loans from a jurisdiction's equitable share of Measure I Major Local Highway Program funds (no bonding) - Allow loans for up to 2/3 of the local share from a jurisdiction's Measure I Major Local Highway Program equitable share with a commitment to reimburse the Major Local Highway Program account with DIF funds as they are collected, or other legally appropriate non-Measure I funds. This option assumes that no bonding is required, i.e. cash flow in the jurisdiction's portion of the Major Local Highway Program is sufficient to cover up to 2/3 of local share costs. Conditions for receipt of a loan under this option include:
- a. Funds from the Major Local Highway Program would be eligible to pay up to 2/3 of the local share of project invoices immediately after the initiation of work activities on the Major Local Highways project. The jurisdiction would need to provide the other 1/3 in cash, as needed for project expenses, from either DIF funds or their own internal loans.
 - b. A maximum 10-year term, beginning at the completion of project construction, would be identified for DIF funds to replenish the Major Local Highway Program fund account. The first annual payment would be no later than the end of construction.

- c. 100 percent of the jurisdiction's Nexus Study portion of DIF funds not previously committed to projects (or to funding the other 1/3 of the local share) would need to be committed to repayment of the loan.
 - d. No interest would be charged.
 - e. SBCTA would release the Major Local Highway Program funds for use on other projects as the jurisdiction repays with DIF.
 - f. The jurisdiction would need to show the use of the loan funds, its repayment plan, and the use of the funds repaid to the Major Local Highway Program fund account in its 5-Year Measure I CPNA. Repaid funds must be used in accordance with the Measure I Major Local Highways Program.
 - g. If the jurisdiction has not repaid the Major Local Highway Program funds by the end of the term, the term would need to be renegotiated. The jurisdiction would need to continue to repay the loan until it is retired. If it becomes clear that full repayment will not occur by the end of Measure I 2010-2040, (i.e. because insufficient DIF funds are collected) the loan obligation would be considered fulfilled.
 - h. In addition to the 2/3 cap on the local share portion to be covered by the loan, a limit on percentage of Major Local Highway Program funds may need to be set on a case-by-case basis. The reason for this would be as a potential hedge against Measure I revenue being lower than forecast.
 - i. Any additional cost of administration of the loan incurred by SBCTA may be included as a cost to be borne by the jurisdiction and may be included in the loan.
3. Combination of 1 and 2 - Allow a combination of option 1 and option 2 as sources of funding for a local share loan for a Major Local Highways project. The terms would be consistent with the terms specified in each of the two options and negotiated on a case-by-case basis.
 4. Short-term cash loan from SBCTA - Allow a short-term cash loan for up to 2/3 of the local share that would be made available from SBCTA, with a fixed term and an interest rate premium (i.e. 5 year maximum term; Local Agency Investment Fund (LAIF) interest rate plus 3%). This would be conditioned on SBCTA having cash flow available and there being no risk of delay to other SBCTA projects. The cash loan could only be utilized for the PA&ED and Design phases of the Major Local Highways project. The jurisdiction would be in default if it fails to maintain payments, and SBCTA would be given the authority to invoke the terms of options 1, 2, or 3 to make those payments.
 5. Bonding against a jurisdiction's Local Street Program funds - Allow for a jurisdiction to bond for up to 2/3 of the local share against its Measure I Local Street Program "pass-through" funds, with the debt service to be paid by those funds. DIF funds would reimburse the jurisdiction's Local Street account as they are collected, and the additional Local Street funds could be expended on other projects in the jurisdiction's Measure I Local Street Capital Improvement Plan.
 - a. The bond issue could be:
 - i. Coordinated with another SBCTA bond issue, in which case SBCTA would make debt service payments from the jurisdiction's Local Street account before sending the remaining funds to the jurisdiction. The jurisdiction would then reimburse SBCTA for their Local Street funds with DIF funds as they are collected, and SBCTA would release a comparable amount of Local Street funds back to the jurisdiction for other projects, or
 - ii. Arranged independently by the jurisdiction, with the debt service paid directly by Local Street funds the jurisdiction receives from SBCTA. In this case, the loan would be internal to the jurisdiction. The CIP would document the loan, and auditing of the Local Street account would track the loan repayment.

- b. If full repayment of the Local Street account does not occur by the end of Measure I 2010-2040, (i.e. insufficient DIF funds are collected) the repayment obligation to the Local Street account will be considered fulfilled. This is considered consistent with Measure I, given that Measure I funds will not have replaced the development contribution if development has not occurred.
 - SBCTA reserves the right to audit local jurisdiction development mitigation accounts to verify development fee collections used as the basis of loan repayment.
- 6. Bonding against a jurisdiction's equitable share of Major Local Highways Program funds - Allow for a jurisdiction to bond for up to 2/3 of the local share against its equitable share of Measure I Major Local Highways Program funds, with the debt service to be paid by those funds. DIF funds would reimburse the Major Local Highways Program fund account as they are collected. Conditions for receipt of a loan under this option include:
 - a. The bond issue must be approved by the SBCTA Board of Directors based on a recommendation of the Victor Valley subarea representatives and the Mountain/Desert Committee. The Victor Valley subarea representatives and Mountain/Desert Committee recommendation shall be informed by the status of equitable share percentages from prior years, forecast expenditures on other Major Local Highways projects, and SBCTA's forecast of Measure I revenue that may be available for the Major Local Highways Program.
 - b. The bond issue must be coordinated with another SBCTA bond issue, in which case SBCTA would make debt service payments from the Major Local Highway Program fund account.
 - c. Funds from the Major Local Highway Program would be eligible to pay up to 2/3 of the local share of project invoices immediately after the initiation of work activities on the Major Local Highways project. The jurisdiction would need to provide the other 1/3 in cash, as needed for project expenses, from either DIF funds or their own internal loans.
 - d. The term would be identified for DIF funds to replenish the Major Local Highway Program fund account at the time of bond issuance. The first annual payment would be due no later than the end of construction.
 - e. 100 percent of the jurisdiction's Nexus Study portion of DIF funds not previously committed to projects (or to funding the other 1/3 of the local share) would need to be committed to repayment of the loan.
 - f. SBCTA would release the Major Local Highway Program funds for use on other projects as the jurisdiction repays with DIF. However, a limit on the availability of Major Local Highway Program funds may need to be set on a case-by-case basis. The reason for this would be as a potential hedge against Measure I revenue being lower than forecast.
 - g. The jurisdiction would need to show the use of the loan funds, debt service, its repayment plan, and the use of the funds repaid to the Major Local Highway Program fund account in its 5-Year Measure I CPNA. Repaid funds must be used in accordance with the Measure I Major Local Highways Program.
 - h. If the jurisdiction has not repaid the Major Local Highway Program funds by the end of the term, the term would need to be renegotiated. The jurisdiction would need to continue to repay the loan until it is retired. If it becomes clear that full repayment will not occur by the end of Measure I 2010-2040, (i.e. because insufficient DIF funds are collected) the loan obligation would be considered fulfilled.
 - i. In addition to the 2/3 cap on the local share portion to be covered by the loan, a limit on percentage of Major Local Highway Program funds may need to be set on a case-by-case basis. The reason for this would be as a potential hedge against Measure I revenue being lower than forecast.
 - j. Any additional cost of administration of the loan or the bond incurred by SBCTA may be included as a cost to be borne by the jurisdiction and may be included in the loan.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Amended to include policies VVMLH-28 through VVMLH-31 establishing and maintaining a Measure I reserve.	07/07/2010
2	Amended to clarify funds that buy down total project cost versus funds that are applied to the public share and development share of costs in VVMLH-27	03/04/2015
3	Added Section VIII (L), Development Mitigation Fair Share Loans and Loan Repayment (Agenda Item 18, 1/6/16)	01/06/2016
4	Updated fund definitions to include relevant SB 1 programs and provided other edits for clarification. BOD approved changes 9/6/17, Agenda Item 11.	9/6/2017
5	Added VVMLH-1 (a) in accordance with the Expenditure Plan to allow for a finding for MLH funds to be redirected for use consistent with the Local Streets Projects Program. Updated equitable share language, treatment of bond costs, and allocation process.	1/9/2019
<u>6</u>	<u>Amended to clarify CPNA submittal requirements and define treatment of new fund sources in application of cost buy-down policies.</u>	

Attachment 3

San Bernardino County Transportation Authority	Policy	40014
Adopted by the Board of Directors April 1, 2009	Revised	9/06/17
Victor Valley Senior and Disabled Transit (VVSDT) Program Measure I 2010-2040 Strategic Plan	Revision No.	<u>32</u>

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA website.

Table of Contents

[Purpose](#) | [References](#) | [Definitions](#) | [Policies for the Victor Valley Senior and Disabled Transit Program](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to delineate the requirements for administration of the Victor Valley Subarea Senior and Disabled Transit Program for Measure I 2010-2040. The policy establishes the funding allocation process, reimbursement mechanisms, project eligibility, and limitations on eligible expenditures.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

III. DEFINITIONS

Short Range Transit Plan (S RTP) – A five-year financially constrained plan of projected transit service levels, operating and capital improvement expenses, updated biennially and submitted to SBCTA by local transit systems.

Allocation: An action by the SBCTA Board of Directors to assign a specific amount of Measure I funds from a Measure I program to a project. The allocation decision is made annually by the Board of Directors by March of each year. Allocation of Senior and Disabled Transit funds occur monthly as a direct pass-through to transit operators.

Consolidated Transportation Services Agency (CTSA) – A agency designated pursuant to subdivision (a) of Section 15975 of the California Government Code responsible for the coordination of social service transportation.

Transportation Reimbursement Escort Program (TREP) – A volunteer travel reimbursement program for elderly individuals and individuals with disabilities.

IV. POLICIES FOR THE VICTOR VALLEY SENIOR AND DISABLED TRANSIT PROGRAM

A. Organization of the Victor Valley Subarea Senior and Disabled Transit Program

Policy VVSDT-1: The Victor Valley Senior and Disabled Transit Program shall follow the intent of Ordinance 04-01, i.e., “Senior and Disabled Transit is defined as contributions to transit operators for fare subsidies for senior citizens and persons with disabilities or enhancements to transit service provided to seniors and persons with disabilities.”

Policy VVSDT-2: Five percent (5%) of the revenue collected within the Victor Valley subarea shall be apportioned to the Senior and Disabled Transit Program account. The apportionment shall be increased by five tenths of a percent (0.5%) every five years to a maximum of seven and a half percent (7.5%). Such increases shall automatically occur unless each jurisdiction makes a finding that

such an increase is not required to address the unmet transit needs of elderly individuals and individuals with disabilities.

B. Eligible Expenditures

Policy VVSDT-3: The following expenditures shall be eligible under the Victor Valley Senior and Disabled Transit Program:

1. Fare Subsidies

- a. Senior and Disabled Transit Program funds may be used for fare stabilization or subsidy for elderly individuals and individuals with disabilities. Future fare increases for elderly individuals and individuals with disabilities may be offset through a local fare subsidy using Senior and Disabled Transit Program funds.
- b. The amount of Senior and Disabled Transit Program funds contributed as a fare subsidy shall qualify as fare revenue for purposes of calculating the ratio of passenger fares to operating cost required by the Transportation Development Act.

2. Service and Capital Subsidies

- a. Senior and Disabled Transit Program funds may be used to support existing, new, expanded, or enhanced transportation services, including capital projects, for elderly individuals and individuals with disabilities. Examples would include direct operating subsidy for the provision of ADA complimentary paratransit service and demand responsive service for elderly individuals and individuals with disabilities.
- b. For general public transportation services, the percentage of Senior and Disabled Transit Program funds used to support operating expenses cannot exceed the percentage of elderly individuals and individuals with disabilities carried by the system in the fiscal year preceding the year in which the annual operating budget is being prepared.
- c. Senior and Disabled Transit Program funds may be used to support social service agency transportation for elderly individuals and individuals with disabilities provided such service is coordinated with and are not duplicative of the VVTA and/or the CTSA services.
- d. Senior and Disabled Transit Program funds may be used to support education and marketing of transportation services for elderly individuals and individuals with disabilities with the intent to increase consumer's awareness and knowledge of how to use the most cost-effective service available as well as to provide education opportunities to operators that help improve the quality and effectiveness of the services provided.
- e. Senior and Disabled Transit Program funds may be used as local matching funds to federal and state capital grant programs for the procurement of equipment used primarily for transportation service provided to elderly individuals and individuals with disabilities. Lacking access to federal and/or state grants, program funds may be used for the procurement of equipment used primarily for transportation service provided to elderly individuals and individuals with disabilities. These program funds may also be used for the incremental cost of accessible features associated with vehicle acquisitions.

C. Maintenance of Effort

Policy VVSDT-4: Senior and Disabled Transit Program funds shall not be used to supplant existing federal, state and local (Local Transportation Fund) funds committed to transit services.

Policy VVSDT-5: The maintenance of effort shall be determined by calculating the amount of Local Transportation Fund (LTF) each jurisdiction contributed toward transit operating expenses in Fiscal Year 2008/2009 adjusted by the Los Angeles, Riverside and Orange County's area Consumer Price Index (CPI) for all items as determined by the U.S. Bureau of Labor Statistics.

Policy VVSDT-6: Exceptions to Maintenance of Effort:

1. Upon the incorporation of a new city or town, the combined contribution of LTF by the County and the newly incorporated jurisdiction for the transit system's operating subsidy must meet the maintenance of effort requirement that would have otherwise applied to the County alone. Subsequent maintenance of effort determinations shall be made by apportioning the CPI adjusted maintenance of effort amount the County and newly incorporated jurisdiction based upon the initial population used for apportioning LTF.

2. An exception to the maintenance of effort shall apply if a jurisdiction is spending all of its LTF apportionment for transit purposes.

D. Allocation of Victor Valley Subarea Senior and Disabled Program Funding

Policy VVSDT-7: The SBCTA Board of Directors shall annually allocate funding to specific transit projects and programs as approved in each transit system's SRTP and may allocate funding to a CTSA, if one is formed, or a public entity (city or county) providing or contracting for transportation services for elderly individuals and individuals with disabilities provided those services are coordinated with and do not duplicate the services provided by the VVTA and/or CTSA.

Policy VVSDT-8: Allocations to a specified project or program shall be limited to the annual forecast of revenues available within each subarea, unless there is also a residual balance of revenue available.

E. Disbursement of Victor Valley Subarea Senior and Disabled Transit Program Funds

Policy VVSDT-9: Funds approved for allocation shall be disbursed monthly to each transit system, CTSA, and/or city and county through the VVTA and/or CTSA .

Policy VVSDT-10: No longer applicable.

Policy VVSDT-11: No longer applicable.

F. Accounting Requirements

Policy VVSDT-12: Each transit system, CTSA and/or city and county shall establish a Special Measure I 2010-2040 Senior and Disabled Sales Tax Fund. This fund is a special revenue fund utilized to account for proceeds of specific revenue sources that are legally restricted to expenditures for Senior and Disabled transit purposes. Jurisdictions should use the modified accrual basis of accounting.

Policy VVSDT-13: The following requirements are to provide guidance on the specific accounting treatment as it relates to the Special Measure I Senior and Disabled Sales Tax Fund.

- a. All apportionments shall be deposited directly into the Special Measure I Senior and Disabled Sales Tax Fund.
- b. Interest received from the investment of money in its Special Measure I Sales Tax Fund shall be deposited in the fund and shall be used for Senior and Disabled transit purposes.
- c. If other revenues are commingled in the Special Measure I Senior and Disabled Sales Tax Fund, it is the responsibility of the transit system, CTSA and/or city and county to provide accurate and adequate documentation to support revenue and expenditure allocation, as well as segregated balances.
- d. It is allowable to fund prior year expenditures with current year revenues and/or fund balance as long as expenditures are allowable.
- e. If an expenditure is deemed ineligible in the annual Compliance Audit, the Measure I funds used must be repaid to the Special Measure I Senior and Disabled Sales Tax Fund.

Policy VVSDT-14: Any interest earned on investment of Measure I Senior and Disabled Sales Tax Funds must be deposited into that fund. Any transit system, CTSA and/or city and county not electing to invest its Measure I funds but at the same time investing most of its other available funds should deposit the Measure I funds in a separate account to clearly indicate that no such monies were invested. If Measure I Senior and Disabled Sales Tax funds are invested, they must receive their equitable proration of interest earned on the total funds invested. Several methods are available to determine an equitable distribution of interest earned. Whatever method is employed, it will be analyzed during audit to determine reasonableness and confirm distribution to the Special Measure I Senior and Disabled Sales Tax Fund. It is recommended that a distribution based on average month end cash balances be employed. In addition, if the interest distribution methodology allows for negative distributions, they will be disallowed. No interest charges based on negative cash and fund balances will be allowed.

Policy VVSDT-15: Records:

- a. Source Documentation - All expenditures charged to the Measure I Senior and Disabled Sales Tax Fund must be supported by a warrant or other source document (invoice, requisition, time

- sheet) clearly identifying the project, services rendered, item purchased, and other pertinent data to establish a clear audit trail.
- b. Retention Period - All source documents, together with the accounting records, are deemed to be the official records of the transit system, CTSA and/or city and county and must be retained by the transit system, CTSA and/or city and county for five (5) years.

Policy VVSDT-16: Compliance Audit Deadline

- a. An annual Compliance Audit must be completed by December 31st ~~within six (6) months after the end of the fiscal year~~ (Compliance Audit Deadline). SBCTA staff shall monitor the scheduling and progress of the audits to ensure prompt communication by the Auditor after information submittals by the transit system, CTSA and/or city and county, and timely completion of the final MSI audit report.
- b. If a transit system, CTSA and/or city and county is not able to meet the ~~information submittal deadlines set by the Auditor or the~~ Compliance Audit Deadline, the transit system, CTSA and/or city and county may submit a letter requesting an extension and specifying the period of the requested extension for consideration by the Transit Committee at their February meeting and the Board at their March meeting. Letters must be received timely for inclusion in the agenda. If a letter is not submitted and the Compliance Audit has not been completed, notification will be made to the Board at their March meeting that future allocations of Senior and Disabled Transit Program funds will be withheld until the Compliance Audit has been completed. Upon satisfactory completion of the Compliance Audit, any withheld allocations will be paid to the transit system, CTSA and/or city and county including interest determined using the current LAIF rate. ~~a request to SBCTA's Executive Director no later than thirty days prior to the submittal deadline set by the Auditor or the Compliance Audit Deadline, whichever extension is required, and a two (2) month automatic extension will be granted. Any further requests for extensions of the Compliance Audit Deadline are subject to approval by the Board.~~ The Board may approve ~~further~~ Compliance Audit Deadline extensions, if the Board finds: (1) the Compliance Audit was not completed timely for reasons outside of the control of the transit system, CTSA and/or city and county, such as federal, state, and GASB reporting requirements, or catastrophic events; or (2) it is in the best interest of SBCTA to grant the extension.
- c. SBCTA staff shall be responsible for requesting from the Board any extensions related to Auditor performance.

Policy VVSDT-17: Remedies

- a. If the annual Compliance Audit determines that the transit system, CTSA and/or city and county used Measure I Senior and Disabled Sales Tax Funds for ineligible expenses, the transit system, CTSA and/or city and county shall repay the Measure I Senior and Disabled Sales Tax Fund, in the amount of the ineligible expenses, immediately from another source through an internal fund transfer.
- b. If the annual Compliance Audit fails to be completed with an unmodified opinion by the Compliance Audit Deadline, as extended pursuant to Policy VVSDT-16, the transit system, CTSA and/or city and county shall repay the Measure I Senior and Disabled Sales Tax Fund, in the amount of the Measure I Senior and Disabled Allocation for the fiscal year subject of annual Compliance Audit findings of unsubstantiated or questioned costs, immediately from another source through an internal fund transfer.
- c. If the transit system, CTSA and/or city and county is unable to make such immediate repayment under VVSDT-17 (a) or (b), the transit system, CTSA and/or city and county shall not receive its Senior and Disabled Allocation pass-through payments until the repayment amount of ineligible expenses, unsubstantiated costs, or questioned costs, have been withheld by SBCTA.
- d. If the transit system, CTSA and/or city and county enters into a Repayment Agreement with SBCTA, as approved by the transit system, CTSA and/or city and county and the SBCTA Board of Directors, providing for repayment of the amounts owed under VVSDT-17 (a) or (b) over a period not to exceed five (5) years, SBCTA will return any pass-through funds withheld. SBCTA

will recommence withholding Senior and Disabled Allocation pass-through funds if the transit system, CTSA and/or city and county fails to comply with the terms of the Repayment Agreement.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Amended Section E to change the disbursement schedule from monthly to quarterly and added Section F on Accounting Requirements (Agenda Item 6, 7/6/16).	07/06/2016
2	Deleted Policies VVSDT-10 and VVSDT-11 as no longer applicable. BOD approved changes 9/6/17, Agenda Item 11.	09/06/2017
3	Amended VVSDT-16 to clarify Compliance Audit Deadline extensions.	

Minute Action

AGENDA ITEM: 24

Date: June 3, 2020

Subject:

Measure I Valley Major Street Projects Program – Arterial Sub-Program Allocation Adjustments

Recommendation:

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

A. Approve a decrease of \$4,245,804 to the approved Fiscal Year 2020/2021 Valley Major Street Projects Program – Arterial Sub-program allocation amount of \$23,583,102, resulting from projected COVID-19 impacts to Measure I revenue forecasts, for a new allocation total of \$19,337,298.

B. Approve an allocation of \$4,245,804 of previously unallocated Major Street Projects Program – Arterial Sub-program revenue collected through Fiscal Year 2018/2019 to backfill the Fiscal Year 2020/2021 allocation reduction.

C. Approve a 15-year allocation adjustment strategy to immediately allocate \$17,831,173 of remaining unallocated Valley Major Street Projects Program – Arterial Sub-program revenue collected through Fiscal Year 2018/2019 among certain Valley Subarea jurisdictions and to adjust future allocations among jurisdictions to restore jurisdictional equity to the Sub-program.

Background:

At its April 2020 meeting, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved a Valley Major Street Projects Program – Arterial Sub-program (Arterial Sub-program) Fiscal Year 2020/2021 allocation of \$23,583,102 (Agenda Item #23). In response to the potential economic impacts of the COVID-19 pandemic, staff has subsequently analyzed and revised its Measure I revenue projections for Fiscal Year 2020/2021. The amount of the reduction is based upon projections provided by HdL Companies, SBCTA's consultant for Measure I sales tax projections. Recommendation A is proposing a reduction of \$4,245,804 to the previously approved Fiscal Year 2020/2021 total allocation of \$23,583,102, for a new total allocation of \$19,337,298. The decreased allocation total is pro-rated among jurisdictions based on the Measure I 2010-2040 Strategic Plan (Strategic Plan) equitable share percentages, as seen in Table 1 below.

Table 1. Arterial Sub-program Revised FY2020/2021 Allocations

	A	B	C	D	E
	Jurisdiction	MI Strategic Plan Equitable Share	Approved Allocations for FY20/21	FY20/21 Adjusted Allocation for MSI Reduced Revenue due to COVID-19	Proposed Revised Allocations for FY20/21 Revenue
1	Chino	7.591%	\$1,790,193	(\$322,299)	\$1,467,894
2	Chino Hills	2.19%	\$517,413	(\$93,153)	\$424,260
3	Colton	2.53%	\$597,596	(\$107,589)	\$490,007
4	Fontana	19.40%	\$4,575,122	(\$823,686)	\$3,751,436
5	Grand Terrace	1.39%	\$327,569	(\$58,974)	\$268,595
6	Highland	6.78%	\$1,598,227	(\$287,738)	\$1,310,489
7	Loma Linda	4.07%	\$960,776	(\$172,974)	\$787,802
8	Montclair	0.60%	\$140,791	(\$25,347)	\$115,444
9	Ontario	12.27%	\$2,894,118	(\$521,045)	\$2,373,073
10	Rancho Cucamonga	5.04%	\$1,189,532	(\$214,158)	\$975,373
11	Redlands	4.85%	\$1,144,724	(\$206,091)	\$938,632
12	Rialto	3.83%	\$903,469	(\$162,657)	\$740,812
13	San Bernardino	7.86%	\$1,852,924	(\$333,593)	\$1,519,331
14	Upland	2.74%	\$646,884	(\$116,462)	\$530,422
15	Yucaipa	5.97%	\$1,406,732	(\$253,262)	\$1,153,470
16	County	12.88%	\$3,037,032	(\$546,775)	\$2,490,257
17	Total	100.00%	\$23,583,102	(\$4,245,804)	\$19,337,298

Per the Strategic Plan, an equitable share percentage of Arterial Sub-program funds shall be guaranteed to each jurisdiction over the 30-year life of the Measure. To accomplish this, SBCTA allocates the equitable share percentage to each jurisdiction each year and allows for Board-approved advances of available Arterial Sub-program balances when a jurisdiction's short-term needs exceed their equitable share. Staff continues to monitor actual revenue, allocations, and invoice reimbursements to make adjustments as necessary to ensure equity among the Valley jurisdictions.

However, in December 2005 the Board approved a strategy to advance Nexus Study Arterial Sub-program projects to construction with local funds prior to 2010, with a provision for reimbursement of the public share of the cost once Measure I 2010-2040 revenues became available. By October 2008, seven Valley jurisdictions had entered into Arterial Sub-program Project Advancement Agreements (PAAs) with SBCTA at an estimated cost of \$84 million. Per Strategic Plan Policy PA-9, "SBCTA shall reimburse local jurisdictions with PAAs executed under the Valley Major Street Programs with 40% of revenues available to the respective programs on an annual basis." In Fiscal Year 2017/2018, the last reimbursements were completed under the PAA program and the program was closed out. The sum total of all PAA

Board of Directors Agenda Item

June 3, 2020

Page 3

reimbursements made was \$56.5 million, and this resulted in those jurisdictions receiving allocations that exceed their equitable share.

To complete the PAA close-out process, staff has performed analysis and reconciliation of Arterial Sub-program revenue, approved allocations, and actual reimbursements through Fiscal Year 2018/2019. As a result of the 40% PAA off-the-top reserve of Major Street Program revenue and PAA allocations and reimbursements, it was determined that \$22,076,977 of Arterial Sub-program revenue remained unallocated to Valley jurisdictions as of June 30, 2019.

With the approval of Recommendation A of this item, staff is proposing through Recommendation B that \$4,425,804 of the unallocated revenue balance of \$22,076,977 be used to “backfill” the reduction of Fiscal Year 2020/2021 allocations among jurisdictions to make them consistent with the originally approved allocations, as seen in Table 2 below.

Table 2. Arterial Sub-program Allocation from FY18/19 Unallocated Revenue Balance

	A	B	C	D	E
	Jurisdiction	MI Strategic Plan Equitable Share	Reduced FY20/21 Allocations from Table 1, Col E	Proposed "Backfill" Allocations from Unallocated Revenue	Total FY20/21 Allocation with "Backfill" to Make Jurisdictions Whole
1	Chino	7.591%	\$1,467,894	\$322,299	\$1,790,193
2	Chino Hills	2.194%	\$424,260	\$93,153	\$517,413
3	Colton	2.534%	\$490,007	\$107,589	\$597,596
4	Fontana	19.400%	\$3,751,436	\$823,686	\$4,575,122
5	Grand Terrace	1.389%	\$268,595	\$58,974	\$327,569
6	Highland	6.777%	\$1,310,489	\$287,738	\$1,598,227
7	Loma Linda	4.074%	\$787,802	\$172,974	\$960,776
8	Montclair	0.597%	\$115,444	\$25,347	\$140,791
9	Ontario	12.272%	\$2,373,073	\$521,045	\$2,894,118
10	Rancho Cucamonga	5.044%	\$975,373	\$214,158	\$1,189,532
11	Redlands	4.854%	\$938,632	\$206,091	\$1,144,724
12	Rialto	3.831%	\$740,812	\$162,657	\$903,469
13	San Bernardino	7.857%	\$1,519,331	\$333,593	\$1,852,924
14	Upland	2.743%	\$530,422	\$116,462	\$646,884
15	Yucaipa	5.965%	\$1,153,470	\$253,262	\$1,406,732
16	County	12.878%	\$2,490,257	\$546,775	\$3,037,032
17	Total	100.00%	\$19,337,298	\$4,245,804	\$23,583,102

The PAA close-out analysis found that thirteen Valley jurisdictions have not received Arterial Sub-program allocations equal to their equitable share of Arterial Sub-program actual revenues, while three jurisdictions have received allocations higher than their equitable share of revenue through Fiscal Year 2018/2019. This is shown in Table 3.

Table 3. Valley Major Street–Arterial Sub-program Revenue vs Allocation thru FY18/19

	A	B	C	D	E
	Jurisdiction	MI Strategic Plan Equitable Share	Revenue Equitable Share FY09/10 - FY18/19 ¹	Allocations & PAA reimburse FY09/10 - FY18/19	Allocation Over/(Under) Revenue Share
1	Chino	7.59%	\$12,815,824	\$9,577,624	(\$3,238,200)
2	Chino Hills	2.19%	\$3,704,112	\$10,759,041	\$7,054,928
3	Colton	2.53%	\$4,278,132	\$2,392,744	(\$1,885,388)
4	Fontana	19.40%	\$32,752,863	\$53,247,016	\$20,494,152
5	Grand Terrace	1.39%	\$2,345,037	\$1,311,571	(\$1,033,466)
6	Highland	6.78%	\$11,441,554	\$6,519,930	(\$4,921,625)
7	Loma Linda	4.07%	\$6,878,101	\$3,846,897	(\$3,031,204)
8	Montclair	0.60%	\$1,007,910	\$563,721	(\$444,190)
9	Ontario	12.27%	\$20,718,719	\$11,587,905	(\$9,130,814)
10	Rancho Cucamonga	5.04%	\$8,515,744	\$11,564,406	\$3,048,662
11	Redlands	4.85%	\$8,194,969	\$4,583,417	(\$3,611,552)
12	Rialto	3.83%	\$6,467,846	\$4,517,175	(\$1,950,672)
13	San Bernardino	7.86%	\$13,264,910	\$7,419,016	(\$5,845,893)
14	Upland	2.74%	\$4,630,985	\$2,590,093	(\$2,040,892)
15	Yucaipa	5.97%	\$10,070,661	\$8,357,341	(\$1,713,320)
16	County	12.88%	\$21,741,823	\$12,160,124	(\$9,581,700)
17	Total	100.00%	\$168,829,193	\$150,998,020	(\$17,831,173)

¹ Less \$4,245,804 Unallocated Revenue proposed to backfill FY20/21 Arterial Allocation

In order to begin to achieve allocation equity among jurisdictions based on revenue equitable share percentages, staff performed calculations to distribute the unallocated revenue balance of \$17,831,173 (see Table 3, column E) to those jurisdictions with allocation amounts less than their equitable share of revenue. The three jurisdictions with allocations exceeding their equitable share of revenue were excluded from receiving an additional allocation. After the allocation of unallocated revenue, the allocation amounts relative to equitable shares for each jurisdiction are shown in Table 4, column D below.

**Table 4. Arterial Sub-program Adjusted Allocation vs Revenue Balance
with Additional Cash Balance Allocation**

	A	B	C	D
	Jurisdiction	Allocation Over/(Under) Revenue Share	Proposed Unallocated Revenue Distribution ¹	Adjusted Allocation Over/(Under) Revenue Share
1	Chino	(\$3,238,200)	\$1,192,282	(\$2,045,919)
2	Chino Hills	\$7,054,928	\$0	\$7,054,928
3	Colton	(\$1,885,388)	\$694,186	(\$1,191,202)
4	Fontana	\$20,494,152	\$0	\$20,494,152
5	Grand Terrace	(\$1,033,466)	\$380,515	(\$652,952)
6	Highland	(\$4,921,625)	\$1,812,106	(\$3,109,518)
7	Loma Linda	(\$3,031,204)	\$1,116,067	(\$1,915,137)
8	Montclair	(\$444,190)	\$163,547	(\$280,642)
9	Ontario	(\$9,130,814)	\$3,361,899	(\$5,768,915)
10	Rancho Cucamonga	\$3,048,662	\$0	\$3,048,662
11	Redlands	(\$3,611,552)	\$1,329,747	(\$2,281,805)
12	Rialto	(\$1,950,672)	\$718,223	(\$1,232,449)
13	San Bernardino	(\$5,845,893)	\$2,152,415	(\$3,693,478)
14	Upland	(\$2,040,892)	\$751,441	(\$1,289,450)
15	Yucaipa	(\$1,713,320)	\$630,832	(\$1,082,488)
16	County	(\$9,581,700)	\$3,527,912	(\$6,053,788)
17	Total	(\$17,831,173)	\$17,831,173	\$0

¹ Jurisdictions with allocations exceeding equitable revenue share receive no allocation.

As Table 4, column D shows, even with the distribution of the unallocated revenue balance of \$17,831,173, additional allocation adjustments are necessary to bring all Valley jurisdictions to their equitable share. Because allocation amounts for Fiscal Years 2019/2020 and 2020/2021 have already been approved by the Board, staff is recommending that these adjustments occur beginning with the Fiscal Year 2021/2022 allocation that will be approved next year. The proposed allocation adjustment strategy for achieving equity will increase allocations for jurisdictions that have been allocated less than their revenue equitable share and decrease allocations to jurisdictions that have been allocated more than their revenue equitable share.

The City of Chino Hills (City) has communicated a need for the City's unused allocation balance of approximately \$3 million for its Pine Avenue widening project, and the approved over-allocation amount for the City of Chino Hills is significantly higher relative to its annual revenue share than the other jurisdictions. Therefore, staff is recommending that rather than deallocate this amount, which would shorten the period of reconciliation for all jurisdictions, it remain available for the City to invoice against. No new allocations would be approved until the City's equitable share of revenue equals the total approved allocation amount, which is forecast to be a period of 15 years and was used as the basis for the calculation of the number of years San Bernardino County Transportation Authority

required to achieve equity among all jurisdictions. The effect of this strategy on the estimated Fiscal Year 2021/2022 revenue allocations is shown in Table 5 below.

Table 5. Proposed Arterial Sub-program 15-Year Adjusted Allocations Applied to FY21/22

	A	B	C	D
	Jurisdiction	Estimated FY21/22 Revenue Allocations	Annual Allocation Adjustments for Fifteen Years	Estimated FY21/22 Adjusted Allocation
1	Chino	\$1,433,474	\$132,649	\$1,566,123
2	Chino Hills	\$414,312	(\$414,312)	\$0
3	Colton	\$478,517	\$77,233	\$555,750
4	Fontana	\$3,663,470	(\$1,366,277)	\$2,297,193
5	Grand Terrace	\$262,297	\$42,335	\$304,632
6	Highland	\$1,279,760	\$201,608	\$1,481,368
7	Loma Linda	\$769,329	\$124,170	\$893,498
8	Montclair	\$112,737	\$18,196	\$130,932
9	Ontario	\$2,317,428	\$374,033	\$2,691,461
10	Rancho Cucamonga	\$952,502	(\$203,244)	\$749,258
11	Redlands	\$916,623	\$147,943	\$1,064,566
12	Rialto	\$723,441	\$79,907	\$803,348
13	San Bernardino	\$1,483,705	\$239,470	\$1,723,175
14	Upland	\$517,984	\$83,603	\$601,587
15	Yucaipa	\$1,126,423	\$70,184	\$1,196,607
16	County	\$2,431,864	\$392,503	\$2,824,367
17	Total	\$18,883,866	\$0	\$18,883,866

It is important to note that although the proposed strategy increases most allocations (compare columns B and D in Table 5 above), three cities will see reduced or zero allocations for 15 years. However, the proposed allocation adjustment strategy will not prevent jurisdictions from invoicing against allocations that have already been approved through Fiscal Year 2020/2021. Table 6 below shows the total reimbursements made through March 2020 against the total approved allocations through Fiscal Year 2020/2021. Of the total Arterial Sub-program approved allocations through Fiscal Year 2020/2021 of \$213,132,812, only \$96,049,412 has been invoiced for reimbursement by Valley jurisdictions. This leaves an available balance of \$117,083,400. As seen in column E below, every jurisdiction, even those that have been allocated more than their equitable share of revenue, still has an allocation balance that can be invoiced against for additional expenditures during the allocation adjustment period.

Table 6. Arterial Sub-program Remaining Allocation Balances Available for Invoicing

	A	B	C	D	E
	Jurisdiction	Total Revised Allocations thru FY20/21	Total Arterial Reimbursements as of March 2020	Total PAA Final Reimbursements	Remaining Unreimbursed Allocations thru FY20/21
1	Chino	\$14,132,993	\$298,946	\$2,409,779	\$11,424,268
2	Chino Hills	\$11,731,062	\$0	\$8,687,344	\$3,043,718
3	Colton	\$4,209,584	\$374,400	\$0	\$3,835,184
4	Fontana	\$61,841,918	\$3,875,616	\$34,928,457	\$23,037,845
5	Grand Terrace	\$2,307,463	\$151,462	\$0	\$2,156,001
6	Highland	\$11,334,492	\$481,029	\$120,710	\$10,732,754
7	Loma Linda	\$6,767,894	\$2,591,019	\$0	\$4,176,875
8	Montclair	\$991,761	\$6,308	\$0	\$985,452
9	Ontario	\$20,386,744	\$5,958,785	\$0	\$14,427,959
10	Rancho Cucamonga	\$13,799,081	\$4,422,167	\$6,771,581	\$2,605,333
11	Redlands	\$8,063,662	\$2,150,090	\$0	\$5,913,572
12	Rialto	\$6,932,669	\$4,411,246	\$899,732	\$1,621,692
13	San Bernardino	\$13,052,367	\$1,252,296	\$0	\$11,800,071
14	Upland	\$4,556,783	\$2,590,093	\$0	\$1,966,690
15	Yucaipa	\$11,630,884	\$4,960,130	\$2,724,856	\$3,945,898
16	County	\$21,393,456	\$5,983,366	\$0	\$15,410,090
17	Total	\$213,132,812	\$39,506,953	\$56,542,459	\$117,083,400

The proposed allocation adjustment strategy has been discussed with and approved by the three cities that have received allocations greater than their equitable revenue shares and the Transportation Technical Advisory Committee. Staff recommends approval of Recommendation C for a 15-year allocation adjustment of future allocations, beginning in Fiscal Year 2021/2022, to achieve fair-share revenue and allocation equity among Valley jurisdictions.

Financial Impact:

This item has no impact on the Fiscal Year 2019/2020 Budget.

Reviewed By:

The proposed allocation adjustments were reviewed by the Transportation Technical Advisory Committee on May 4, 2020, and the City/County Manager Technical Advisory Committee on May 7, 2020. This item was reviewed and recommended for approval (16-0-1; Abstained: Robertson) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 14, 2020.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

MEASURE I VALLEY MAJOR STREET - ARTERIAL SUBPROGRAM ALLOCATION ADJUSTMENT SCHEDULE

Jurisdiction	Arterial Subprogram Equitable Share %	FY18/19 Remaining Equitable Share	% of annual redistributed revenue
Chino	7.591%	\$2,045,918.56	6.687%
Chino Hills	2.194%	-\$7,054,928.48	0.000%
Colton	2.534%	\$1,191,201.93	3.893%
Fontana	19.400%	-\$20,494,152.40	0.000%
Grand Terrace	1.389%	\$652,951.65	2.134%
Highland	6.777%	\$3,109,518.33	10.163%
Loma Linda	4.074%	\$1,915,136.81	6.259%
Montclair	0.597%	\$280,642.29	0.917%
Ontario	12.272%	\$5,768,914.80	18.854%
Rancho Cucamonga	5.044%	-\$3,048,661.62	0.000%
Redlands	4.854%	\$2,281,805.12	7.457%
Rialto	3.831%	\$1,232,448.55	4.028%
San Bernardino	7.857%	\$3,693,478.12	12.071%
Upland	2.743%	\$1,289,450.23	4.214%
Yucaipa	5.965%	\$1,082,488.25	3.538%
County	12.878%	\$6,053,787.87	19.785%
TOTALS	100.00%	\$0.00	100.000%

FY 21/22			
Estimated unadjusted FY21/22 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY21/22 allocation	FY18/19 Remaining Equitable Share to be Reconciled
\$1,433,474.24	\$132,649.02	\$1,566,123.27	\$1,913,269.53
\$414,312.01	-\$414,312.01	\$0.00	-\$6,640,616.47
\$478,517.16	\$77,232.68	\$555,749.84	\$1,113,969.25
\$3,663,469.94	-\$1,366,276.83	\$2,297,193.12	-\$19,127,875.57
\$262,296.89	\$42,334.72	\$304,631.62	\$610,616.92
\$1,279,759.58	\$201,608.50	\$1,481,368.08	\$2,907,909.83
\$769,328.69	\$124,169.67	\$893,498.36	\$1,790,967.14
\$112,736.68	\$18,195.70	\$130,932.38	\$262,446.59
\$2,317,428.00	\$374,032.93	\$2,691,460.93	\$5,394,881.87
\$952,502.19	-\$203,244.11	\$749,258.08	-\$2,845,417.51
\$916,622.84	\$147,942.95	\$1,064,565.79	\$2,133,862.17
\$723,440.89	\$79,906.94	\$803,347.84	\$1,152,541.61
\$1,483,705.33	\$239,470.07	\$1,723,175.40	\$3,454,008.05
\$517,984.44	\$83,602.70	\$601,587.13	\$1,205,847.53
\$1,126,422.59	\$70,184.13	\$1,196,606.72	\$1,012,304.13
\$2,431,864.22	\$392,502.94	\$2,824,367.16	\$5,661,284.93
\$18,883,865.69	\$0.00	\$18,883,865.69	\$0.00

FY 22/23			
Estimated unadjusted FY22/23 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY22/23 allocation	FY18/19 Remaining Equitable Share to be Reconciled
\$1,378,715.55	\$131,590.77	\$1,510,306.32	\$1,781,678.77
\$398,485.30	-\$398,485.30	\$0.00	-\$6,242,131.17
\$460,237.81	\$76,815.34	\$536,854.34	\$1,037,352.72
\$3,523,525.45	-\$1,366,276.83	\$2,157,248.63	-\$17,761,598.74
\$252,277.16	\$41,996.98	\$294,274.14	\$568,619.94
\$1,230,872.78	\$200,000.10	\$1,430,872.88	\$2,707,909.73
\$739,940.35	\$123,179.06	\$863,119.41	\$1,667,788.08
\$108,430.14	\$18,050.54	\$126,480.68	\$244,396.05
\$2,228,902.29	\$371,048.95	\$2,599,951.24	\$5,023,832.92
\$916,116.62	-\$203,244.11	\$712,872.51	-\$2,642,173.41
\$881,607.86	\$146,762.68	\$1,028,370.54	\$1,987,099.49
\$695,805.46	\$79,269.46	\$775,074.92	\$1,073,272.15
\$1,427,027.81	\$237,559.62	\$1,664,587.43	\$3,216,448.43
\$498,197.44	\$82,935.73	\$581,133.17	\$1,122,911.80
\$1,083,393.26	\$69,624.21	\$1,153,017.47	\$942,679.92
\$2,338,967.05	\$389,371.61	\$2,728,338.66	\$5,271,913.32
\$18,162,502.34	\$0.00	\$18,162,502.34	\$0.00

FY 23/24				
Jurisdiction	Estimated unadjusted FY23/24 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY23/24 allocation	FY18/19 Remaining Equitable Share to be Reconciled
Chino	\$1,419,926.25	\$132,387.20	\$1,552,313.45	\$1,649,291.57
Chino Hills	\$410,396.28	-\$410,396.28	\$0.00	-\$5,831,734.88
Colton	\$473,994.61	\$77,080.24	\$551,074.85	\$960,272.49
Fontana	\$3,628,845.91	-\$1,366,276.83	\$2,262,569.08	-\$16,395,321.92
Grand Terrace	\$259,817.88	\$42,251.16	\$302,069.05	\$526,368.78
Highland	\$1,267,664.37	\$201,210.56	\$1,468,874.93	\$2,506,699.17
Loma Linda	\$762,057.64	\$123,924.58	\$885,982.22	\$1,543,863.50
Montclair	\$111,671.19	\$18,159.79	\$129,830.97	\$226,236.26
Ontario	\$2,295,525.62	\$373,294.66	\$2,668,820.27	\$4,650,538.26
Rancho Cucamonga	\$943,499.94	-\$203,244.11	\$740,255.83	-\$2,438,929.30
Redlands	\$907,959.69	\$147,650.93	\$1,055,610.63	\$1,839,448.56
Rialto	\$716,603.54	\$79,749.22	\$796,352.76	\$993,522.93
San Bernardino	\$1,469,682.59	\$238,997.40	\$1,708,679.99	\$2,977,451.03
Upland	\$513,088.88	\$83,437.68	\$596,526.56	\$1,039,474.12
Yucaipa	\$1,115,776.59	\$70,045.60	\$1,185,822.19	\$872,634.32
County	\$2,408,880.29	\$391,728.21	\$2,800,608.50	\$4,880,185.11
TOTALS	\$18,705,391.27	\$0.00	\$18,705,391.27	\$0.00

FY 24/25			
Estimated unadjusted FY24/25 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY24/25 allocation	FY18/19 Remaining Equitable Share to be Reconciled
\$1,463,773.70	\$133,234.58	\$1,597,008.29	\$1,516,056.98
\$423,069.36	-\$423,069.36	\$0.00	-\$5,408,665.52
\$488,631.61	\$77,573.61	\$566,205.22	\$882,698.87
\$3,740,905.00	-\$1,366,276.83	\$2,374,628.18	-\$15,029,045.09
\$267,841.08	\$42,521.60	\$310,362.69	\$483,847.17
\$1,306,809.96	\$202,498.47	\$1,509,308.43	\$2,304,200.70
\$785,590.05	\$124,717.80	\$910,307.85	\$1,419,145.70
\$115,119.60	\$18,276.02	\$133,395.63	\$207,960.23
\$2,366,411.66	\$375,684.04	\$2,742,095.70	\$4,274,854.22
\$972,635.30	-\$203,244.11	\$769,391.19	-\$2,235,685.19
\$935,997.57	\$148,596.02	\$1,084,593.59	\$1,690,852.54
\$738,732.32	\$80,259.68	\$818,992.00	\$913,263.25
\$1,515,066.53	\$240,527.18	\$1,755,593.70	\$2,736,923.86
\$528,933.11	\$83,971.75	\$612,904.87	\$955,502.37
\$1,150,231.87	\$70,493.95	\$1,220,725.82	\$802,140.37
\$2,483,266.73	\$394,235.59	\$2,877,502.32	\$4,485,949.52
\$19,283,015.48	\$0.00	\$19,283,015.48	\$0.00

FY 25/26			
Estimated unadjusted FY25/26 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY25/26 allocation	FY18/19 Remaining Equitable Share to be Reconciled
\$1,509,983.37	\$134,127.62	\$1,644,110.99	\$1,381,929.37
\$436,425.18	-\$436,425.18	\$0.00	-\$4,972,240.35
\$504,057.15	\$78,093.57	\$582,150.72	\$804,605.31
\$3,859,001.10	-\$1,366,276.83	\$2,492,724.27	-\$13,662,768.26
\$276,296.52	\$42,806.62	\$319,103.14	\$441,040.55
\$1,348,064.46	\$203,855.76	\$1,551,920.22	\$2,100,344.94
\$810,390.23	\$125,553.75	\$935,943.98	\$1,293,591.96
\$118,753.80	\$18,398.52	\$137,152.32	\$189,561.71
\$2,441,116.57	\$378,202.16	\$2,819,318.73	\$3,896,652.06
\$1,003,340.29	-\$203,244.11	\$800,096.18	-\$2,032,441.08
\$965,545.94	\$149,592.02	\$1,115,137.96	\$1,541,260.52
\$762,053.26	\$80,797.64	\$842,850.90	\$832,465.61
\$1,562,895.44	\$242,139.37	\$1,805,034.81	\$2,494,784.49
\$545,630.93	\$84,534.59	\$630,165.52	\$870,967.78
\$1,186,543.38	\$70,966.45	\$1,257,509.83	\$731,173.93
\$2,561,660.63	\$396,878.04	\$2,958,538.67	\$4,089,071.46
\$19,891,758.24	\$0.00	\$19,891,758.24	\$0.00

FY 26/27				
Jurisdiction	Estimated unadjusted FY26/27 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY26/27 allocation	FY18/19 Remaining Equitable Share to be Reconciled
Chino	\$1,557,456.86	\$135,045.08	\$1,692,501.94	\$1,246,884.28
Chino Hills	\$450,146.27	-\$450,146.27	\$0.00	-\$4,522,094.08
Colton	\$519,904.58	\$78,627.74	\$598,532.33	\$725,977.56
Fontana	\$3,980,327.11	-\$1,366,276.83	\$2,614,050.28	-\$12,296,491.44
Grand Terrace	\$284,983.21	\$43,099.42	\$328,082.64	\$397,941.13
Highland	\$1,390,447.26	\$205,250.18	\$1,595,697.44	\$1,895,094.76
Loma Linda	\$835,868.69	\$126,412.56	\$962,281.25	\$1,167,179.39
Montclair	\$122,487.39	\$18,524.37	\$141,011.76	\$171,037.34
Ontario	\$2,517,864.65	\$380,789.14	\$2,898,653.79	\$3,515,862.92
Rancho Cucamonga	\$1,034,885.05	-\$203,244.11	\$831,640.94	-\$1,829,196.97
Redlands	\$995,902.46	\$150,615.26	\$1,146,517.72	\$1,390,645.26
Rialto	\$786,012.02	\$81,350.31	\$867,362.33	\$751,115.30
San Bernardino	\$1,612,032.48	\$243,795.65	\$1,855,828.13	\$2,250,988.83
Upland	\$562,785.43	\$85,112.83	\$647,898.25	\$785,854.95
Yucaipa	\$1,223,848.00	\$71,451.87	\$1,295,299.87	\$659,722.05
County	\$2,642,198.58	\$399,592.77	\$3,041,791.36	\$3,689,478.70
TOTALS	\$20,517,150.04	\$0.00	\$20,517,150.04	\$0.00

FY 27/28			
Estimated unadjusted FY27/28 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY27/28 allocation	FY18/19 Remaining Equitable Share to be Reconciled
\$1,609,020.78	\$136,041.59	\$1,745,062.37	\$1,110,842.69
\$465,049.61	-\$465,049.61	\$0.00	-\$4,057,044.47
\$537,117.46	\$79,207.95	\$616,325.41	\$646,769.61
\$4,112,106.85	-\$1,366,276.83	\$2,745,830.03	-\$10,930,214.61
\$294,418.37	\$43,417.46	\$337,835.83	\$354,523.67
\$1,436,481.86	\$206,764.74	\$1,643,246.61	\$1,688,330.01
\$863,542.44	\$127,345.37	\$990,887.81	\$1,038,834.02
\$126,542.67	\$18,661.07	\$145,203.74	\$152,376.27
\$2,601,225.53	\$383,599.02	\$2,984,824.55	\$3,132,263.90
\$1,089,147.78	-\$203,244.11	\$885,903.67	-\$1,625,952.86
\$1,028,874.57	\$151,726.67	\$1,180,601.24	\$1,238,918.59
\$812,035.12	\$81,950.61	\$893,985.73	\$669,164.70
\$1,665,403.28	\$245,594.65	\$1,910,997.92	\$2,005,394.18
\$581,417.99	\$85,740.88	\$667,158.88	\$700,114.07
\$1,264,366.88	\$71,979.12	\$1,336,346.00	\$587,742.93
\$2,729,675.88	\$402,541.41	\$3,132,217.29	\$3,286,937.29
\$21,196,427.08	\$0.00	\$21,196,427.08	\$0.00

FY 28/29			
Estimated unadjusted FY28/29 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY28/29 allocation	FY18/19 Remaining Equitable Share to be Reconciled
\$1,663,426.22	\$137,093.02	\$1,800,519.24	\$973,749.67
\$480,774.22	-\$480,774.22	\$0.00	-\$3,576,270.24
\$555,278.89	\$79,820.12	\$635,099.01	\$566,949.49
\$4,251,148.55	-\$1,366,276.83	\$2,884,871.72	-\$9,563,937.78
\$304,373.47	\$43,753.02	\$348,126.49	\$310,770.66
\$1,485,053.28	\$208,362.77	\$1,693,416.05	\$1,479,967.24
\$892,741.19	\$128,329.59	\$1,021,070.78	\$911,504.43
\$130,821.43	\$18,805.29	\$149,626.72	\$133,570.97
\$2,689,180.15	\$386,563.75	\$3,075,743.90	\$2,745,700.15
\$1,105,298.62	-\$203,244.11	\$902,054.51	-\$1,422,708.76
\$1,063,663.66	\$152,899.32	\$1,216,562.98	\$1,086,019.27
\$839,492.27	\$82,583.98	\$922,076.25	\$586,580.72
\$1,721,715.16	\$247,492.78	\$1,969,207.94	\$1,757,901.41
\$601,077.34	\$86,403.55	\$687,480.89	\$613,710.52
\$1,307,118.61	\$72,535.43	\$1,379,654.04	\$515,207.50
\$2,821,973.76	\$405,652.54	\$3,227,626.30	\$2,881,284.75
\$21,913,136.84	\$0.00	\$21,913,136.84	\$0.00

MEASURE I VALLEY MAJOR STREET - ARTERIAL SUBPROGRAM ALLOCATION ADJUSTMENT SCHEDULE

FY 29/30				
Jurisdiction	Estimated unadjusted FY29/30 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY29/30 allocation	FY18/19 Remaining Equitable Share to be Reconciled
Chino	\$1,719,878.60	\$138,184.00	\$1,858,062.61	\$835,565.67
Chino Hills	\$497,090.46	-\$497,090.46	\$0.00	-\$3,079,179.79
Colton	\$574,123.62	\$80,455.33	\$654,578.95	\$486,494.16
Fontana	\$4,395,421.54	-\$1,366,276.83	\$3,029,144.71	-\$8,197,660.96
Grand Terrace	\$314,703.12	\$44,101.20	\$358,804.32	\$266,669.45
Highland	\$1,535,452.15	\$210,020.92	\$1,745,473.07	\$1,269,946.33
Loma Linda	\$923,038.52	\$129,350.83	\$1,052,389.36	\$782,153.60
Montclair	\$135,261.17	\$18,954.95	\$154,216.11	\$114,616.03
Ontario	\$2,780,443.97	\$389,640.02	\$3,170,084.00	\$2,356,060.13
Rancho Cucamonga	\$1,142,809.60	-\$203,244.11	\$939,565.49	-\$1,219,464.65
Redlands	\$1,099,761.66	\$154,116.09	\$1,253,877.75	\$931,903.18
Rialto	\$867,982.47	\$83,241.18	\$951,223.65	\$503,339.54
San Bernardino	\$1,780,145.72	\$249,462.32	\$2,029,608.05	\$1,508,439.08
Upland	\$621,476.35	\$87,091.15	\$708,567.50	\$526,619.37
Yucaipa	\$1,351,478.84	\$73,112.67	\$1,424,591.51	\$442,094.83
County	\$2,917,744.26	\$408,880.72	\$3,326,624.98	\$2,472,404.03
TOTALS	\$22,656,812.05	\$0.00	\$22,656,812.05	\$0.00

FY 32/33				
Jurisdiction	Estimated unadjusted FY32/33 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY32/33 allocation	FY18/19 Remaining Equitable Share to be Reconciled
Chino	\$1,896,241.76	\$141,592.36	\$2,037,834.11	\$414,249.63
Chino Hills	\$548,064.08	-\$548,064.08	\$0.00	-\$1,486,749.11
Colton	\$632,996.52	\$82,439.79	\$715,436.31	\$241,189.93
Fontana	\$4,846,145.44	-\$1,366,276.83	\$3,479,868.62	-\$4,098,830.48
Grand Terrace	\$346,974.02	\$45,188.98	\$392,163.00	\$132,207.11
Highland	\$1,692,903.49	\$215,201.15	\$1,908,104.64	\$629,603.18
Loma Linda	\$1,017,690.54	\$132,541.31	\$1,150,231.86	\$387,769.45
Montclair	\$149,131.38	\$19,422.48	\$168,553.86	\$56,823.36
Ontario	\$3,065,561.70	\$399,250.61	\$3,464,812.31	\$1,168,067.43
Rancho Cucamonga	\$1,259,997.82	-\$203,244.11	\$1,056,753.71	-\$609,732.32
Redlands	\$1,212,535.57	\$157,917.41	\$1,370,452.98	\$462,011.03
Rialto	\$956,988.82	\$85,294.35	\$1,042,283.18	\$249,541.39
San Bernardino	\$1,962,688.91	\$255,615.39	\$2,218,304.30	\$747,841.09
Upland	\$685,205.00	\$89,239.28	\$774,444.28	\$261,082.87
Yucaipa	\$1,490,064.82	\$74,916.01	\$1,564,980.84	\$219,178.01
County	\$3,216,941.29	\$418,965.89	\$3,635,907.18	\$1,225,747.43
TOTALS	\$24,980,131.16	\$0.00	\$24,980,131.16	\$0.00

FY 35/36				
Jurisdiction	Estimated unadjusted FY35/36 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY35/36 allocation	FY18/19 Remaining Equitable Share to be Reconciled
Chino	\$2,076,738.48	\$127,585.01	\$2,204,323.49	\$0.00
Chino Hills	\$600,232.41	-\$338,577.11	\$261,655.30	\$0.00
Colton	\$693,249.28	\$74,284.24	\$767,533.53	\$0.00
Fontana	\$5,307,433.36	-\$1,366,276.83	\$3,941,156.53	\$0.00
Grand Terrace	\$380,001.29	\$40,718.55	\$420,719.84	\$0.00
Highland	\$1,854,045.15	\$193,911.88	\$2,047,957.03	\$0.00
Loma Linda	\$1,114,561.00	\$119,429.36	\$1,233,990.36	\$0.00
Montclair	\$163,326.69	\$17,501.06	\$180,827.75	\$0.00
Ontario	\$3,357,361.97	\$359,753.83	\$3,717,115.80	\$0.00
Rancho Cucamonga	\$1,379,932.67	-\$203,244.11	\$1,176,688.56	\$0.00
Redlands	\$1,327,952.65	\$142,295.07	\$1,470,247.72	\$0.00
Rialto	\$1,048,081.30	\$76,856.41	\$1,124,937.71	\$0.00
San Bernardino	\$2,149,510.51	\$230,328.05	\$2,379,838.56	\$0.00
Upland	\$750,427.30	\$80,411.08	\$830,838.38	\$0.00
Yucaipa	\$1,631,898.97	\$67,504.77	\$1,699,403.74	\$0.00
County	\$3,523,150.86	\$377,518.73	\$3,900,669.59	\$0.00
TOTALS	\$27,357,903.89	\$0.00	\$27,357,903.89	\$0.00

FY 30/31			
Estimated unadjusted FY30/31 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY30/31 allocation	FY18/19 Remaining Equitable Share to be Reconciled
\$1,776,934.08	\$139,286.65	\$1,916,220.73	\$696,279.02
\$513,581.00	-\$513,581.00	\$0.00	-\$2,565,598.79
\$593,169.67	\$81,097.32	\$674,266.99	\$405,396.84
\$4,541,235.83	-\$1,366,276.83	\$3,174,959.00	-\$6,831,384.13
\$325,143.12	\$44,453.11	\$369,596.23	\$222,216.34
\$1,586,389.44	\$211,696.78	\$1,798,086.23	\$1,058,249.54
\$953,659.52	\$130,382.99	\$1,084,042.51	\$651,770.61
\$139,748.34	\$19,106.20	\$158,854.54	\$95,509.83
\$2,872,682.79	\$392,749.16	\$3,265,431.94	\$1,963,310.97
\$1,180,721.31	-\$203,244.11	\$977,477.21	-\$1,016,220.54
\$1,136,245.29	\$155,345.86	\$1,291,591.15	\$776,557.32
\$896,777.03	\$83,905.40	\$980,682.44	\$419,434.13
\$1,839,200.51	\$251,452.91	\$2,090,653.42	\$1,256,986.17
\$642,093.29	\$87,786.09	\$729,879.39	\$368,833.28
\$1,396,312.97	\$73,696.07	\$1,470,009.04	\$468,398.76
\$3,014,537.89	\$412,143.39	\$3,426,681.27	\$2,060,260.65
\$23,408,432.09	\$0.00	\$23,408,432.09	\$0.00

FY 33/34			
Estimated unadjusted FY33/34 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY33/34 allocation	FY18/19 Remaining Equitable Share to be Reconciled
\$1,956,267.60	\$142,752.40	\$2,099,020.00	\$271,497.23
\$565,413.14	-\$565,413.14	\$0.00	-\$921,335.97
\$653,034.13	\$83,115.20	\$736,149.34	\$158,074.73
\$4,999,550.98	-\$1,366,276.83	\$3,633,274.15	-\$2,732,553.65
\$357,957.54	\$45,559.20	\$403,516.74	\$86,647.91
\$1,746,492.63	\$216,964.26	\$1,963,456.89	\$412,638.92
\$1,049,905.71	\$133,627.21	\$1,183,532.91	\$254,142.25
\$153,852.16	\$19,581.60	\$173,433.76	\$37,241.76
\$3,162,602.56	\$402,521.62	\$3,565,124.17	\$765,545.82
\$1,299,883.25	-\$203,244.11	\$1,096,639.15	-\$406,488.22
\$1,250,918.58	\$159,211.21	\$1,410,129.79	\$302,799.82
\$987,282.46	\$85,993.15	\$1,073,275.62	\$163,548.24
\$2,024,818.15	\$257,709.61	\$2,282,527.76	\$490,131.48
\$706,895.27	\$89,970.40	\$796,865.68	\$171,112.47
\$1,537,233.07	\$75,529.79	\$1,612,762.86	\$143,648.22
\$3,318,774.10	\$422,398.42	\$3,741,172.51	\$803,349.01
\$25,770,881.32	\$0.00	\$25,770,881.32	\$0.00

Maj Street Art Rev Estimates Arterial 2020 (1000s)

21/22	\$18,883,865.69
22/23	\$18,162,502.34
23/24	\$18,705,391.27
24/25	\$19,283,015.48
25/26	\$19,891,758.24
26/27	\$20,517,150.04
27/28	\$21,196,427.08
28/29	\$21,913,136.84
29/30	\$22,656,812.05
30/31	\$23,408,432.09
31/32	\$24,192,598.04
32/33	\$24,980,131.16
33/34	\$25,770,881.32
34/35	\$26,561,479.65
35/36	\$27,357,903.89
36/37	\$28,186,020.22
37/38	\$29,026,511.10
38/39	\$29,883,310.33
39/40	\$27,688,692.41

FY 31/32			
Estimated unadjusted FY31/32 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY31/32 allocation	FY18/19 Remaining Equitable Share to be Reconciled
\$1,836,460.12	\$140,437.03	\$1,976,897.15	\$555,841.99
\$530,785.60	-\$530,785.60	\$0.00	-\$2,034,813.19
\$613,040.43	\$81,767.12	\$694,807.55	\$323,629.72
\$4,693,364.02	-\$1,366,276.83	\$3,327,087.19	-\$5,465,107.31
\$336,035.19	\$44,820.25	\$380,855.44	\$177,396.09
\$1,639,532.37	\$213,445.21	\$1,852,977.58	\$844,804.33
\$985,606.44	\$131,459.84	\$1,117,066.28	\$520,310.77
\$144,429.81	\$19,264.00	\$163,693.81	\$76,245.83
\$2,968,915.63	\$395,992.92	\$3,364,908.55	\$1,567,318.05
\$1,220,274.65	-\$203,244.11	\$1,017,030.54	-\$812,976.43
\$1,174,308.71	\$156,628.88	\$1,330,937.59	\$619,928.44
\$926,818.43	\$84,598.39	\$1,011,416.82	\$334,835.74
\$1,900,812.43	\$253,529.69	\$2,154,342.12	\$1,003,456.48
\$663,602.96	\$88,511.13	\$752,114.09	\$350,322.15
\$1,443,088.47	\$74,304.74	\$1,517,393.21	\$294,094.03
\$3,115,522.78	\$415,547.33	\$3,531,070.11	\$1,644,713.32
\$24,192,598.04	\$0.00	\$24,192,598.04	\$0.00

FY 34/35			
Estimated unadjusted FY34/35 Allocation	Annual Allocation Adjustment over 15 Years	Estimated adjusted FY34/35 allocation	FY18/19 Remaining Equitable Share to be Reconciled
\$2,016,281.92	\$143,912.22	\$2,160,194.14	\$127,585.01
\$582,758.86	-\$582,758.86	\$0.00	-\$338,577.11
\$673,067.89	\$83,790.49	\$756,858.38	\$74,284.24
\$5,152,927.05	-\$1,366,276.83	\$3,786,650.23	-\$1,366,276.83
\$368,938.95	\$45,929.36	\$414,868.31	\$40,718.55
\$1,800,071.48	\$218,727.03	\$2,018,798.51	\$193,911.88
\$1,082,114.68	\$134,712.89	\$1,216,827.57	\$119,429.36
\$158,572.03	\$19,740.70	\$178,312.73	\$17,501.06
\$3,259,624.78	\$405,791.99	\$3,665,416.77	\$359,753.83
\$1,339,761.03	-\$203,244.11	\$1,136,516.93	-\$203,244.11
\$1,289,294.22	\$160,504.75	\$1,449,798.97	\$142,295.07
\$1,017,570.29	\$86,691.82	\$1,104,262.11	\$76,856.41
\$2,086,935.46	\$259,803.43	\$2,346,738.88	\$230,328.05
\$728,581.39	\$90,701.39	\$819,282.77	\$80,411.08
\$1,584,392.26	\$76,143.45	\$1,660,535.71	\$67,504.77
\$3,420,587.35	\$425,830.28	\$3,846,417.63	\$377,518.73
\$26,561,479.65	\$0.00	\$26,561,479.65	\$0.00

Minute Action

AGENDA ITEM: 25

Date: June 3, 2020

Subject:

Revisions to Strategic Plan Policies - Measure I Valley Subarea Programs

Recommendation:

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

Approve revisions to Measure I 2010-2040 Strategic Plan Valley Subarea Policies:

- 40001 – San Bernardino Valley Subarea
- 40003 – Valley Local Street Program
- 40006 – Valley Major Street Program
- 40009 – Valley Senior and Disabled Transit Program

Background:

In April 2009, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved the Measure I 2010-2040 Strategic Plan (Strategic Plan). In September 2017, a comprehensive update was approved by the Board to make the financial and project data more current and to adopt policy wording changes needed to be consistent with current practice. In 2018, further revisions were made and since then additional needed revisions have been identified by staff while administering the Measure I programs.

San Bernardino Valley Subarea – Cost Buy-down for Projects Funding Revisions

Policy VS-30 of Policy No. 40001 (Attachment 1) defines the cost buy-down for projects with a development share contribution requirement and identifies state, federal or private funds that may be used to buy down the cost of either the total cost of a project, the public share of the cost, or the development share of the cost. With the additional state and federal transportation funding sources since the 2017 update to the Strategic Plan, such as State Senate Bill 1 funding, staff has revised the policy to include all new funding sources and the related cost buy-down application.

Local Street Program Eligibility

In order to be eligible for Local Street Program funds, local jurisdictions must submit a five-year capital improvement plan. The requirements for the format of the submittal have been clarified. Additionally, the project eligibility requirements for the Local Street Program are largely based on State Gas Tax eligibility requirements with minor specific determinations made specifically for SBCTA. Policy 40003 (Attachment 2) has been updated to reflect the latest reporting and eligibility requirements.

Valley Major Street – Arterial Sub-program Time-Value of Money Adjustments

At the direction of the Board, policies for a Project Advancement Process were adopted to enable local jurisdictions to advance with local funds the development and construction of Valley Interchange and Major Street projects prior to the availability of Measure I 2010-2040 revenue. Before finalization of the Strategic Plan, four of sixteen Valley jurisdictions had entered into Project Advancement Agreements (PAAs). The significant commitment of funds to PAA projects prompted other local jurisdictions to request inclusion of policies in the Strategic Plan to apply time-value of money (TVOM) adjustments in order to ensure fair-share

Entity: San Bernardino County Transportation Authority

equity among jurisdictions over the life of the Measure. Concerns were expressed that up-front PAA commitments of funding could potentially limit future availability of other jurisdictions' equitable share of revenue and prevent or postpone delivery of their projects.

All PAA program reimbursements were completed by Fiscal Year 2018/2019 and PAA agreements were closed. None of the Valley jurisdictions experienced a lack of funding availability during the time PAAs were in effect, and therefore no TVOM adjustment is required to provide for equity among jurisdictions. Given the reasons outlined above, staff is proposing policy language revisions to Policies 40001 and 40006 to delete reference to TVOM adjustments from the program policies. Another item on this agenda addresses the PAA program close out and final Major Street Projects Sub-program allocation adjustments needed to ensure that each Valley jurisdiction is allocated its equitable share of program revenue.

To properly reflect the deletion of TVOM adjustments for the Valley Subarea, staff is recommending deletion of Policy No. 40001 VS-3 (Attachment 1), revision of Policy No. 40006 VMS-32 and deletion of Policy No. 40006 VMS-35 (Attachment 3).

Valley Major Street Program – Sub-program Apportionment Percentages

Measure I Strategic Plan policies define a split of revenue in the Major Street Projects Program between two Sub-programs, with 80% to be apportioned to the Arterial Sub-program and 20% to the Rail-Highway Grade Separation (Grade Separation) Sub-program.

In 2006, the passage of Proposition 1B (Prop 1B) brought additional State grants for goods movement projects. Six grade separation projects in San Bernardino County received Prop 1B Trade Corridors Improvement Fund (TCIF) funds totaling \$50 million. The California Transportation Commission TCIF guidelines required all TCIF projects to be under construction no later than December 2013. Because TCIF funds would be lost if deadlines were not met, the Strategic Plan determined that bonding for the Grade Separation Sub-program was required.

The initial financial analysis for the 2012 10-Year Delivery Plan was performed based on the 80%-20% split between the Sub-programs established in the Strategic Plan. This initial analysis determined that the amount of revenue for the Grade Separation Sub-program expenditure plan would not support the bonds required to deliver the grade separation projects on schedule so as not to jeopardize the TCIF funds. Keeping SBCTA's PAA reimbursement commitment, options were considered to address the funding shortfall.

Ultimately the Board amended Policy No. 40006, San Bernardino Valley Major Street Program Measure I 2010-2040 Strategic Plan to reflect a revision to the revenue funding split between Sub-programs. After the 40% PAA distribution: a) for the first ten years, the Arterial Sub-program would receive 67% of the Measure I Major Street Projects Program funds and the Grade Separation Sub-program would receive 33%; b) for the second ten years, it would go to 70% and 30%, respectively, and c) for the last ten years, it would be 78% and 22%, also respectively. The intent of the policy change was to keep the commitments to the PAA reimbursements, support the bonds required to deliver the projects in the Grade Separation Sub-program, and achieve the Strategic Plan revenue split of 80% for the Arterial Sub-program and 20% for the Grade Separation Sub-program over the life of the Measure.

However, because the PAA commitments were fulfilled early, the PAA reimbursement amount was much lower than originally estimated, and the Board approved the change for the first ten years that helped maintain Sub-program equity, it's anticipated that an 80% Arterial and 20% Grade Separation Sub-program revenue split can be maintained until Fiscal Year 2039/2040, at which time a final adjustment will be made to ensure no more than 20% is allocated to the Grade Separation Sub-program through 2040.

To accurately reflect the funding split between programs as outlined above, staff is recommending revision of Policy No. 40006 VMS-2 (Attachment 3).

Capital Projects Needs Analysis (CPNA) Submittal Requirements

The Strategic Plan policies for the Valley Subarea require all Valley local jurisdictions to submit an annual CPNA to request the amount of Measure I and any additional federal, state, or private funding by phase and year for the five-year period following the beginning of the subsequent fiscal year to provide SBCTA with cash flow needs for use in developing the 10-Year Delivery Plan. To be eligible for project cost reimbursement, local jurisdictions may submit invoices to SBCTA for actual expenditures incurred for any project listed as prior expenditures or in the first two years of their current CPNA. As originally adopted in the Strategic Plan, local jurisdictions were required to submit a five-year CPNA for the Valley Freeway Interchange Program and the Valley Major Street Program. However, the standard practice since the beginning of the Measure has been for SBCTA to prepare the CPNA for Valley Freeway Interchange Program projects.

Staff is recommending revisions to Policies 40001 VS-4 and VS-6 (Attachment 1) to remove the requirement of preparation and submittal by local jurisdictions of Valley Freeway Interchange Program CPNAs unless they are proposing to advance an interchange as the lead agency. However, if a local jurisdiction has entered into a Term Loan Agreement for 2/3 of its development contribution using its share of Major Street – Arterial Sub-program funds for repayment and collateral, the local jurisdiction will continue to include that interchange project in its annual Valley Major Street Program CPNA to identify the use of Arterial Sub-program funds.

Compliance Audit Requirements

Policy No. 40003 VLS-19 (Attachment 2) and Policy No. 40009 VSDT-16 (Attachment 4) require an annual audit to determine whether each local jurisdiction used Measure I Transportation Sales Tax Funds only on eligible projects and accounted for those expenses correctly. The language regarding the deadline for completion of the audit was unclear as to the date of the deadline and the penalty if it was not met or the audit was not completed.

Staff is recommending adding December 31st as the Compliance Audit Deadline, rather than “six months from the end of the fiscal year” as currently written, and to include the penalty to withhold fund allocations or payments to any jurisdiction failing to meet the deadline beginning in March of the next calendar year if a deadline extension is not approved by the SBCTA Board. The allocation or payment will be released only when the audit is satisfactorily completed.

Financial Impact:

This item is consistent with the adopted Fiscal Year 2019/2020 Budget.
San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 4

Reviewed By:

These policy revisions were reviewed by members of the Transportation Technical Advisory Committee on May 4, 2020, and the City/County Manager Technical Advisory Committee on May 7, 2020. This item was reviewed and recommended for approval (17-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 14, 2020.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino County Transportation Authority

San Bernardino County Transportation Authority	Policy	40001
Adopted by the Board of Directors April 1, 2009	Revised	9/06/17
San Bernardino Valley Subarea (VS) Measure I 2010-2040 Strategic Plan	Revision No.	<u>43</u>

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

Table of Contents

[Purpose](#) | [References](#) | [Definitions](#) | [Revision History](#)

I. PURPOSE

The purpose of this policy is to establish the requirements for overall administration of the programs included in the San Bernardino Valley Expenditure Plan as part of Measure I 2010-2040. The Valley Subarea policies establish the process for identification of need, fund budgeting, fund allocation, and expenditure requirements for all programs in the Valley, including Freeway, Freeway Interchange, Major Street, Local Street, Metrolink/Rail, Express Bus/Bus Rapid Transit, Senior and Disabled Transit, and Traffic Management Systems. This policy also provides direction on the use of State and federal funds in the San Bernardino Valley Subarea, as well as the provisions governing cost-buy down for projects with a development share contribution.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

III. DEFINITIONS

Allocation: An action by the SBCTA Board of Directors to assign a specific amount of Measure I funds from a Measure I program to a project. Allocations occur in the context of the SBCTA annual budgeting process and project financial planning in the 10-Year Delivery Plan.

Budgeting: An action by the SBCTA Board of Directors to assign specific amounts of Measure I 2010-2040 funds to Measure I programs for a given fiscal year. The budgeting decision is made annually by the Board of Directors for purposes of preparing the subsequent year's annual budget.

Capital Project Needs Analysis (CPNA): A five-year plan of capital project needs focusing on the Valley Major Street Program and Valley Freeway Interchange Program. The CPNA includes estimates of project costs to be incurred by funding type, fiscal year, and phase for the five year period following the beginning of the subsequent fiscal year.

Development Mitigation Fair Share Loan: A term loan agreement between SBCTA and a local jurisdiction documenting loans from SBCTA to fund 2/3 of the required development share (local share) for projects. Loans may be from a jurisdiction's Measure I Local Street Program "pass through" funds or a jurisdiction's arterial portion of Measure I Major Street Program funds, with a commitment to reimburse with Development Impact Fees as they are collected.

Jurisdiction Master Agreement: An agreement between SBCTA and a local jurisdiction documenting the mutual commitments for allocation and expenditure of Measure I 2010-2040 funds for the jurisdiction under the Arterial Sub-program of the Major Street Program in the Valley Subarea.

Project Funding Agreement (or Cooperative Agreement): An agreement between SBCTA and a local jurisdiction documenting the allocation of Measure I 2010-2040 funds to the jurisdiction for a project under the Valley Freeway Interchange Program or the Rail-Highway Grade Separation Sub-program of the

Major Street Program and specifying the conditions of performance by SBCTA and the local jurisdiction associated with that project.

IV. POLICIES FOR THE SAN BERNARDINO VALLEY SUBAREA

A. Program Equity

Policy VS-1: SBCTA shall ensure that all San Bernardino Valley Programs receive their percentage allocation of Measure I revenue in accordance with the Measure I 2010-2040 Expenditure Plan.

Policy VS-2: The SBCTA Board of Directors shall have full discretion over the budgeting and allocation of Measure I 2010-2040 revenue between Valley Programs on an annual basis subject to Policy VS-1.

Policy VS-3: ~~No longer applicable. Adjustments for the time-value of money referenced in Policy 40006 or elsewhere in Measure I policies shall be based on comparisons of the net present value of annual expenditures calculated using a discount rate based on the annual change in the Consumer Price Index for Southern California, as maintained by the California Department of Finance.~~

B. Identification of Needs

Policy VS-4: SBCTA staff shall request and local jurisdictions shall submit by September 30 of each year a five-year Capital Project Needs Analysis (CPNA) for the ~~Valley Freeway Interchange Program and Valley Major Street Program~~ and, where the local jurisdiction is the lead agency, for the Valley Freeway Interchange Program. The CPNA for the Major Street Program should include including the amount of Major Street Program – Arterial Sub-program funds that are used as collateral for a development mitigation fair share loans by September 30 of each year. All CPNAs submitted by local jurisdictions shall be approved by the City Council/Board of Supervisors and shall be coordinated with the Five Year Capital Improvement Plan required as part of the Valley Local Streets Program policies (see Policy 40003). Responsibility for preparation of the CPNAs for specific programs are established in Policies VS-5 and VS-6.

Policy VS-5: Approximately every two years, SBCTA staff shall be responsible for preparation of a 10-Year Delivery Plan, to be approved by the Board, that will incorporate the needs and plans for all the Measure I programs in the Valley, including the needs identified by local jurisdictions for the Valley Freeway Interchange and Valley Major Street Programs, except that SBCTA staff may prepare information on funding needs and schedules to be incorporated directly into the 10-Year Delivery Plan.

Policy VS-6: ~~No longer applicable. Local jurisdictions shall be responsible for preparation of the CPNAs for the Valley Freeway Interchange and Major Streets Programs, except that SBCTA staff may prepare information on funding needs and schedules to be incorporated directly into the 10-Year Delivery Plan. All CPNAs submitted by local jurisdictions shall be approved by the City Council/Board of Supervisors and shall be coordinated with the Five Year Capital Improvement Plan required as part of the Valley Local Streets Program policies (see Policy 40003).~~

Policy VS-7: All CPNAs and the 10-Year Delivery Plan shall identify the requested amount of Measure I and any additional federal, State, or private funding by phase and year for the five-year period and 10-year period, respectively, following the beginning of the subsequent fiscal year.

C. Cash Flow Analysis

Policy VS-8: SBCTA staff shall prepare an estimate of projected Measure I, State, federal and private funding as part of the annual budgeting process and/or preparation of the 10-Year Delivery Plan.

Policy VS-9: SBCTA staff shall conduct, as part of the 10-Year Delivery Plan development, a cash flow analysis of all Measure I 2010-2040 Valley Programs based on information submitted by local jurisdictions, the funding needs of the SBCTA-administered programs, and the assessment of Measure I, State, federal, and private funding.

Policy VS-10: At a minimum, the cash flow analysis shall include the following considerations:

- All Measure I 2010-2040 San Bernardino Valley program needs identified in CPNAs
- Needs pursuant to Project Advancement and Advance Expenditure Agreements
- Needs related to Bond or other debt repayment
- Revenue committed to projects or programs in previous cycles

- Ability to leverage additional State, federal, and private funding sources.

Policy VS-11: The cash flow analysis shall be completed for presentation to the SBCTA Board of Directors as part of the 10-Year Delivery Plan development.

Policy VS-12: The 10-Year Delivery Plan and its cash flow analysis shall provide input to any SBCTA agency bonding and Program borrowing decisions.

D. Fund Budgeting

Policy VS-13: The SBCTA Board of Directors shall annually approve a Measure I revenue estimate for the subsequent fiscal year and a distribution of those estimated revenues by subarea and program as part of agency budgeting.

Policy VS-14: The SBCTA Board of Directors shall provide information on funding availability to local jurisdictions as part of the budgeting process, so that jurisdictions can prepare their own budget documents for the subsequent fiscal year.

E. Fund Allocation

Policy VS-15: The SBCTA Board shall approve allocations of funding to specific San Bernardino Valley Measure I projects as guided by the 10-Year Delivery Plan and the most current information on State, federal, and local funding programs.

Policy VS-16: No longer applicable.

F. Fund Expenditure

Policy VS-17: SBCTA-administered projects may begin expenditure of funds following the budgeting and allocation approvals by the SBCTA Board of Directors.

Policy VS-18: A local jurisdiction may begin expenditure of funds following the execution of a Project Funding Agreement/Cooperative Agreement or a Jurisdiction Master Agreement by both SBCTA and the jurisdiction, as appropriate to the project type and pursuant to Policies 40002, 40005, and 40006.

Policy VS-19: The Project Funding Agreement/Cooperative Agreement shall be based on the SBCTA Board-approved fund allocation and shall document the scope of the project, its cost, and the terms by which reimbursement shall occur.

Policy VS-20: The Jurisdiction Master Agreement references the annual Fund Allocation and Project List, which shall represent the SBCTA Board-approved allocation of funds to projects in the Arterial Sub-program (see Policy VS-15) of the Major Streets Program and the CPNA, respectively.

G. Use of State and Federal Funds for Measure I 2010-2040 Projects - General

Policy VS-21: The SBCTA Board shall assure reasonable equity in the shares of projected State and federal transportation funds allocated and expended within geographic areas of the county, subject to the eligibility of funds for the specified programs within those geographic areas.

Policy VS-22: The SBCTA Board of Directors has discretion to program State and federal funds to projects based on needs and priorities that exist at the time the decisions are made, subject to the eligibility of projects for each funding source and approvals by appropriate State and federal authorities.

Policy VS-23: SBCTA shall implement strategies that maximize the use of State and federal funds when projects are planned and delivered. This may include borrowing against future revenues streams, such as with Grant Anticipation Revenue Vehicles (GARVEE bonds) for federal funds.

Policy VS-24: SBCTA will aggressively advocate for its share of State and federal dollars to deliver Measure I projects.

H. Use of State and Federal Funds for Measure I 2010-2040 Projects – Specific Sources

Policy VS-25: CMAQ funds (or funds in any successor program to CMAQ) necessary to continue previously approved regional programs, including Freeway Service Patrol (FSP), rideshare activities, and Valley-wide Signal Synchronization shall be set aside for those purposes.

Policy VS-26: CMAQ funds (or funds in any successor program to CMAQ) shall be considered as a significant source to fund transit capital projects and start-up operating expenses in accordance with

CMAQ criteria. Allocation of CMAQ funding to transit capital projects is to be made by SBCTA in a manner consistent with the 10-Year Delivery Plan and plans developed by the transit operators and approved by the SBCTA Board of Directors.

Policy VS-27: Remaining CMAQ funds may be allocated to High Occupancy Vehicle facility components of the Valley Freeway projects listed in the Measure I Expenditure Plan, subject to eligibility criteria.

Policy VS-28: All of the STP funds apportioned to the urbanized areas of the San Bernardino Valley shall be allocated to the Valley Freeway Program projects listed in the Measure I Expenditure Plan.

Policy VS-29: SBCTA shall work closely with Caltrans to identify projects that are eligible to receive State Interregional Improvement Program (IIP) funds to assist in timely delivery of those projects. This may include projects within as well as outside urbanized areas.

I. Cost Buy-down for Projects with a Development Share Contribution

Policy VS-30: State, federal, or private funds may be used to buy down either the total cost of a project, the public share of the project cost, or the development share of the project cost based on the following criteria:

1. Funds that buy down the total cost of the project (after which the development fair share percentage is applied) include railroad contributions, State grants and Federal Congressional earmarks (through appropriations process, competition, etc.) from transportation sources that are not allocated or approved by SBCTA (e.g., IM, Demo, grants obtained by Caltrans, Caltrans ATP, SHOPP, STIP-IIP); TCRP, TCEP, PNRS, or TIGER, BUILD, or INFRA with local agency listed as lead recipient; PUC; HSIP; and HBP).
2. Funds considered part of the public share of the project cost include apportionments or allocations of State or federal transportation funds to SBCTA for funding of projects, whether managed by SBCTA or local agency (e.g., TCRP, and INFRA, BUILD, PNRS, SCCP, TCEP with SBCTA listed as lead recipient, CMIA, TCIF, SLPP (non-competitive), LPP (competitive)), and State allocation and Federal apportionment by SBCTA (e.g., STIP-RIP, CMAQ, LPP (formula), HIP, STP, TEA (SBCTA Allocation), TDA).
3. Funds that buy down the development share of the project cost include other state or federal appropriations of funding to a project from a non-transportation source (e.g., HUD, BIA, DOD) or SLPP/LPP competitive programs that have a (due to its DIF match requirement).

Fund definitions:

- ARRA = federal American Recovery and Reinvestment Act
- ATP = Caltrans Active Transportation Program
- BIA = Bureau of Indian Affairs or individual tribal contributions
- BUILD = Better Utilizing Investments to Leverage Development
- CMAQ = federal Congestion Mitigation and Air Quality
- CMIA = Corridor Mobility Improvement Account (Proposition 1B)
- Earmark or Demo = Demonstration project or similar project earmarked for a local jurisdiction in federal appropriations
- DOD = Department of Defense
- FAST Act = federal Fixing America's Surface Transportation Act
- HBP = federal Highway Bridge Program
- HIP = Highway Infrastructure Program
- HSIP = state Highway Safety Improvement Program
- HUD = federal Housing and Urban Development
- IM = federal Interstate Maintenance
- INFRA = Infrastructure for Rebuilding America Grants Program
- LPP = Local Partnership Program
- LTF = state Local Transportation Funds
- MAP-21 = federal Moving Ahead for Progress in the 21st Century Act
- PNRS = federal Projects of National and Regional Significance

- PUC = California Public Utilities Commission
- SAFETEA-LU = federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
- SCCP = Solutions for Congested Corridors Programs
- SHOPP = state State Highway Operation and Protection Program
- SLPP = State/Local Partnership Program (Proposition 1B)
- STIP-IIP = State Transportation Improvement Program – Interregional Improvement Program
- STIP-RIP = State Transportation Improvement Program – Regional Improvement Program
- STP = federal Surface Transportation Program
- TCEP = Trade Corridor Enhancement Program
- TCIF = Trade Corridor Improvement Funds (Proposition 1B)
- TCRP = Caltrans Traffic Congestion Relief Program
- TDA = state Transportation Development Act
- TEA = Transportation Enhancement Activities (supplanted by ATP)
- TIGER = federal Transportation Investment Generating Economic Recovery

J. Measure I Reserve

Policy VS-31: SBCTA shall budget for a reserve for the Valley subarea equivalent to 20% of the annual Measure I revenue from the following programs: Freeway, Freeway Interchange, Major Street, Traffic Management Systems, Metrolink/Rail, and Express Bus/BRT.

Policy VS-32: The 20% reserve shall be established with the first year of Measure I 2010-2040 apportionment and this amount shall be escalated annually to remain proportional to the growth in annual Measure I revenue.

Policy VS-33: The reserve may be used to:

- Advance federal or State funds that require reimbursement.
- Manage cash flow for non pass-through programs.
- Cover cost overruns for SBCTA projects or to cover unforeseen expenses associated with projects that received an allocation of Measure I 2010-2040 funds.
- Leverage other State or federal funds to which SBCTA might otherwise lose access.

Policy VS-34: Should Measure I reserves be used, revenue accrual within the year or revenue from the subsequent year's budget will be used to replenish the reserve.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Amended to include policies VS-31 through VS-34 establishing and maintaining a Measure I reserve.	07/07/2010
2	Amended to clarify funds that buy down total project cost versus funds that are applied to the public share and development share of costs in VS-30	03/04/15
3	Amended to update the Measure I budgeting, allocation, and expenditure process. Fund definitions also updated. Eliminated the requirement to make adjustments across programs for the time-value of money. Included reference to the 10-Year Delivery Plan. Approved by the BOD 9/6/17, Agenda Item 11.	09/06/17
<u>4</u>	<u>Amended to clarify CPNA submittal requirements, remove reference to time value of money calculations, and define treatment of new fund sources in application of cost buy-down policies.</u>	

San Bernardino County Transportation Authority	Policy	40003
Adopted by the Board of Directors April 1, 2009	Revised	7/11/18
Valley Local Street (VLS) Program Measure I 2010-2040 Strategic Plan	Revision No.	45

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

Table of Contents

[Purpose](#) | [References](#) | [Definitions](#) | [Policies for Valley Local Street Program](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to establish requirements relating to adoption of Five Year Plans by local jurisdictions outlining the projects that will be funded under the Measure I 2010-2040 Valley Subarea Local Street Program. Twenty percent of the total Measure I 2010-2040 revenue collected in the San Bernardino Valley Subarea shall be assigned to the Local Street Program. This program will be used by local jurisdictions to fund Local Street Projects.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan.

SBCTA Congestion Management Program

III. DEFINITIONS

Local Street Program: Measure I program in all subareas that provides funds through a pass-through mechanism directly to local jurisdictions for expenditure on street and road construction, repair, maintenance and other eligible local transportation priorities. Local Street Program funds can be used flexibly for any eligible transportation purpose determined to be a local priority, including Local Street, major highways, state highway improvements, freeway interchanges, transit, and other improvements/programs to maximize use of transportation facilities.

Allocation: An action by the SBCTA Board of Directors to assign a specific amount of Measure I funds from a Measure I program to a project. Allocations of Local Street Program funds occur monthly as a direct pass-through to local jurisdictions.

Five-Year Plan: A plan of projected local jurisdiction expenditures for the next five years on local projects eligible for Local Street Program funds, updated annually and submitted to SBCTA by local jurisdictions.

Independent Taxpayer Oversight Committee: A “Mandated Taxpayer Safeguard” established by Ordinance 04-01 for Measure I 2010-2040 to provide citizen review and to ensure that all Measure I funds are spent in accordance with provisions of the Measure I Expenditure Plan and Ordinance.

Maintenance of Effort: The requirement that Measure I funding will supplement and not replace the existing local discretionary funding being used for street and highway purposes.

Maintenance of Effort Base Year Level: The amount of General Fund used for street and highway purposes in Fiscal Year 2008/2009, prior to Measure I 2010-2040, as adopted by the SBCTA Board of Directors.

IV. POLICIES FOR THE VALLEY LOCAL STREET PROGRAM

A. Local Street Program Allocation

Policy VLS-1: Each jurisdiction shall receive an allocation from 20% of the Measure I revenue collected in the Valley Subarea on a per capita basis using the population estimate as of January 1 of

that year. The population estimate for making the per capita calculation shall be determined by SBCTA each year based on the State Department of Finance population estimate. For the unincorporated areas, the calculation shall be based on the population estimate from the County Land Use Services Department - Planning Division and reconciled with the State Department of Finance population estimate as of January 1 of that year.

Policy VLS-2: Local jurisdictions shall not receive their Local Street Program allocation until they have submitted their annual adopted update of their Five-Year Plan. The due date to submit the Five-Year Plan to SBCTA is September 1 of each year. If the Five-Year Plan has not been received by the due date, the pass-through payments will be withheld. All withheld pass-through payments will be released upon receipt of the local jurisdiction governing body's adopted Five-Year Plan.

Policy VLS-3: The Local Street Program allocation shall be remitted to local jurisdictions monthly.

Policy VLS-4: Local Street Program allocations remitted from January 1 until such time as the State Department of Finance has issued their population figures and SBCTA has made the per capita calculation, shall be based on the prior year's calculation. Once the per capita calculation has been made, the calculation will be applied retroactively to January 1 and amounts received by local jurisdictions will be adjusted to account for the difference in the amount remitted during the retroactive period and the amount that should have been remitted adjusted for the new per capita calculation.

B. Development Fair Share Contribution

Policy VLS-5: A development mitigation fair share contribution is required by Measure I 2010-2040 for all capacity improvement projects on the Nexus Study Network, contained in the most recent Board-adopted version of the Nexus Study approved for jurisdictions in the San Bernardino Valley and funded all or in part with Local Street Program allocations.

Policy VLS-6: Annually as part of its audit of each jurisdictions' use of Measure I funds, SBCTA will specifically review development mitigation contribution records for capacity improvements to Nexus Study Network facilities that were funded all or in part by Local Street Program allocations. If a material finding is made in the audit showing that the development fair share contribution was not made, SBCTA may, as the agency responsible for the Congestion Management Program, withhold Section 2105 Gas Tax funds or Measure I Local Street Program allocations until the jurisdiction shows that they are in compliance with the Congestion Management Program.

Policy VLS-7: Jurisdictions may borrow from other internal accounts (i.e. within their own jurisdiction) to fund the required development fair share. Jurisdictions will maintain a record of borrowing between internal accounts. The internal accounts shall be reimbursed by development mitigation as development occurs.

C. Five-Year Plan

Policy VLS-8: Each local jurisdiction is required to annually adopt a Five-Year Capital Improvement Plan which details the specific projects to be funded using Measure I Local Pass-Through Funds. Expenditures of Measure I Local Pass-Through Funds must be detailed in the Five-Year Capital Improvement Plan and adopted by resolution of the governing body. Expenditures can only be made on projects listed in the current Five-Year Capital Improvement Plan.

Policy VLS-9: Five-Year Capital Improvement Plans shall:

- a. Specifically identify "Named Projects" improvements to be funded all or in part with Measure I Local Street Program funds by street name, boundaries, and project type, subject to eligibility requirements listed in Section D below.
- b. Specifically identify "Categorical Projects" which are defined as a program of work without any identified streets, such as a pavement management program, transportation system improvements, routine roadway maintenance or other miscellaneous transportation-related expenditures as identified in Policy VLS-12.
- ~~c. —~~ A Categorical Project may be listed as a Named Project only if a list of potential streets is provided as an attachment to the approved Plan and the actual streets are named in the approved and modified Plan due by the end of the fiscal year, with instructions for preparation identified in Policy VLS-11.

c. Constrain the total amount of planned expenditures to 150% of SBCTA's forecasted revenue for Measure I Local Pass-Through Funds, revenue resulting from bonds secured by Measure I revenue, and remaining balances from previous year allocations.

d. ~~e.~~ Include no more than 50% of estimated annual new revenue for Categorical Projects to general program. Any carryover fund balance shall not be included in the 50% limit ~~used for general program categories~~.

~~A general program category is defined as a pavement management program, transportation system improvement, routine roadway maintenance, and other miscellaneous categorical expenditures in a program of work without any identified streets.~~

~~If a line item in the Five Year Capital Improvement Plan includes a list of the streets to which it will apply, then it does not have to count as a general program category (i.e. a city-wide AG overlay program that lists the streets to be included in the program).~~

~~ed.~~ For capacity enhancement projects to listed in the Nexus Study Network roadways, include total estimated cost, Measure I share of project cost and development share of project cost, limit the use of Measure I local funds to the Measure I public share of the project cost and identify the required development contribution. However, ~~m~~Maintenance projects or projects that do not enhance the capacity of a Nexus Study Network roadway do not require a development contribution ~~to be included in the Five Year Plan~~.

f. Use the SBCTA-approved forms and/or online database. Instructions will be issued to the City Manager annually prior to the deadline.

Policy VLS-10: Any single project expenditure in excess of \$100,000 must be listed as ~~an individual~~ Named project-Project and not included in a ~~general program~~ Categorical Projects category. A project is defined as a specific road improvement that is eligible to receive Measure I funding.

Policy VLS-11: The Five-Year Capital Improvement Plan shall be the basis for the annual audit. Jurisdictions will have flexibility in adding and deleting projects or moving funding between projects in their current Five-Year Capital Improvement Plan based on the necessities of the jurisdiction. However, in order for a project to be eligible for expenditure of Local Street Program funds, a revised Capital Improvement Plan, adopted by resolution of the governing body, is required and must be provided to SBCTA by August 15th June 30th of each fiscal year. The revised Capital Improvement Plan must show any changes to the projects listed if the project list or if the amount expended on a project has been changed increased. If the Capital Improvement Plan is not modified to reflect the changes, an audit finding will result. If the audit finding is not corrected, the project will not be eligible for expenditures of Local Street Program funds.

D. Eligible Expenditures

Policy VLS-12: Eligible expenditures include construction, maintenance, and overhead for transportation related purposes only. Included below are definitions and types of eligible expenditures by category.

a. Construction

Construction shall be defined as the building or rebuilding of streets, roads, bridges, and acquisition of rights-of-way or their component parts to a degree that improved traffic service is provided and geometric or structural improvements are effected including allocated administration and engineering necessarily incurred and directly related to the above.

~~b.~~ Construction work can be separated into four categories:

- 1) New Construction – A construction that substantially deviates from the existing alignment and provides for an entirely new street or roadbed for the greater parts of its length.
- 2) Reconstruction – A construction involving realignment or the use of standards well above those of the existing element, whereby the type or the geometric and structural features are significantly changed.
- 3) Preventative Maintenance – Includes, but is not limited to, roadway activities such as joint

and shoulder rehabilitation, heater re-mix, seal coats, corrective grinding of PCC1 pavement, and restoration of drainage systems.

- 4) 3R Work – All other work that does not fall into the above-defined categories for new construction, reconstruction, or preventative maintenance and typically involves the improvement of highway pavement surfaces through resurfacing, restoration, or rehabilitation. 3R Work is generally regarded as heavy, non-routine maintenance designed to achieve a ten-year service life. Specifically, 3R Work is defined as:

- *Resurfacing* generally consists of placing additional asphalt concrete over a structurally sound highway, street, or bridge that needs treatment to extend its useful service life.
- *Restoration* means returning a road, street, structure, or collateral facility to the condition existing after original construction.
- *Rehabilitation* implies providing some betterments, such as upgrading guardrail or widening shoulders.

e. The following Examples of construction expenditures are grouped by types of work:

<i>Expenditures</i>	<i>Types of Work</i>	
Additions	1.	The addition of a frontage street or road
	2.	Addition of auxiliary lanes such as speed change, storage, or climbing lanes
Barriers	3.	Earthwork protective structures within or adjacent to the right-of-way area
	4.	Extensions and new installation of walls
	5.	Replacement of retaining walls to a higher standard
	6.	Extension of new installation of guardrails, fence lines, raised medians, or barriers for traffic safety
Bikeways	7.	Construction of bikeways where they are an integral part of the streets and highway system
	8.	Construction of bicycle or pedestrian underpasses or overhead crossings for the general public use
Bridges	9.	Reconstruction of an existing bridge or installation of a new bridge
	10.	Widening of a bridge
	11.	Replacement of bridge rails and floors to a higher standard
Curbs, etc.	12.	Installation or extension of curbs, gutters, sidewalks, or underdrain (including improvements to handicap ramps to make them ADA compliant).
Drainage	13.	A complete reconstruction or an addition to a culvert <u>including cross culverts regardless of angle of crossing; storm drains, culverts, or drainage channels which are required to be constructed or reconstructed by improvement of the roadway; longitudinal storm drains or other longitudinal culverts, including manholes; cross longitudinal gutters at intersections; and catch basins and related pipes. The term "catch basin" shall include outlet structures or curb openings. An eligible "catch basin" must be located within the road or street system rights-of-way, or as close to the curb return joining the road or street system as practicable, considering the location of obstructions and/or hydraulic considerations.</u>
	14.	Extending old culverts and drains and replacing headwalls
Interagency Projects	15.	Measure I funds can be expended for Road improvements within an adjoining jurisdiction as long as the improvements are made within the County of San Bernardino
	16.	Road improvements and maintenance on a state highway as long as the appropriate agreement with Caltrans is in place

	17.	Maintenance or construction on alleys that have been formally accepted into the city or county street system
	18.	Development of facilities associated with Metrolink commuter rail operations that are determined to be a local responsibility
Landscaping	19.	Installation or addition to landscape treatment such as sod, shrubs, trees, irrigation, etc. <u>along the street or road right-of-way</u>
	20.	Purchase of land for "greenbelt" if needed to mitigate the environmental impact of a street or road construction project
Layout	21.	Change of alignment, profile, and cross-section
	22.	Reconstruction of an intersection and its approximate approaches to a substantially higher type involving a change in its character and layout including changes from a plain intersection to a major channelized intersection or to a grade separation and ramps
Lighting	23.	Installation, replacement, or expansion of street or road lighting system
<u>Associated</u> Planning and Design	24.	Project development, planning studies, and design for eligible transportation projects
	25.	Expenses incurred in attending or participating in transportation and traffic engineering sponsored programs or training conducted for street or road purposes
	26.	Engineering review of plans for construction of Valley Measure I Major Streets projects
Relocation	27.	The removal of old street and roadbeds and structures, and detour costs when connected with a construction project
	28.	Replacement in kind, when legally required, of structures that are required to be relocated for street and road purposes
Signs and Signals	29.	Installation of original traffic signs and markers on routes
	30.	Replacement of all major signs or traffic control devices on a street or road
	31.	The installation of a new sign or the replacement of an old sign with one of superior design such as increased size, illumination, or overhead installation
	32.	Installation or improvements of traffic signal controls at intersections and protective devices at railroad grade crossings
	33.	Purchase and installation of traffic signal control equipment including traffic actuated equipment, radio or other remote control devices and related computers, software, and that portion of preemption equipment not mounted on motor vehicles
Striping	34.	Painting or rearrangement of pavement striping and markings, or repainting to a higher standard
Surface Work	35.	Original surfacing of shoulders
	36.	Improvement of a surface to a higher type <u>of material</u>
	37.	Placing sufficient new material on soil surface or gravel street or road to substantially improve the quality or the original surface
	38.	Bituminous material of 1" or more placed on bituminous or concrete material - a lesser thickness may be considered construction provided the engineer shall certify that the resulting pavement is structurally adequate to serve anticipated traffic
	39.	Remix existing bituminous surfacing with added materials to provide a total thickness of one inch or more – a lesser thickness may be considered construction provided the engineer certifies that the resulting pavement is structurally adequate to serve anticipated traffic
	40.	Stabilization of street or road base by additive, such as cement, lime, or asphaltic material
Widening	41.	Widening of existing street or roadbed or pavement, with or

		without resurfacing
	42.	Resurfacing, stabilizing, or widening of shoulders including necessary connections to side streets or road approaches
Other eligible expenditures	43.	Matching funds to federal or state contributions to a roadway project
	44.	Park and ride facilities
	45.	<u>Undergrounding utilities or utility relocation only if part of a new roadway construction or documented as a legal road or street obligation.</u>
	46.	<u>Rubberized railroad grade crossing material or repair of grade crossings</u>
	47.	<u>Preliminary and construction engineering may be claimed on the percentage basis approved in previous years by Caltrans for contract work.</u>
	48.	<u>Relocation expenses necessitated by right-of-way acquisitions in accordance with the applicable government codes on relocation assistance.</u>

bd. Maintenance

Maintenance shall be defined as the preservation and upkeep of a street or road to its constructed condition and the operation of a street or road facility and its integral services to provide safe, convenient, and economical highway transportation.

Physical Maintenance is preservation and upkeep of a highway, including all of its elements, in as nearly as practicable its original condition or its subsequently improved condition.

Traffic Services include the operation of a highway facility, and services incidental thereto, to provide safe, convenient, and economic travel.

~~e.~~ The following are Examples of maintenance expenditures include:

1.	Scarifying, reshaping, and restoring material losses
2.	Applying dust palliatives
3.	Patching, repairing, surface treating, and joint filling on bituminous or concrete surfaces
4.	Jacking concrete pavements
5.	Repairing traveled way and shoulders
6.	Adding bituminous material of less than 1" to bituminous material including seal coats
7.	Remixing existing bituminous surfacing with added materials to provide a total thickness of less than 1" (see exception under Construction, example 39)
8.	Patching operations including base restoration
9.	Resealing street or road shoulders and side street and road approaches
10.	Reseeding and resodding shoulders and approaches
11.	Reshaping drainage channels and side slopes
12.	Restoring erosion controls
13.	Cleaning culverts and drains
14.	Removing slides and restoring facilities damaged by slides (additional new facilities shall be considered construction)

15.	Mowing, tree trimming, and watering within the street right-of-way
16.	Replacing topsoil, sod, shrubs, trees, irrigation facilities, etc., on streets and roadsides
17.	Repairing curb, gutter, rip-rap, underdrain, culverts, and drains
18.	Cleaning, painting, and repairing bridges and structures
19.	Performing all snow control operations such as erection of snow fences and the actual removal of snow and ice from the traveled way
20.	Repainting pavements, striping, and markings
21.	Repainting and repairing signs, guard rails, traffic signals, lighting standards, etc.
22.	Adding small numbers of conventional traffic control devices including signs
23.	Servicing street or road lighting and traffic control devices
24.	Furnishing power for street or road lighting and traffic control devices, <u>including payment for the cost of power</u>
25.	Developing and maintaining programs that enhance management of transportation facilities such as travel demand models and pavement management programs
26.	Purchase of street-related equipment used exclusively for road maintenance
27.	Purchase of rubberized railroad grade crossing material for repair of grade crossings

cf. Administrative Costs

1) Direct Costs

Direct costs are expenditures incurred solely and specifically for eligible street or road purposes or projects. Direct costs include contract payments, right-of-way acquisition, direct material and forced labor costs, and the salaries, wages, fringe benefits and related costs of employees directly participating on street and road purpose projects. Typical direct costs include:

- Compensation of employees for the time devoted and identified specifically to the performance of the eligible street or road project(s). Direct cost typically includes first level of supervision dedicated to the project. Supervisory activities above the first level of supervision may be recoverable as indirect costs.
- Costs of materials consumed or expended specifically for the purpose in which they were authorized.
- Equipment and other approved capital expenditures.
- Expense items or services contracted, or furnished specifically for the project to carry out the purpose in which they were authorized.

2) Indirect Costs (Overhead)

Indirect costs shall be defined as those elements of costs that are incurred for eligible street or road purposes that cannot be readily identified to a particular project. Cities and counties are allowed to use Measure I local funds to reimburse for indirect costs provided that there is documentation that amounts reimbursed were fairly and equitable allocated.

Overhead will only be allowed via an approved cost allocation plan or an equitable and auditable distribution of overhead among all departments.

Indirect costs typically include:

- Cost of overall supervision of field operations including payroll, facilities, advertising, general government, department or general accounting/finance, procurement, top management, data processing, legal costs and bids

- Cost of shop supplies such as expendable small tools and non-permanent barricades, warning signs, and other devices

~~Overhead shall be defined as those elements of cost necessary in the production of an article or performance of a service which are of such a nature that the amounts applicable to the functions are not readily discernible. Usually they relate to those objects of expenditure that do not become an integral part of the finished product or service. Examples of overhead components are shown below and are comprised of costs that cannot be identified or charged to a project, unless an arbitrary allocation basis is used. Overhead will only be allowed via an approved cost allocation plan or an equitable and auditable distribution of overhead among all departments.~~

- ~~1) Payroll~~
- ~~2) Facilities~~
- ~~3) Advertising~~
- ~~4) General Government~~
- ~~5) Departmental Accounts/Finance~~
- ~~6) Procurement~~
- ~~7) Top Management~~
- ~~8) General Accounting/Finance~~
- ~~9) Personnel~~
- ~~10) Data Processing~~
- ~~11) Legal Costs~~
- ~~12) Bids~~

E. Ineligible Expenditures

Policy VLS-13: Although many types of work may be referred to as "construction", this does not make these costs automatically eligible for expenditures of Measure I funds. To be eligible, the work must be for street or road purposes.

~~a.~~ Following is a list of the types of expenditures that are not eligible for financing with Measure funds:

1.	Costs of rearranging non-street or road facilities, including utility relocation, when not a legal road or street obligation
2.	New (first installation of) utilities, including water mains, sanitary sewers, and other non-street facilities
3.	Cost of leasing property or right-of-way, except when required for construction work purposes on a temporary basis
4.	Cost of constructing or improving a street or area for parking purposes, except for the width normally required for parking adjacent to the traveled way and within the right-of-way, or when off-street parking facilities are constructed in lieu of widening a street to improve the flow of traffic
5.	Decorative lighting
6.	Park features such as benches, playground equipment and restrooms
7.	Work outside the right-of-way which is not a specific right-of-way obligation
8.	Equestrian under- and overpasses or other similar structures for any other special interest group unless as a part of a right-of-way obligation
9.	Construction, installation, or maintenance of cattle guards
10.	Acquisition of buses or other mass transit vehicles or maintenance and operating costs for mass transit power systems or passenger facilities (passenger facilities include but are not limited to bus benches, shelters, and bus stop signs, or equipment and services)
11.	Maintenance or construction on alleys that have not been formally designated as part of

	a jurisdiction's street and road system
12.	Non-street and road-related salaries and benefits
13.	Driveways outside of the street and road right-of-way
14.	Purchase of electronic speed control devices or other non-highway related equipment
15.	Freeway telephone emergency system
16.	Interest charged for non-highway purposes
17.	Grantwriting consultant fees
18.	<u>Debt service payments for non-voter-approved bonds, including Certificates of Participation</u>
19.	<u>Over-expended funds (deficit fund balance)</u>
20.	<u>Negative interest allocation</u>
21.	<u>The value of park or other city/county owned property rededicated for a street right-of-way.</u>

F. Accounting Requirements

Policy VLS-14: Each local jurisdiction shall establish a Special Measure I 2010-2040 Transportation Sales Tax Fund. This fund is a special revenue fund utilized to account for proceeds of specific revenue sources that are legally restricted to expenditures for street and road purposes. Jurisdictions should use the modified accrual basis of accounting.

Policy VLS-15: The following requirements are to provide guidance on the specific accounting treatment as it relates to the Special Measure I Transportation Sales Tax Fund.

- a. All allocations shall be deposited directly into the Special Measure I Transportation Sales Tax Fund.
- b. Interest received by a jurisdiction from the investment of money in its Special Measure I Sales Tax Fund shall be deposited in the fund and shall only be used for street and road purposes.
- c. Segregation must be maintained within the Special Measure I Transportation Sales Tax Fund to show separate balances for each subarea (County only).
- d. If other revenues are commingled in the Special Measure I Transportation Sales Tax Fund, it is the responsibility of the jurisdiction to provide accurate and adequate documentation to support revenue and expenditure allocation, as well as segregated balances.
- e. It is allowable to fund prior year expenditures with current year revenues and/or fund balance as long as funded projects are included in the current adopted Five-Year Capital Improvement Plan and accounting clearly identifies the project and other pertinent data to establish a clear audit trail.
- f. If a project is deemed ineligible in the annual Compliance Audit, the Measure I funds used on that project must be repaid to the Special Measure I Transportation Sales Tax Fund in accordance with Policy VLS-19.
- g. Temporary loans of Measure I local funds can only be made among other Measure I accounts/projects if project and other pertinent data is identified to establish a clear audit trail.
- h. If Measure I funds are used to purchase salable excess right-of-way, any unsold portions should be reported to SBCTA including the reasons for holding it and the anticipated date of disposal.

Policy VLS-16: Any interest earned on investment of Measure I Transportation Sales Tax Funds must be deposited in the Special Measure I Transportation Sales Tax Fund. Any jurisdiction not electing to invest its Measure I funds but at the same time investing most of its other available funds should deposit the Measure I funds in a separate account to clearly indicate that no such monies were

invested. If Measure I Transportation Sales Tax funds are invested, they must receive their equitable proration of interest earned on the total funds invested. Several methods are available to determine an equitable distribution of interest earned. Whatever method is employed, it will be analyzed during audit to determine reasonableness and confirm distribution to the Special Measure I Transportation Sales Tax Fund. It is recommended that a distribution based on average month-end cash balances be employed. In addition, if the interest distribution methodology allows for negative distributions, they will be disallowed. No interest charges based on negative cash and fund balances will be allowed.

Policy VLS-17: Reimbursements of Measure I Transportation Sales Tax Funds previously expended for street and road construction or right-of-way purposes, from whatever source, must be deposited in the Special Measure I Transportation Sales Tax Fund. This includes but is not limited to:

- Federal Aid Urban projects
- Cooperative agreements
- Equipment use rates for equipment purchased with Measure I funds and used for non-street purposes
- Equipment dispositions
- Right-of-way dispositions
- Federal and safety projects

Policy VLS-18: Records:

- a. Source Documentation - On construction or purchase of right-of-way or equipment, all expenditures charged to the Measure I Transportation Sales Tax Fund must be supported by a warrant or other source document (invoice, requisition, time sheet, equipment rental charge, engineering plans, specifications, and other pertinent data) clearly identifying the project and other pertinent data to establish a clear audit trail. If street-related equipment is purchased with Measure I local funds, the jurisdiction must keep accurate records on acquisition cost, use, maintenance, and disposition.
- b. Retention Period - All source documents, together with the accounting records, are deemed to be the official records of the jurisdiction and must be retained by the jurisdiction for five (5) years.

Policy VLS-19: Compliance Audit Deadline

- a. A jurisdiction's annual Compliance Audit must be completed by December 31st -within six (6) months after the end of the jurisdiction's fiscal year (Compliance Audit Deadline). SBCTA staff shall monitor the scheduling and progress of the audits to ensure prompt communication by the Auditor after information submittals by the jurisdiction and timely completion of the final Measure I audit report.
- b. If a jurisdiction is not able to meet the ~~information submittal deadlines set by the Auditor or the Compliance Audit Deadline due to unforeseen circumstances beyond its control~~, the jurisdiction may submit a letter requesting an extension and specifying the period of the requested extension for consideration by the General Policy Committee at their February meeting and the Board at their March meeting. Letters must be received timely for inclusion in the agenda. If a letter is not submitted and the Compliance Audit has not been completed, notification will be made to the Board at their March meeting that future allocations of Local Pass-Through Funds for the that jurisdiction will be withheld until the Compliance Audit has been completed. Upon satisfactory completion of the Compliance Audit, any withheld allocations will be paid to the City including interest determined using the current LAIF rate. request to SBCTA's Executive Director no later than thirty days prior to the submittal deadline set by the Auditor or the Compliance Audit Deadline, whichever extension is required, and a two (2) month automatic extension will be granted. Any further requests for extensions of the Compliance Audit Deadline are subject to approval by the Board. The Board may approve ~~further~~ Compliance Audit Deadline extensions if the Board finds: (1) the Compliance Audit was not completed timely for reasons outside of the jurisdiction's control, such as federal, state, and GASB reporting requirements, or catastrophic events; or (2) it is in the best interest of SBCTA to grant the extension.
- c. SBCTA staff shall be responsible for requesting from the Board any extensions related to Auditor performance.

Policy VLS-20: Remedies

- a. If a jurisdiction's annual Compliance Audit determines that the jurisdiction used Measure I Transportation Sales Tax Funds for ineligible expenses, the jurisdiction shall immediately repay the Measure I Transportation Sales Tax Fund in an equal amount through an internal fund transfer from another source. Repayment will include interest that would have been earned in the Special Measure I Transportation Sales Tax Fund from the time of ineligible expenditure to date of repayment.
- b. If a jurisdiction's annual Compliance Audit fails to be completed with an unmodified opinion by the Compliance Audit Deadline, which may be extended pursuant to Policy VLS-19, the jurisdiction shall immediately repay the Measure I Transportation Sales Tax Fund through an internal fund transfer from another source in the amount of the Measure I Local Street Program allocation for the subject fiscal year of Compliance Audit findings of unsubstantiated or questioned costs. Repayment will include interest that would have been earned in the Special Measure I Transportation Sales Tax Fund from the time of ineligible expenditure to date of repayment.
- c. If the jurisdiction is unable to make such immediate repayment under VLS-20 (a) or (b), the jurisdiction shall not receive its Local Street Program allocation pass-through payments until the repayment amount of ineligible expenses, unsubstantiated costs, or questioned costs, have been withheld by SBCTA. Repayment will include interest that would have been earned in the Special Measure I Transportation Sales Tax Fund from the time of ineligible expenditure to date of repayment.
- d. If the jurisdiction enters into a Repayment Agreement with SBCTA, as approved by the jurisdiction and the SBCTA Board of Directors, providing for repayment of the amounts owed under VLS-20 (a) or (b) over a period not to exceed five (5) years, SBCTA will return any pass-through funds withheld. SBCTA will recommence withholding Local Street Program allocation pass-through funds if the jurisdiction fails to comply with the terms of the Repayment Agreement.

G. Maintenance of Effort Requirements

Policy VLS-21: The SBCTA Board of Directors shall retain authority over actions related to these Maintenance of Effort (MOE) requirements.

Policy VLS-22: In accordance with California Public Utilities Code 190300 and Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Local Street Program funds shall not be used to supplant existing local discretionary funds being used for street and highway purposes.

Policy VLS-23: SBCTA shall monitor local agency use of General Fund for street and highway purposes relative to their use prior to Measure I 2010-2040, which shall be referred to as the MOE base year level.

Policy VLS-24: The following requirements are to provide guidance on the determination of a MOE base year level.

- a. The MOE base year level shall be equivalent to the discretionary General Fund expenditures for transportation-related construction and maintenance activities consistent with Policy VLS-12 in Fiscal Year 2008/2009.
- b. Jurisdictions may propose deductions to the recorded expenditures for the following:
 - 1) Expenditures for unusual circumstances that increased the MOE base year level arbitrarily outside of the normal on-going General Fund expenditures, e.g. General Fund loans to other transportation-related funds, emergency repairs, or special projects.
 - 2) Administrative/overhead costs that were not project-specific, i.e. staff time for transportation staff was charged to a general "program" budget rather than charged directly to specific projects.
- c. The proposed MOE base year level shall be adopted by resolution of the governing body.
- d. The Independent Taxpayer Oversight Committee (ITOC) will review the proposed MOE base year levels, including the proposed deductions, as adopted by resolution of the governing body, and provide a recommendation to the SBCTA Board of Directors for approval.

- e. The MOE base year level as approved by the SBCTA Board of Directors shall remain in effect until the expiration of Measure I 2010-2040.

Policy VLS-25: Jurisdictions shall annually provide a statement in the resolution of the governing body adopting the Five Year Capital Improvement Plan that acknowledges the jurisdiction will maintain General Fund expenditures for transportation-related construction and maintenance activities at the required MOE base year level in that fiscal year. Jurisdictions whose MOE base year level is determined to be \$0 are not required to provide this statement in the resolution.

Policy VLS-26: The MOE requirement shall be tracked and verified as part of the annual Measure I Local Street Program audit. This will be accomplished by comparing the discretionary General Fund expenditures for transportation-related construction and maintenance activities consistent with Policy VLS-12 to the MOE base year level.

Policy VLS-27: General Fund expenditures in excess of the MOE base year level will carry over to subsequent fiscal years and can be applied in a future year to offset the amount the local agency may need to meet the MOE requirement. Carryover balances will be documented in the annual Measure I Local Street Program audit.

Policy VLS-28: If the annual Measure I Local Street Program audit indicates that the required MOE base level is not being met, then the jurisdiction has the following four fiscal years to make up the amount. If the audit following those four fiscal years indicates the jurisdiction is still below the MOE base year level, SBCTA will immediately stop disbursing Measure I Local Street Program funds until an amount equivalent to the MOE base year level shortfall has been withheld. The withheld funds will be disbursed to the jurisdiction upon demonstration that the jurisdiction has met the MOE requirements.

Policy VLS-29: The following provides guidance on resolution of MOE base year level shortfalls at the expiration of Measure I 2010-2040.

- a. If the jurisdiction has not resolved a MOE base year level shortfall within two years after the expiration of Measure I 2010-2040, any withheld funds will be distributed to other compliant jurisdictions within that subarea.
- b. If any Measure I Local Street Program audit after Fiscal Year 2033/2034 indicates that the required MOE base year level was not met, then the jurisdiction has until Fiscal Year 2038/2039 to make up the amount. If the audit of Fiscal Year 2038/2039 indicates the jurisdiction is still below the MOE base level, the jurisdiction must pay the MOE base level shortfall to SBCTA for distribution to other compliant jurisdictions within that subarea.

Policy VLS-30: Prior to withholding or required repayment of Measure I Local Street Program funds, jurisdictions shall have an opportunity to appeal to the ITOC. The jurisdiction must present evidence to the ITOC demonstrating unusual circumstances or the need for special consideration. The ITOC will be responsible for making a recommendation to the SBCTA Board of Directors to either approve or deny the request for special consideration.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Revisions adopted by the Board of Directors on January 8, 2014, Agenda Item 14.	01/08/2014
2	Revisions adopted by the Board of Directors on May 6, 2015, Agenda Items 6 & 8.	05/06/2015
3	Amended list of eligible expenses to be more consistent with the list of eligible expenses in the State Controller's Office Gas Tax Fund Guidelines. Modified remedy language in Policy VLS-20. Approved by the BOD 9/6/17, Agenda Item 11.	09/06/2017

4	Addition of due date of Capital Improvement Plan in VLS-2. Approved by the BOD 7/11/18, Agenda Item 25.	7/11/2018
<u>5</u>	<u>Clarified Capital Improvement Plan requirements, amended eligible expenditures to be consistent with current gas tax guidelines, added requirements for tracking equipment purchased with Measure I funds, and updated Compliance Audit Deadline extension requirements.</u>	

San Bernardino County Transportation Authority	Policy	40006
Adopted by the Board of Directors April 1, 2009	Revised	9/06/17
Valley Major Street (VMS) Program Measure I 2010-2040 Strategic Plan	Revision No.	<u>34</u>

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

Table of Contents

| Purpose | References | Definitions | Policies for Valley Major Street Program – Creation of Sub-programs | Policies for Valley Major Street Program – Rail-Highway Grade Separation Sub-program | Policies for Valley Major Street Program – Arterial Sub-program | Revision History |

I. PURPOSE

The purpose of this policy is to delineate the requirements for administration of the Valley Major Street program for Measure I 2010-2040. The policy establishes the funding apportionment and allocation process, the process for establishing and monitoring equitable shares for individual jurisdictions, project eligibility, reimbursement mechanisms, limitations on eligible expenditures, and the role of SBCTA.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

III. DEFINITIONS

Capital Project Needs Analysis – A five-year plan of capital project needs focusing on the Valley Major Street Program and Valley Freeway Interchange Program ~~for each program included in the San Bernardino Valley Expenditure Plan~~. The CPNA includes estimates of project costs to be incurred by funding type, fiscal year, and phase for the five year period following the beginning of the subsequent ~~State~~ fiscal year.

Equitable Share – The percentage of Measure I Arterial Sub-program funding guaranteed to each Valley jurisdiction over the life of Measure I 2010-2040. The percentage is the ratio of public share costs for each jurisdiction's list of arterial projects to total Valley arterial public share costs in the Development Mitigation Nexus Study approved by the SBCTA Board in November 2007 and modified by the Board as needed. in March 2015

Development Share – The percentage share of total project cost assigned as the development contribution percentage as listed in the SBCTA Nexus Study. Development contributions generally occur through Development Impact Fees (DIFs) imposed by local jurisdictions based on land use type. Other legally appropriate funds could include proceeds from a Community Facilities District (CFD) or other development-based sources including other legally appropriate non-Measure I funds.

Public Share – The share of project cost calculated as the total cost of the project minus the development share.

IV. POLICIES FOR THE VALLEY MAJOR STREET PROGRAM – CREATION OF SUB-PROGRAMS

Policy VMS-1: The Valley Major Street Program shall be divided into two Sub-programs: 1) a Rail-Highway Grade Separation Sub-program, and 2) an Arterial Sub-program.

Policy VMS-2: The SBCTA Board may vary the apportionments to each of the Sub-programs from year to year. In FY 10/11 and FY 11/12, the Rail-Highway Grade Separation Sub-program shall receive 20% of Measure I funds available in the Major Street Program.

From FY 12/13 to FY 17/18, the Rail-Highway Grade Separation Sub-program shall receive 33% of Measure I funds available in the Major Street Program. From FY 18/19 to FY ~~30/34~~38/39, the Rail-

Highway Grade Separation Sub-program shall receive 20% of Measure I funds available in the Major Street Program. ~~In FY 31/32 – FY 34/35, the Rail-Highway grade separation Sub-program shall receive 18% of Measure I funds available in the Major Street Program. In FY 35/36 to 39/40 the Rail-Highway Grade Separation Sub-program shall receive 16% the percentage of Measure funds available in the Major Street Program, with adjustments in FY 39/40 needed~~ to balance grade separation/arterial split at 20%/80%.

Policy VMS-3: If it is apparent that fewer Measure I dollars are required for grade separations than the percentage allocation referenced above, all or a portion of the projected excess may be transferred to the Arterial Sub-program by action of the SBCTA Board of Directors.

V. POLICIES FOR THE VALLEY MAJOR STREET PROGRAM – RAIL-HIGHWAY GRADE SEPARATION SUB-PROGRAM

A. Rail-Highway Grade Separation Sub-program - Allocation of Measure I 2010-2040 Funding

Policy VMS-4: The SBCTA Board of Directors shall allocate funding to specific Valley Rail-Highway Grade Separation projects as nominated by local jurisdictions through their five-year Capital Project Needs Analysis. If nominations exceed the available funding, SBCTA shall allocate funds to sponsors of the nominated projects in order of project priority pursuant to the grade separation prioritization table in the most recent version of the Development Mitigation Nexus Study. Fund allocation shall anticipate the Measure I public share costs in subsequent years for a project so that the intent of Policy VMS-5 below can be achieved. Funding for initial phases of projects lower on the prioritized list may be deferred depending on the cash flow analysis supporting the 10-Year Delivery Plan. Timely funding through construction of projects that have already received initial allocations shall receive highest priority, even if the nominations are less than available funding for any given year.

Policy VMS-5: Allocations to a Valley Rail-Highway Grade Separation project shall be limited to the current phase of the project. However, an allocation of funds to the Project Approval and Environmental Documentation (PA&ED) phase or to a subsequent phase prior to construction shall represent a commitment by SBCTA to timely funding of the public share of the project through construction, subject to the availability of Measure I, State, and Federal funds.

B. Rail-Highway Grade Separation Sub-program - Cost Reimbursement

Policy VMS-6: The Valley Rail-Highway Grade Separation Sub-program shall be administered as a cost reimbursement program. Sponsoring agencies shall enter into Project Funding Agreements with SBCTA, as specified in Policy 40001, prior to receiving authorization from SBCTA to expend funds. Following the authorization to expend funds, the sponsoring agency may incur expenses for the components of the project identified in the scope of work included in the Funding Agreement.

Policy VMS-7: On an exception basis and subject to SBCTA Board approval, the advanced reimbursement of anticipated expenses may be permissible. Only the right-of-way and construction phases are eligible and are subject to the conditions stated below.

- Right-of-way: Only right-of-way transactions in excess of \$500,000 shall be considered for advance reimbursement. The advanced reimbursement shall be based on an accepted written appraisal or sales contract. Adjustments to this estimate based on actual costs shall be reconciled with SBCTA within 30 days of close of escrow and subject to the provisions governing right-of-way purchase established in Policy VMS-25.
- Construction: The advanced reimbursement shall be based on an awarded construction contract in excess of \$10,000,000. The amount to be advanced to the local jurisdiction shall not be greater than 10% of the public share of total project cost or of three months estimated peak burn rate for the project, whichever is less. The advanced reimbursement shall be used to help provide liquidity to the local jurisdiction for payment to the contractor and shall be reconciled at the end of the construction phase of the project. SBCTA shall reimburse jurisdiction invoices, in addition to the advanced reimbursement amount, until the public share amount remaining in the contract is equivalent to the advanced reimbursement, after which the advanced reimbursement shall satisfy SBCTA reimbursement requirements.

C. Rail-Highway Grade Separation Sub-program – Local Jurisdiction Invoices

Policy VMS-8: Local jurisdictions shall submit invoices to SBCTA for actual expenditures incurred for components of a grade separation project as identified in the scope of work included in the Funding Agreement. Invoices may be submitted to SBCTA as frequently as monthly.

Policy VMS-9: Local jurisdictions shall provide adequate documentation to substantiate the costs included in the invoice. At a minimum, the jurisdiction must submit the invoice provided by the contractor to the agency, which shall include unit costs, quantities, labor rates and other documentation, as appropriate, to substantiate expenses incurred by the contractor.

Policy VMS-10: The sponsoring agency shall be reimbursed for the actual project costs minus the development share documented in the SBCTA Development Mitigation Nexus Study.

D. Rail-Highway Grade Separation Sub-program - Local Jurisdiction Reimbursement Schedule

Policy VMS-11: SBCTA shall reimburse the local jurisdiction for eligible expenditures within 30 days of receiving a complete and satisfactory invoice package as described in Policy VMS-9.

E. Rail-Highway Grade Separation Sub-program Eligible Projects

Policy VMS-12: Valley rail-highway grade separation projects included within the SBCTA Development Mitigation Nexus Study, as periodically updated, are the only projects eligible to be funded by the Valley Rail-Highway Grade Separation Sub-program.

Policy VMS-13: No new project shall be added to the Valley Rail-Highway Grade Separation Project List included in the Nexus Study unless the sponsoring agency can provide a comparable reduction in the public share cost, either by eliminating another grade separation project of comparable cost or increasing the fair share collection so as to avoid a net increase in public share cost, as adjusted for inflation.

F. Rail-Highway Grade Separation Sub-program - Prioritization

Policy VMS-14: Valley Rail-Highway Grade Separation Sub-program funding, if available, shall be allocated to projects nominated by local jurisdiction sponsors and in accordance with the prioritization list included in the most recent version of the Development Mitigation Nexus Study or as included in the 10-Year Delivery Plan. Nominations by sponsoring agencies may occur through inclusion of the candidate project in the sponsor's five-year CPNA, but is subject to funding availability..

Policy VMS-15: The Valley Rail-Highway Grade Separation Sub-program prioritization list shall be updated on an as-needed basis, and in conjunction with updates of the Nexus Study.

Policy VMS-16: A local jurisdiction may begin expenditure of funds following the execution of a Project Funding Agreement, which shall include the scope of work of a project or project phase and a commitment to provide the development share of the funding through all the phases of the project. The Funding Agreement shall be executed by the local jurisdiction and SBCTA prior to the expenditure of funding on any phase of the project. Local jurisdictions shall not be reimbursed for any costs incurred prior to the execution of the Funding Agreement.

Policy VMS-17: Local jurisdictions that desire to deliver a Valley Rail-Highway Grade Separation Sub-program project to which funds cannot be allocated in a given year shall be eligible for reimbursement through the Advanced Expenditure process outlined in Policy 40002.

G. Rail-Highway Grade Separation Sub-program - Development Mitigation Fair Share Loans and Loan Repayment

Policy VMS-18: On an exception basis, project sponsors may request loans from SBCTA for the development share to facilitate project delivery. Any such loan is subject to approval by the SBCTA Board of Directors. Approved loans of Measure I to cover a development mitigation fair share requirement shall be subject to the following terms to avoid disadvantage to other jurisdictions:

- Repayment shall include interest equivalent to the annual yield for the most recent fiscal year for the Local Agency Investment Fund (LAIF).
- The repayment term shall be based on a fixed-term repayment schedule established within the loan agreement. No loan shall be granted a repayment period greater than 10 years.
- Failure to make payments consistent with the terms of the loan agreement will result in the jurisdiction's loss of access to new allocations of Measure I 2010-2040 Valley Major Street and Valley Freeway Interchange Program funds until payments are brought back to a level consistent with the terms of the loan agreement.

- SBCTA reserves the right to audit local jurisdiction development mitigation accounts to verify development fee collections used as the basis of loan repayment.

Policy VMS-19: Jurisdictions may borrow from other internal accounts (i.e. within their own jurisdictions) to fund the development share for projects. The internal accounts shall be reimbursed by development mitigation as development occurs.

H. Rail-Highway Grade Separation Sub-program - Development Mitigation Fair Share Credit Agreements

Policy VMS-20: Local jurisdictions and developers shall be allowed to enter into credit agreements or other arrangements for developer provision of roadway improvements approved by the City Council/Board of Supervisors. Such agreements shall be strictly between the local jurisdiction and the developer. Jurisdictions are advised to provide for SBCTA review of credit agreements or other arrangement to ensure they are structured in a way that will adequately document private share costs for which the jurisdiction desires credit.

Policy VMS-21: A copy of the credit agreement or other developer credit documentation and invoices to substantiate quantities and unit costs for developer work on a Nexus Study project shall be provided when a local jurisdiction submits an invoice for reimbursement.

Policy VMS-22: Local jurisdictions that submit an invoice involving a credit agreement or other arrangement for developer provision of roadway improvements shall separate the development mitigation portion of construction costs from any non-development mitigation portion of the development project in a verifiable fashion.

Policy VMS-23: Reimbursement shall occur for only the public share of the Nexus Study project costs.

I. Rail-Highway Grade Separation Sub-program - Eligible Expenditures

Policy VMS-24: Eligible Valley Rail-Highway Grade Separation Sub-program expenditures shall include the costs for project phases of any Valley grade separation project included in the SBCTA Nexus Study and as specifically documented in the Funding Agreement.

Policy VMS-25: The following costs are ineligible for reimbursement from the Valley Rail-Highway Grade Separation Sub-program:

- Additional environmental or architectural enhancement not required as part of the mitigation pursuant to the approved environmental document(s) for the project.
- Local permit processing costs and project oversight costs, with the exception of construction support costs.
- Property acquired through the right-of-way acquisition process that is not required for the actual construction of a project. SBCTA will either:
 1. Reimburse the jurisdiction for the public share of the portion of the property acquisition required for the project, with the "project portion" calculated as the sales price times the percentage of the acreage actually required for the project, or
 2. At the request of the jurisdiction, reimburse based on the difference between the total sales price of the parcel and the residual value of the excess land not needed for the construction of the project, as determined by a qualified appraisal.
- Additional project scope not included in the Funding Agreement between the sponsoring agency and SBCTA, unless the Funding Agreement has been modified and approved by both the sponsoring agency and SBCTA.

J. Rail-Highway Grade Separation Sub-program - Construction Cost Overruns

Policy VMS-26: Jurisdictions shall bear full responsibility for construction cost overruns, which are defined as any amount in excess of the total cost of the accepted bid and contingencies up to 10% of the construction bid. On an exception basis, SBCTA and the local jurisdiction may agree to the modification of the project scope, and the jurisdiction may be reimbursed for the public share of the additional costs pursuant to an amendment to the Project Funding Agreement. The private share of any cost overrun or project cost increment associated with a project shall be shared by all jurisdictions responsible for the project at the rates identified in the Nexus Study.

K. SBCTA Project Management for Rail-Highway Grade Separation Sub-program Projects

Policy VMS-27: Management of projects in the Rail-Highway Grade Separation Sub-program projects shall be the responsibility of local jurisdictions. However, SBCTA, at the option of the Board of Directors, may assume project management responsibilities for a Rail-Highway Grade Separation project under one or more of the following conditions:

- The public share percentage of the project is greater than 50%.
- Where federal or State funds with delivery time constraints have been secured for the project, where the funds would be withdrawn if the time constraints are not met, and where the withdrawal of funds would increase the amount of other public share funds needed to fund the project. Alternatively, a local jurisdiction may assume the lead if it agrees to be responsible for the loss of any federal or State funds withdrawn as a result of not meeting the time constraints.

The existence of any of the above conditions shall not obligate SBCTA to manage the project.

Policy VMS-28: For projects subject to SBCTA project management pursuant to Policy VMS-27, project management costs shall be included as part of the project cost and the costs will be distributed per the public and development share percentages established by the Nexus Study.

Policy VMS-29: Local jurisdictions may request that SBCTA manage grade separation projects for which SBCTA does not opt to assume project management responsibilities under Policy VMS-27. SBCTA may agree to assume management responsibilities under the following conditions:

- The sponsoring agency must provide a written request for SBCTA management of the grade separation project.
- SBCTA determines that it has available staff or consultant resources to manage the project.
- The request is approved by the SBCTA Board.

Subject to these conditions, a cooperative agreement specifying management services must be approved by the city council/Board of Supervisors representing the agency sponsoring the project, and the SBCTA Board.

Policy VMS-30: For projects subject to SBCTA project management pursuant to Policy VMS-29, local jurisdictions shall pay 100% of actual SBCTA project management costs, to be estimated in advance by SBCTA.

VI. POLICIES FOR THE VALLEY MAJOR STREET PROGRAM – ARTERIAL SUB-PROGRAM

A. Arterial Sub-program - Allocation of Measure I 2010-2040 Funding

Policy VMS-31: An equitable share percentage of Arterial Sub-program funds shall be guaranteed to each jurisdiction over the 30-year life of the Measure, subject to the qualifications stated in the policies below.

The equitable share percentages shall be based on the Development Mitigation Nexus Study update approved by the SBCTA Board in November 2007 and modified in March 2015 as needed and provided for reference in Part 1 of the Strategic Plan, Section IV.B.6.

Policy VMS-32: The SBCTA Board shall apportion-allocate Measure I dollars to the Arterial Sub-program and to Valley jurisdictions, based on the equitable share percentages for arterial projects in Table IV-4 in Part 1 of the Strategic Plan. SBCTA staff shall maintain a cumulative accounting of jurisdiction apportionments, adding new apportionments to jurisdictions' accounts each year. Measure I funds shall be retained by SBCTA until reimbursed to jurisdictions based on invoices received.

Policy VMS-33: Equitable shares may be adjusted based on annexation of unincorporated areas into a city. SBCTA shall recalculate the equitable shares based on the redistribution of growth between the base year (2004) and the forecast year (2030). The adjustment shall be approved by the SBCTA Board and included in an amendment to the Development Mitigation Nexus Study.

Policy VMS-34: No longer applicable.

Policy VMS-35: ~~No longer applicable. SBCTA shall make time-value-of-money adjustments to ensure that each jurisdiction receives its equitable share of Measure I arterial subprogram funding, regardless of whether it delivers its projects early or later in the 2010-2040 period. The adjustments shall be made in accordance with Policy 40001.~~

Policy VMS-36: Borrowing may be authorized by the SBCTA Board from the unused portion of jurisdiction accounts to deliver projects in other Valley programs or to reimburse another jurisdiction for early delivery of Major Street Program projects.

- Borrowing to fund projects in another jurisdiction shall be limited such that no jurisdiction gets more than five years ahead of its projected equitable share.
- This cap shall be reduced in the last 10 years of Measure I 2010-2040 to ensure that equitable shares are achieved by 2040.
- SBCTA shall be responsible for ensuring that the borrowing of apportionments does not jeopardize the timely reimbursement of expenditures for any of the Valley jurisdictions that have sufficient apportionments to fund their projects.

B. Arterial Sub-program – Jurisdiction Master Agreement

Policy VMS-37: A Jurisdiction Master Agreement shall be executed between SBCTA and each local jurisdiction in the Valley documenting the procedures to be employed in implementing the Valley Arterial Sub-program. The agreement shall also include information such as project eligibility criteria, apportionment process, equitable share percentages, invoicing procedures, reimbursement commitments, and rights of SBCTA to audit local jurisdiction transactions and accounts associated with the expenditure of Arterial Sub-program funds and development mitigation accounts.

Policy VMS-38: The Jurisdiction Master Agreement shall reference the Funding Allocation and Project List to be approved by the SBCTA Board for each fiscal year.

C. Arterial Sub-program - Cost Reimbursement

Policy VMS-39: Jurisdictions may access Measure I revenue by submitting project expenditure invoices to SBCTA, subject to the Jurisdiction Master Agreement and to the additional policies stated below.

Policy VMS-40: No longer applicable.

Policy VMS-41: No longer applicable.

Policy VMS-42: SBCTA shall maintain ongoing documentation of cumulative apportionments for each jurisdiction, expenditures that have drawn down those accounts, and current account balances. The information shall be reported annually to the appropriate policy and technical committees and shall be available to jurisdictions on a request basis.

Policy VMS-43: On an exception basis and subject to SBCTA Board approval, the advanced reimbursement of anticipated expenses may be permissible. Only the right-of-way and construction phases are eligible and are subject to the conditions stated below.

- Right-of-way: Only right-of-way transactions in excess of \$500,000 shall be considered for advance reimbursement. The advanced reimbursement shall be based on an accepted written appraisal or sales contract. Adjustments to this estimate based on actual costs shall be reconciled with SBCTA within 30 days of close of escrow and subject to the provisions governing right-of-way purchase established in Policy VMS-50.
- Construction: The advanced reimbursement shall be based on an awarded construction contract in excess of \$5,000,000. The amount to be advanced to the local jurisdiction shall not be greater than 10% of the public share of total project cost or of three months estimated peak burn rate for the project, whichever is less. The advanced reimbursement shall be used to help provide liquidity to the local jurisdiction for payment to the contractor and shall be reconciled at the end of the construction phase of the project. SBCTA shall reimburse jurisdiction invoices, in addition to the advanced reimbursement amount, until the public share amount remaining in the contract is equivalent to the advanced reimbursement, after which the advanced reimbursement shall satisfy SBCTA reimbursement requirements.

Policy VMS-44: The advance expenditure process referenced in Policy 40002 allows jurisdictions to expend funds in excess of their cumulative apportionment, with delayed reimbursement. The public share of advance expenditures shall be reimbursed when future apportionments are authorized.

D. Arterial Sub-program – Local Jurisdiction Reimbursement

Policy VMS-45: Local jurisdictions may submit invoices to SBCTA for actual expenditures incurred for components of any arterial project listed as prior expenditures or in the first two years of their current

CPNA. Invoices may be submitted to SBCTA as frequently as monthly with reimbursement limited by the jurisdiction's unreimbursed apportionment balance.

Policy VMS-46: Local jurisdictions shall provide adequate documentation to substantiate the costs included in the invoice. At a minimum, the jurisdiction must submit the invoice provided by the contractor/consultant, which shall include unit costs, quantities, labor rates, and other documentation, as appropriate, to substantiate expenses incurred by the contractor/consultant. If seeking reimbursement for agency staff time, a list of the employees, their labor rate and other documentation, as appropriate, must be submitted to substantiate expenses.

Policy VMS-47: Local jurisdictions shall be reimbursed for the actual project costs minus the development share documented in the SBCTA Development Mitigation Nexus Study.

Policy VMS-48: SBCTA shall reimburse local jurisdictions for eligible expenditures within 30 days of receiving a complete and satisfactory invoice package, which shall include all backup and support materials required to substantiate the expenditures.

E. Arterial Sub-program - Eligible Expenditures

Policy VMS-49: Eligible Arterial Sub-program expenditures shall include the costs for project phases of any Valley arterial project included in the SBCTA Nexus Study. Construction of off-roadway bicycle facilities is an eligible expense if they benefit safety or traffic flow on a Nexus Study roadway and are included in the Nexus Study arterial project list used for development mitigation. The local share for such a bicycle facility shall be the same as the local share for arterials in that jurisdiction.

Policy VMS-50: The following costs are ineligible for reimbursement from the Arterial Sub-program:

- Additional environmental or architectural enhancement not required as part of the mitigation established in the environmental document(s) prepared for a project.
- Local permit processing costs and project oversight costs in excess of 2% of the cumulative invoice amount, with the exception of construction support costs. Local permit processing costs and project oversight costs for in-house or consultant staff must be included in the Nexus Study project costs and be supported by the necessary documentation in the invoice package.
- Property acquired through the right-of-way acquisition process that is not required for the actual construction of a project. SBCTA will either:
 1. Reimburse the jurisdiction for the public share of the portion of the property acquisition required for the project, with the "project portion" calculated as the sales price times the percentage of the acreage actually required for the project, or
 2. At the request of the jurisdiction, reimburse based on the difference between the total sales price of the parcel and the residual value of the excess land not needed for the construction of the project, as determined by a qualified appraisal.
- Additional project scope not included in the Funding Agreement between the sponsoring agency and SBCTA, unless the Funding Agreement has been modified and approved by both the sponsoring agency and SBCTA.

Policy VMS- 51: SBCTA shall not reimburse a jurisdiction for expenditures on projects that are not listed in the adopted Nexus Study.

Policy VMS-52: SBCTA shall reimburse jurisdictions for the public share of eligible project expenses, including reimbursement requested for costs in excess of the prior cost estimates listed in the Nexus Study, up to the jurisdiction's current apportionment limit. Reimbursement is limited by the jurisdiction's unreimbursed apportionment balance. . All expenditures, including any overrun amounts shall be included as part of the equitable share calculation for the responsible jurisdiction.

F. Arterial Sub-program - Development Mitigation Fair Share Loans and Loan Repayment

Policy VMS-53: Jurisdictions may borrow from other internal accounts (i.e. within their own jurisdictions) to fund the development share for projects. The internal accounts shall be reimbursed by development mitigation as development occurs.

Policy VMS-54: On an exception basis, project sponsors may request loans from SBCTA for the development contribution to facilitate project delivery. Any such loan is subject to approval by the SBCTA

Board of Directors on a case-by-case basis after a risk assessment and a complete analysis of the impact of the proposed loan on the jurisdiction's Equitable Share. A loan agreement, separate from any other cooperative agreement or funding agreement, shall be approved by the jurisdiction City Council/Board of Supervisors and SBCTA Board of Directors detailing agreement terms. The following set of options for development share loans from SBCTA may be considered by the SBCTA Board:

1. Loans from a jurisdiction's Measure I Local Street Program funds (no bonding) - Allow loans for up to 2/3 of the development share (local share) from a jurisdiction's Measure I Local Street Program "pass-through" funds, with a commitment by the jurisdiction to reimburse the Measure I Local Street Program account with Development Impact Fee (DIF) funds as they are collected or with other legally appropriate non-Measure I funds. Other legally appropriate funds could include proceeds from a Community Facilities District (CFD) or other development-based sources (note: when DIF funds are referenced elsewhere in this policy, this implies other legally appropriate non-Measure I funds as well). This option assumes no bonding is required, i.e. cash flow in the jurisdiction's Local Street Program is sufficient to cover up to 2/3 of local share costs. Conditions for receipt of a loan under this option include:
 - a. Local pass-through funds would be transferred by the jurisdiction to the jurisdiction's DIF fund as an internal loan to pay up to 2/3 of the local share of project invoices. The jurisdiction would need to provide the other 1/3 in cash, as needed for project expenses, from either DIF funds or their own internal loans from other sources.
 - b. A maximum 10-year term, beginning at the completion of project construction, would be identified for DIF funds to replenish the local pass-through account. The first annual payment would be no later than the end of construction.
 - c. 100 percent of the jurisdiction's Nexus Study portion of DIF funds not previously committed to projects (or to funding the other 1/3 of the local share) would need to be committed to repayment of the loan by a transfer to the jurisdiction's local pass-through fund.
 - d. No interest would be charged.
 - e. SBCTA would monitor the repayment of the loan through the annual audit process and the annual development mitigation report provided to SBCTA. Records of the transfer of funds to and from the jurisdiction's DIF fund and the Local Street pass-through fund must be attached to the development mitigation report and will be subject to SBCTA audits of the Local Street Program.
 - f. The jurisdiction would need to show the use of the loan funds, its repayment plan, and the use of the funds repaid to the local pass-through fund in its Five-Year Measure I Capital Improvement Plan (CIP). Repaid funds must be used in accordance with the Measure I Local Street Program.
 - g. If the jurisdiction has not repaid the pass-through funds by the end of the term, the term would need to be renegotiated. The jurisdiction would need to continue to repay the loan until it is retired. If full repayment does not occur by the end of Measure I 2010-2040, (i.e. because insufficient DIF funds are collected) the loan obligation will be considered fulfilled.
 - h. In addition to the 2/3 cap on the local share portion to be covered by the loan, a limit on percentage of local pass-through funds may need to be set on a case-by-case basis as a potential hedge against Measure I revenue being lower than forecast.
 - i. Any additional cost of administration of the loan incurred by SBCTA may be included as a cost to be borne by the jurisdiction and may be included in the loan.
2. Loans from a jurisdiction's arterial portion of Measure I Major Street Program funds (no bonding) - Allow loans for up to 2/3 of the local share from a jurisdiction's Measure I Major Street/Arterial Program equitable share with a commitment to reimburse the Major Street/Arterial Program account with DIF funds as they are collected, or other legally appropriate non-Measure I funds. This option assumes that no bonding is required, i.e. cash flow in the jurisdiction's arterial portion of the Major Street Program is sufficient to cover up to 2/3 of local share costs. Conditions for receipt of a loan under this option include:
 - a. Funds from the Major Street/Arterial Program would be eligible to pay up to 2/3 of the local share of project invoices immediately after the initiation of work activities on the arterial project. The

- jurisdiction would need to provide the other 1/3 in cash, as needed for project expenses, from either DIF funds or their own internal loans.
- b. A maximum 10-year term, beginning at the completion of project construction, would be identified for DIF funds to replenish the arterial account. The first annual payment would be no later than the end of construction.
 - c. 100 percent of the jurisdiction's Nexus Study portion of DIF funds not previously committed to projects (or to funding the other 1/3 of the local share) would need to be committed to repayment of the loan.
 - d. No interest would be charged.
 - e. SBCTA would monitor repayment of the loan through the annual audit process and the annual development mitigation report.
 - f. The jurisdiction would need to show the use of the loan funds, its repayment plan, and the use of the funds repaid to the arterial fund in its Five-Year Measure I Capital Project Needs Analysis (CPNA). Repaid funds must be used in accordance with the Measure I Major Street Program.
 - g. If the jurisdiction has not repaid the arterial funds by the end of the term, the term would need to be renegotiated. The jurisdiction would need to continue to repay the loan until it is retired. If it becomes clear that full repayment will not occur by the end of Measure I 2010-2040, (i.e. because insufficient DIF funds are collected) the loan obligation would be considered fulfilled.
 - h. In addition to the 2/3 cap on the local share portion to be covered by the loan, a limit on percentage of arterial funds may need to be set on a case-by-case basis. The reason for this would be as a potential hedge against Measure I revenue being lower than forecast.
 - i. Any additional cost of administration of the loan incurred by SBCTA may be included as a cost to be borne by the jurisdiction and may be included in the loan.
3. Combination of 1 and 2 - Allow a combination of option 1 and option 2 as sources of funding for a local share loan for an arterial project. The terms would be consistent with the terms specified in each of the two options and negotiated on a case-by-case basis.
 4. Short-term cash loan from SBCTA - Allow a short-term cash loan for up to 2/3 of the local share that would be made available from SBCTA, with a fixed term and an interest rate premium (i.e. five-year maximum term; Local Agency Investment Fund (LAIF) interest rate plus 3%). This would be conditioned on SBCTA having cash flow available and there being no risk of delay to other SBCTA projects. The cash loan could only be utilized for the PA&ED and Design phases of the arterial project. The jurisdiction would be in default if it fails to maintain payments, and SBCTA would be given the authority to invoke the terms of options 1, 2, or 3 to make those payments.
 5. Bonding against a jurisdiction's Local Street Program funds - Allow for a jurisdiction to bond for up to 2/3 of the local share against its Measure I Local Street Program "pass-through" funds, with the debt service to be paid by those funds. DIF funds would reimburse the jurisdiction's Local Street account as they are collected, and the additional Local Street funds could be expended on other projects in the jurisdiction's Measure I Local Street Capital Improvement Plan.
 - a. The bond issue could be:
 - i. Coordinated with another SBCTA bond issue, in which case SBCTA would make debt service payments from the jurisdiction's Local Street account before sending the remaining funds to the jurisdiction. The jurisdiction would then reimburse SBCTA for their Local Street funds with DIF funds as they are collected, and SBCTA would release a comparable amount of Local Street funds back to the jurisdiction for other projects, or
 - ii. Arranged independently by the jurisdiction, with the debt service paid directly by Local Street funds the jurisdiction receives from SBCTA. In this case, the loan would be internal to the jurisdiction. The CIP would document the loan, and auditing of the Local Street account would track the loan repayment.
 - b. If full repayment of the Local Street account does not occur by the end of Measure I 2010-2040, (i.e. insufficient DIF funds are collected) the repayment obligation to the Local Street account will

be considered fulfilled. This is considered consistent with Measure I, given that Measure I funds will not have replaced the development contribution if development has not occurred.

- SBCTA reserves the right to audit local jurisdiction development mitigation accounts to verify development fee collections used as the basis of loan repayment.

G. Arterial Sub-program - Development Mitigation Fair Share Credit Agreements

Policy VMS-55: Local jurisdictions and developers shall be allowed to enter into credit agreements or other arrangements for developer provision of roadway improvements approved by the City Council/Board of Supervisors. Such agreements shall be strictly between the local jurisdiction and the developer.

Policy VMS-56: A copy of the credit agreement or other developer credit documentation and invoices to substantiate quantities and unit costs for developer work on a Nexus Study project shall be provided when a local jurisdiction submits an invoice for reimbursement.

Policy VMS-57: Local jurisdictions that submit an invoice involving a credit agreement or other arrangement for developer provision of roadway improvements shall separate the development mitigation portion of construction costs from any non-development mitigation portion of the development project in a verifiable fashion.

Policy VMS-58: Reimbursement shall occur for only the public share of the Nexus Study project costs.

VII. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Par. IV: Revisions to Policy VMS-2 and Policy VMS-3 – revises the apportionments to the Rail-Highway Grade Separation Sub-program and the Arterial Sub-program.	01/04/2012
2	Par. IV: Revisions to Policy VMS-49 and VMS-54 – adds language referencing eligibility of the construction of off-roadway bicycle facilities and provides for a development share loan program for arterial projects in the Valley Major Street Program.	03/04/2015
3	Made adjustments to revenue splits between Arterial and Grade-Separation Sub-programs in Policy VMS-2 to reflect repayment of funds front-loaded to the Grade Separation Sub-program. Deleted reference to reserved and unreserved accounts in Arterial Sub-program, Policies VMS-34, 40, 41, and 42. Several other edits included to clarify the reimbursement process. Changes approved by the BOD 9/06/17, Agenda Item 11.	9/6/2017
<u>4</u>	<u>Amended definition of CPNA to be consistent with Policy 40001, made adjustments to revenue splits in VMS-2, made corrections and clarifications to Policies VMS-30, VMS-31, and VMS-32, and removed reference to time value of money calculations in VMS-35.</u>	

San Bernardino County Transportation Authority	Policy	40009
Adopted by the Board of Directors April 1, 2009	Revised	9/6/17
Valley Senior and Disabled Transit (VSDT) Program Measure I 2010-2040 Strategic Plan	Revision No.	<u>23</u>

Important Notice: A hardcopy of this document may not be the document currently in effect. The current version is always the version on the SBCTA Intranet.

Table of Contents

[Purpose](#) | [References](#) | [Definitions](#) | [Policies for Valley Subarea Senior and Disabled Transit Program](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to delineate the requirements for administration of the Valley Subarea Senior and Disabled Transit Program for Measure I 2010-2040. The policy establishes the funding allocation process, reimbursement mechanisms, project eligibility, and limitations on eligible expenditures.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

III. DEFINITIONS

Short Range Transit Plan (SRTP) – A five-year financially constrained plan of projected transit service levels, operating and capital improvement expenses, updated biennially and submitted to SBCTA by local transit systems.

Consolidated Transportation Services Agency (CTSA) – An agency designated pursuant to subdivision (a) of Section 15975 of the California Government Code responsible for the coordination of social service transportation.

IV. POLICIES FOR THE VALLEY SUBAREA SENIOR AND DISABLED TRANSIT PROGRAM

A. Organization of the Valley Subarea Senior and Disabled Transit Program

Policy VSDT-1: The Valley Subarea Senior and Disabled Transit Program shall follow the intent of Ordinance 04-01, i.e., to reduce fares and enhance service for senior citizens and persons with disabilities and to support the creation and operation of a Consolidated Transportation Services Agency (CTSA) which will be responsible for the coordination of transit services provided to seniors and persons with disabilities.

Policy VSDT-2: Six percent (6%) of the revenue collected within the Valley subarea shall be apportioned to the Senior and Disabled Transit Program account. A minimum of two percent (2%) of the revenue collected within the Valley shall be made available for the creation and operation of a CTSA.

B. Eligible Expenditures

Policy VSDT-3: The following shall be eligible expenditures under the Valley Subarea Senior and Disabled Transit Program:

1. CTSA Program:

At least 25% of the Valley Senior and Disabled Transit Program (2% of total Valley revenue) shall be made available for the formation and operation of a CTSA.

2. Fare Subsidy Program.

- a. Senior and Disabled Transit Program funds may be used for fare stabilization or subsidy for elderly individuals and individuals with disabilities using the Omnitrans transit services. Future fare increases for elderly individuals and individuals with disabilities may be offset through a local fare subsidy using Senior and Disabled Transit Program funds. It is the intent of the Valley fare subsidy program that the amount of fare subsidy provided per eligible passenger trip will be the same without regard to the mode of travel (fixed route, Access, or Omnalink).
- b. The amount of Senior and Disabled Transit Program funds contributed as a fare subsidy shall qualify as fare revenue for purposes of calculating the ratio of passenger fares to operating cost required by the Transportation Development Act.

3. Service and Capital Subsidy Program.

- a. Senior and Disabled Transit Program funds may be used to support existing, new, expanded, or enhanced transportation services, including capital projects, for elderly individuals and individuals with disabilities operated by Omnitrans and/or the CTSA. Examples would include direct operating subsidy for the provision of ADA complimentary paratransit service and demand responsive service for elderly individuals and individuals with disabilities.
- b. For general public transportation services, the percentage of Senior and Disabled Transit Program funds used to support operating expenses cannot exceed the percentage of elderly individuals and individuals with disabilities carried by the system in the fiscal year preceding the year in which the annual operating budget is being prepared.
- c. Senior and Disabled Transit Program funds may be used to support social service agency transportation for elderly individuals and individuals with disabilities provided such service is coordinated with the Omnitrans and/or the CTSA.
- d. Senior and Disabled Transit Program funds may be used to support education and marketing of transportation services for elderly individuals and individuals with disabilities with the intent to increase consumer's awareness and knowledge of how to use the most cost-effective service available as well as to provide education opportunities to operators that help improve the quality and effectiveness of the services provided. These program funds may also be used for complaint mediation services for transportation services to elderly individuals and individuals with disabilities.
- e. Senior and Disabled Transit Program funds may be used by Omnitrans and/or the CTSA as local matching funds to federal and state capital grant programs for the procurement of equipment used primarily for transportation service provided to elderly individuals and individuals with disabilities. Lacking access to federal and/or state grants, program funds may be used for the procurement of equipment used primarily for transportation service provided to elderly individuals and individuals with disabilities. These program funds may also be used for the incremental cost of accessible features associated with vehicle acquisitions.

C. Maintenance of Effort

Policy VSDT-4: Senior and Disabled Transit Program funds shall not be used to supplant existing federal, state and local (Local Transportation Fund) funds committed to transit and social service transportation services.

Policy VSDT-5: The maintenance of effort shall be determined by calculating the amount of Local Transportation Fund (LTF) and other funds used to support social service transportation contributed toward transportation operating expenses in Fiscal Year 2008/2009 adjusted by the Los Angeles, Riverside and Orange Counties area Consumer Price Index (CPI) for all items as determined by the U.S. Bureau of Labor Statistics.

Policy VSDT-6: Exceptions to Maintenance of Effort

An exception to the maintenance of effort shall apply if: (1) all of the LTF apportioned to the Valley is being used to support transit services; (2) the amount of federal and state transportation funding is reduced from the amount received in the prior year; or (3) the amount of social service funding provided for transportation purposes is reduced from the amount received in the prior year.

D. Allocation of Valley Subarea Senior and Disabled Program Funding

Policy VSDT-7: The SBCTA Board of Directors shall annually allocate funding to specific transit projects and programs as approved in the Omnitrans and/or CTSA SRTP.

Policy VSDT-8: Allocations to a specified project or program shall be limited to the annual forecast of revenues available within the Valley, unless there is also a residual balance of revenue available.

E. Disbursement of Valley Subarea Senior and Disabled Transit Program Funds

Policy VSDT-9: Funds approved for allocation for operating subsidies shall be disbursed to Omnitrans and/or the CTSA within thirty (30) days of the beginning of each quarter, except as arranged through other agreements.

Policy VSDT-10: Funds approved for allocation for fare subsidy for elderly individuals and individuals with disabilities shall be disbursed to Omnitrans and/or the CTSA within thirty (30) days of the beginning of each quarter, except as arranged through other agreements. The amount disbursed shall be substantiated in the subsequent quarter through the receipt of a report from Omnitrans and/or the CTSA documenting the number of elderly individuals and individuals with disabilities using the service in the prior quarter and the amount of fare subsidy applied for each counted passenger.

Policy VSDT-11: Funds approved for allocation for capital purposes shall be disbursed within thirty (30) days of receipt of a copy of the procurement invoice from Omnitrans and/or the CTSA.

F. Accounting Requirements

Policy VSDT-12: Omnitrans and/or the CTSA shall establish a Special Measure I 2010-2040 Senior and Disabled Sales Tax Fund. This fund is a special revenue fund utilized to account for proceeds of specific revenue sources that are legally restricted to expenditures for Senior and Disabled transit purposes. The modified accrual basis of accounting should be used.

Policy VSDT-13: The following requirements are to provide guidance on the specific accounting treatment as it relates to the Special Measure I Senior and Disabled Sales Tax Fund.

- a. All apportionments shall be deposited directly into the Special Measure I Senior and Disabled Sales Tax Fund.
- b. Interest received from the investment of money in its Special Measure I Sales Tax Fund shall be deposited in the fund and shall be used for Senior and Disabled transit purposes.
- c. If other revenues are commingled in the Special Measure I Senior and Disabled Sales Tax Fund, it is the responsibility of Omnitrans and/or the CTSA to provide accurate and adequate documentation to support revenue and expenditure allocation, as well as segregated balances.
- d. It is allowable to fund prior year expenditures with current year revenues and/or fund balance as long as expenditures are allowable.
- e. If an expenditure is deemed ineligible in the annual Compliance Audit, the Measure I funds used must be repaid to the Special Measure I Senior and Disabled Sales Tax Fund.

Policy VSDT-14: Any interest earned on investment of Measure I Senior and Disabled Sales Tax Funds must be deposited into that fund. If Omnitrans and/or the CTSA elects to not invest its Measure I funds but at the same time invests most of its other available funds, the Measure I funds should be deposited in a separate account to clearly indicate that no such monies were invested. If Measure I Senior and Disabled Sales Tax funds are invested, they must receive their equitable proration of interest earned on the total funds invested. Several methods are available to determine an equitable distribution of interest earned. Whatever method is employed, it will be analyzed during audit to determine reasonableness and confirm distribution to the Special Measure I Senior and Disabled Sales Tax Fund. It is recommended that a distribution based on average month end cash balances be employed. In addition, if the interest distribution methodology allows for negative distributions, they will be disallowed. No interest charges based on negative cash and fund balances will be allowed.

Policy VSDT-15: Records:

- a. Source Documentation - All expenditures charged to the Measure I Senior and Disabled Sales Tax Fund must be supported by a warrant or other source document (invoice, requisition, time

sheet) clearly identifying the project, services rendered, item purchased, and other pertinent data to establish a clear audit trail.

- b. Retention Period - All source documents, together with the accounting records, are deemed to be the official records of Omnitrans and/or the CTSA and must be retained by Omnitrans and/or the CTSA for five (5) years.

Policy VSDT-16: Compliance Audit Deadline

- a. An annual Compliance Audit must be completed by December 31st within six (6) months after the end of the fiscal year (Compliance Audit Deadline). SBCTA staff shall monitor the scheduling and progress of the audits to ensure prompt communication by the Auditor after information submittals by Omnitrans and/or the CTSA, and timely completion of the final MSI audit report.
- b. If Omnitrans and/or the CTSA is not able to meet the ~~information submittal deadlines set by the Auditor or the~~ Compliance Audit Deadline, Omnitrans and/or the CTSA may submit a letter requesting an extension and specifying the period of the requested extension for consideration by the Transit Committee at their February meeting and the Board at their March meeting. Letters must be received timely for inclusion in the agenda. If a letter is not submitted and the Compliance Audit has not been completed, notification will be made to the Board at their March meeting that future allocations of Senior and Disabled Transit Program funds will be withheld until the Compliance Audit has been completed. Upon satisfactory completion of the Compliance Audit, any withheld allocations will be paid to Omnitrans and/or the CTSA including interest determined using the current LAIF rate. request to SBCTA's Executive Director no later than thirty days prior to the submittal deadline set by the Auditor or the Compliance Audit Deadline, whichever extension is required, and a two (2) month automatic extension will be granted. Any further requests for extensions of the Compliance Audit Deadline are subject to approval by the Board. The Board may approve ~~further~~ Compliance Audit Deadline extensions, if the Board finds: (1) the Compliance Audit was not completed timely for reasons outside of Omnitrans' and/or the CTSA's control, such as federal, state, and GASB reporting requirements, or catastrophic events; or (2) it is in the best interests of SBCTA to grant the extension.
- c. SBCTA staff shall be responsible for requesting from the Board any extensions related to Auditor performance.

Policy VSDT-17: Remedies

- a. If Omnitrans' and/or the CTSA's annual Compliance Audit determines that Omnitrans and/or the CTSA used Measure I Senior and Disabled Sales Tax Funds for ineligible expenses, Omnitrans and/or the CTSA shall repay the Measure I Senior and Disabled Sales Tax Fund, in the amount of the ineligible expenses, immediately from another source through an internal fund transfer.
- b. If Omnitrans' and/or the CTSA's annual Compliance Audit fails to be completed with an unmodified opinion by the Compliance Audit Deadline, as extended pursuant to Policy VLS-16, Omnitrans and/or the CTSA shall repay the Measure I Senior and Disabled Sales Tax Fund, in the amount of the Measure I Senior and Disabled Allocation for the fiscal year subject of annual Compliance Audit findings of unsubstantiated or questioned costs, immediately from another source through an internal fund transfer.
- c. If Omnitrans and/or the CTSA is unable to make such immediate repayment under VLS-17 (a) or (b), Omnitrans and/or the CTSA shall not receive its Senior and Disabled Allocation pass-through payments until the repayment amount of ineligible expenses, unsubstantiated costs, or questioned costs, have been withheld by SBCTA.
- d. If Omnitrans and/or the CTSA enters into a Repayment Agreement with SBCTA, as approved by Omnitrans and/or the CTSA and the SBCTA Board of Directors, providing for repayment of the amounts owed under VLS-17 (a) or (b) over a period not to exceed five (5) years, SBCTA will return any pass-through funds withheld. SBCTA will recommence withholding Senior and Disabled Allocation pass-through funds if Omnitrans and/or the CTSA fails to comply with the terms of the Repayment Agreement.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Amended Section E to change the disbursement schedule from monthly to quarterly and added Section F on Accounting Requirements (Agenda Item 6, 7/6/16).	07/06/2016
2	Changed entity name from SANBAG to SBCTA. No other changes. Approved by BOD 9/6/17, Agenda Item 11.	9/6/2017
3	<u>Amended VSDT-16 to clarify Compliance Audit Deadline extensions.</u>	

Minute Action

AGENDA ITEM: 26

Date: June 3, 2020

Subject:

Request for Proposals for San Bernardino County Transportation Authority/San Bernardino Associated Governments Federal Advocacy Services

Recommendation:

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

Approve release of Request for Proposals No. 20-1002385 for Federal Advocacy Services to be provided from January 1, 2021 through December 31, 2022.

Background:

On June 3, 2015, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board), approved an initial contract with Holland and Knight, LLP to provide Federal Advocacy Services beginning on July 1, 2015 and ending December 31, 2016. On August 10, 2016, SBCTA entered into Amendment No. 1 to exercise the first set of option years for an additional two-year contract ending on December 31, 2018. On December 7, 2018, SBCTA entered into Amendment No. 2 to exercise the final set of option years for an additional two-year contract ending on December 31, 2020.

At this time, staff is recommending that the Board approve a release of a Request for Proposals (RFP) No. 20-1002385 for Federal Advocacy Services. This will allow SBCTA to re-evaluate necessary service levels and examine offerings from additional advocacy firms.

A Scope of Work (SOW) is attached for Board review and comment. This SOW outlines roles, responsibilities, and expectations of services to be provided.

Upon Board approval of the RFP, SBCTA staff will: (1) post and disseminate the RFP; (2) organize a selection committee; and (3) report back to the Board with a recommended contract award.

The recommended contract duration for this RFP is two years, beginning on January 1, 2021, with two (2), two-year option term extensions.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and a draft of the RFP.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

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

Board of Directors Agenda Item
June 3, 2020
Page 2

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

SBCTA - SCOPE OF WORK

Federal Legislative Advocacy Consultant

General Statement – The Consultant will work to advance SBCTA’s policy, funding, and regulatory objectives in Washington, D.C., as outlined in the annual legislative platform, adopted by the Board of Directors. The Consultant will work to develop bi-partisan support, where possible, for the outlined objectives and Board approved priorities. The Director of Legislative and Public Affairs and/or his/her designee will be the key contact and will coordinate the work of the Consultant. Under the direction and coordination, the Consultant shall be responsible for implementing the objectives described below. All services shall also apply to issues, legislation and policies of interest to the San Bernardino Associated Governments (SBCOG).

A. Program Development

- a. Assist with the development of SBCTA’s annual federal legislative platform by identifying potential policy issues, key anticipated funding and regulatory items, changing political dynamics, and pending proposals.
- b. Maintain a current awareness of SBCTA Board actions, programs, activities, policies.
- c. Develop and maintain knowledge of the technical and political aspects of transportation funding, transit funding and operations, inclusive of San Bernardino County transit priorities identified by SBCTA. As well as the priorities and issues affecting councils of governments.

Deliverables:

- *Electronically provide information, copies of introduced legislation, relevant testimony, analyses, as well as social media or news articles impacting SBCTA’s identified priorities.*

B. Relationships

- a. Possess strategic relationships and communicate SBCTA’s positions on major budgetary, regulatory, or policy issues with House and Senate leadership, Members, relevant House and Senate committee staff, and the Administration, as well as federal agencies such as the Office of Management and Budget and the U.S. Department of Transportation (US DOT), including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Railroad Administration (FRA), and the Federal Aviation Administration (FAA), and any other federal department, agency, board, or commission whose decisions impact SBCTA.

- I. Make recommendations for when direct engagement by SBCTA Board Members and staff would be effective.

- b. Routinely communicate and collaborate with the San Bernardino County Federal Delegation regarding SBCTA’s interests and priorities.

I. Make recommendations for when direct engagement of the delegation by SBCTA Board Members and staff would be effective.

c. Identify key partners, groups, and individuals to build alliances, partnerships and coalitions in order to advance SBCTA's interests. Coordinate efforts with other entities seeking common goals and outcomes including the America Public Transit Association (APTA), the American Association of State Highway and Transportation Officials (AASHTO), and other leading transportation advocacy organizations. Additionally, coordinate with other Southern California transportation agencies and councils of governments on areas of mutual concern.

Deliverables:

- *Electronic reports on the outcomes of meetings and issues impacting SBCTA.*
- *Participation in lobbying coalitions related to SBCTA's priorities.*

C. Advocacy

a. Make specific, pro-active recommendations with respect to appropriate timing and manner of engagement including providing strategic counsel on the development of, coordination of, and leadership on advocacy, strategy, and tactics to advance and achieve SBCTA's federal priorities.

b. Communicate SBCTA's positions on legislative, regulatory, budgetary, and policy items. Prepare materials, testimony, notes, letters, and other written communications to advance SBCTA's positions, as appropriate.

c. Identify and recommend positions on legislation, amendments to legislation, regulations, budget proposals, funding, regulatory, and other items of interest to or impacting SBCTA and provide analyses or supplemental information related to these items upon request.

d. Conduct activities necessary to carry out SBCTA's priorities with regard to the passage, defeat, or amendment of proposed legislative items.

e. Assist in the development and implementation of federal transportation and transit policies that are favorable to SBCTA.

f. Maximize funding opportunities for SBCTA, including securing a stable and long-term surface transportation bill and annual appropriations bills, as well as position SBCTA to receive funding from discretionary programs and maintain at least current levels of funding for FHWA and FTA formula funding programs.

I. Develop a comprehensive strategy for ensuring SBCTA's priorities are included in the next transportation reauthorization and annual appropriations bills.

II. Secure funding from discretionary grant programs through the US DOT such as the Better Utilizing Investments to Leverage Development (BUILD) or other grant programs.

III. Guide SBCTA through FTA New and Small Starts funding processes, securing funding and executing Full Funding Grant Agreements.

g. Represent and advocate on behalf of SBCTA or with SBCTA Board Members or staff at meetings. This also includes testifying on behalf of or preparing/organizing testimony for SBCTA Board Members or staff and preparing legislative language and other materials to ensure SBCTA's goals and objectives are achieved.

h. Build agency image in Washington, D.C. including but not limited to: developing communications strategies to promote and support SBCTA's interests and image; building relationships between stakeholders and SBCTA Board Members and staff; and promoting SBCTA's visibility through clear and consistent representation of the agency.

i. Provide information related to financial, policy, or informational hearings on issues that impact SBCTA's priorities as well as SBCTA's projects, programs, and services. Arrange for participation in such events as appropriate for SBCTA Board Members and staff.

j. Coordinate project and area tours for relevant House and Senate Leaders, Key Committee Members and Staff, Members of the Administration or the San Bernardino County Federal Delegation.

k. Secure Member or Administration attendance at project related events and ceremonies.

l. Monitor Federal Register notices and other federal public comment notices. Provide input on the scope and timing of appropriate responses in order to support SBCTA's projects, programs, and services.

m. Undertake additional assignments that have been mutually agreed upon by both parties and are necessary to accomplish SBCTA's objectives in Washington, D.C.

Deliverables:

- *Provide copies of regulations or legislative language along with a summary, analysis, and information related to sponsors, supporters, and opponents.*
- *Copies of draft or preliminary language allowing SBCTA to engage early in the development of language, policies and regulations impacting SBCTA, transportation funding, or other items of interest.*
- *Notification of hearings and securing of speaker spots, as appropriate.*
- *Analyses of budgetary proposals or legislative items impacting SBCTA.*
- *Oral or written briefings on major legislative/policy initiatives.*
- *Secure equitable share of funding for SBCTA projects, programs, services, and priorities.*
- *Achieving SBCTA legislative, funding, and regulatory advocacy objectives.*

- *Copies of all written correspondence, testimony, advocacy materials, and position papers given on behalf of SBCTA.*

D. Washington, D.C. Travel

- a. Assist SBCTA with the planning and scheduling of meetings for Board Members and staff with key officials to advance SBCTA's priorities, along with the appropriate logistical support. As appropriate, lead the meeting and/or guide SBCTA in preparation for these meetings.
- b. Assist with the development of an Annual Advocacy Trip to Washington, D.C. for SBCTA Board Members and staff, upon request. This includes securing meeting space, scheduling meetings, and identifying issues for consideration.

Deliverables:

- *Schedule of meetings with key stakeholders, Leadership and Key Members, and the Administration.*
- *Successful arrangement of a Washington, D.C. Advocacy Trip, if applicable.*

E. Administrative Issues

- a. Maintain a Washington, D.C. Office and a visible presence in Washington, D.C. This office shall be available for use by Board Members and staff, as needed, while conducting SBCTA business in Washington, D.C.

b. Written and Oral Reports

I. Provide a monthly invoice for work performed on behalf of SBCTA, including a written update of activities engaged in on behalf of SBCTA during that time period including but not limited to: testimony before committees, individual meetings with Members or staff, written correspondence on behalf of SBCTA, and the status of SBCTA's key initiatives. The report should also contain any relevant information regarding activities/progress on major legislation, adopted a budget, and general activities or actions that could impact SBCTA's interests.

II. Periodically, as needed, provide oral updates to the Board of Directors regarding the pending actions, key issues, and the status of SBCTA priorities, upon request. These shall occur no less than one per year. These updates may also include one annual strategic planning session with SBCTA Board Members or staff.

III. Prepare memos on particular items of interest as requested or as major issues arise requiring supplemental background and context.

IV. Provide an annual end-of-year report to summarize activities made throughout the year, accomplishments towards SBCTAs goals, and ideas for further consideration.

c. Assist with the filing of lobbying disclosure forms, as appropriate.

d. The Consultant shall maintain close communication with SBCTA staff and Board of Directors.

Deliverables:

- *An office in Washington, D.C., convenient to the Capitol.*
- *Provide a monthly verbal report to the appropriate SBCTA Committee (Legislative, General Policy, or Board of Directors)*
- *A monthly invoice including a summary of activities engaged in on behalf of SBCTA.*
- *An annual end-of-year report of accomplishments.*

F. Monthly Tasks (All other items will be paid on as needed basis at the hourly rate)

- Maintain a current awareness of SBCTA Board actions, programs, activities, policies.
- Develop and maintain knowledge of the technical and political aspects of transportation funding, as well as the priorities and issues affecting councils of governments.
- Utilize strategic relationships and communicate SBCTA's positions on major budgetary, regulatory, or policy issues with House and Senate leadership, Members, relevant House and Senate committee staff, and the Administration, as well as federal agencies such as the Office of Management and Budget and the U.S. Department of Transportation (US DOT), including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Railroad Administration (FRA), and the Federal Aviation Administration (FAA), and any other federal department, agency, board, or commission whose decisions impact SBCTA.
- Routinely communicate and collaborate with the San Bernardino County Federal Delegation regarding SBCTA's interests and priorities.

Minute Action

AGENDA ITEM: 27

Date: June 3, 2020

Subject:

Request for Proposals for San Bernardino County Transportation Authority/San Bernardino Associated Governments State Advocacy Services

Recommendation:

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

Approve release of Request for Proposals No. 20-1002384 for State Advocacy Services to be provided from December 1, 2020 through December 31, 2022.

Background:

On October 1, 2014, San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board), approved an initial contract with, Gonzalez, Quintana & Hunter, LLC, to provide State Advocacy Services to begin on October 1, 2014 and ending November 30, 2016. On August 10, 2016, SBCTA entered into Amendment No. 1 to exercise the first set of option years for an additional two-year contract ending on November 30, 2018. On December 28, 2017, consultant changed their name from Gonzalez, Quintana & Hunter, LLC, to California Advisors, LLC. On November 28, 2018, SBCTA entered into Amendment No. 2 to exercise the final set of option years for an additional two-year contract ending on November 30, 2020.

As the contract has exercised all the remaining option terms, staff is recommending that the Board approve a Request for Proposals (RFP) No. 20-1002384 for State Advocacy Services. The revised RFP Scope of Work is attached for Board review and comment.

Upon Board approval of the RFP, SBCTA staff will: (1) post and disseminate the RFP; (2) organize a selection committee; and (3) report back to the Board with a recommended contract award.

The recommended contract duration for this RFP is two years, with two (2), two-year option term extensions.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 13, 2020. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and a draft of the RFP.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

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

Board of Directors Agenda Item
June 3, 2020
Page 2

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

SBCTA - SCOPE OF WORK

State Legislative Advocacy Consultant

General Statement – The Consultant will work to advance SBCTA’s policy, funding, and regulatory objectives in Sacramento as outlined in the annual legislative platform, adopted by the Board of Directors. The Consultant will work to develop bi-partisan support, where possible, for the outlined objectives and Board approved priorities. The Director of Legislative and Public Affairs and/or his/her designee will be the key contact and will coordinate the work of the Consultant. Under the direction and coordination, the Consultant shall be responsible for implementing the objectives described below. All services shall also apply to issues, legislation and policies of interest to the San Bernardino Associated Governments (SBCOG).

1.0 Program Development

1.1 Assist with the development of SBCTA’s annual state legislative platform by identifying potential policy issues, key anticipated funding and regulatory items, changing political dynamics, and upcoming legislative proposals.

1.2 Identify potential sponsor legislation, secure authors for any such proposals, draft language and amendments, support committee analyses, prepare testimony, as well as build the necessary coalitions and support to secure passage and signature for SBCTA sponsored or co-sponsored legislation.

1.3 Maintain a current awareness of SBCTA Board actions, programs, activities, policies, as well as items before the California Transportation Commission (CTC).

1.4 Develop and maintain knowledge of the technical and political aspects of transportation funding, transit funding and operations in California, inclusive of San Bernardino County transit priorities identified by SBCTA. As well as the priorities and issues affecting councils of governments.

Deliverables:

- *Electronically provide information, copies of introduced legislation, relevant testimony, analyses, as well as social media or news articles impacting SBCTA’s identified priorities.*
- *Monitor SBCTA Committee and Board Agendas, as well as SBCTA’s items before the CTC.*
- *Secure approvals for SBCTA sponsor legislation.*

2.0 Relationships

2.1 Posses strategic relationships and communicate SBCTA’s positions on key legislative items; sponsor legislation; and budgetary, regulatory, or policy issues with key legislators, members and committee staff, and the Administration, as well as state agencies such as the California State Transportation Agency, the California Department of Transportation, the CTC, the California Air Resources Board, the Board of

Equalization, the California Department of Finance, the California Highway Patrol, the state Environmental Protection Agency, the Strategic Growth Council, and any other state department, agency, board, or commission whose decisions impact SBCTA.

2.2 Routinely communicate and collaborate with the San Bernardino County State Legislative Delegation regarding SBCTA's interests and priorities.

2.3 Identify key partners, groups, and individuals to build alliances, partnerships and coalitions in order to advance SBCTA's interests. Coordinate efforts with statewide and regional entities seeking common goals and outcomes. Additionally, coordinate with other Southern California transportation agencies and councils of governments on areas of mutual concern.

Deliverables:

- *Electronic reports on the outcomes of meetings and issues impacting SBCTA.*
- *Participation in lobbying coalitions related to SBCTA's legislative priorities.*

3.0 Advocacy

3.1 Communicate SBCTA's positions on legislative, regulatory, budgetary, and policy items. Prepare materials, testimony, notes, letters, and other written communications to advance SBCTA's positions, as appropriate.

3.2 Assist in the development of, coordination of, and leadership on advocacy, strategy, and tactics to advance and achieve SBCTA's state legislative and funding priorities.

3.3 Identify and recommend positions on legislation, amendments to legislation, regulations, budget proposals, funding, regulatory, and programming priorities of interest to or impacting SBCTA and provide analyses or supplemental information related to these items upon request.

3.4 Conduct activities necessary to carry out SBCTA's legislative priorities with regard to the passage, defeat, or amendment of proposed legislative items.

3.5 Assist in the development and implementation of statewide transportation policy that is favorable to SBCTA.

3.6 Represent and advocate on behalf of SBCTA or with SBCTA Board Members or staff at meetings. This also includes testifying on behalf of or preparing/organizing testimony for SBCTA Board Members or staff.

3.7 Build agency image in Sacramento including but not limited to: developing communications strategies to promote and support SBCTA's interests and image; building relationships between stakeholders and SBCTA Board Members and staff; and promoting SBCTA's visibility through clear and consistent representation of the agency.

3.8 Provide information related to financial, policy, or informational hearings on issues that impact SBCTA's legislative priorities as well as the SBCTA's projects, programs, and services. Arrange for participation in such events as appropriate for SBCTA Board Members and staff.

Deliverables:

- *Provide relevant bill numbers or copies of regulations along with a summary and information related to sponsors, supporters, and opponents.*
- *Notification of hearings and securing of speaker spots, as appropriate.*
- *Analyses of budgetary proposals or legislative items impacting SBCTA.*
- *Secure equitable share of funding for SBCTA projects, programs, services, and priorities.*
- *Achieving SBCTA legislative, funding, and regulatory advocacy objectives.*
- *Copies of all written correspondence, testimony, and position papers given on behalf of SBCTA.*

4.0 Sacramento Travel

4.1 Assist SBCTA with the planning and scheduling of meetings for Board Members and staff with key officials to advance SBCTA's legislative priorities, along with the appropriate logistical support. As appropriate, lead the meeting and/or guide SBCTA in preparation for these meetings.

4.2 Assist with the development of an Annual Advocacy Trip to Sacramento for SBCTA Board Members and staff, upon request. This includes securing meetings space; scheduling meetings with the Administration, Legislative Leadership, and key members and staff; as well as identifying issues for consideration including briefing Sacramento stakeholders on SBCTA's adopted legislative program and priorities and to provide an update on SBCTA projects, programs and services.

Deliverables:

- *Schedule of meetings with key stakeholders, Members of the Legislature, and the Administration.*
- *Successful arrangement of a Sacramento Advocacy Trip, if applicable.*

5.0 Administrative Issues

5.1 Maintain a Sacramento Office and a visible presence in Sacramento. This office shall be available for use by Board Members and staff, as needed, while conducting SBCTA business in Sacramento.

5.2 Written and Oral Reports

5.2.1 Provide a monthly invoice for work performed on behalf of SBCTA, including a written update of activities engaged in on behalf of SBCTA during that time period including but not limited to: testimony before committees,

individual meetings with Legislator or staff, and the status of SBCTA's key legislative initiatives.

5.2.2 Provide oral updates to the Board of Directors regarding the pending actions in the Legislature, key issues, and the status of SBCTA priorities, upon request. These shall occur no less than one per year, but no more than four. These updates may also include one annual strategic planning session with SBCTA Board Members or staff.

5.2.3 Prepare memos on of interest as requested or as major issues arise requiring supplemental background and context.

5.2.4. Assist with the review and finalization of SBCTA's Annual Legislative Report to the Board of Directors.

5.3 The Consultant shall maintain close communication with SBCTA's staff and Board of Directors.

Deliverables:

- *An office in Sacramento, convenient to the State Capitol.*
- *Provide a monthly verbal report to the appropriate SBCTA Committee (Legislative, General Policy, or Board of Directors)*
- *A monthly invoice including a summary of activities engaged in on behalf of SBCTA.*

Minute Action

AGENDA ITEM: 28

Date: June 3, 2020

Subject:

State and Federal Legislative Update

Recommendation:

Receive and file the May 2020 State and Federal Legislative Update.

Background:

STATE UPDATE

On April 28th Governor Gavin Newsom provided an update regarding the six critical indicators that will be considered before modifying the statewide Stay-At-Home Order. During his update, he provided a new four-stage “resilience roadmap” that will guide the state’s re-opening.

These new stages provided more details on how the state will take a phase-in approach to loosening the statewide order. The Governor highlighted that we are still in the first stage that mostly consists of planning, but the state is moving towards stage two of re-opening lower risk workplaces. He noted that we are weeks, not months away from stage two. However, as it relates to a broader re-opening in stages three and four, we are months, not weeks away.

The Governor said he will closely monitor hospitalizations, surge capacity, the supply of personal protective equipment (PPE), testing capacity, and contact tracing as we move into stage two. This transition will occur through a statewide modification to the Stay-At-Home Order. He did announce that during stage two, counties may choose to relax stricter local orders at their own pace. Also, once a statewide COVID-19 surveillance system is made possible through testing, further regional variations could be supported.

The four stages are:

Stage 1: Safety and Preparedness

- Continue to build out testing, contact tracing, PPE, and hospital surge capacity
- Continue to make essential workplaces as safe as possible
- Physical and workflow adaption
- Essential workforce safety net
- Make PPE more widely available
- Individual behavior changes
- Prepare sector-by-sector safety guidelines for expanded workforce

Stage 2: Lower Risk Workplaces

- Gradually opening some lower risk workplaces with adaptations:
 - Retail (e.g. curbside pickup)
 - Manufacturing
 - Offices (when telework not possible)
 - Opening more public spaces
- Expanded Workforce Safety Net:
 - Wage replacement so workers can stay home when sick

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

Board of Directors Agenda Item

June 3, 2020

Page 2

- Schools and Childcare Facilities with Adaptations:
 - Summer programs and next school year potentially starting sooner (July/August)
 - Childcare facilities to provide more care
 - Address learning gaps
 - Ensure students and staff are protected
- Allow broader workforce to return to work

Stage 3: High Risk Workplaces

- Opening higher risk environments with adaptations and limits on size of gatherings:
 - Personal Care (hair and nail salons, gyms)
 - Entertainment venues (movie theaters, sports without live audiences)
 - In-person religious services (churches, weddings)

Stage 4: End of Stay-At-Home Order

- Re-open highest risk workplaces with all indicators satisfied once therapeutics have been developed:
 - Concerts
 - Convention Centers
 - Live audience sports

The State Assembly announced it would return to work on May 4th and begin committee hearings. Most Committee Chairs have narrowed the number of bills that will receive hearings to prioritize COVID-19 response and budget items. The Assembly Transportation set only nine bills for the hearing and five non-controversial bills on consent for their May 4th committee meeting. The State Senate announced they are expecting to return on May 11th.

Legislative Tracking

Attachment A contains a list of legislative bills that the San Bernardino County Transportation Authority (SBCTA) / San Bernardino Council of Governments (SBCOG) have taken a position on.

Attachment B reflects bills of interest to SBCTA and SBCOG.

FEDERAL UPDATE

On April 24th President Donald Trump signed a \$484 billion stimulus bill that included a boost for the federal small business relief program and hospitals fighting the coronavirus. The measure puts the total figure of stimulus spending to nearly \$3 trillion since the crisis started.

The Senate passed the package on April 21st and the House passed the package on April 23rd. The final bill includes \$320 billion to make new loans under the Paycheck Protection Program, which provides forgivable loans to small business that keep employees on the payroll for eight weeks. It sets aside \$30 billion of the loans for banks and credit unions with \$10 billion to \$50 billion in assets, and another \$30 billion for even smaller institutions.

The measure also includes \$60 billion in loans and grants under a separate Economic Injury Disaster Loan program and makes farms and ranches eligible for the loans. Also, there is \$75 billion for hospitals, with a significant portion aimed at those in rural areas, and \$25 billion for virus testing.

Board of Directors Agenda Item

June 3, 2020

Page 3

The testing funds include \$18 billion for states, localities, territories and tribes to conduct COVID-19 tests, \$1 billion for the Centers for Disease Control and Prevention, and \$1.8 billion for the National Institutes of Health. As much as \$1 billion would cover costs of testing for the uninsured.

The bill does not include any new funding for state and local governments. Democrats have said it is a top priority for the next coronavirus bill, and Treasury Secretary Mnuchin and President Trump have appeared open to including new funding in the next coronavirus relief package.

Financial Impact:

This item has no impact on the Fiscal Year 2019/2020 budget.

Reviewed By:

This item was received by the General Policy Committee on May 13, 2020.

Responsible Staff:

Louis Vidaure, Management Analyst II

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - May 1, 2020**

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
AB 252 (Daly)	Indefinitely extends Caltrans responsibilities for environmental review and clearance of transportation projects under National Environmental Policy Act (NEPA) that would otherwise be the responsibility of the federal government.	Signed by the Governor. (7/31/19)	Support	03/04/2019
AB 1402 (Petrie-Norris)	Would revise the percentages of funding distribution for the State Active Transportation Program to 75% to MPO's based on population, 15% to rural counties and for 10% statewide competitive grants.	Failed committee deadline - DEAD (1/17/20)	Support	04/01/2019
SB 152 (Beall)	Would revise the percentages of funding distribution for the State Active Transportation Program to 75% to MPO's based on population, 15% to rural counties and for 10% statewide competitive grants.	Failed committee deadline - DEAD (1/24/20)	Support	04/01/2019
AB 1457 (Reyes)	Would create the Omnitrans Transit District as a statutory entity.	Failed policy committee deadline - two-year bill. (7/10/19)	Support	04/05/2019
SB 732 (Allen)	Would give the Board of the South Coast Air Quality Management District (SCAQMD) the authority to place a measure on the ballot to levy up to a 1 cent sales tax to fund SCAQMD programs.	Failed policy deadline - DEAD (1/24/20)	Oppose	04/05/2019

Attachment: Bill position matrix 5-01-20 (6753 : State and Federal Legislative Update)

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - May 1, 2020

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
AB 1568 (MCCarty)	Would link a city or county's eligibility for state grant funding to the jurisdiction's general plan housing element compliance.	Failed committee deadline - DEAD (1/24/20)	Oppose	04/10/2019
SB 531 (Glazer)	Prohibits a local agency from entering into any agreement that results, directly or indirectly, in the diversion of Bradley-Burns local tax revenues to a retailer in exchange for that retailer locating or continuing to maintain a place of business within the local jurisdiction.	Vetoed by Governor. (10/12/19)	Oppose	05/15/2019
SB 210 (Leyva)	Would require California Air Resources Board to adopt and implement a regulation for a Heavy-Duty Vehicle Inspection and Maintenance Program (HDVIMP) for non-gasoline, heavy-duty, on-road motor vehicles with a gross vehicle weight rating of more than 14,000 pounds.	Signed by Governor. (9/20/19)	Support	05/15/2019
SB 404 (Chang)	Would require California Department of Parks and Recreation to assist in aquairing four land parcels to add 1,878 acres to the Chino Hills State Park.	Failed committee deadline - DEAD (1/24/20)	Support	05/15/2019
SB 277 (Beall)	Would clarify the legislative intent of the Local Partnership Program within SB 1 and require that program funds be distributed by formula based on population or other factors.	Vetoed by Governor. (10/12/19)	Support	06/07/2019

Attachment: Bill position matrix 5-01-20 (6753 : State and Federal Legislative Update)

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - May 1, 2020

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
SB 664 (Allen)	Would clarify the way that personally identifiable information (PII) can be used while operating toll facilities and systems. Also provides greater specificity on exactly what types of information can be shared as part of the intrastate/interstate interoperability process among toll agencies	Failed deadline to be passed out of second house - two-year bill. (9/13/19)	Support	06/07/2019
AB 2011 (Holden)	Would create the West San Bernardino Rail Construction Authority, solely for the purpose of building Los Angeles County Metro's Gold Line from the City of Montclair to Ontario International Airport.	Referred to Assembly Committee on Transportation (2/14/20)	Oppose	01/30/2020
SB 1390 (Portantino)	Would create the Montclair to Ontario Airport Construction Authority, solely for the purpose of building Los Angeles County Metro's Gold Line from the City of Montclair to Ontario International Airport.	Referred to Senate Committee on Transportation (3/12/20)	Oppose	02/22/2020

Status Report

Thursday, April 30, 2020

AB 87 Committee on Budget Transportation.**Location:** SENATE BUDGET & F.R.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

would require the California Transportation Commission to establish a competitive funding program to provide fund to the Department of Transportation or regional transportation planning agencies, or both, for short-line railroad projects such as railroad reconstruction, maintenance, upgrade, or replacement. The bill would require the commission to adopt guidelines, in consultation with representatives from specified government and industry entities by July 1, 2020, to be used by the commission to select projects for programming and allocation. The bill would appropriate \$7,200,000, or a lesser amount, as specified, from the Trade Corridors Improvement Fund to the Department of Transportation for purposes of the program.

Position: Pending**AB 145 Frazier D (Dist. 11) High-Speed Rail Authority: Senate confirmation.****Location:** SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 11 members, including 5 voting member appointed by the Governor, 4 voting members appointed by the Legislature, and 2 nonvoting legislative members. This bill would provide that the members of the authority appointed by the Governor are subject to appointment with the advice and consent of the Senate.

Position: Watch**AB 352 Garcia, Eduardo D (Dist. 56) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.****Location:** SENATE E.Q.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,920,000,000 pursuant to the State General Obligation Bond Law to finance a wildlife prevention, safe drinking water, drought preparation, and flood protection program. The bill would provide for the submission of these provisions to the voters at the November 3, 2020, statewide general election. The bill would provide that its provisions are severable

AB 725 Wicks D (Dist. 15) General plans: housing element: moderate-income and above moderate-income housing: suburban and metropolitan jurisdictions.**Location:** SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Planning and Zoning Law requires that the housing element include, among other things, an inventory of land suitable for residential development, to be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need determined pursuant to specified law. This bill would require that at least 25% of a metropolitan jurisdiction's share of the regional housing need for moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing,

but no more than 35 units per acre of housing. The bill would require that at least 25% of a metropolitan jurisdiction's share of the regional housing need for above moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing.

AB 992 Mullin D (Dist. 22) Open meetings: local agencies: social media.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Ralph M. Brown Act generally requires that the meetings of legislative bodies of local agencies be conducted openly. That act defines "meeting" for purposes of the act and prohibits a majority of the members of a legislative body, outside a meeting authorized by the act, from using a series of communications of any kind to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. This bill would provide that the prohibition described above does not apply to the participation, as defined, in an internet-based social media platform, as defined, by a majority of the members of a legislative body, provided that a majority of the members do not discuss among themselves, as defined, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

AB 1279 Bloom D (Dist. 50) Planning and zoning: housing development: high-opportunity areas.

Location: SENATE HOUSING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Planning and Zoning Law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards, including that the development is (1) located in a locality determined by the Department of Housing and Community Development to have not met its share of the regional housing needs for the reporting period, and (2) subject to a requirement mandating a minimum percentage of below market rate housing, as provided. This bill would require the department to designate areas in this state as high-opportunity areas, as provided, by January 1, 2022, in accordance with specified requirements and to update those designations within 6 months of the adoption of new Opportunity Maps by the California Tax Credit Allocation Committee.

AB 1350 Gonzalez D (Dist. 80) Free youth transit passes: eligibility for state funding.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would require transit agencies to offer free youth transit passes to persons 18 years of age and under in order to be eligible for state funding under the Mills-Deddeh Transit Development Act, the State Transit Assistance Program, or the Low Carbon Transit Operations Program. The bill would also require a free youth transit pass to count as a full price fare for purposes of calculating the ratio of fare revenues to operating costs.

Position: Watch

AB 1484 Grayson D (Dist. 14) Mitigation Fee Act: housing developments.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. This bill would prohibit a local agency from imposing a housing impact requirement adopted by the local agency on a housing development project, as defined,

unless specified requirements are satisfied by the local agency, including that the housing impact requirement be roughly proportional in both nature and extent to the impact created by the housing development project.

AB 1848 Lackey R (Dist. 36) High-speed rail: Metrolink commuter rail system.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The California High-Speed Rail Act creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state. The Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9,000,000,000 in general obligation bonds for high-speed rail purposes and \$950,000,000 for other related rail purposes. This bill would appropriate \$4,000,000,000 of those bond revenues to the Southern California Regional Rail Authority to fund improvements to the Metrolink commuter rail system.

AB 1908 Chen R (Dist. 55) Department of Transportation: Homeless Encampment and Litter Program.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would require the Department of Transportation, within its maintenance program, to establish a Homeless Encampment and Litter Program to provide timely abatement and cleanup of homeless encampments on department property and expedited and coordinated access to housing and supportive services. The bill would require the department to coordinate with homeless service provider agencies and to establish homeless adult and family multidisciplinary personnel teams. The bill would require the department, upon receiving a report of a homeless encampment, to deploy a multidisciplinary personnel team to expedite and coordinate access to housing and supportive services for occupants of the encampment.

AB 1991 Friedman D (Dist. 43) Transit and Intercity Rail Capital Program: passenger tramways.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would expand the purpose of the Transit and Intercity Rail Capital Program to authorize funding for passenger tramway transit systems. By expanding the purposes for which continuously appropriated moneys may be used, the bill would make an appropriation.

AB 2011 Holden D (Dist. 41) West San Bernardino County Rail Construction Authority.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would create the West San Bernardino County Rail Construction Authority for purposes of awarding and overseeing all design and construction contracts for completion of an extension of the Metro Gold Line light rail project from the duties of the construction authority.

Position: Oppose

AB 2012 Chu D (Dist. 25) Free senior transit passes: eligibility for state funding.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would require transit agencies to offer free senior transit passes to persons over 65 years of age in order to be eligible for state funding under the Mills-Deddeh Transit Development Act, the State Transit Assistance Program,

and the Low Carbon Transit Operations Program. The bill would require those free senior transit passes to full price fares for purposes of calculating the ratio of fare revenues to operating costs.

AB 2021 Chen R (Dist. 55) State park system: Chino Hills State Park: expansion.

Location: ASSEMBLY W.,P. & W.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Parks and Recreation to provide all necessary assistance for the state's acquisition and acceptance of 3 specified parcels from willing sellers that are adjacent to the Chino Hills State Park. The bill would require the department to agree to accept and manage each parcel as it is acquired with specified funds as part of the Chino Hills State Park, and to expedite development of a management plan for the parcels once acquired.

AB 2062 Boerner Horvath D (Dist. 76) San Diego Association of Governments: LOSSAN Rail Corridor: study.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would appropriate \$5,000,000 from the General Fund to the San Diego Association of Governments to conduct a study of higher speed and safety alternatives for the LOSSAN Rail Corridor in the County of San Diego. As a condition of receiving the funding, the bill would require the San Diego Association of Governments to conduct the study, as specified, and would require the San Diego Association of Governments to submit a report to specified committees of the Legislature summarizing the results of the study.

AB 2176 Holden D (Dist. 41) Free student transit passes: eligibility for state funding.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require transit agencies to offer free student transit passes to persons attending the California Community Colleges, the California State University, or the University of California in order to be eligible for state funding under the Mills-Alquist-Deddeh Act, the State Transit Assistance Program, or the Low Carbon Transit Operations Program. The bill would also require a free student transit pass to count as a full price fare for purposes of calculating the ratio of fare revenues to operating costs.

AB 2241 Calderon D (Dist. 57) State Air Resources Board: report.

Location: ASSEMBLY PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the State Air Resources Board to post on its internet website, at a minimum by January 1 of each odd-numbered year, information on air quality conditions and trends statewide and on the status and effectiveness of state and local air quality programs, as specified. This bill would make nonsubstantive changes to that provision.

AB 2249 Mathis R (Dist. 26) High-speed rail: legislative oversight.

Location: ASSEMBLY PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would create the Joint Legislative Committee on High-Speed Rail Oversight consisting of 3 Members of the Senate and 3 Members of the Assembly and would require the committee to ascertain facts, review documents, and take

action thereon, and make recommendations to the Legislature concerning the state's programs, policies, and investments related to high-speed rail, as specified. The bill would require the authority and any entity contracting with the authority to give and furnish to the committee upon request information, records, and documents as the committee deems necessary and proper to achieve its purposes.

AB 2262 Berman D (Dist. 24) Regional transportation plans: sustainable communities strategies: zero-emission vehicle readiness plan.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires the sustainable communities strategy to, among other things, identify a transportation network to service the transportation needs of the region. After adopting a sustainable communities strategy, current law requires a metropolitan planning organization to submit the strategy to the state board for review to determine whether the strategy, if implemented, would achieve the greenhouse gas emission reduction targets. Current law requires each transportation planning agency to adopt and submit to the California Transportation Commission and the Department of Transportation an updated regional transportation plan every 4 or 5 years, as specified. This bill would require each sustainable communities strategy to also include a zero-emission vehicle readiness plan, as specified. By imposing new requirements on local agencies, the bill would impose a state-mandated local program.

AB 2284 Calderon D (Dist. 57) Local Agency Public Construction Act: change orders.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Local Agency Public Construction Act, for a county, imposes a \$5,000 cap when the total amount of the original contract does not exceed \$50,000. For any original contract that exceeds \$50,000, but does not exceed \$250,000, the cap is 10% of the amount of the original contract. For contracts whose original cost exceeds \$250,000, the cap is \$25,000 plus 5% of the amount of the original contract cost in excess of \$250,000, and prohibits a change or alteration cost from exceeding \$210,000. This bill would require that the existing caps be adjusted annually to reflect the percentage change in the California Consumer Price Index. The bill would modify the cap applicable to contracts exceeding \$250,000 to apply only to contracts exceeding that amount but not exceeding \$25,000,000. The bill would add a new change order cap of \$500,000 for contracts whose original cost exceeds \$25,000,000 and of \$1,000,000 for contracts whose original cost exceeds \$50,000,000, both of which would be adjusted annually to reflect the percentage change in the California Consumer Price Index.

AB 2310 Daly D (Dist. 69) Road Maintenance and Rehabilitation Account: apportionment of funds: accrued interest.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would continuously appropriate interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account to the Department of Transportation for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program.

AB 2345 Gonzalez D (Dist. 80) Planning and zoning: density bonuses: affordable housing.

Location: ASSEMBLY H. & C.D.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law provides for the calculation of the amount of density bonus for each type of housing development that qualifies under specified provisions under the Density Bonus Law. Current law specifies the number of incentives or concessions that an applicant can receive. Current law specifies that an applicant shall receive 3 incentives or

concessions for projects that include at least 30% of the total units for lower income households, at least 1 very low income households, or at least 30% for persons or families of moderate income in a common interest development. This bill, instead, would authorize an applicant to receive 3 incentives or concessions for projects described above that include at least 12% of the total units for very low income households. The

AB 2698 Gray D (Dist. 21) High-Speed Rail Authority: trains powered by fossil fuel combustion engines.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would prohibit the High-Speed Rail Authority from directly or indirectly using local, state, federal, or any other public or private funding to purchase, lease, operate, or maintain a passenger or freight train powered by a diesel engine or other type of fossil fuel combustion engine, and from enabling such a train to operate on authority-owned rail infrastructure designed for speeds in excess of 125 miles per hour, except as specified.

AB 2707 Holden D (Dist. 41) Affordable housing funding: funding eligibility.

Location: ASSEMBLY H. & C.D.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Housing and Community Development and the Treasurer's office, in coordination with any other state agency that provides funding, grants, or incentives to affordable housing projects, to conduct an analysis of the minimum eligibility requirements for affordable housing funding, grants, and other incentives. The bill would require the department to create a report of the analysis with recommendations for establishing uniform minimum eligibility requirements for affordable housing, and to submit that report to the Senate Housing Committee and the Assembly Housing and Community Development Committee by January 1, 2022.

AB 2738 Quirk-Silva D (Dist. 65) Highway Users Tax Account: apportionment to counties: expenditure.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would expand the purposes for which a county may spend moneys deposited into its road fund to include any street or road within the county. If a county expends moneys received from the Highway Users Tax Account for streets and roads within the county, the bill would require the county to use those funds equitably throughout the county to identify and improve streets and roads that have the highest need.

AB 2773 Burke D (Dist. 62) Los Angeles County Metropolitan Transportation Authority.

Location: ASSEMBLY PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law vests the Los Angeles County Metropolitan Transportation Authority with specified powers and duties relative to transportation planning, programming, and operations in the County of Los Angeles. Current law provides that, on the date of the merger of the Los Angeles Metropolitan Transit Authority with the Southern California Rapid Transit District, which occurred in 1964, all employees of the transit authority became employees of the district with all of the same rights, privileges, and compensation they had as employees of the authority. This bill would make nonsubstantive changes to the latter provision

AB 2860 O'Donnell D (Dist. 70) California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program provides that projects eligible for funding include, among others, technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology, and requires, until December 31, 2020, no less than 20% of funding made available for that purpose to support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology. The program defines “zero- and near-zero-emission” for its purposes. This bill would extend the requirement that 20% of that funding be made available for that same purpose until December 31, 2025. The bill would create a separate definition for “near-zero emission” and revise the definition for “zero-emission,” as provided.

AB 2934 Rodriguez D (Dist. 52) California Inland Empire Resource Center.

Location: ASSEMBLY PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law authorizes various state agencies to award grant money for various purposes. This bill would state the intent of the Legislature to enact legislation that would create, upon appropriation by the Legislature, the California Inland Empire Resource Center for purposes of providing resource guidance on funding opportunities to local governments, nonprofit organizations, and other groups in the Inland Empire region.

AB 3209 Aguiar-Curry D (Dist. 4) Local alternative transportation improvement program: County of Napa.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would, for state transportation facilities at the intersection of State Route 29 and State Route 221 in the County of Napa that are no longer planned to be constructed, authorize the transportation planning agency having jurisdiction over the facilities, acting jointly with the County of Napa, to develop and file with the California Transportation Commission a local alternative transportation improvement program that addresses transportation problems and opportunities in the county. The bill would give the commission the final authority regarding the content and approval of the local alternative, and would prohibit the commission from approving the local alternative if it is submitted after July 1, 2022.

AB 3213 Rivas, Luz D (Dist. 39) High-Speed Rail Authority: high-speed rail service: priorities.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law establishes the High-Speed Rail Authority within the state government with various powers and duties related to developing and implementing high-speed passenger rail service. Current law requires the authority to direct the development and implementation of intercity high-speed rail service that is fully integrated with specified forms of transit. This bill would require the authority, in directing the development and implementation of intercity high-speed rail service, to prioritize projects based on specified criteria.

AB 3278 Patterson R (Dist. 23) High-speed rail.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The California High-Speed Rail Act creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Current law defines certain terms in that regard. This bill would make nonsubstantive changes to these definitions.

AB 3280 Chu D (Dist. 25) Trade Corridor Enhancement Account.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates the Trade Corridor Enhancement Account to receive revenues attributable to 50% of a \$0.20 per gallon increase in the diesel fuel excise tax imposed by the Road Repair and Accountability Act of 2017 for corridor-based freight projects nominated by local agencies and the state. Existing law makes these funds and certain federal funds apportioned to the state available upon appropriation for allocation by the California Transportation Commission for trade infrastructure improvement projects that meet specified requirements. This bill would make nonsubstantive changes to this provision.

AB 3335 Friedman D (Dist. 43) California Environmental Quality Act: transit priority projects.

Location: ASSEMBLY NAT.RES.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

CEQA provides for limited CEQA review or exempts from its requirements transit priority projects meeting certain requirements, including the requirement that the project be within 1/2 mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. CEQA specifies that a project is considered to be within 1/2 mile of a major transit stop or high-quality transit corridor if, among other things, all parcels within the project have no more than 25% of their area farther than 1/2 mile from the stop or corridor. This bill, for a transit priority project to meet the requirements for limited CEQA review, would increase that percentage to 50%.

ACA 1 **Aguilar-Curry** D (Dist. 4) **Local government financing: affordable housing and public infrastructure voter approval.**

Location: ASSEMBLY RECONSIDERATION

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

Position: Watch

ACA 2 Nazarian D (Dist. 46) State tax agency.

Location: ASSEMBLY REV.& TAX

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would authorize the Legislature to vest all powers, duties, and responsibilities in a single state tax agency or separately in multiple state tax agencies. The measure would deem the California Department of Tax and Fee Administration and the office of Tax Appeals to be state tax agencies for purposes of these provisions and vest in those entities specified powers, duties and responsibilities currently vested in the State Board of Equalization.

Position: Watch

ACA 13 Obernolte R (Dist. 33) Local sales taxes: online sales.

Location: ASSEMBLY PRINT

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would provide that, on and after January 1, 2021, for the purpose of distributing the revenues derived under the tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, the retail sale of tangible personal property by a qualified retailer, as defined, that is transacted online is instead consummated at the point of the delivery of that tangible personal property to the purchaser's address or to any other delivery address designated by the purchaser.

Position: Watch

SB 592 Wiener D (Dist. 11) Housing development: Housing Accountability Act: permit streamlining.

Location: ASSEMBLY RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Housing Accountability Act (the HAA), among other things, requires a local agency that proposes to disapprove or impose specified conditions on a housing development project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete, within the meaning of the Permit Streamlining Act, to make specified written findings based on a preponderance of the evidence in the record. This bill would additionally require a local agency to make those findings if it proposes to disapprove or impose specified conditions on a housing development project that is determined to be complete, as provided, and would make other related conforming changes.

SB 799 Dodd D (Dist. 3) Local agency services: contracts: Counties of Napa and San Bernardino.

Location: SENATE GOV. & F.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Existing law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would extend the January 1, 2021, repeal date with regard to the pilot program until January 1, 2026.

SB 899 Wiener D (Dist. 11) Planning and zoning: housing development: nonprofit hospitals or religious institutions.

Location: SENATE HOUSING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. That law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards. This bill would require that a housing development project be a use by right upon the request of a nonprofit hospital, nonprofit diagnostic or treatment center, nonprofit rehabilitation facility, nonprofit nursing home, or religious institution that partners with a qualified developer on any land owned in fee simple by the applicant if the development satisfies specified criteria. The bill would define various terms for these purposes.

SB 902 Wiener D (Dist. 11) Planning and zoning: neighborhood multifamily project: use by right: density.

Location: SENATE HOUSING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	28.b
1st House					2nd House								

Current law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that satisfies specified planning objective standards to be subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit. This bill would provide that a neighborhood multifamily project is a use by right in zones where residential uses are permitted if the project is not located in a very high fire severity zone, does not demolish sound rental housing or housing that has been placed on a national or state historic register, follows specified local objective criteria, and meets specified density requirements.

SB 931 Wieckowski D (Dist. 10) Local government meetings: agenda and documents.

Location: SENATE GOV. & F.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require, if the local agency has an internet website, a legislative body or its designee to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. The bill would require, where the local agency determines it is technologically infeasible to send a copy of all documents constituting the agenda packet or a website link containing the documents by electronic mail or by other electronic means, the legislative body or its designee to send by electronic mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements.

SB 1040 McGuire D (Dist. 2) Department of Transportation: transfer of property: Blues Beach property.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would authorize the Department of Transportation, upon terms, standards, and conditions approved by the California Transportation Commission, to transfer the Blues Beach property located in the unincorporated community of Westport in the County of Mendocino to a qualified nonprofit corporation, which the bill would define as a nonprofit corporation that is organized by one or more California Native American tribes for the purpose of environmental protection. The bill would authorize the department to enter into a cooperative agreement with a qualified nonprofit corporation that is transferred the Blues Beach property to provide funding for future maintenance of the property.

SB 1291 Committee on Transportation Federal Statewide Transportation Improvement Program: submissions.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires each metropolitan planning organization and transportation planning agency, not later than October 1 of each even-numbered year, to submit its Federal Transportation Improvement Program to the Department of Transportation for incorporation into the Federal Statewide Transportation Improvement Program, which current law requires the department to submit to the United States Secretary of Transportation by not later than December 1 of each even-numbered year. This bill would provide that a metropolitan planning organization or transportation planning agency is not required to submit a Federal Transportation Improvement Program to the

department, and the department is not required to submit the Federal Statewide Transportation Improvement Program to the secretary, for 2020.

SB 1351 Beall D (Dist. 15) Transportation planning.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires transportation planning agencies to conduct certain transportation planning and programming activities, including to prepare and adopt regional transportation plans. Current law authorizes certain statutorily created transportation planning agencies to allocate up to 3% of their annual revenues for transportation planning and programming processes, and alternatively authorizes the allocation of a greater amount upon approval by the Director of Transportation. This bill would prohibit the director from approving an allocation of an amount greater than 5% of a transportation planning agency's annual revenues.

SB 1366 Archuleta D (Dist. 32) Los Angeles County Metropolitan Transportation Authority: light rail: West Santa Ana Branch Transit Corridor.

Location: SENATE TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would require the Los Angeles County Metropolitan Transportation Authority, or another public agency, if it constructs a light rail project within the right-of-way for the West Santa Ana Branch Transit Corridor, to include or construct, as applicable, 11 specified stations as part of an initial operating segment.

SB 1372 Monning D (Dist. 17) Wildlife corridors and connectivity: Wildlife and Biodiversity Protection and Movement Act of 2020.

Location: SENATE TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires the Department of Fish and Wildlife, contingent upon funding being provided by the Wildlife Conservation Board or from other appropriate bond funds, upon appropriation by the Legislature, to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages, as well as the impacts to those wildlife corridors from climate change, and requires the department to prioritize vegetative development in these areas. This bill would additionally require the department to investigate, study, and identify impacts to those wildlife corridors from state infrastructure projects, including transportation and water projects, large-scale development projects not covered by an existing natural community conservation plan or habitat conservation plan, and planned or potential land conversions.

SB 1390 Portantino D (Dist. 25) Montclair to Ontario Airport Construction Authority.

Location: SENATE TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would create the Montclair to Ontario Airport Construction Authority for purposes of awarding and overseeing all design and construction contracts for completion of an extension of the Metro Gold Line light rail project from the City of Montclair to the Ontario International Airport. The bill would prescribe the powers and duties of the construction authority.

Position: Oppose

SB 1456 Archuleta D (Dist. 32) Department of Transportation: federal environmental review process: Los Angeles County Metropolitan Transportation Authority.

Location: SENATE TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	28.b
1st House					2nd House								

Current law provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities the Department of Transportation assumed as a participant in the program. Existing law prohibits the department from delegating any of its responsibilities assumed under these federal laws to any political subdivision of the state or its instrumentalities. This bill would authorize the department, upon the request of the Los Angeles County Metropolitan Transportation Authority, to delegate any of its responsibilities assumed under these federal laws to the authority for the purpose of accelerating the project delivery timeline for specified transit projects.

SCA 1 Allen D (Dist. 26) Public housing projects.

Location: ASSEMBLY DESK

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, as defined, in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election, as specified. This measure would repeal these provisions.

Total Measures: 49

Total Tracking Forms: 49

Minute Action

AGENDA ITEM: 29

Date: June 3, 2020

Subject:

Election of Officers for Fiscal Year 2020/2021

Recommendation:

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

- A. Receive Nominating Committee recommendations for Board President and Vice President.
- B. Conduct elections for Board President and Vice President.

Background:

The San Bernardino County Transportation Authority (SBCTA) Ordinance No. 17-001 Administrative Code, adopted June 7, 2017, set the process for the election of officers. The process is initiated by the selection of a seven member Nominating Committee. The Nominating Committee consists of one member of the County Board of Supervisors and two members each from the three Subareas: Mountain/Desert, East Valley, and West Valley. The current Board President is automatically included as a member of the Nominating Committee representing either the County or their respective subarea.

On May 6, 2020, the subareas convened caucuses to select their representatives to serve on the Nominating Committee. The Nominating Committee members are: Dawn Rowe, representing the County of San Bernardino; Bill Jahn, City of Big Bear Lake, and Rebekah Swanson, City of Hesperia, representing the Mountain/Desert; Alan Wapner, City of Ontario, and Eunice Ulloa, City of Chino, representing the West Valley; President Darcy McNaboe, City of Grand Terrace, and Larry McCallon, City of Highland, representing the East Valley.

The Nominating Committee will announce their recommendations at the June 3, 2020, Board of Directors meeting. The Board of Directors will then vote to select the Board President and Vice President. The President and Vice President will take office at the next regular Board meeting subsequent to the election. The persons elected as President and Vice President of the SBCTA Board will also serve as President and Vice President of the San Bernardino Associated Governments (SBCOG) Board in accordance with the SBCOG Bylaws.

Financial Impact:

This item does not impact the Proposed Fiscal Year 2020/2021 budget.

Reviewed By:

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

Responsible Staff:

Darcy McNaboe, City of Grand Terrace

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

Board of Directors Agenda Item
June 3, 2020
Page 2

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Minute Action

AGENDA ITEM: 30

Date: June 3, 2020

Subject:

SBCTA 2020/2021 Proposed Budget

Recommendation:

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

- A. Conduct the Public Hearing for the Fiscal Year 2020/2021 Proposed Budget; and
- B. Adopt the San Bernardino County Transportation Authority Fiscal Year 2020/2021 Budget; and
- C. Approve the Fiscal Year 2020/2021 Initiatives and Action Plan.

Background:

The development of the Fiscal Year 2020/2021 Budget is now complete. The proposed budget document was distributed to members of the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) prior to the Budget Workshop held during the special Board meeting on May 14, 2020. The proposed budget was revised to include an updated budget summary by organization type (page 37). This change was based on Board comments to include Balance Carryover from Prior Years, and to include the sum of New Revenues to match Expenditures and Other Financing Sources. SBCTA's budget process is structured to provide the maximum level of input from all SBCTA policy committees. SBCTA staff provided a budget overview for each program. Each policy committee reviewed the tasks that relate to the functional areas of committee oversight and each task has been reviewed by at least one of the policy committees.

SBCTA's budget process includes a review of the Boards' direction as it relates to short-term goals and how it integrates with the agency's long-term goals and objectives. As part of this review, staff analyzes the resources available to help meet the short-term goals as set forth in the Fiscal Year budget. The Initiatives and Action Plan for Fiscal Year 2020/2021 have been incorporated in the budget document (pages 16-18).

For purposes of preparing an annual budget, San Bernardino Associated Governments (SBCOG) is a blended component unit of SBCTA, and its estimated revenues and appropriations are reflected in the proposed budget. SBCTA develops a program-based budget which is adopted with funding source detail. The modified accrual basis (where revenues are recognized when received and available to meet current year obligations) is the basis for the Fiscal Year 2020/2021 Budget. Fiscal Year 2020/2021 estimated revenues are \$711,816,665, carryover revenues or fund balances are \$225,751,021, appropriations are \$959,567,686, and transfers are \$94,408,461. Also included is commercial paper of \$22,000,000 for short-term cash flow for the Mount Vernon Viaduct Project.

Changes/Updates to Budget Document

The following are significant items included in the Fiscal Year 2020/2021 Budget:

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

- Due to the negative impact of the COVID-19 pandemic, estimate for sales tax for Measure I was reduced by \$37.6 million, or 20.7%, from the original estimate of \$181.5 million. Also, the sales tax estimate for local transportation funds was reduced by \$20.9 million, or 20%, from the original estimate of \$104.7 million. SBCTA staff will work closely with our sales tax consultant to continue to monitor the evolving impact on the economy of the COVID-19 pandemic.
- The indirect cost fund is funded from various Measure I programs, Local Transportation Fund, Service Authority for Freeway Emergencies, and Council of Government funds, as shown on page 262. The estimated carry-over fund balance of \$1.4 million for the indirect cost fund is reserved for emergencies, future improvements of the Santa Fe Depot, and information technology systems.
- Reserves of \$37.4 million were established as per policy for the Measure I Funds, the Local Transportation Fund, and the State Transit Assistance Fund.
- Transfers in and out of \$94.4 million are cash transfers between funds to fund various rail projects, planning and transit activities, debt service payments, and indirect costs.
- Short-term borrowing, via commercial paper, of \$22 million is budgeted as other financing sources for upfront expenditures on the Mount Vernon Avenue Viaduct Project for short-term cash flow.
- Allocation of debt service by program area is provided on page 255, Debt Service Program Budget, of the budget document.
- The budget includes an addition of one position for a total of regular full-time equivalent positions of 65. Two positions were reclassified to align with their complexity and responsibilities, as described on page 28 of the budget document. Salary and benefit costs are \$12,720,847, or 1.33% of the overall budget.

Financial Impact:

Budget estimated new revenues are \$711,816,665, carryover revenues or fund balances are \$225,751,021, appropriations are \$959,567,686, and transfers are \$94,408,461. Also included is commercial paper of \$22,000,000 for short term cash flow for the Mount Vernon Viaduct Project. The budget will establish the work program and financial framework to guide the organization throughout Fiscal Year 2020/2021.

Reviewed By:

The proposed budget was presented for review at the Board of Directors Budget Workshop held during the special Board meeting on May 14, 2020. All SBCTA policy committees have reviewed task descriptions and budget for activities under their purview.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Minute Action

AGENDA ITEM: 31

Date: June 3, 2020

Subject:

Appropriations Limitation for Fiscal Year 2020/2021

Recommendation:

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

Adopt Resolution No. 20-050 establishing an appropriations limit of \$1,350,154,049 for Fiscal Year 2020/2021.

Background:

Article XIII B of the California Constitution specifies that the appropriations limit of state and local governments shall be set by resolution annually and may increase annually by a factor comprised of the change in population combined with the change in California per capita personal income.

In accordance with the above-mentioned requirements, Resolution No. 20-050 setting the appropriations limit for the San Bernardino County Transportation Authority (SBCTA) has been prepared and is attached for review and adoption. The California Department of Finance provides the percentage change over the prior year for the per capita personal income and the annual percentage change in population. This factor, multiplied by the approved prior year appropriations limit, establishes SBCTA's Fiscal Year 2020/2021 appropriations limit at \$1,350,154,049. The annual establishment of an appropriations limitation excludes federal grant funds from the calculation.

The previous limit approved by the Board of Directors was \$1,294,999,999. Resolution No. 20-050 adjusts the limit to \$1,350,154,049. The increase from the prior year is due to a 3.73% increase in per capita personal income and .51% increase in population in the County over the prior year.

Financial Impact:

This item imposes no financial impact. The Proposed Fiscal Year 2020/2021 Budget is well below the proposed appropriations limit.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. This item is being presented directly to the Board of Directors at its June 3, 2020 meeting, in conjunction with the adoption of the Fiscal Year 2020/2021 Budget. SBCTA General Counsel has reviewed this item and the draft resolution.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Entity: San Bernardino County Transportation Authority

RESOLUTION NO. 20-050

RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY ESTABLISHING APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020/2021

WHEREAS, Article XIII B of the California Constitution and Sections 7900 through 7913 of the California Government Code require the governing body of each local government to annually determine and establish, by resolution, an appropriations limit; and

WHEREAS, the appropriations limit is applicable to the proceeds of taxes levied by or for a local government entity and interest earned on such proceeds, and from the proceeds of state subventions to that local government entity.

NOW, THEREFORE, BE IT RESOLVED, by the San Bernardino County Transportation Authority:

Section 1. Pursuant to Section 7902(b) of the California Government Code and California Constitution art. XIII B, the appropriations limit for San Bernardino County Transportation Authority for Fiscal Year 2020/2021 is hereby determined to be and is established as \$1,350,154,049.

Section 2. This resolution is effective upon the date adopted.

PASSED AND ADOPTED at a meeting of the San Bernardino County Transportation Authority held on June 3, 2020.

Darcy McNaboe, President

Marleana Roman, Clerk of the Board

Attachment: Resolution 20-050 (6700 : Appropriations Limitation for Fiscal Year 2020/2021)

Minute Action

AGENDA ITEM: 32

Date: June 3, 2020

Subject:

Hearing to Consider Resolution of Necessity for Property Interest for the Mount Vernon Viaduct Project in the City of San Bernardino

Recommendation:

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

- A. Conduct a public hearing to consider condemnation of real property required for the Mount Vernon Viaduct Project (Project) in the City of San Bernardino.
- B. Upon completion of a public hearing, that the Board of Directors adopt Resolution of Necessity No. 20-027 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring real property for the Project from: Raul Tejeda, a single man, (Assessor's Parcel Number 0138-182-38) (hereinafter "Tejeda Property"). The Resolution must be approved by at least a two-thirds majority of the Board.

Background:

On July 11, 2018, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved Amendment No. 1 to Cooperative Agreement No. 16-1001477 with the City of San Bernardino (City) for the Right-of-Way (ROW) and Design-Build (DB) phase activities for the Mount Vernon Viaduct Bridge Project (Project), defining roles, responsibilities, and funding associated with the ROW and DB phases, and specifying SBCTA as the lead agency for Project administration and funding.

On January 9, 2019, the Board 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. 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 the City have made extensive efforts to simultaneously plan the Project and to minimize the impacts to property owners. These efforts include maintaining access to properties during construction, use of retaining walls to minimize ROW needs, and seeking to optimize Project geometrics to meet current design standards and minimize ROW impacts. While most of the proposed improvements are anticipated to be constructed within existing ROW, some ROW will still be required from private property to accommodate the Project.

Entity: San Bernardino County Transportation Authority

Resolutions of Necessity

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 a Hearing for a Resolution of Necessity for the Tejeda Property, a 724 square foot Single Family Residence, 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 Tejeda Property. Although the adoption of a Resolution of Necessity is recommended for the Tejeda Property in order to maintain the Project schedule and avoid delay costs, SBCTA's acquisition agents will continue to negotiate with the owner in an effort to acquire the Tejeda Property through a voluntary purchase and avoid litigation in the eminent domain process.

The owner of the Tejeda Property is:

- Raul Tejeda, a single man

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 properties 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 Tejeda Property is obtained in time to meet the scheduled delivery dates to the DB contractor and to avoid costly ROW delays.

In order to adopt the Resolutions of Necessity, SBCTA must make the four findings discussed below for the Tejeda Property. The issue of the amount of just compensation for the Tejeda Property is not addressed by this Resolutions 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 the City of San Bernardino. The Project limits extend along Mt. Vernon Avenue from south of 5th Street to King Street. The Project will replace the existing bridge with a new bridge. The purpose of the Project is to provide a bridge which is structurally safe, meeting current seismic design and roadway standards. Construction of a new bridge will allow emergency vehicles, buses, trucks and other larger vehicles to cross the railyard, reducing emergency response times and providing greater mobility for the area.

The existing bridge has a sufficiency rating of 2 out of 100 and already has significant restrictions on vehicle capacity. If no improvements are made, further shoring of the structure would be required and pieces of the bridge would continue to spall off due to overall deterioration, creating safety concerns.

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, various options to mitigate railroad operations were considered. If no mitigations were provided, due to limited work windows to construct around railyard activities, the bridge would potentially be out of service for five to six years. An agreed-to mitigation was to add two shoofly tracks to the north of the existing yard tracks. This would allow diversion of trains to other tracks when several tracks would be impacted by construction activities. In order to construct these shoofly tracks, some of the existing trailer parking and operations buildings needed to be relocated. In order to accommodate these relocated facilities, some ROW is required.

In addition, the profile of the Mt. Vernon Avenue Bridge will be designed to minimize ROW impacts on the north and south ends of the approaches. This will be accomplished through maximizing the profile so that even though the new bridge will be wider and longer, the bridge will tie into the existing street as closely as possible in the post-construction condition.

SBCTA's acquisition agents have had numerous communications with most of the impacted 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.

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

While portions of the Project are being constructed within existing ROW, the Project requires the full acquisition of the Tejada Property to accommodate the installation of the shoofly track and construction of the Project improvements.

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

The Tejada Property was appraised and an offer for the full amount of the appraisal was made to the owner or owners of record in accordance with Section 7267.2 of the Government Code.

The offer for the Tejada Property was presented on October 25, 2019.

Upon completion of the Project, or as prescribed in agreements, SBCTA will transfer the properties acquired for the Project, or portions thereof, to the City and to BNSF Railway, respectively.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 Budget under Task No. 0860 Arterial Projects, Sub-Task No. 0827 Mount Vernon Avenue Viaduct.

Reviewed By:

This item was reviewed and recommended (17-0-0) to proceed to Hearings of Resolutions of Necessity by the Board of Directors with a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 14, 2020. SBCTA General Counsel has reviewed this item and a draft of the resolution.

Board of Directors Agenda Item
June 3, 2020
Page 4

Responsible Staff:

Brenda Schimpf, Right-of-Way Advisor

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino County Transportation Authority

Attachment A

PowerPoint Presentation

MOUNT VERNON VIADUCT 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
June 3, 2020

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: Mt. Vernon Viaduct RON Handout (6715 : RONs Mt. Vernon Viaduct)

▪Replace Bridge over the BNSF Railway yard in City of San Bernardino which has sufficiency rating of 2 out of 100

▪New bridge to be built to current design standards

▪Will improve safety and north-south circulation.

▪Will restore access for emergency vehicles, buses, and trucks.



Mt. Vernon Viaduct Improvements

Attachment: Mt. Vernon Viaduct RON Handout (6715 : RONs Mt. Vernon Viaduct)


3



Parcel Location


4

No.	Ownership	Date of First Contact	Mailings	In Person Meetings	Phone Contacts	E-Mails	Attorney Contacts	Unsuccessful Contacts *	Total
B.	Tejeda	2/8/19	8	1	11	15	0	16	51
	* Property visit, phone call and/or email with no response								
	Communications as of May 21, 2019								

Communication Summary

5

Item	Ownership	Offer Date
B.	Tejeda Property	Offer 10/25/19

Offer of Just Compensation

6

Attachment: Mt. Vernon Viaduct RON Handout (6715 : RONs Mt. Vernon Viaduct)

**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

7

THANK YOU



8

Attachment: Mt. Vernon Viaduct RON Handout (6715 : RONs Mt. Vernon Viaduct)

RESOLUTION OF NECESSITY No. 20-027
TEJEDA PROPERTY
(APN 0138-182-38)

Attachment: Tejada - Final Draft RON (6715 : RONS Mt. Vernon Viaduct)

RESOLUTION NO. 20-027**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 CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF ASSESSOR PARCEL NO. 0138-182-38.**

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking the Mount Vernon Avenue Bridge Project (the "Project"); and

WHEREAS, the Project is intended to replace the existing Mount Vernon Avenue Bridge (Bridge Number 54C-066) over the Burlington Northern Santa Fe ("BNSF") rail yard in the City of San Bernardino, San Bernardino County, California. The Project will replace the existing four-lane bridge with a new four-lane bridge from Rialto Avenue to 5th Street; and

WHEREAS, the Project requires the acquisition of property or 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 said property or property interests for public use by condemnation; and

WHEREAS, the real property located at 1415 West Kingman Street, in the City of San Bernardino, California (the "Subject Property") is required for the Project. The Subject Property required for the Project is legally described in Exhibit "1" hereto and depicted in Exhibit "2" hereto; and

WHEREAS, to the extent portions of the real property to be acquired for the Project are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property; and

WHEREAS, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Subject Property; 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 Subject Property. 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 San Bernardino 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 June 3, 2020 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 Subject 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 replace the existing Mount Vernon Avenue Bridge (Bridge Number 54C-066) over the BNSF rail yard in the City of San Bernardino, San Bernardino County, California. The Project will replace the existing four-lane bridge with a new four-lane bridge from Rialto Avenue to 5th Street.

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

Section 5. Description of the Subject Property. The Subject Property sought to be acquired is 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 Subject Property 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 Subject Property 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 Subject 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 Subject Property, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent portions of the real property to be acquired for the Project are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Subject Property, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Subject 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 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 Subject Property at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where a change in design allows the reduction without substantially impairing the construction and operation of the Project for which the Subject Property is being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

Adopted by the San Bernardino County Transportation Authority on June 3, 2020 by the following votes:

AYES:

NOES:

ABSENT:

Darcy McNaboe, Board President
San Bernardino County Transportation Authority

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

EXHIBIT "1"

Attachment: Tejeda - Final Draft RON (6715 : RONS Mt. Vernon Viaduct)

THE LAND REFERRED TO HEREIN IS SITUATED IN COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF LOT 28, BLOCK 24 OF RANCHO SAN BERNARDINO, IN THE CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 7 OF MAPS, PAGE(S) 2, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

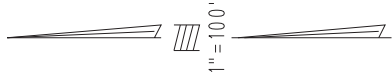
COMMENCING AT A POINT IN THE CENTER LINE OF KINGMAN STREET, WHICH IS 75 FEET EAST OF THE NORTHWEST CORNER OF TILE SOUTHEAST 1/4 OF LOT 28, BLOCK 24 OF THE RANCHO SAN BERNARDINO; THENCE RUNNING EAST, A DISTANCE OF 50 FEET; THEN AT RIGHT ANGLES SOUTH 300 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID LOT 28; THENCE WEST 50 FEET; THENCE AT RIGHT ANGLES, NORTH 300 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THOSE PORTIONS IN KINGMAN AND FOURTH STREETS; ALSO EXCEPTING THEREFROM THE SOUTH 1/2 OF THE ABOVE DESCRIBED PROPERTY.

Assessor's Parcel Number: 0138-182-38-0-000

EXHIBIT "2"

Attachment: Tejeda - Final Draft RON (6715 : RONS Mt. Vernon Viaduct)



Minute Action

AGENDA ITEM: 33

Date: June 3, 2020

Subject:

Interstate 10 University Street Improvements Project - City Cooperative Agreement Amendment, Request to Release Invitation for Bids, and Caltrans Financial Contribution Agreement

Recommendation:

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

A. Approve Amendment No. 1 to Agreement No. R14088 with the City of Redlands to redefine the project funding responsibilities based on the revised project cost estimates and a California Department of Transportation (Caltrans) financial contribution for the Interstate 10 University Street Improvements Project (Project). This amendment will reduce the San Bernardino County Transportation Authority contribution in the amount of \$108,425 for a total contribution of \$4,078,675, and increase the City of Redlands' contribution in the amount of \$221,360 for a total contribution of \$1,234,260.

B. Authorize advertising Invitation for Bids No. 20-1002290 for the construction of the Project in the City of Redlands.

C. Approve Agreement No. 20-1002401 with Caltrans for their financial contribution of \$500,000 towards the eastbound off-ramp portion of the Project.

Background:

The Interstate 10 (I-10) University Street Improvement Project (Project) proposes to widen the interchange westbound on-ramp and eastbound off-ramp and restripe University Street to add turn lanes from Citrus Avenue to Central Avenue to improve traffic operations and reduce congestion. The Project includes adding ramp metering on the westbound on-ramp, signaling the I-10 ramp intersections, modifying the existing signal at the University Street and Citrus Avenue intersection, and constructing a retaining wall at the eastbound off-ramp. This project is currently funded utilizing Measure I and City of Redlands funds. Based on recent estimates, the current total project cost is \$5,812,935, to be funded by San Bernardino County Transportation Authority (SBCTA) in the amount of \$4,078,675, the City of Redlands (City) in the amount of \$1,234,260, and a new California Department of Transportation (Caltrans) financial contribution of \$500,000. This new project cost constitutes an increase of \$612,935, since the last total project estimate of \$5,200,000, in 2014.

On February 5, 2014, the SBCTA Board of Directors (Board) approved Cooperative Agreement No. R14088 with the City to define project roles, responsibilities, and funding and specifying SBCTA as the lead agency for project administration. On December 3, 2014, the Board approved the award of Contract No. C14163 to Advantec Consulting Engineers for Planning and Design services. On January 4, 2017, the Board approved the award of Contract No. 16-1001546 to Arcadis US, Inc. for Construction Management services. On February 16, 2017, Caltrans approved a Categorical Exemption Determination under the California Environmental Quality Act (CEQA) for the Project. The project design approvals were obtained from Caltrans in December 2019, and the construction is scheduled to start in summer 2020.

Entity: San Bernardino County Transportation Authority

Recommendation A: When Cooperative Agreement No. R14088 was executed in 2014, it was estimated that project management costs would be approximately \$100,000. This estimate assumed a Streamlined Oversight Project role for Caltrans throughout the delivery process without a solid understanding of the scope for the Plans, Specifications, and Estimates (PS&E) phase. However, as the project progressed through each phase of delivery, Caltrans' role expanded significantly, requiring Project Management costs on par with other interchange projects managed by SBCTA. Project Management costs have increased for the following reasons:

- Cooperative Agreement No. R14088 assumed Environmental Approval would occur in April 2016, however, approval occurred in February 2017, resulting in increased Project Management costs to facilitate approval of the Environmental Document.
- Design approval was originally anticipated to occur in April 2018, however, approval occurred in December 2019. There are a variety of issues that have resulted in a delay during design including consultant team staff consistency, the subsequent development of substandard deliverables by the project consultant, and additional time required to coordinate with Caltrans for traffic signal design. It should be noted that no payments were made to the consultant team for substandard deliverables.
- Lessons learned from other projects indicate that Project Management costs are required during construction. Due to challenging issues that construction will face on this project such as moving and burying Aerial Deposited Lead, pedestrian access, close coordination with residents, schools and the City of Redlands about construction activities, it is anticipated that construction Project Management costs will be consistent with what is experienced on other projects. In addition, a Caltrans fiber optic project may occur simultaneously, which would require additional coordination.

While Project Management costs increased, an amendment to the agreement has not yet been executed because the total project cost estimate was still estimated to be less than the estimate that was used to develop Cooperative Agreement No. R14088. However, based on the latest engineer's estimate the current project cost is anticipated to exceed the total cost in the agreement. In an effort to secure additional funding for the Project, SBCTA reached out to Caltrans requesting a financial contribution from their Minor Program Funds. On November 14, 2019, Caltrans committed to a financial contribution of \$500,000 towards the eastbound off-ramp widening portion of the Project. However, to ensure the construction phase can be fully funded, it is necessary to amend the agreement to address the current project costs and define the local share and public share responsibilities of the City and SBCTA, respectively.

The revised estimated Project Management cost is \$345,000, which based on policies outlined in the original agreement is 100% the responsibility of the City. In addition to the revised Project Management cost, Amendment No. 1 to Cooperative Agreement No. R14088 includes an estimate of \$380,000, to replace the pavement on University Street as recommended by Caltrans. As full pavement replacement was not assumed in the original project design, this additional cost with the additional Project Management cost, would increase the total project cost beyond what was estimated in Cooperative Agreement No. R14088. Overall, the current estimated cost of construction is \$3,630,000.

Board of Directors Agenda Item

June 3, 2020

Page 3

If the City of Redlands elects to replace the deteriorated pavement, the construction contract would likely be increased through the change order process by an estimated amount of \$380,000. Upon the forthcoming request for Board approval of Construction Contract No. 20-1002290, a contingency amount will be recommended to be included if the City elects to move forward with full pavement replacement. The Redlands City Council took action on the increased project cost, including pavement reconstruction, at their May 19, 2020 Council Meeting. Amendment No. 1 as attached is consistent with the action taken by the City Council.

Amendment No. 1 accounts for an increase in the City's contribution for the project of \$221,360 and a reduction in SBCTA's contribution for the project of \$108,425.

Recommendation B: Staff is recommending that the Board authorize the advertisement of Invitation for Bids (IFB) No. 20-1002290 for construction of the I-10 University Street Improvement Project. A future agenda item for award of this construction contract is anticipated to be brought to the Board in summer 2020.

Recommendation C: Staff is recommending that the Board approve Cooperative Agreement No. 20-1002401 with Caltrans regarding their financial contribution from their Minor Program Funds. Under this agreement, Caltrans will contribute \$500,000 towards the eastbound off-ramp widening portion of the Project. When this item was previously approved by the Board of Directors Metro Valley Study Session on September 12, 2019, Recommendation C was not included as the financial contribution from Caltrans was not secured until after the September 2019 meeting.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 Budget under Task No. 830 Interchange Projects, Sub-Task No. 0899 I-10 University Interchange.

Reviewed By:

Recommendations A and B were reviewed and recommended for approval (17-0-1; Abstained: Momberger) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on September 12, 2019. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and drafts of the amendment, IFB, and agreement.

Responsible Staff:

Paula Beauchamp, Director of Project Delivery and Toll Operations

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

General Contract Information

Contract No: 00-1000985 (R14088) Amendment No.: 1

Contract Class: Receivable Department: Project Delivery

Customer ID: 01776 Customer Name: City of Redlands

Description: I-10 University Planning, PS&E, R/W & Construction Cooperative Agreement

List Any Accounts Payable Related Contract Nos.: 15-1001195, 15-1001239 (C14163) & 16-1001546

Dollar Amount							
Original Contract		\$	1,012,900.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	221,360.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	1,234,260.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	1,234,260.00

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6400

Contract Management (Internal Purposes Only)

Local MOU/COOP/JPA

Accounts Receivable											
Total Contract Funding:		\$		1,234,260.00		Funding Agreement No:		00-1000985 & 15-1001167 (C14147)			
Beginning POP Date:		02/05/2014		Ending POP Date:		NA		Final Billing Date:		TBD	
Expiration Date:		NA									
Sub-						Sub-					
Fund	Prog	Task	Task	Revenue	Total Contract Funding:	Fund	Prog	Task	Task	Revenue	Total Contract Funding:
GL: 6010	40	0830	0899	42418003	675,267.00	GL:					-
GL: 6010	40	0830	0899	42418002	558,993.00	GL:					-
GL:					-	GL:					-
GL:					-	GL:					-
GL:					-	GL:					-

Heng Chow

Project Manager (Print Name)

Paula Beauchamp

Task Manager (Print Name)

Additional Notes:

AMENDMENT NO. 1

TO COOPERATIVE AGREEMENT NO. R14088

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF REDLANDS

FOR

**PLANNING, PROJECT REPORT AND ENVIRONMENTAL DOCUMENT,
PLANS, SPECIFICATIONS AND ESTIMATE (PS&E), RIGHT-OF-WAY (ROW),
AND CONSTRUCTION PHASES FOR THE INTERCHANGE AT UNIVERSITY
STREET AND INTERSTATE 10 IN THE CITY OF REDLANDS**

THIS AMENDMENT No. 1 (AMENDMENT) to the Cooperative Agreement No. R14088 (AGREEMENT) is made and entered into by and between the San Bernardino County Transportation Authority (hereinafter referred to as AUTHORITY) and the City of Redlands (hereinafter referred to as CITY). AUTHORITY and CITY may be referred to herein as a "PARTY" and collectively "PARTIES".

RECITALS

- A. AUTHORITY and CITY entered into the AGREEMENT on February 5, 2014, to delineate their respective roles, responsibilities, and funding commitments relative to the Project Management, Planning, Environmental, PS&E, ROW and Construction activities of the Interchange at University Street and Interstate 10 in the City of Redlands (PROJECT); and
- B. Pursuant to the AGREEMENT, AUTHORITY is the lead agency for the PROJECT and is responsible for the diligent undertaking and completion of the Planning, Environmental, PS&E, ROW, and Construction phases of the PROJECT; and
- C. The AGREEMENT presently provides that the cost of the PROJECT is estimated at \$5,200,000 which includes \$100,000 for AUTHORITY to provide project management services for the Planning, Environmental, PS&E, ROW, and Construction phases of the PROJECT; and
- D. The PROJECT is now estimated to cost a total of \$5,812,935 which includes \$345,000 for the AUTHORITY to provide project management services for the

- Planning, Environmental, PS&E, ROW, and Construction Phases of the PROJECT; and
- E. On November 14, 2019, the California Department of Transportation (Caltrans) committed to make a financial contribution (FCO) in the amount of \$500,000 towards the construction of the eastbound off-ramp widening portion of the PROJECT; and
 - F. The remaining PROJECT cost, aside from AUTHORITY project management costs and the abovementioned Caltrans FCO, now is estimated at \$4,967,935, which shall be funded with 17.9% Development Shares funds and 82.1% Public Share funds, as defined by AUTHORITY's Nexus Study and the Measure I 2010-2040 Strategic Plan; and
 - G. The PARTIES desire to amend the AGREEMENT, and its Attachment A, to redefine their respective funding responsibilities based on the revised PROJECT costs and to provide a new, updated, estimated schedule for completion of the PROJECT.

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

1. Section III.C of the AGREEMENT is amended in its entirety to read as follows:

To contribute towards the Planning, Environmental, PS&E, ROW, and Construction phases of the PROJECT cost an amount not to exceed \$4,078,675, as shown in Attachment A. The actual cost of specific phase may ultimately vary from the estimates provided in Attachment A, however, under no circumstances is the total combined AUTHORITY contribution to exceed \$4,078,675 without an amendment to this Agreement.
2. Section III.J of the AGREEMENT, is amended in its entirety to read as follows:

To provide CITY an opportunity to review and comment on the Planning, Environmental, PS&E, ROW, and Construction documents. For construction change orders, the construction change order documents submitted to AUTHORITY by contractors performing construction work on the PROJECT will be forwarded to CITY for review and comment.
3. Section IV.A of the AGREEMENT is amended in its entirety to read as follows:

To reimburse AUTHORITY for the actual costs incurred estimated at \$889,260 towards the Planning, Environmental, PS&E, ROW, and Construction phases of the PROJECT cost and \$345,000 for AUTHORITY project management for a

total amount not to exceed \$1,234,260, 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 \$1,234,260 or AUTHORITY project management costs to exceed \$345,000 without an amendment to this Agreement.

4. Section IV of the AGREEMENT is amended by the addition of Subsection G which shall read as follows:

To provide permits, inspections, reviews, and oversight at no cost to AUTHORITY or to consultants and contractors contracted by AUTHORITY to work on the PROJECT.

5. Section V.R of the AGREEMENT is amended in its entirety to read as follows:

Any notice or other communication required, or which may be given, pursuant to this Agreement, shall be in writing. Any such notice shall be deemed delivered (i) on the date of delivery in person; (ii) five (5) days after deposit in first class registered mail, with return receipt requested; (iii) on the actual delivery date if deposited with an overnight courier; or (iv) on the date sent by facsimile, if confirmed with a copy sent contemporaneously by first class, certified, registered or express mail; in each case properly posted and fully prepaid to the appropriate address set forth below, or such other address as a Party may provide notice in accordance with this section:

If to AUTHORITY:

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

If to CITY:

City Clerk
City of Redlands
35 Cajon Street
P.O. Box 3005 (mailing)
Redlands, CA 92373
jdonaldson@cityofredlands.org
(909) 798-7531"

6. Attachment A to the AGREEMENT is amended and replaced in its entirety with Attachment A to this AMENDMENT, which is attached to and made a part of this AMENDMENT.

7. PARTIES understand that the PROJECT cost provided in this AMENDMENT is an estimate and there is a potential for cost increases or decreases. If a cost increase becomes apparent, PARTIES agree to work in good faith to amend the AGREEMENT.
8. All other terms and conditions of the AGREEMENT shall remain in full force and effect.
9. This AMENDMENT is deemed to be included and made part of the AGREEMENT.
10. This AMENDMENT is effective upon execution by AUTHORITY.

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

**SIGNATURE PAGE TO
AMENDMENT NO. 1 TO COOPERATIVE AGREEMENT NO. R14088
BETWEEN
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
and CITY OF REDLANDS**

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

CITY OF REDLANDS

By: _____
Darcy McNaboe
President, Board of Directors

By: _____
Paul W. Foster
Mayor, City of Redlands

Date: _____

Date: _____

APPROVED AS TO FORM

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Juanda L. Daniel
Assistant General Counsel

By: _____
Daniel J. McHugh
City Attorney

CONCURRENCE:

ATTEST:

By: _____
Jeffery Hill
Procurement Manager

By: _____
Jeanne Donaldson
City Clerk

Attachment: R14088-1 (6400 : I-10 University IC - City Coop Amendment 1, Construction IFB & Caltrans FCO Coop)

Attachment A

PROJECT SCOPE

The PROJECT will improve the Interstate 10/University Street interchange ramps, including intersection work, turning lanes and striping. It is anticipated that AUTHORITY will be the lead on all phases of work.

PROJECT COST ESTIMATE AND FUNDING TABLE

Public Share: 82.1%

Nexus Development Impact Fee Share (DIF or “Local Share”): 17.9%

Local Jurisdictional Split of the DIF Share: Redlands 100%

Caltrans Financial Contribution (FCO): Lump Sum \$500,000

	Project Cost*	Public Share**	DIF Share	Caltrans FCO^
Planning, Environmental, Design, and Right-of-way	\$969,807	\$796,212	\$173,595	\$0
Construction Management	\$488,128	\$400,753	\$87,375	\$0
Construction Capital***	\$4,010,000	\$2,881,710	\$628,290	\$500,000
Project Management	\$345,000	\$0	\$345,000	\$0
	\$5,812,935	\$4,078,675	\$1,234,260	\$500,000

*Project Cost is based on 2020's Estimate At Completion and 100% Engineer's Estimate.

**Public Share will be funded with Measure I Valley Freeway Interchange funds.

***Construction Capital cost includes an estimate of \$380,000 for the full replacement of pavement structure at University Street added based on Caltrans 100% review comment.

^Caltrans FCO will be available in fiscal year 2020/2021 upon execution of a separate cooperative agreement between Authority and Caltrans

PROJECT SCHEDULE

Milestones	Estimated Completion Date (Actual)
Environmental Approval	(February 2017)
Design Approval	(December 2019)
Construction Contract Award	August 2020
Complete for Beneficial Use	October 2021

General Contract Information

Contract No: 20-1002401 Amendment No.: _____
 Contract Class: Receivable Department: Project Delivery
 Customer ID: 00450 Customer Name: Caltrans
 Description: I-10 University Caltrans Minor Program Financial Contribution

List Any Accounts Payable Related Contract Nos.: 20-1002290

Dollar Amount							
Original Contract		\$	500,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	500,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	500,000.00

Contract Authorization

Board of Directors _____ Date: 06/03/2020 Board _____ Item # 6400

Contract Management (Internal Purposes Only)

State

Funding Agreement

Accounts Receivable																																																																																	
Total Contract Funding:		\$		500,000.00		Funding Agreement No:		20-1002401																																																																									
Beginning POP Date:		06/03/2020		Ending POP Date:		See note		Final Billing Date: TBD																																																																									
Expiration Date:		See note																																																																															
<table border="1"> <thead> <tr> <th>Fund</th> <th>Prog</th> <th>Task</th> <th>Sub-Task</th> <th>Revenue</th> <th>Total Contract Funding:</th> </tr> </thead> <tbody> <tr> <td>GL: 2550</td> <td>40</td> <td>0830</td> <td>0899</td> <td>42205010</td> <td>500,000.00</td> </tr> <tr> <td>GL:</td> <td></td> <td></td> <td></td> <td></td> <td>-</td> </tr> <tr> <td>GL:</td> <td></td> <td></td> <td></td> <td></td> <td>-</td> </tr> <tr> <td>GL:</td> <td></td> <td></td> <td></td> <td></td> <td>-</td> </tr> <tr> <td>GL:</td> <td></td> <td></td> <td></td> <td></td> <td>-</td> </tr> </tbody> </table>					Fund	Prog	Task	Sub-Task	Revenue	Total Contract Funding:	GL: 2550	40	0830	0899	42205010	500,000.00	GL:					-	GL:					-	GL:					-	GL:					-	<table border="1"> <thead> <tr> <th>Fund</th> <th>Prog</th> <th>Task</th> <th>Sub-Task</th> <th>Revenue</th> <th>Total Contract Funding:</th> </tr> </thead> <tbody> <tr> <td>GL:</td> <td></td> <td></td> <td></td> <td></td> <td>-</td> </tr> <tr> <td>GL:</td> <td></td> <td></td> <td></td> <td></td> <td>-</td> </tr> <tr> <td>GL:</td> <td></td> <td></td> <td></td> <td></td> <td>-</td> </tr> <tr> <td>GL:</td> <td></td> <td></td> <td></td> <td></td> <td>-</td> </tr> <tr> <td>GL:</td> <td></td> <td></td> <td></td> <td></td> <td>-</td> </tr> </tbody> </table>					Fund	Prog	Task	Sub-Task	Revenue	Total Contract Funding:	GL:					-	GL:					-	GL:					-	GL:					-	GL:					-
Fund	Prog	Task	Sub-Task	Revenue	Total Contract Funding:																																																																												
GL: 2550	40	0830	0899	42205010	500,000.00																																																																												
GL:					-																																																																												
GL:					-																																																																												
GL:					-																																																																												
GL:					-																																																																												
Fund	Prog	Task	Sub-Task	Revenue	Total Contract Funding:																																																																												
GL:					-																																																																												
GL:					-																																																																												
GL:					-																																																																												
GL:					-																																																																												
GL:					-																																																																												

Heng Chow

Paula Beauchamp

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: The agreement will terminate upon Caltrans' acceptance of the Project.

COOPERATIVE AGREEMENT

State SHOPP Minor Funds Contribution

This Agreement, effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

San Bernardino County Transportation Authority, a public corporation/entity, referred to hereinafter as SBCTA.

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. PARTIES are authorized to enter into a cooperative agreement for improvements to the State Highway System per the California Streets and Highways Code sections 114 and 130.
2. The term AGREEMENT, as used herein, includes any attachments, exhibits, and amendments.
3. AGREEMENT shall have no force or effect until SBCTA has obtained an encroachment permit from CALTRANS.
4. SBCTA intends to construct interchange improvements at the I-10 University Street by widening the eastbound off-ramp in the city of Redlands within the State Highway System and is referred to herein as PROJECT.
5. SBCTA will follow the CALTRANS encroachment permit process in order to complete the PROJECT.
6. CALTRANS will pay SBCTA in the amount of \$500,000 from SHOPP Minor funds required for PROJECT.
7. PARTIES hereby set forth the terms, covenants, and conditions for CALTRANS' contribution toward PROJECT.

SCOPE

8. SBCTA is responsible for completing all work for PROJECT.

9. At no cost to SBCTA, CALTRANS will perform Quality Management to assure SBCTA's work is performed in accordance with CALTRANS' current policies, procedures, standards, and practices.

INVOICE & PAYMENT

10. SBCTA will submit to CALTRANS monthly invoices for the prior month's actual expenditures after execution of this AGREEMENT and 45 days after Award of Project.
11. CALTRANS will pay SBCTA within 45 (forty-five) calendar days of receipt of invoices.
12. PARTIES agree that the total amount of State Highway Operation and Protection Program (SHOPP) Minor funds paid out to SBCTA will not exceed \$500,000.
13. After PARTIES agree that all work for PROJECT is complete, SBCTA will submit a final accounting for all costs. Based on the final accounting, SBCTA will refund or invoice as necessary in order to satisfy the financial commitment of AGREEMENT.

GENERAL CONDITIONS

14. All obligations of CALTRANS under the terms of AGREEMENT are subject to the appropriation of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation Commission.
15. If SBCTA fails to complete the PROJECT for any reason, SBCTA shall, at SBCTA's expense, return the State Highway System right-of-way to its original condition or to a safe and operable condition acceptable to CALTRANS. If SBCTA fails to do so, CALTRANS reserves the right to finish the work or place the PROJECT in a safe and operable condition. CALTRANS will bill SBCTA for all expenses incurred and SBCTA agrees to pay said bill within forty-five (45) days of receipt.
16. If SBCTA fails to complete the PROJECT for any reason, SBCTA will refund the full amount of CALTRANS' contribution.
17. SBCTA will retain all PROJECT related records for four (4) years after the final voucher.

18. HM-1 is hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law, whether it is disturbed by the PROJECT or not.

HM-2 is hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by the PROJECT.

The management activities related to HM-1 and HM-2, including and without limitation, any necessary manifest requirements and disposal facility designations are referred to herein as HM-1 MANAGEMENT and HM-2 MANAGEMENT respectively.

19. If HM-1 or HM-2 is found during construction, SBCTA will immediately notify CALTRANS.
20. CALTRANS, independent of PROJECT, is responsible for any HM-1 found within the existing State Highway System right-of-way. CALTRANS will undertake, or cause to be undertaken, HM-1 MANAGEMENT with minimum impact to PROJECT schedule.
- CALTRANS, independent of PROJECT will pay, or cause to be paid, the cost of HM-1 MANAGEMENT related to HM-1 found within the existing State Highway System right-of-way.
21. If HM-1 is found within the PROJECT limits and outside the existing State Highway System right-of-way, responsibility for such HM-1 rests with the owner(s) of the parcel(s) on which the HM-1 is found. SBCTA, in concert with the local agency having land use jurisdiction, will ensure that HM-1 MANAGEMENT is undertaken with minimum impact to Project schedule.

The cost of HM-1 MANAGEMENT for HM-1 found within the PROJECT limits and outside the existing State Highway System right-of-way will be the responsibility of the owner(s) of the parcel(s) where the HM-1 is located.

22. SBCTA is responsible for HM-2 MANAGEMENT within the PROJECT limits.
23. HM-2 MANAGEMENT costs are PROJECT costs.

24. Neither SBCTA nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under AGREEMENT. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless SBCTA and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under AGREEMENT.
25. Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by SBCTA, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon SBCTA under AGREEMENT. It is understood and agreed that SBCTA, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by SBCTA, its contractors, sub-contractors, and/or its agents under AGREEMENT.
26. If the work performed on PROJECT is done under contract and falls within the Labor Code section 1720(a)(1) definition of "public works" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code section 1771 SBCTA must conform to the provisions of Labor Code sections 1720 through 1815, and all applicable provisions of California Code of Regulations found in Title 8, Chapter 8, Subchapter 3, Articles 1-7. SBCTA agrees to include prevailing wage requirements in its contracts for public work. Work performed by SBCTA's own forces is exempt from the Labor Code's Prevailing Wage requirements.

SBCTA shall require its contractors to include prevailing wage requirements in all subcontracts funded by AGREEMENT when the work to be performed by the subcontractor is "public works" as defined in Labor Code Section 1720(a)(1) and Labor Code Section 1771. Subcontracts shall include all prevailing wage requirements set forth in SBCTA contracts.
27. AGREEMENT is intended to be PARTIES final expression and supersedes all prior oral understandings pertaining to PROJECT.
28. Unless otherwise documented in a maintenance agreement, SBCTA will maintain all PROJECT improvements.

29. AGREEMENT will terminate upon CALTRANS' acceptance of PROJECT. However, all indemnification and maintenance articles of AGREEMENT will remain in effect until terminated or modified in writing by mutual agreement.

DEFINITIONS

PARTY – Any individual signatory party to AGREEMENT.

PARTIES – The term that collectively references all of the signatory agencies to AGREEMENT.

CONTACT INFORMATION

The information provided below indicates the primary contact information for each PARTY to AGREEMENT. PARTIES will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to AGREEMENT.

The primary Agreement contact person for CALTRANS is:

Mustapha Iaali, Project Manager
464 W. Fourth Street, 12th Floor
San Bernardino, CA 92401
Office Phone: (909) 383-5908
Email: mustapha.iaali@dot.ca.gov

The primary Agreement contact person for SBCTA is:

Heng Chow, Capital Project Manager
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410
Office Phone: (909) 884-8276
Email: hchow@gosbcta.com

SIGNATURES

PARTIES declare that:

1. Each PARTY is an authorized legal entity under California state law.
2. Each PARTY has the authority to enter into AGREEMENT.
3. The people signing AGREEMENT have the authority to do so on behalf of their public agencies.

This AGREEMENT may be executed and delivered in counterparts, and by each PARTY in a separate counterpart, each of which when so executed and delivered shall constitute an original and all of which taken together shall constitute one and the same instrument.

The PARTIES acknowledge that executed copies of this AGREEMENT may be exchanged by facsimile or electronic mail (E-Mail), and that such copies shall be deemed to be effective as originals.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Michael D. Beauchamp
District 8 Director

VERIFICATION OF FUNDS AND AUTHORITY:

Mary Risaliti
District Budget Manager

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

Darcy McNaboe
Board President

CONCURRENCE:

Jeffery Hill
Procurement Manager

APPROVED AS TO FORM AND PROCEDURE:

Juanda L. Daniel
Assistant General Counsel

Minute Action

AGENDA ITEM: 34

Date: June 3, 2020

Subject:

Award Contract Nos. 20-1002379, 20-1002380, and 20-1002381 for Professional Services Related to Property Assessed Clean Energy (PACE) Assessment Administration

Recommendation:

That the Board, acting as the San Bernardino Associated Governments (SBCOG):

Approve and award the following contracts for professional services needed to assist SBCOG with the annual levy, administration, and customer service related to Property Assessed Clean Energy (PACE) assessments created as part of the Home Energy Renovation Opportunity (HERO) Program from 2013 to 2017:

A. Award Contract No. 20-1002379 to DTA for Special Tax Consulting Services for a ten-year term for an amount described in the Financial Impact Section, after final approval as to form by General Counsel.

B. Award Contract No. 20-1002380 to PFM Financial Advisors LLC for Financial Advisory and Program Management Services for a ten-year term for an amount described in the Financial Impact Section, after final approval as to form by General Counsel.

C. Award Contract No. 20-1002381 to Best, Best & Krieger for Legal Services for a ten-year term for an amount described in the Financial Impact Section, after final approval as to form by General Counsel.

Background:

Approval to release Requests for Proposals (RFP) Nos. 20-1002379, 20-1002380, and 20-1002381 was granted by the Board of Directors at their meeting on April 1, 2020. The term for these contracts will be ten (10) years.

The cost estimate for each of these contracts for a full ten-year term is as follows:

- Special Tax Consulting/Assessment Engineering: \$2,236,188
- Financial Advisory and Program Management: \$ 171,284
- Legal Counsel: \$ 171,284

The funds for the services of these firms for ongoing administration will come from the annual administration fee paid by each property owner as part of their annual assessment.

The San Bernardino Associated Governments (SBCOG) administered a Property Assessed Clean Energy (PACE) Program, known as the Home Energy Renovation Opportunity (HERO) Program, from October 2013 until June 2017. The PACE Program allowed property owners to make energy efficiency, water conservation, or renewable energy improvements to their properties and pay for them over time through an additional line item on their property tax bill.

Even though this program ended on June 30, 2017, with no new assessments initiated since that time, there are 8,790 outstanding assessments that were created during the program's operation. SBCOG, as the issuer of the bonds that provided the funds for the property improvements, has an obligation under the indentures related to those bonds to continue to administer the annual collection of the assessments for the terms of the bonds. The number of assessments and the

Entity: San Bernardino Council of Governments

terms for those assessments are as follows: 986 – 5 years; 1,762 – 10 years; 2,170 – 15 years; 3,451 – 20 years; and 421 – 25 years. These assessments are used to pay the debt service for the bonds. SBCOG requires the services of consultants with specialized expertise to continue to administer the collection and distribution of these assessments. SBCOG will need financial advisory and program management, legal counsel, and special tax and assessment engineering services to fulfill its obligations. SBCOG currently has contracts with firms that provide these services, but those contracts will be expiring.

Procurement Process:

The following outlines the selection process to identify and select qualified firms with the ability to meet the expectations and requirements outlined in the scope of work issued with the bid package for these three RFPs.

These three Requests for Proposals (RFP) were released on April 2, 2020, and posted on SBCTA's PlanetBids and our agency website to engage firms to provide Special Tax Consulting Services, Financial Advisory and Program Manager Services, and Legal Services for the Administration of the PACE Assessments.

RFP 20-1002379 for Special Tax Consulting Services

This RFP was sent electronically to one hundred and sixty (160) firms registered on our website. The RFP was viewed by ten (10) firms with nine (9) firms downloading the RFP packet. Addenda Nos. 1 & 2 were released on April 20, 2020, responding to questions received from potential respondents.

On April 23, 2020 SBCTA received two (2) proposals by the required due date and time specified in the RFP: DTA and Willdan Financial Services. A responsiveness review was conducted and both proposals were found responsive. An Evaluation Committee, consisting of two SBCTA staff members and one Western Riverside Council of Governments (WRCOG) staff member, was formed to evaluate the proposals.

On April 27, 2020, the Evaluation Committee determined that there was no need to hold a shortlist meeting to discuss proposal evaluations. It was determined that both firms who submitted proposals were qualified for the scope of services and both warranted an opportunity to interview for the procurement to provide an additional level of information to assist the panel in making a final selection.

Interviews were conducted with both firms. At the completion of the interviews, the Evaluation Committee separately scored the interviews. The assigned weighting between the technical proposals and interviews was 40% to the technical points and 60% to the interview points awarded by the committee. The Evaluation Committee reviewed the price proposals submitted and found all information and pricing to be within reasonable range meeting industry standards. Pricing was competitive and within the cost estimate, giving no cause for concern.

After the interviews, the Evaluation Committee scored DTA as the highest-ranking firm. DTA was able to successfully demonstrate a thorough understanding of the scope of work, proposed a qualified team, and offered the best approach to performing the services outlined in the RFP. Based on the technical proposal and interview evaluations conducted by the Evaluation

Committee for this procurement, it is recommended that the contract for RFP 20-1002379 be awarded to DTA.

The scoring matrix and individual evaluation committee member scoring information with comments and remarks that support scores, evaluation forms, and reference checks are in the Contract Audit File.

RFP 20-1002380 for Financial Advisory and Program Manager Services and RFP 20-1002381 for Legal Services

RFP 20-1002380 was sent electronically to three hundred and thirty (330) firms registered on our website. The RFP was viewed by seventeen (17) firms, with six (6) firms downloading the RFP packet. RFP 20-1002381 for Legal Services was sent electronically to three hundred and sixty-one (361) firms registered on our website. The RFP was viewed by ten (10) firms, with four (4) firms downloading the RFP packet. The solicitations were issued in accordance with current SBCTA policies and procedures for professional services.

One (1) proposal was received, from PFM Financial Advisors LLC, for RFP 20-1002380 by the date and time specified in the RFP. Consultants that downloaded the RFP from Planet Bids and did not submit a proposal were contacted and provided the following reasons the firms did not submit a proposal: two firms acknowledged that the scope of work was outside of their expertise, two firms stated they did not currently have available the staffing they believe was needed to accept the contract, and staff did not receive a reply from the other firm after several attempts.

One (1) proposal was received, from Best, Best & Krieger, for RFP 20-1002381 by the date and time specified in the RFP. Consultants that downloaded the RFP from Planet Bids and did not submit a proposal were contacted and provided the following reasons the firms did not submit a proposal: two firms stated they do not currently have available the staffing experienced for the scope of service and staff did not receive a reply from the other firm after several attempts.

A responsiveness review was conducted by the Procurement Analyst and found both proposals to be responsive. The following is a summary of the events that transpired in the evaluation and selection process.

On April 23, 2020, a copy of the proposals was distributed to all Evaluation Committee members. After reviewing the proposals, the Evaluation Committee found the proposals to meet the needs of SBCOG as outlined in the RFPs and recommended that the contract for RFP 20-1002380 be awarded to PFM Financial Advisors, LLC, and the contract for RFP 20-1002381 be awarded to Best, Best & Krieger. In addition to their proposals, these firms are the incumbent providers and have demonstrated their ability to provide the requested services to SBCOG.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 Budget and the Fiscal Year 2020/2021 Proposed Budget. Funds for these services come from the annual administrative fees paid by each property owner as part of their annual assessment. The totals paid under these contracts for the full ten-year term are based on the total number of assessed parcels but are estimated to be

Board of Directors Agenda Item

June 3, 2020

Page 4

\$2,236,188 for Contract 20-1002379; \$171,284 for Contract 20-1002380; and \$171,284 for Contract 20-1002381.

Reviewed By:

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

Responsible Staff:

Duane Baker, Deputy Executive Director

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

General Contract Information

Contract No: 20-1002379 Amendment No.: _____

Contract Class: Payable Department: Council of Governments

Vendor No.: 02964 Vendor Name: DTA (formerly David Taussig & Associates, Inc.)

Description: Special tax consulting services related to administering the Property Assessed Clean Energy (PACE Program)

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	1,000,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	1,000,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	1,000,000.00

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6704

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? No No Budget Adjustment _____

Local _____ Professional Services (Non-A&E) _____

Accounts Payable

Estimated Start Date:		07/01/2020		Expiration Date:		06/30/2030		Revised Expiration Date:			
N/A		N/A		N/A							
								Total Contract Funding:		Total Contingency:	
Fund		Prog		Task		Sub-Task		Object		Revenue	
PA Level		Revenue Code Name						\$		1,000,000.00	
GL: 2911		10		0111		0708		52001		48007000	
										PACE Fund	
										1,000,000.00	
										-	
										-	
										-	
										-	
										-	
										-	
										-	
										-	
										-	
										-	
										-	
										-	
										-	

Duane Baker

Duane Baker

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: Most invoices paid directly by trustee from fees collected from property owners paying their annual assessment. Exception is for pre-payment calculations. Trustee transfers those fees to SANBAG and then we pay vendor as estimated above.

**ATTACHMENT “A”
RFP20-1002379
“SCOPE OF SERVICES”**

**SPECIAL TAX CONSULTING SERVICES RELATED TO THE ANNUAL
ADMINISTRATION OF PROPERTY ASSESSED CLEAN ENERGY (PACE)
ASSESSMENTS IN SAN BERNARDINO COUNTY**

San Bernardino Associated Governments, known as San Bernardino Council of Governments (SBCOG), is seeking the services of a firm with experience in administering annual special tax assessments related to PACE Programs. SBCOG is no longer creating new PACE assessments, but currently has approximately 8,766 active residential assessments and three commercial assessments that were levied between 2013 and 2017. The terms of these assessments range from 5 years to 25 years. The scope of services is as follows:

1. Maintain a database of the parcels, which will include the Assessor’s Parcel Number (APN), annual assessment amount, and all other relevant data.
2. Submit the annual assessment levy on or before August 10 of each year, or such other date as specified by the San Bernardino County Auditor/Controller/Tax Collector, to the Auditor/Controller for inclusion on the consolidated property tax bills.
3. Review County records to determine which parcels are delinquent in the payment of taxes after each installment. Prepare a delinquency report and send reminder letters to delinquent property owners.
4. Assist SBCOG in preparing delinquency data to provide to third parties used by SBCOG to pay delinquencies in lieu of commencing foreclosure proceedings.
5. Provide Trustee for the PACE Program, currently Deutsche Bank, with instructions regarding the allocation of assessments received and prepayments received.
6. Prepare prepayment calculations as requested by SBCOG, property owner, or other interested party. Following each prepayment, prepare the appropriate bond call documents for the Trustee.
7. Assist with recording of documents with the County.
8. Provide a method for answering telephone queries from property owners and interested parties related to PACE assessments.
9. Provide advice and assist in implementing necessary actions required after the removal of an assessment from the tax roll following a delinquency/foreclosure.

General Contract Information

Contract No: 20-1002380 Amendment No.: _____
 Contract Class: Payable Department: Council of Governments
 Vendor No.: 01653 Vendor Name: PFM Financial Advisors LLC
 Description: Financial Advisory and Program Management Services for the Property Assessed Clean Energy (PACE) Program

List Any Related Contract Nos.: _____

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

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6704

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? No _____ N/A

Local _____ Professional Services (Non-A&E) _____

Accounts Payable

Estimated Start Date:		07/01/2020		Expiration Date:		06/30/2030		Revised Expiration Date:			
N/A		N/A		N/A							
								Total Contract Funding:		Total Contingency:	
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	-	\$	-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-

Duane Baker

Duane Baker

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: Invoices to be paid by trustee from fees paid by property owners when they pay their annual assessment.

Attachment: CSS 20-1002380 [Revision 1] (6704 : Award Contracts for Professional Services Related to PACE Assessment Administration)

**ATTACHMENT “A”
RFP20-1002380
“SCOPE OF SERVICES”**

**FINANCIAL ADVISORY AND PROGRAM MANAGEMENT SERVICES
RELATED TO THE ANNUAL ADMINISTRATION OF PROPERTY ASSESSED
CLEAN ENERGY (PACE) ASSESSMENTS IN SAN BERNARDINO COUNTY**

San Bernardino Associated Governments, known as San Bernardino Council of Governments (SBCOG), is seeking the services of a firm with experience in issues related to PACE Programs, their annual administration, and related public debt and refinancing. SBCOG is no longer creating new PACE assessments, but currently has approximately 8,766 active residential assessments and three commercial assessments that were levied between 2013 and 2017. The terms of these assessments range from 5 years to 25 years. The scope of services is as follows:

1. Financial Advisory Services
 - a. Make recommendations as to changes in the Program.
 - b. Provide cash flow analysis and other related schedules for Program.
 - c. Assist in the evaluation of all other consultants, including legal counsel, for the Program, including review of engagement agreements.
 - d. Attend finance team and Board meetings as needed.
 - e. Advise SBCOG on financing alternatives, cash flow analysis, and market conditions.
 - f. Advise SBCOG on strategies for selling delinquencies, including analysis of and negotiations with third parties.
2. Program Manager Services
 - a. Assist with the implementation of up-to-date servicing mechanisms for the Program, including attendance at meetings to discuss the proposed approach, responsibilities and timeline for modifying the Program parameters.
 - b. Assist in obtaining consultants to assist with ongoing servicing of the Program including but not limited to assessment administrator/special tax consultant, trustee, legal counsel, and property owner/real estate consulting.
 - c. Assist with providing information to SBCOG member agencies on the Program as necessary.
 - d. Collaborate with other consultants to prepare standardized sequence of events and responsibilities relating to each outstanding Contractual Assessment, including, but not limited to, submission of annual payments due to tax roll, apportionment of amounts collected to outstanding obligations, deposit of administrative expense and administrative reserve funds, fee billing/tracking from servicing team members, prepayment and subordination processing, bond maturity, and release of lien recordation.

- e. Maintain Assessment Contract records on the Program.
- f. Prepare periodic reports for compliance with the California Alternative Energy and Advanced Transportation Finance Authority PACE Loss Reserve Fund.
- g. Monitor submittal of Assessments by the Assessment Administrator/Special Tax Consultant to the County for inclusion on the consolidated property tax bills.
- h. Monitor Assessment Administrator/Special Tax Consultant's tracking of payment of assessment installments, preparation of delinquency reports, preparation and mailing of delinquency notices and provision of administrative data.
- i. Work with SBCOG staff to identify relevant Program components for reporting and public relations purposes. Provide annual report of annual Program results for submission to SBCOG Board of Directors.

General Contract Information

Contract No: 20-1002381 Amendment No.: _____

Contract Class: Payable Department: Council of Governments

Vendor No.: 00235 Vendor Name: Best Best & Kreiger LLP

Description: Legal Services related to Property Assessed Clean Energy (PACE) Program

List Any Related Contract Nos.: _____

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

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6704

Contract Management (Internal Purposes Only)

Other Contracts Local Sole Source? No N/A

Professional Services (Non-A&E)

Accounts Payable

Estimated Start Date:		07/01/2020		Expiration Date:		06/30/2030		Revised Expiration Date:			
N/A		N/A		N/A							
								Total Contract Funding:		Total Contingency:	
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	-	\$	-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-
GL:									-		-

Duane Baker

Duane Baker

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: Invoices paid by trustee from fees collected by property owners paying their annual assessments.

**ATTACHMENT “A”
RFP20-1002381
“SCOPE OF SERVICES”**

**LEGAL SERVICES
RELATED TO THE ANNUAL ADMINISTRATION OF PROPERTY ASSESSED
CLEAN ENERGY (PACE) ASSESSMENTS IN SAN BERNARDINO COUNTY**

San Bernardino Associated Governments, known as San Bernardino Council of Governments (SBCOG), is seeking the services of a legal firm with experience in issues related to PACE Programs, their annual administration, and related public debt and refinancing. SBCOG is no longer creating new PACE assessments but currently has approximately 8,766 active residential assessments and three commercial assessments that were levied between 2013 and 2017. The terms of these assessments range from 5 years to 25 years. The scope of services is as follows:

1. Provide ongoing legal advice to SBCOG on an as needed and requested basis for issues related to, but not limited to:
 - a. the bonds issued by SBCOG for the SBCOG HERO Program;
 - b. the terms and conditions of the Master Indentures and the covenants of SBCOG under the Master Indentures;
 - c. Assessment Contracts entered into by SBCOG and property owners participating in the SBCOG HERO Program;
 - d. the collection of Assessment Installments;
 - e. enforcement of the collection of delinquent Assessment Installments including judicial foreclosure or deferral thereof;
 - f. property owner complaints related to Assessment Contracts or the Assessments levied against such property owner’s property;
 - g. changes in federal or state law affecting the Bonds, the Assessment Contracts, the Assessments, or the continuing administration of the Bonds and/or the Assessments;
 - h. claims on the CAEATFA Loan Loss Reserve; and
 - i. providing advice and representing SBCOG in bankruptcy proceedings of property owners participating in the SBCOG HERO Program.
2. Store and maintain original transcripts for all bonds issued by SBCOG for the SBCOG HERO Program.
3. Review incoming prepayments and prepare addenda to Notices of Assessment/PCAR in the event of the prepayment of Assessments, in whole or in part.
4. Review incoming invoices from Trustee, Assessment Administrator, or San Bernardino County (roll corrections); prepare requisitions and coordinate signatures and submission to Trustee.
5. Prepare requisitions for Trustee or transfer instructions for bond calls, as applicable.

6. Respond to ongoing requests for recorded documents from Renovate America or Assessment Administrator.
7. Review incoming and background bankruptcy pleadings and file proofs of claims, if needed.
8. Review incoming delinquency reports, reports to the Trustee, and correspondence from Assessment Administrator.
9. Prepare corrections to recorded documents (e.g. property descriptions, APNs).

Minute Action

AGENDA ITEM: 35

Date: June 3, 2020

Subject:

Fiscal Year 2020/2021 State of Good Repair Program Apportionment

Recommendation:

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

A. Approve a State of Good Repair – Population Share Apportionment for Fiscal Year 2020/2021 of \$3,083,387 to be apportioned to the Valley and the Mountain/Desert areas based on the 2019 California Department of Finance Population Data as follows:

- i. Valley Fiscal Year 2020/2021 Apportionment: \$2,246,958
- ii. Mountain/Desert Fiscal Year 2020/2021 Apportionment: \$836,429

B. Authorize staff to release State of Good Repair - Operator Share funds received in excess of the allocated amount to operators as the funds are received.

Background:

Senate Bill (SB) 1, also known as the Road Repair and Accountability Act of 2017, was approved on April 28, 2017, and will provide over \$50 billion in new transportation funding over the next decade to improve transit service and repair highways, bridges, and local roads. The State of Good Repair (SGR) Program, derived from the approval of SB 1, is funded from a portion of a Transportation Improvement Fee on vehicle registrations and provides approximately \$105 million annually to transit operators in California for eligible maintenance, rehabilitation, and capital projects. While SB 1 addresses a variety of transportation needs, the SGR Program has a specific goal of keeping transit systems in a state of good repair, including the maintenance and rehabilitation of transit facilities and vehicles and the purchase of new transit vehicles.

Administered by the California Department of Transportation (Caltrans), SGR Program funds are apportioned to eligible agencies using the State Transit Assistance (STA) Program formula. The formula apportions fifty (50) percent of the available SGR funds by population and the remaining fifty (50) percent by operator revenues from the prior fiscal year, in accordance with Public Utilities Code (PUC) Section 99313 and PUC Section 99314, respectively. The State Controller's Office (SCO) is responsible for determining the estimated funding levels for PUC Section 99313 (Population Share) and PUC Section 99314 (Operator Share) funds. The San Bernardino County Transportation Authority (SBCTA), as the regional transportation planning agency, will receive direct allocations of SGR funds in accordance with PUC Section 99312.2(c) and is responsible for allocating SGR-Population Share funds to projects based on local need and sub-allocating SGR-Operator Share funds to the transit operators in the San Bernardino region based on the amounts published by the SCO. SBCTA is further responsible for providing a list annually to Caltrans of all projects proposed to be funded with SGR funds made available to San Bernardino County. Agencies eligible to receive SGR funds include SBCTA, Omnitrans, Victor Valley Transit Authority (VVTa), Morongo Basin Transit Authority (MBTA), Mountain Transit, City of Needles, and Southern California Regional Rail Authority (SCRRA).

Entity: San Bernardino County Transportation Authority

For the San Bernardino region, the SCO estimated a Fiscal Year 2020/2021 apportionment of \$3,040,246 in Population Share funds and \$558,159 in Operator Share funds, for a total of \$3,598,405. Additionally, \$43,141 of interest has accrued on the unexpended SGR fund balance that needs to be apportioned in the Population Share. Consistent with the PUC Section 99313 funding formula utilized by the SCO, SBCTA staff recommends apportioning Fiscal Year 2020/2021 SGR-Population Share funds to the Valley and Mountain/Desert subareas based on the ratio of the population of these subareas to the total population of San Bernardino County. SBCTA staff recommends further apportioning the Mountain/Desert SGR-Population Share apportionment to the Mountain/Desert transit operators in accordance with the population of their respective service areas. The Valley SGR-Population Share apportionment is available to Omnitrans, SBCTA, and SCRRA. Project recommendations for the Valley Share are based on identified need, project schedules, and the availability of alternate fund sources. Table 1 below indicates the total SGR amount available for allocation for the Fiscal Year 2020/2021 apportionment, including the previously accrued but not yet apportioned interest.

Table 1 – Fiscal Year 2020/2021 SGR-Population Share Apportionment

Accrued Interest			\$43,141
Estimated Fiscal Year 2020/2021 Population Formula Share ¹			\$3,040,246
Total Estimated Funds Available			\$3,083,387
Apportionment Area	Population ²	Percentage	Apportionment
Valley	1,597,525	72.87%	\$2,246,958
Mountain/Desert	594,678	27.13%	\$836,429
<i>MBTA</i>	<i>75,591</i>	<i>12.71%</i>	<i>\$106,321</i>
<i>Mountain Transit</i>	<i>52,317</i>	<i>8.80%</i>	<i>\$73,585</i>
<i>VVTA</i>	<i>461,685</i>	<i>77.64%</i>	<i>\$649,371</i>
<i>City of Needles</i>	<i>5,085</i>	<i>0.86%</i>	<i>\$7,152</i>
Total³	2,192,203	100.00%	\$3,083,387

¹ Formula Share amount is determined by the SCO. Apportionment includes interest accrued on balance not yet expended.

² Population Source: California Department of Finance January 2019.

³ Numbers may not foot due to rounding.

As required, SGR-Operator Share funds will be allocated to the transit operators in the San Bernardino region based on the amounts determined by the SCO. For information, the Operator Share Estimate for all operators is shown in Table 2.

**Table 2 – Fiscal Year 2020/2021 SGR-Operator Share Allocations
(Provided by SCO)**

Operator	Operator Share Estimate	Fiscal Year 2018/2019 Operator Share Surplus	Total Operator Share Allocation
Omnitrans	\$233,274	\$47,404	\$280,678
SCRRA	\$259,551	\$1,835	\$261,386
MBTA	\$11,865	\$3,769	\$15,634
Mountain Transit	\$4,901	\$641	\$5,542
City of Needles	\$560	\$24	\$584
VVTA	\$48,008	\$0	\$48,008
Total	\$558,159	\$53,673	\$611,832

Because the apportionment amounts are estimates, there will be variances in the final amounts received. If Population Share apportionments are less than the estimate, every allocation will be reduced proportionally, and the operator will have the option to backfill the amount with a future year allocation. Any Population Share apportionments received in excess of the estimate will be apportioned and allocated in a subsequent fiscal year. Staff recommends that any Operator Share apportionments received in excess of the estimate be immediately released to the operators as SBCTA has no discretion in the apportionment of these funds. Additionally, Caltrans does not require revised allocation documents to account for differences between estimates and actuals; any variances are noted in required annual reports. The original and final Fiscal Year 2018/2019 allocations are presented in Table 3 for information.

Table 3 – Fiscal Year 2018/2019 SGR-Population Share and Operator Share Allocations

Agency	Approved Fiscal Year 2018/2019 SGR Allocations			Actual Fiscal Year 2018/2019 SGR Allocations		
	Population Share	Operator Share	Total Allocation	Actual Population Share	Actual Operator Share	Total Actual Allocation
Omnitrans	\$1,972,978	\$162,786	\$2,135,764	\$1,972,210	\$210,190	\$2,182,400
SBCTA	\$110,000	-	\$110,000	\$109,854	-	\$109,854
SCRRA	-	\$247,826	\$247,826	-	\$249,661	\$249,661
MBTA	\$98,711	\$5,561	\$104,272	\$98,668	\$9,330	\$107,998
Mountain Transit	\$68,868	\$4,755	\$73,623	\$68,838	\$5,396	\$74,234
City of Needles	\$6,600	\$601	\$7,201	\$6,597	\$625	\$7,222
VVTA	\$612,354	\$69,493	\$681,847	\$612,085	\$59,126	\$671,211
Total	\$2,869,511	\$491,022	\$3,360,533	\$2,868,252	\$534,328	\$3,402,580

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 budget.

Board of Directors Agenda Item
June 3, 2020
Page 4

Reviewed By:

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

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 36

Date: June 3, 2020

Subject:

Central Avenue at State Route 60 Baseline Agreement

Recommendation:

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

A. Approve Proposition 1B Trade Corridors Improvement Fund Baseline Agreement No. 20-1002436 with the California Transportation Commission, the California Department of Transportation, and the City of Chino for the State Route 60 Central Avenue Interchange Improvement Project, and authorize the Executive Director, or designee, to execute the final Agreement subject to approval as to form by General Counsel.

B. Authorize the Executive Director or designee to execute Amendment No. 1 to Cooperative Agreement No. 19-1002121 with the California Department of Transportation for the construction phase of the State Route 60 Central Avenue Interchange Improvement Project to reflect the inclusion of the new funding for the project and a like reduction of local funds subject to approval as to form by General Counsel.

Background:

In April 2008, the California Transportation Commission (CTC) adopted Proposition 1B Trade Corridors Improvement Fund (TCIF) programming based on a corridor-based programming target of \$1.2 billion for the Los Angeles/Inland Empire Corridor with San Bernardino County receiving a total of \$121 million in TCIF funds. The TCIF program is now over ten years old and most projects are completed or finishing construction. In late May, the Southern California Coalition solicited for potential projects that could program and allocate TCIF savings within the corridor by the June 2020 CTC meeting deadline. The State Route (SR) 60 Central Avenue Interchange Improvement project is the only project that is eligible for the funding and able to meet the allocation deadline of June 2020. At the time of this writing, the estimated TCIF savings available from the Los Angeles/Inland Empire Corridor is \$1.921 million; there is a potential of additional savings becoming available from the corridor prior to the June 24-25 CTC meeting.

As part of the programming and allocation of TCIF funds, a baseline agreement between San Bernardino County Transportation Authority (SBCTA), the City of Chino, California Department of Transportation (Caltrans), and the CTC is required. The agreement must be approved by all parties prior to the allocation of TCIF at the June 2020 CTC meeting. Upon programming and allocation of TCIF funds, staff will be able to advertise for construction bids in July 2020, as approved by the Board in February 2020. Construction award is anticipated in September 2020. Staff is recommending that the SBCTA Board of Directors (Board) approve the draft TCIF Baseline Agreement No. 20-1002436 and authorize the Executive Director, or designee, to execute the final agreement once the final TCIF amount is determined and the agreement is approved as to form by General Counsel.

Additionally, the funding summary in Cooperative Agreement No. 19-1002121 with Caltrans is required to be amended to reflect the addition of TCIF funds. Staff recommends the Board

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

authorize the Executive Director, or designee, to execute the cooperative agreement amendment once the final TCIF amount is determined and the amendment is approved as to form by General Counsel.

Typically, TCIF funds buy down the public (SBCTA) share of the project cost, but staff recommends that the TCIF funds received be treated as State grant funds to buy down total project cost as these funds are essentially a grant of funds not due to SBCTA. This will result in a decrease in both city contribution (58.8%) and SBCTA contribution (41.2%) to the project.

Financial Impact:

This item has no impact on the Fiscal Year 2019/2020 budget.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. Because the agreement must be approved prior to the July Board meeting, it is being presented directly to the SBCTA Board of Directors for review and approval. SBCTA's General Counsel, Procurement Manager, and Risk Manager have reviewed this item and the proposed agreement.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

General Contract Information

Contract No: 20-1002436 Amendment No.: _____Contract Class: Payable Department: _____ Fund AdministrationVendor No.: 0450 Vendor Name: Caltrans/CTC/City of ChinoDescription: SR 60 Central Avenue Interchange TCIF Baseline Agreement

List Any Related Contract Nos.: _____

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

Contract Authorization

Board of Directors Date: 06/03/2020 Board Item # 6768

Contract Management (Internal Purposes Only)

Zero Dollar Contracts Sole Source? N/A N/A

Zero Dollar MOU/COOP/JPA

Accounts Payable

Estimated Start Date: 06/03/2020 Expiration Date: 10/28/2023 Revised Expiration Date: _____

N/A N/A N/A

						Total Contract Funding:		Total Contingency:	
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	\$
GL								-	-
GL								-	-
GL								-	-
GL								-	-
GL								-	-
GL								-	-
GL								-	-
GL								-	-
GL								-	-
GL								-	-

Vanessa Schoenewald

Andrea Zureick

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: CSS 20-1002436 Central TCIF Baseline Agreement (6768 : Central Avenue at State Route 60 Baseline Agreement)

TRADE CORRIDOR IMPROVEMENT FUND PROJECT BASELINE AGREEMENT

1. PARTIES AND DATE

- 1.1** This Project Baseline Agreement (Agreement) for the SR-60 Central Ave. 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 Chino (Project Sponsor), sometimes collectively referred to as the “Parties”.

2. RECITAL

- 2.1** Whereas at its June 24, 2020 Meeting the California Transportation Commission amended the Trade Corridor Improvement Fund and included in this program of projects the SR-60 Central Ave. 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 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	

Matt Ballantyne	Date
City Manager	
City of Chino	

Toks Omishakin	Date
Director	
California Department of Transportation	

Mitch Weiss	Date
Executive Director	
California Transportation Commission	

Attachment: 20-1002436 Baseline Agreement (6768 : Central Avenue at State Route 60 Baseline Agreement)

PROJECT PROGRAMMING REQUEST

DTP-0001 (Revised 19 Feb 2020 v8.01j)

General Instructions

Amendment (Existing Project) Y/N					Date:	5/28/20
District	EA	Project ID		PPNO	MPO ID	
08	0C870	0800000064		3017C	201114	
County	Route/Corridor	PM Bk	PM Ahd	Nominating Agency		
SBD	60	R2.08	R2.59	San Bernardino County Transportation Authority (SBCTA)		
				MPO	Element	
				SCAG	Capital Outlay	
Project Manager/Contact		Phone		E-mail Address		
Paul Melocoton		(909) 884-8276		pmelocoton@gosbcta.com		
Project Title						
State Route 60 (SR-60) Central Avenue Interchange Project						
Location (Project Limits), Description (Scope of Work)						
In San Bernardino County, at SR-60 and Central Avenue in the City of Chino located between postmiles 2.08 through 2.80 and is approximately 8.1 miles west of Interstate 15. The project would widen the existing SR-60 Central Bridge by approximately 28 feet along each direction to accommodate double back-to-back left turn lanes to the on-ramp, improve both ramp intersections, widen both on-ramps from one lane to add two receiving lanes and a High Occupancy Vehicle (HOV) preferential lane, and add over 1000 feet of transition/acceleration lanes on the mainline. The project includes drainage improvements and would bring existing pedestrian sidewalks and curb ramps to meet American with Disabilities Act (ADA) standards.						
Component		Implementing Agency				
PA&ED		San Bernardino County Transportation Authority (SBCTA)				
PS&E		San Bernardino County Transportation Authority (SBCTA)				
Right of Way		San Bernardino County Transportation Authority (SBCTA)				
Construction		San Bernardino County Transportation Authority (SBCTA)				
Legislative Districts						
Assembly:	52	Senate:	20	Congressional:	35	
Project Benefits						
Project will improve regional freeway access for the Cities of Chino and Montclair by improving operational efficiency along Central Avenue. The project will address forecasted increased travel associated with projected growth and movement of goods in the area. The project will also improve freeway operations by facilitating merging of vehicles entering SR-60 from Central Avenue. 2040 forecasted AADT for both on-ramps are 10,800 with peak hour volumes of 1,080.						
Purpose and Need						
Purpose: Improve traffic operations efficiency at the Interchange. Need: There is current and forecasted delays to local traffic and freeway access as a result from left turn queues exceeding storage. Through traffic congestion exceeds the acceptable Levels of Services according to the San Bernardino County Congestion Management Plan. There are also existing reduced standard roadway geometric features that require correction. SR-60 is a major commuter and goods movement route through large urbanized areas of Los Angeles,						
Category		Outputs			Unit	Total
Operational Improvements		Interchange modifications			EA	1
Operational Improvements		Auxiliary lanes			LF	1000
NHS Improvements	Yes	Roadway Class	NA	Reversible Lane analysis	No	
Inc. Sustainable Communities Strategy Goals		Yes	Reduces Greenhouse Gas Emissions		Yes	
Project Milestone					Existing	Proposed
Project Study Report Approved					05/22/16	
Begin Environmental (PA&ED) Phase						05/22/16
Circulate Draft Environmental Document				Document Type	CE	10/17/17
Draft Project Report						10/17/17
End Environmental Phase (PA&ED Milestone)						01/26/18
Begin Design (PS&E) Phase						10/18/17
End Design Phase (Ready to List for Advertisement Milestone)						06/15/20
Begin Right of Way Phase						10/18/17
End Right of Way Phase (Right of Way Certification Milestone)						06/05/20
Begin Construction Phase (Contract Award Milestone)						09/02/20
End Construction Phase (Construction Contract Acceptance Milestone)						04/27/23
Begin Closeout Phase						04/27/23
End Closeout Phase (Closeout Report)						10/28/23

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento,

Attachment: Exhibit A PPR SR 60 Central 05 27 20pc v2 (6768 : Central Avenue at State Route 60 Baseline Agreement)

08 – SBD – 60 – PM 2.08-2.59
Project ID 0800000064 EA 0C870K
Program Identification 800.100/HE13
August 2016


Project Study Report-Project Development Support (PSR-PDS)

To

Request Approval of a Locally Funded Project to Proceed to PA&ED Phase

On Central Avenue
at State Route 60 Interchange in the City of Chino

APPROVAL RECOMMENDED:


Garry Cohoe, P.E., SANBAG Director of Project
Delivery, Accepts Risks Identified in this PSR-PDS and
Attached Risk Register

APPROVAL RECOMMENDED:


Mohammad Mollazadeh, P.E.
Project Manager

APPROVED:


John Bulinski, P.E.
District Director


Date

Attachment: Exhibit B - SR 60 Central Ave IC signed PSR-PDS (6768 : Central Avenue at State Route 60 Baseline Agreement)

**Trade Corridor Improvement Fund
Project Benefits Form**

Project Title: SR 60 Central Ave Interchange Improvement

Project Category: *Capital Outlay/ Interchange Improvement*

Project Type: *Interchange Improvement*

Outputs: *Modified/ Improve 1 interchange*

Outcomes:

Safety:	The project will improve traffic operations which are anticipated to help mitigate some of the causes of collision types and factors within the Project limits
Velocity:	In 2040, the combined intersections for both the Eastbound and Westbound ramps show a total of 69 and 141 seconds saved per vehicle for the AM and PM peak hours.
Throughput:	With the Build Alternative, all study intersections would improve to acceptable operations during both the AM and PM Peak Hours
Reliability:	Relief of the congestion at each of these bottlenecks will reduce delay and improve reliability for the flow of commerce along Central Avenue.
Congestion Reduction:	Travel time savings are a significant benefit to this project not only for passenger vehicles, but for freight as well. It is anticipated there will be \$32.8M in passenger savings and an additional \$13.1M in freight benefits. This is realized through the time savings of 4.9M passenger hours saved over the life cycle of the project.
Emission Reduction:	Emission saved over 20 years CO2= 39,001 tons

Minute Action

AGENDA ITEM: 37

Date: June 3, 2020

Subject:

Resolution No. 20-049 for Federal Transit Administration Section 5310 Projects

Recommendation:

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

Adopt Resolution No. 20-049 which certifies that San Bernardino County Transportation Authority (SBCTA) projects under Federal Transit Administration Section 5310 are consistent with SBCTA's Public Transit-Human Service Transportation Coordinated Plan.

Background:

The Federal Transit Administration (FTA) Section 5310 grant program was established in 1975 and has been administered by the California Department of Transportation (Caltrans) since its inception. The goal of the 5310 program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available. On July 1, 2019, Caltrans issued a call for projects for the Fiscal Years (FY) 2017/2018 and FY 2018/2019, for FTA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program.

Eligible applicants include private non-profit organizations and public agencies. Traditional projects include vehicles and related equipment and must comprise at least 55 percent of the available funding. Expanded projects are those that exceed the requirements of the Americans with Disabilities Act and mobility management and comprise up to 45 percent of available funding.

For large urbanized areas (UZA) in San Bernardino County, as shown in the table below, approximately \$1,560,366 was available for programming for the FY 2017/2018 and FY 2018/2019 grant cycles.

Large Urbanized Areas			
Available Funding by UZA	Riv/SB UZA San Bernardino Valley	Victorville-Hesperia UZA	Total Funds for San Bernardino County
FY17/18	\$511,303	\$247,581	\$758,885
FY18/19	\$556,783	\$ 244,698	\$801,481
Two-Year Funding Available	\$1,068,086	\$492,279	\$1,560,366

For all other agencies that do not fall into a UZA, there was a statewide competitive process for small urban areas and rural areas.

FTA guidelines allow 5310 program funds to be used to provide up to 80 percent federal share of capital costs and require at least 20 percent in local match. For operating costs, federal funds can be awarded up to 50 percent. However, for the FY 2017/2018 and FY 2018/2019 funding cycles, as in the past three funding cycles, agencies will receive 100 percent project funding in 5310 funds with the usage of California state toll credits as local matching funds. Toll credits are a

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 3, 2020

Page 2

funding tool that can be utilized by states as a means of meeting local and state matching requirements for federal funding. State credits are accrued when capital investments are made in federally approved tolled facilities including toll roads and bridges.

Caltrans was responsible for administering and selecting projects for both the small urban, rural and large urbanized areas in San Bernardino County. However, San Bernardino County Transportation Authority (SBCTA) staff also reviewed and evaluated traditional project applications in the county.

Caltrans recommended for San Bernardino County (Attachments A and B) a total amount of \$1,866,643, which included five replacement vehicles, three expansion vehicles, five operating projects, and one mobility management project. Caltrans' recommendations were approved and awarded by the California Transportation Commission in March 2020. This included two rural projects in the Morongo Basin area.

All projects must be in line with the identified strategies of a local Public Transit-Human Services Transportation Coordinated Plan (Coordinated Plan). The SBCTA Coordinated Plan was adopted in March 2017. Prior to submittal of the proposed San Bernardino County projects to Caltrans, SBCTA staff reviewed applications to ensure that they were in line with the SBCTA Coordinated Plan. The projects listed and highlighted in yellow in Attachments A and B are all projects that are within San Bernardino County and are in line with the SBCTA Coordinated Plan. There are several projects under Riverside – San Bernardino UZA that are not highlighted. Those projects belong to Riverside County. Although SBCTA shares the same UZA, SBCTA does not certify that those projects meet the Coordinated Plan. At this time, staff is asking to adopt Resolution No. 20-049.

Financial Impact:

This item is consistent with the Fiscal Year 2019/2020 budget. There is no financial impact to SBCTA, as Caltrans disburses Section 5310 funds directly to the recipients.

Reviewed By:

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

Responsible Staff:

Nancy Strickert, Transit Program Manager

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

San Bernardino County Transportation Authority

RESOLUTION NO. 20-049**RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY CERTIFYING FEDERAL TRANSIT ADMINISTRATION SECTION 5310 PROJECT CONSISTENCY WITH THE PUBLIC TRANSIT – HUMAN SERVICES TRANSPORTATION COORDINATED PLAN**

WHEREAS, the San Bernardino County Transportation Authority (SBCTA) is charged with reviewing, evaluating, and programming for Federal Transit Administration's Section 5310 funding for transportation services to meet the needs of seniors and persons with disabilities for whom public transportation services are otherwise unavailable, insufficient or inappropriate; and

WHEREAS, SBCTA has scored and ranked the traditional project applications; and

WHEREAS, SBCTA is the Regional Transportation Planning Agency (RTPA) for San Bernardino County; and

WHEREAS, San Bernardino County projects approved by Caltrans are highlighted in yellow in Attachments A and B; and

WHEREAS, the Section 5310 process, as interpreted in Federal Transit Administration Circular 9070.1F, Section 4, requires the RTPA to include in the Federal Transportation Improvement Program each request awarded Section 5310 funding by Caltrans and to certify by resolution that the evaluated projects are derived from a locally developed, coordinated public transit-human services transportation plan.

NOW, THEREFORE BE IT RESOLVED, that the San Bernardino County Transportation Authority hereby finds:

1. The SBCTA has determined that the locally evaluated projects approved by Caltrans for Section 5310 funding are derived from the San Bernardino County Public Transit – Human Services Transportation Coordinated Plan (adopted on March 1, 2017).
2. Each of the projects awarded Section 5310 funding by Caltrans will be included in the Federal Transportation Improvement Program adopted for San Bernardino County.

PASSED AND ADOPTED by the San Bernardino County Transportation Authority at a regular meeting held June 3, 2020.

Darcy McNaboe, Board President
San Bernardino County Transportation Authority

ATTEST:

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

#	Agency	Caltrans District	Large UZA Region	PA/NP (1)	Project Description Vehicles/Equipment (2)	FTA Match (Toll Credits)	FTA 5310 Share	Total Project \$	Score
1	Eastern Contra Costa	4	Antioch	NP	Operating Assistance	\$ 95,391	\$ 95,391	\$ 190,782	60
2	Mobility Matters	4	Antioch	NP	Mobility Management	\$ 52,465	\$ 209,861	\$ 262,326	50
3	Delano Association for the Developmentally Disabled, Inc	6	Bakersfield	NP	Three (R) Large Buses	\$ 48,720	\$ 194,880	\$ 243,600	84
4	New Advances for People with Disabilities	6	Bakersfield	NP	One (R) Small Bus	\$ 14,240	\$ 56,960	\$ 71,200	78
5	New Advances for People with Disabilities	6	Bakersfield	NP	Three (R) Minivans	\$ 33,600	\$ 134,400	\$ 168,000	78
6	Valley Achievement Center	6	Bakersfield	NP	Three (SE) Medium Buses	\$ 46,020	\$ 184,080	\$ 230,100	80
7	Choice in Aging	4	Concord	NP	Operating Assistance	\$ 55,235	\$ 55,235	\$ 110,469	82
8	City of Lafayette: Lamorinda Spirit Van	4	Concord	PA	Operating Assistance	\$ 82,500	\$ 82,500	\$ 165,000	90
9	Contra Costa Transportation Authority	4	Concord	NP	Mobility Management	\$ 37,102	\$ 148,408	\$ 185,510	64
10	Golden Rain Foundation Walnut Creek	4	Concord	NP	Three R Large Buses	\$ 48,720	\$ 194,880	\$ 243,600	84
11	Golden Rain Foundation Walnut Creek	4	Concord	NP	One SE Medium Bus	\$ 15,340	\$ 61,360	\$ 76,700	80
12	Mobility Matters	4	Concord	NP	Mobility Management	\$ 35,601	\$ 142,404	\$ 178,005	60
13	The Respite Inn	4	Concord	NP	One R Minivan	\$ 11,200	\$ 44,800	\$ 56,000	72
14	Angel View, Inc.	8	Indio Cathedral	NP	One R Large Bus	\$ 16,240	\$ 64,960	\$ 81,200	88
15	Angel View, Inc.	8	Indio Cathedral	NP	Operating Assistance	\$ 69,398	\$ 69,398	\$ 138,795	95
16	Desert ARC	8	Indio Cathedral	NP	Two R Large Buses	\$ 32,480	\$ 129,920	\$ 162,400	87
17	Desert Blind Handicapped Association	8	Indio Cathedral	NP	Operating Assistance	\$ 40,000	\$ 40,000	\$ 80,000	82
18	Independent Living Partnership	8	Indio Cathedral	NP	Operating Assistance	\$ 84,000	\$ 84,000	\$ 168,000	96
19	Sunline Transit Agency	8	Indio Cathedral	PA	Four SE Minivans	\$ 44,800	\$ 179,200	\$ 224,000	89
20	Sunline Transit Agency	8	Indio Cathedral	PA	Computer Hardware (4)	\$ 1,030	\$ 4,120	\$ 5,150	88
21	Catholic Charities of the Diocese of Stockton	10	Modesto	NP	Operating Assistance	\$ 79,040	\$ 79,040	\$ 158,079	81
22	Howard Training Center	10	Modesto	NP	Two SE Large Buses	\$ 32,480	\$ 129,920	\$ 162,400	81
23	UCP of Stanislaus	10	Modesto	NP	Four SE Small Buses	\$ 56,960	\$ 227,840	\$ 284,800	82
24	Independent Living Partnership	8	Murrieta-Temecula	NP	Operating Assistance	\$ 138,295	\$ 138,295	\$ 276,590	96
25	Riverside Transit Agency	8	Murrieta-Temecula	NP	Mobility Management	\$ 76,062	\$ 304,249	\$ 380,311	94
26	Independent Living Partnership	8	Riverside-San Bernardino	NP	Operating Assistance	\$ 121,852	\$ 121,852	\$ 243,703	96
27	Loma Linda University Health	8	Riverside-San Bernardino	NP	Two SE Medium Buses	\$ 30,680	\$ 122,720	\$ 153,400	73
28	Loma Linda University Health	8	Riverside-San Bernardino	NP	One SE Small Bus	\$ 14,240	\$ 56,960	\$ 71,200	66
29	Lutheran Social Services	8	Riverside-San Bernardino	NP	Operating Assistance	\$ 145,641	\$ 145,641	\$ 291,282	95
30	Mountain Shadows Group	8	Riverside-San Bernardino	NP	Three R Minivans	\$ 33,600	\$ 134,400	\$ 168,000	94
31	Mountain Shadows Group	8	Riverside-San Bernardino	NP	Three SE Minivans	\$ 33,600	\$ 134,400	\$ 168,000	89
32	Omnitrans	8	Riverside-San Bernardino	PA	Three R Large Buses (CNG)	\$ 62,520	\$ 250,080	\$ 312,600	47
33	OPARC	8	Riverside-San Bernardino	NP	Operating Assistance	\$ 75,000	\$ 75,000	\$ 150,000	69
34	Peppermint Ridge	8	Riverside-San Bernardino	NP	Three SE Small Buses	\$ 42,720	\$ 170,880	\$ 213,600	53
35	Peppermint Ridge	8	Riverside-San Bernardino	NP	Operating Assistance	\$ 78,000	\$ 78,000	\$ 156,000	84
36	Riverside Transit Agency	8	Riverside-San Bernardino	PA	Mobility Management	\$ 56,653	\$ 226,614	\$ 283,267	94
37	Valley Resources for the Retarded Inc	8	Riverside-San Bernardino	NP	One R Minivan	\$ 11,200	\$ 44,800	\$ 56,000	79
38	Valley Resources for the Retarded Inc	8	Riverside-San Bernardino	NP	Two R Medium Buses	\$ 30,680	\$ 122,720	\$ 153,400	79
39	Valley Resources for the Retarded Inc	8	Riverside-San Bernardino	NP	Operating Assistance	\$ 67,877	\$ 67,877	\$ 135,754	85

(1) PA = Public Agency NP = Non-Profit
(2) R = Replacement SE = Service Expansion

#	Agency	Caltrans District	Large UZA Region	PA/NP (1)	Project Description Vehicles/Equipment (2)	FTA Match (Toll Credits)	FTA 5310 Share	Total Project \$	Score
88	Becoming Independent	4	Santa Rosa	NP	Two R Small Buses	\$ 28,480	\$ 113,920	\$ 142,400	83
89	Becoming Independent	4	Santa Rosa	NP	One R Medium Bus	\$ 15,340	\$ 61,360	\$ 76,700	83
90	City of Santa Rosa	4	Santa Rosa	PA	One R Large Bus	\$ 16,240	\$ 64,960	\$ 81,200	75
91	County of Sonoma, Human Services Department, Adult and Aging Division	4	Santa Rosa	PA	Operating Assistance	\$ 57,455	\$ 57,455	\$ 114,910	90
92	County of Sonoma, Human Services Department, Adult and Aging Division	4	Santa Rosa	PA	Mobility Management	\$ 2,161	\$ 8,643	\$ 10,804	90
93	County of Sonoma, Human Services Department, Adult and Aging Division	4	Santa Rosa	PA	Mobility Management	\$ 22,269	\$ 89,078	\$ 111,347	90
94	Catholic Charities of the Dioecies of Stockton	10	Stockton	NP	One SE Minivan	\$ 11,200	\$ 44,800	\$ 56,000	81
95	Catholic Charities of the Dioecies of Stockton	10	Stockton	NP	Two I-Pad Ranger Tablets	\$ 1,700	\$ 6,800	\$ 8,500	81
96	Catholic Charities of the Dioecies of Stockton	10	Stockton	NP	Scheduling Software	\$ 4,000	\$ 16,000	\$ 20,000	81
97	Catholic Charities of the Dioecies of Stockton	10	Stockton	NP	Mobility Management	\$ 51,721	\$ 206,882	\$ 258,603	81
98	San Joaquin RTD	10	Stockton	PA	Operating Assistance	\$ 49,906	\$ 199,623	\$ 249,529	81
99	Foothill AIDS Project	8	Victorville-Hesperia	NP	Operating Assistance	\$ 91,940	\$ 91,940	\$ 183,879	86
100	Victor Valley Community Services Council	8	Victorville-Hesperia	NP	Mobility Management	\$ 20,000	\$ 80,000	\$ 100,000	95
101	Victor Valley Transit Authority	8	Victorville-Hesperia	PA	Two R Large Buses (CNG)	\$ 41,680	\$ 166,720	\$ 208,400	83
102	City of Visalia	6	Visalia	PA	Mobility Management	\$ 28,538	\$ 114,154	\$ 142,692	100
103	Porterville Shelter Workshop	6	Visalia	NP	One R Larger Bus	\$ 18,400	\$ 73,600	\$ 92,000	87
104	Porterville Shelter Workshop	6	Visalia	NP	One R Large Bus	\$ 16,240	\$ 64,960	\$ 81,200	87
105	Porterville Shelter Workshop	6	Visalia	NP	Cameras (4)	\$ 1,997	\$ 7,988	\$ 9,985	87
106	Porterville Shelter Workshop	6	Visalia	NP	Mobile Radios (4)	\$ 317	\$ 1,266	\$ 1,583	87
107	Porterville Shelter Workshop	6	Visalia	NP	Q- Strains Hardware	\$ 738	\$ 2,954	\$ 3,692	87
108	Porterville Shelter Workshop	6	Visalia	NP	Computer Hardware (5)	\$ 1,548	\$ 6,194	\$ 7,742	87

(1) PA = Public Agency NP = Non-Profit
 (2) R = Replacement SE = Service Expansion

FTA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Draft 2019 Program of Projects Small Urban and Rural Prioritized List (score priority order)

February 5, 2020

#	AGENCY	County	Caltrans District	Small Urban or Rural	Project	Type (1)	Vin	Year	Miles	FTA 5310 Share	Local (Toll Credits)	Project Total	Cumulative (Federal \$)	Score
EXPANDED PROJECTS														
1	Seniors Council	SC	5	Small Urban	Operating Assistance	O				\$ 130,893	\$ 130,893	\$ 261,786	\$ 261,786	100
2	Common Ground Senior Services	CAL	10	Rural	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 561,786	100
3	Outreach & Escort INC (Outreach)	SC	4	Small Urban	Mobility Management	MM				\$ 136,246	\$ 34,062	\$ 170,308	\$ 732,094	97
4	Reach Out Morongo Basin	SBN	8	Rural	Operating Assistance	O				\$ 80,000	\$ 80,000	\$ 160,000	\$ 892,094	97
5	Town of Truckee	NEV	3	Small Urban	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 1,192,094	96
6	Outreach & Escort INC (Outreach)	SC	4	Small Urban	Operating Assistance	O				\$ 64,846	\$ 64,846	\$ 129,692	\$ 1,321,786	95
7	City of Rio Vista	SOL	4	Rural	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 1,621,786	95
8	Eastern Sierra Transit Authority	INY	9	Rural	Operating Assistance	O				\$ 35,000	\$ 35,000	\$ 70,000	\$ 1,691,786	94
9	The Arc of Amador and Calaveras	AMA	10	Rural	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 1,991,786	94
10	Tuolumne County Transit Agency	TUL	10	Rural	Operating Assistance	O				\$ 128,331	\$ 128,331	\$ 256,662	\$ 2,248,448	93
11	Faith in Action	SOL	4	Small Urban	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 2,548,448	92
12	Easy Lift Transportation, Inc.	SB	5	Small Urban	Operating Assistance	O				\$ 71,000	\$ 71,000	\$ 142,000	\$ 2,690,448	91
13	NCI Affiliates	SLO	5	Small Urban	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 2,990,448	91
14	Tehama County Transit Agency	TEH	2	Rural	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 3,290,448	91
15	Consolidated Tribal Health Project, Inc.	MEN	1	Rural	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 3,590,448	91
16	Wilshire Community Services	SLO	5	Small Urban	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 3,890,448	90
17	Community Partners In Caring	SB	5	Small Urban	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 4,190,448	90
18	Lake Transit Authority	LAK	1	Small Urban	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 4,490,448	90
19	County of Sonoma, Human Services Department, Adult and Aging Division	SON	4	Rural	Operating Assistance	O				\$ 80,000	\$ 80,000	\$ 160,000	\$ 4,650,448	90
20	Morongo Basin Transit Authority	SBN	8	Rural	Operating Assistance	O				\$ 117,668	\$ 117,668	\$ 235,336	\$ 4,885,784	89
21	Lake Links Inc.	LAK	1	Rural	Operating Assistance	O				\$ 46,400	\$ 46,400	\$ 92,800	\$ 4,978,584	87
22	ARC Imperial Valley	IMP	11	Rural	Operating Assistance	O				\$ 101,984	\$ 101,984	\$ 203,967	\$ 5,182,551	85
23	Coastal Seniors, Inc.	MEN	1	Rural	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 5,482,551	84
24	Lake Links Inc.	LAK	1	Rural	Mobility Management	MM				\$ 160,960	\$ 40,240	\$ 201,200	\$ 5,683,751	82
25	San Luis Obispo Council of Governments/SLO Regional Rideshare	SLO	5	Small Urban	Mobility Management	MM				\$ 240,000	\$ 60,000	\$ 300,000	\$ 5,983,751	81
													100% LINE	
Contingency List if Additional Funding Becomes Available														
1	Mental Health Client Action Network (MHCAN)	SC	5	Small Urban	Operating Assistance	O				\$ 108,345	\$ 108,345	\$ 216,689	\$ 216,689	80
2	City of Petaluma	SON	4	Small Urban	Mobility Management	MM				\$ 77,472	\$ 19,368	\$ 96,840	\$ 313,529	80
3	Amador Transit	AMA	10	Rural	Operating Assistance	O				\$ 28,242	\$ 28,242	\$ 56,484	\$ 370,013	79
4	Community Bridges/Lifeline	SC	5	Small Urban	Operating Assistance	O				\$ 99,500	\$ 99,500	\$ 199,000	\$ 569,013	78
5	Dignity Health Connected Living	SHA	2	Rural	Operating Assistance	O				\$ 87,700	\$ 87,700	\$ 175,400	\$ 744,413	75
6	Area 1 Agency on Aging	HUM	1	Rural	Operating Assistance	O				\$ 68,815	\$ 68,815	\$ 137,629	\$ 882,042	74
7	Humboldt Medi-Trans	HUM	1	Rural	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 1,182,042	71
8	North Valley Services	TEH	2	Rural	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 1,482,042	62
9	Camping Unlimited for Developmentally Disabled	SC	5	Small Urban	Operating Assistance	O				\$ 150,000	\$ 150,000	\$ 300,000	\$ 1,782,042	37

R = Replacement Vehicle MM = Mobility Management Red Text = Project Added
 SE = Service Expansion Vehicle OE = Operating Equipment Blue Text = Funding Reduction
 O = Operating Assistance

Minute Action

AGENDA ITEM: 38

Date: June 3, 2020

Subject:

Ontario International Airport Rail Access Alternatives Analysis & Unsolicited Proposal

Recommendation:

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

Direct staff to defer Request for Proposals No. 20-1002369 for preparation of Alternatives Analysis for the Ontario International Airport Rail Access Project by a few months, to allow staff to determine the viability of a tunnel option.

Background:

In March 2020, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved the release of Request for Proposals (RFP) No. 20-1002369 for preparation of an alternatives analysis (AA) for the Ontario International Airport (ONT) Rail Access Project (Project). SBCTA staff initiated the RFP and is in the midst of the proposal review process, with a target of presenting the associated contract to the Board for consideration at the July 2020 Board meeting. The AA was initiated after consultation in November 2019 with the Federal Transit Administration (FTA) and the ONT Roundtable stakeholder group based on the traditional steps needed to fund and deliver a large federalized capital project such as a surface rail connection traversing five to eight miles across an urbanized area.

The total cost of the AA, including oversight and public outreach, is estimated to be approximately \$3,000,000. Pending approval of the AA consultant contract by the SBCTA Board in July, it would position the Project to be ready to begin preliminary engineering and environmental clearance in 2023, which is estimated to cost \$14.5 million at that time. Should funding become available to allow the Project to progress, it is estimated the Project could be completed in 2030, taking into account right-of-way acquisition and a design-build delivery approach.

While rail access to ONT was not anticipated in the 2010-2040 Measure I Expenditure Plan, staff recommended moving forward with the AA. This was done recognizing completion of the Project, which is estimated to cost between \$1 billion and \$1.5 billion in 2020 dollars, requires a large infusion of revenue that is unknown at this time. Further, funding for operations and maintenance (O&M), which is estimated to cost between \$7 million and \$9 million in 2020 dollars annually, has not been identified and is not available from traditional sources accessible to SBCTA today. However, due to the extensive time it takes to develop a project of this scale, staff recommended proceeding with the AA in a manner that will assist with securing state and federal funding, understanding the current fiscally constrained situation.

Attachment A was included in the RFP to assist with defining the study area and the proposed alternatives to be analyzed. The proposed alternatives to be studied in the AA include the two preferred alignments resulting from the 2014 Rail Access Study, which involved multiple unit passenger rail service via the Rancho Cucamonga Metrolink station and light-rail transit service via the Montclair Transcenter. One modification is noted: the multiple unit passenger rail service is to be studied as a zero-emission multiple unit (ZEMU) service based on SBCTA's progress related to development of the ZEMU, which is planned to be operational in 2024.

Entity: San Bernardino County Transportation Authority

The AA will also study the use of the Alhambra Subdivision for a connection to Los Angeles Union Station, as it is the closest existing rail line to ONT, as well as a private partnership project with an emerging technology company such as The Boring Company (TBC) using their Loop technology. Loop is a high-speed underground public transportation system in which passengers are transported via compatible autonomous electric vehicles. It is estimated the AA will take eighteen (18) months to complete and will be done in consultation with the FTA and the Federal Aviation Administration where applicable.

Subsequent to initiating the RFP process, TBC submitted an unsolicited proposal for delivery of the ONT Loop. It includes an expedited delivery approach at a substantially reduced cost. The service model includes the use of autonomous electric vehicles making runs in a 2.8-mile-long tunnel between ONT and a possible future Metrolink station along the San Bernardino Line near its intersection with the County-owned Deer Creek Channel. There is also an option for a dual tunnel approach that would provide additional capacity. Similar public projects are under way at the Las Vegas Convention Center and in the City of Los Angeles, for a connection between Union Station and Dodger Stadium, called the Dugout Loop. The Dugout Loop is a 3.6-mile-long single tunnel; construction has not yet commenced. The Las Vegas Convention Center Loop includes two tunnels that are about one-mile-long. The contract was approved in May 2019; one tunnel is complete, and the second tunnel is approximately three-quarters complete. Start of service is on target for December 2020. There is also a one-mile test tunnel in the City of Hawthorne that was completed in 2018. Staff was able to speak with a representative from the Las Vegas Convention Center Loop project, who described the contract with TBC as providing a turn-key system (environmental approval, permitting, design and construction), with regulatory approval by the Clark County Building Department, with full review and oversight by a third-party consultant. Their next steps include finalizing an O&M agreement that includes the lease of the vehicles. Vehicles include a mixture of standard Tesla electric vehicles and modified high-occupancy Tesla electric vehicles which accommodate wheelchairs by means of access ramps. A similar model could be considered for the ONT Loop.

Staff sought direction from the SBCTA Transit Committee, which unanimously recommended staff put the AA RFP process on hold to further analyze TBC's proposal and report back to the Board in September 2020. One approach is to continue with the traditional project delivery process by completing an AA, or alternatively a scaled-back version of an AA, that would have an emphasis on positioning a preferred alternative to receive federal and/or state grant funding. Each of the primary alternatives listed in the RFP would be analyzed in a streamlined process for their operational effectiveness, capital and operating costs, potential fatal flaws, regulatory and permitting hurdles, interface with the ONT terminals, realistic funding opportunities for construction and operation, and adaptability to future ONT growth and master planning efforts. Coordination, timing and cost estimation of service improvements on the San Bernardino Line would be integrated with that process, consistent with the Metrolink Southern California Optimized Rail Expansion (SCORE) program.

Another option is to cancel the AA RFP and issue a Request for Information to see what other turn-key lower cost options might be available.

Consideration should be given to the pros and cons of each project approach/option as well as whether other project development options should be considered. Delivery under the traditional project delivery structure is well known, including the regulatory and procurement structure. The service models are established and existing or are under development in our region.

However, the process is estimated to take about ten (10) years to complete, including five (5) years for project development and right-of-way acquisition and five (5) years for construction, start up and testing. With any surface improvement option, there will be more right-of-way acquisition, disruption during construction, and substantial utility relocation work. It is estimated to cost between \$1 billion to \$1.5 billion in 2020 dollars and O&M is estimated to cost between \$7 million and \$9 million in 2020 dollars annually. The risks, while large, are likely better anticipated.

The alternative delivery and project approach with a subterranean tunnel would be new for our region. While autonomous vehicle technology is advancing, it might be necessary to have a two-pronged approach to operations whereby it is initially deployed with manned vehicles and then transitions to a full autonomous system monitored via an operation center. The project delivery process is anticipated to be substantially shorter, maybe taking less than 40-50% of the time allotted to deliver under a more traditional approach. The total estimated cost is expected to be substantially lower and in the range of 3-5% of the surface project cost. More information is needed on the cost of operations, but based on verbal information received, it could be about 40% less than the traditional service operation models. This requires additional verification, but it is expected to be less. Based on feedback from the Las Vegas Convention Center, the regulatory structure would require involvement of the San Bernardino County Building Department, jurisdictional fire departments, and third-party oversight (standard under the traditional delivery methods) and determination of the regulatory structure for operations. There may be other challenges that are not known at this time.

In addition, the larger subterranean project could require construction of an additional Metrolink or Arrow platform west of the Rancho Cucamonga station on the San Bernardino Line. Allowances for these additional improvements are taken into consideration in the cost savings noted above. It would also require ONT to determine how passengers would move around the airport property after exiting the tunnel near Terminal 2. One interim possibility, as suggested by ONT staff, is that they board a local circulator serving Terminal 2, Terminal 4, and the various employment centers serving the airport.

Financial Impact:

This item is consistent with the SBCTA Fiscal Year 2019/2020 budget.

Reviewed By:

This item was received by the Transit Committee on May 14, 2020, and the recommendation provided reflects the unanimous direction given by the Transit Committee. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item.

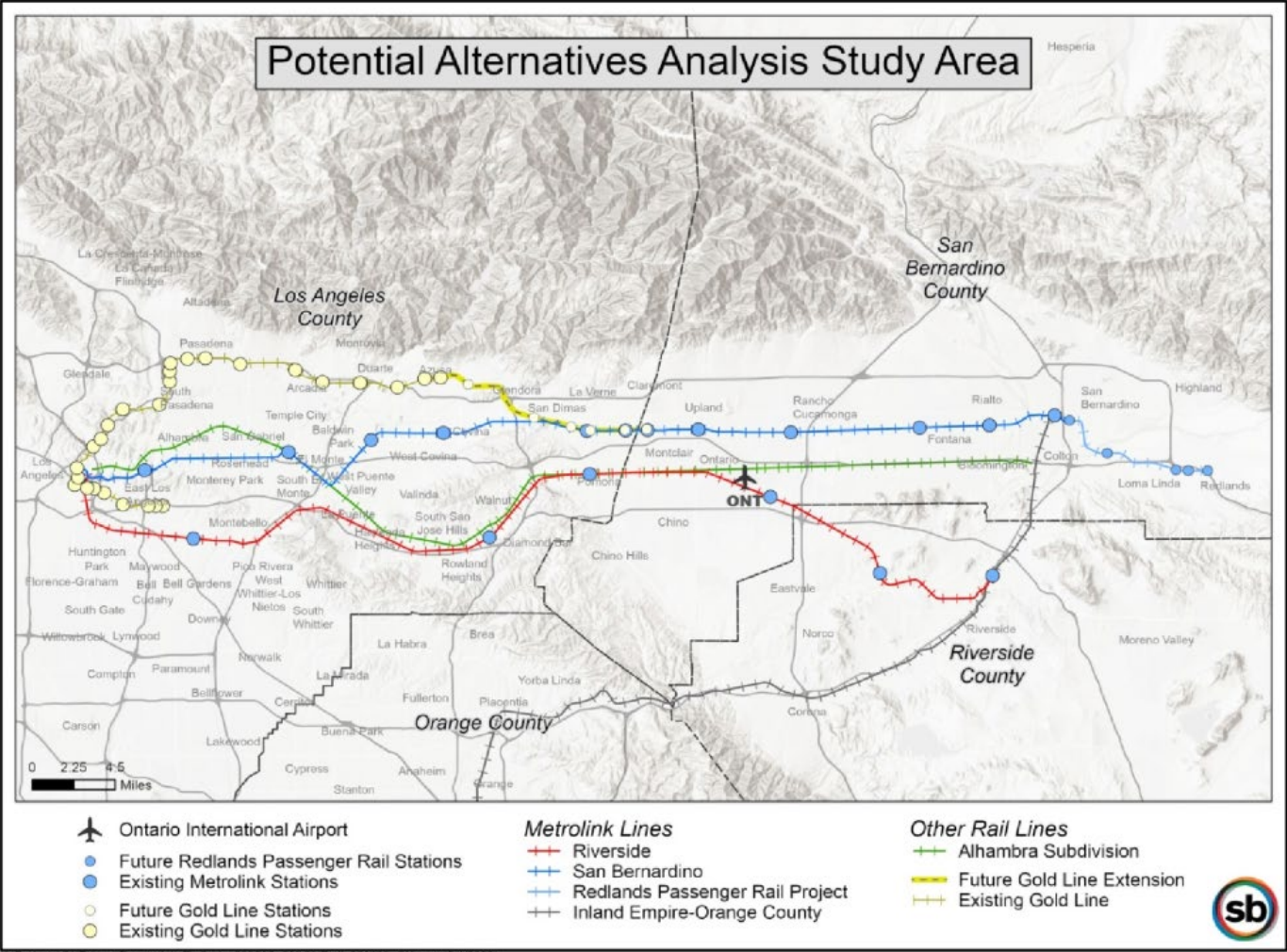
Responsible Staff:

Carrie Schindler, Director of Transit and Rail Programs

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

ATTACHMENT A



K:\Projects\ION\airportDemand_byZipCode_200205_CM\IONrail_200303_GK.aprx (3/4/2020)

Minute Action

AGENDA ITEM: 39

Date: June 3, 2020

Subject:

Report on Council of Governments Work Plan

Recommendation:

Receive a report on the San Bernardino Council of Governments Work Plan.

Background:

In October 2018, the San Bernardino Council of Governments Board of Directors (Board) approved the first Council of Governments (COG) Work Plan which included a budget and projections of expenditures. Since that time, staff has been working to implement the projects identified. This agenda item is a status report on the projects and general functions of the COG.

A listing of projects, status, project schedule and budget status can be found in Attachment 1. The COG Work Plan as adopted by the Board in October 2018 is Attachment 2.

Financial Impact:

This item has no financial impact.

Reviewed By:

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

Responsible Staff:

Monique Reza-Arellano, Council of Governments Administrator

Approved
Board of Directors
Date: June 3, 2020

Witnessed By:

Entity: San Bernardino Council of Governments

COG Work Plan Report May 2020

PROJECT	CURRENT STATUS	SCHEDULE PROJECTION	BUDGET STATUS
PUBLIC SAFETY Optimizing Emergency Medical Services in San Bernardino County	<ul style="list-style-type: none"> Contract Approval 9/4 Board October through January Several Stakeholder meetings Project on Hold due to Covid-19 	<ul style="list-style-type: none"> Dependent on Covid-19 Contract through December 	Project continues within budget. Existing contract for completion: \$151,000.
WORKFORCE DEVELOPMENT Automation Study	<ul style="list-style-type: none"> Findings presented in November and December to Committees and Board Final comments given to consultant 	<ul style="list-style-type: none"> Study Complete Will post to website pending final document 	Study Completed within budget: \$25,000
WORKFORCE DEVELOPMENT Workforce Development Program Inventory	<ul style="list-style-type: none"> Inventory complete among cities. Need to follow up with County. 	<ul style="list-style-type: none"> On – Hold due to Covid-19 Will take to City Managers and General Policy Committee upon completion of Inventory 	COG Staff Time
HOUSING Housing Policy/Legislation Inventory	<ul style="list-style-type: none"> Worked with CCMTAC and General Policy Committee to complete a Resolution of the Board identifying policy initiatives. Consultant currently working on legislation inventory and report on effects/impacts to local jurisdictions. Working with WRCOG to partner on items of a priority to both regions. 	<ul style="list-style-type: none"> Report to CCMTAC and GPC in June regarding policy impacts Work with WRCOG will continue 	Project continues within budget: Partial Staff Time and On-call budget for consultant of \$75,000
GENERAL COG FUNCTION COG Advisory Committee	<ul style="list-style-type: none"> Established and was meeting monthly initially to kick off the projects. Meetings will be scheduled quarterly beginning in June. 	Ongoing function	COG Staff Time

COG Work Plan Report May 2020

PROJECT	CURRENT STATUS	SCHEDULE PROJECTION	BUDGET STATUS
PUBLIC SAFETY Forest Management Plan: Cucamonga Canyon	<ul style="list-style-type: none"> Completed 5th draft of plan which includes law enforcement plan. 	Next Steps: <ul style="list-style-type: none"> Final comments Public Meetings Adoption by Agencies 	Plan continues within budget. Combined project cost with Lytle Creek Plan: \$189,000
PUBLIC SAFETY Forest Management Plan: Lytle Creek	<ul style="list-style-type: none"> Beginning Design Workshops United States Forest Service (USFS) completed a draft of the plan 	<ul style="list-style-type: none"> Stakeholder meetings Initial Comments 	<ul style="list-style-type: none"> Plan ongoing within budget. Combined project cost with Cucamonga Canyon plan: \$189,000 Will require contract extension. Working with USFS.
GENERAL COG FUNCTION Grant Process	Grant consultant working on recommendation to provide local agencies with information.	To be complete by June 30.	Project continues within budget: \$285,000
GENERAL COG FUNCTION Marketing	Consultant to begin survey of local agencies.	On hold pending Covid-19	Project continues within budget: \$75,000
GENERAL COG FUNCTION Census 2020	Coordinated cities and Inland Empire Complete Count Committee (IECCC) effort	Census Day was April 1 st .	COG Staff Time
PUBLIC SAFETY Coalition Against Sexual Exploitation	Staff worked with County Human Health Services (HHS) department and has not been able to identify a collaborative effort yet.	Project not moving forward at this time.	Funding removed.

COG Work Plan Report May 2020

PROJECT	CURRENT STATUS	SCHEDULE PROJECTION	BUDGET STATUS
GENERAL COG FUNCTION Regions Rising Together	Ongoing Collaborative Initiative to ensure inland counties are provided with consideration among such initiatives as housing and transportation.	Ongoing	COG Staff Time
GENERAL COG FUNCTION Resource for Collaboration	Ongoing. The COG functions to provide resource and opportunity for convening and collaboration.	Ongoing	COG Staff Time
GENERAL COG FUNCTION California Association Council of Governments (CALCOG)	Ongoing. The COG collaborates with the COG statewide agency and all COGs statewide.	Ongoing	COG Staff Time
GENERAL COG FUNCTION Alignment SBC	Ongoing. COG Staff advises on an interagency panel regarding education.	Ongoing	COG Staff Time
PUBLIC HEALTH Countywide Transformation Plan	Ongoing. COG Staff participates and advises on an intergovernmental/agency/sector panel	Ongoing	COG Staff Time
AIR QUALITY Regional Energy Network (REN)	Ongoing. Partnership collaboration with Western Regional Council of Governments (WRCOG) and Coachella Valley Association of Governments (CVAG) to explore the development and implementation of a REN for the counties of San Bernardino and Riverside.	Ongoing	COG Staff Time. Once business plan is developed and submitted to California Public Utilities Commission (CPUC) (Q1), and Inland REN (I REN) is approved, budget for FY 21/22 can be determined.

3

May 23, 2020

\\portal.sanbag.ca.gov\mgmt\workgroups\council\Shared Documents\

COG Work Plan Report May 2020

PROJECT	CURRENT STATUS	SCHEDULE PROJECTION	BUDGET STATUS
AIR QUALITY Electric Vehicle (EV) Readiness Plan	Complete. The plan provides prioritization and site for implementation of EV infrastructure regionwide.	Project Completed	The plan came in on budget. Plan was funded through a grant (\$181,000), and SBCOG labor match (\$31,126)..
PLANNING Dynamic Data Stories	Complete. https://sbcta.maps.arcgis.com/home/index.html	Project Complete	Staff Time
PLANNING Southern California Council of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)	Coordination on 2020 RTP/SCS complete. SCAG to adopt plan in May	Project Complete	Staff Time
PLANNING Senate Bill (SB) 743 Countywide Implementation Study	Ongoing. Final drafts of Phase one completed for local jurisdiction use.	Phase 2 moving forward pending SCAG procurement.	Project Phase I completed on budget: Local Jurisdiction Contribution

COG Work Plan Report May 2020

PROJECT	CURRENT STATUS	SCHEDULE PROJECTION	BUDGET STATUS
PLANNING Climate Adaptation Plan	Complete. Partner collaboration effort with WRCOG. Final Documents: http://www.wrcog.cog.ca.us/285/Resilient-IE	Project Complete	Project came in on budget: \$600,000
PLANNING Resilient Inland Empire (IE)	Ongoing. Collaborative of Inland Southern California Climate Collaborative	Ongoing	Member Dues: \$3,000
PLANNING Countywide Greenhouse Gas (GHG) Reduction Plan	Ongoing. Coordination with cities on selection of reduction measures and strategies.	Ongoing	Project on budget: \$450,000
PLANNING Safe Routes to School (SRTS) Programs	Delayed due to Covid-19 and school closures	Ongoing following Covid-19 measures	Staff time and Transportation Development Act (TDA) Article 3 Funds: \$300,000
PLANNING Active Transportation - Program Cycle 5	Ongoing – SBCOG/SBCTA assisting project applications for several jurisdictions	Ongoing	Staff Time and grant writing within budget.
PLANNING Regional Conservation Investment Strategy (RCIS)	Ongoing. Develop countywide alternative habitat/conservation plan.	Ongoing – in Request for Proposal (RFP) process	Wildlife Conservation Board (WCB) Grant Fund: \$600,000

Attachment B

COG Work Plan and Budget

	1	2	3	4	5	6	7
Program/ Project	Total Cost	SBCTA	Partners	Grant Funds	COG	Funding Needed	FY
1 Optimizing Emergency Medical Services in San Bernardino County	\$ 300,000.00		\$ 150,000.00		\$ 150,000.00	\$ -	18-19
2 Workforce Resource ID and Toolkit	\$ 130,000.00				\$ 130,000.00	\$ -	18-19
3 Housing Strategic Plan and Summit	\$ 300,000.00				\$ 300,000.00	\$ -	18-19
4 CASE/School District Coordination	\$ 50,000.00				\$ 50,000.00	\$ -	18-19
5 Speaker Series - Partnership with WRCOG	\$ 25,000.00				\$ 25,000.00	\$ -	18-19
6 Broadband Needs Assessment	\$ 90,000.00				\$ 90,000.00	\$ -	19-20
7 Internship Program Plan	\$ 100,000.00				\$ 100,000.00	\$ -	19-20
8 Shared Services Program Plan	\$ 200,000.00				\$ 200,000.00	\$ -	19-20
9 Policy Toolkit for Healthy Communities Strategy Implementation	\$ 150,000.00				\$ 67,000.00	\$ 83,000.00	20-21
10 Healthy Development Checklist 2.0	\$ 150,000.00					\$ 150,000.00	20-21
11 Local Staff Training/Collaboration	\$ 25,000.00					\$ 25,000.00	20-21
12 Regional/BiCounty Healthy Communities Summit	\$ 25,000.00					\$ 25,000.00	20-21
13 SB 1000 (EJ)	\$ 150,000.00					\$ 150,000.00	19-20
14 IEGO	\$ -				\$ -	\$ -	Ongoing
15 Summer Meals Partnership	\$ -				\$ -	\$ -	Ongoing
16 Census 2020	\$ -				\$ -	\$ -	Ongoing
17 Alignment SBC	\$ -				\$ -	\$ -	Ongoing
18 California Association of Councils of Government	\$ -				\$ -	\$ -	Ongoing
19 Countywide Transformation Plan	\$ -				\$ -	\$ -	Ongoing
20 Green House Gas Reduction Plan	\$ 400,635.00			\$ 400,635.00		\$ -	Ongoing
21 Countywide Habitat Preservation	\$ 400,000.00		\$ 220,000.00	\$ 30,000.00		\$ 150,000.00	Ongoing
22 Climate Adaptation	\$ 600,000.00			\$ 600,000.00		\$ -	Ongoing
23 ZEV	\$ 170,000.00			\$ 170,000.00		\$ -	Ongoing
24 Forest Management Plan	\$ 266,000.00		\$ 190,000.00		PB (76500)	\$ -	Ongoing
25 Open Data Portal Dashboard	\$ 50,000.00			\$ 30,000.00	\$ 20,000.00	\$ -	18-19
26 Marketing	\$ 75,000.00				\$ 75,000.00	\$ -	18-19
27 Grant Writing (Existing Contract)	\$ 379,500.00				PB (379,500)	\$ -	Ongoing
28 Grant Writing (new 2 year contract in 2019)	\$ 285,000.00	\$ 142,500.00			\$ 142,500.00	\$ -	19-20
	\$ 4,321,135.00	\$ 142,500.00	\$ 560,000.00	\$ 1,230,635.00	\$ 1,349,500.00	\$ 583,000.00	OG-21

PB is Previously Budgeted and Funded

Remaining Fund Balance \$ 50,500.00

ADDITIONAL INFORMATION

BOARD OF DIRECTORS ATTENDANCE RECORD – 2020

Name	Jan	Feb	March	April	May	May 14 Special Mtg.	June	July	Aug DARK	Sept	Oct	Nov	Dec
Robert A. Lovingood Board of Supervisors	X		X	X	X	X							
Janice Rutherford Board of Supervisors	X			X	X	X							
Dawn Rowe Board of Supervisors	X		X	X	X	X							
Curt Hagman Board of Supervisors	X		X	X	X	X							
Josie Gonzales Board of Supervisors	X		X	X	X	X							
Gabriel Reyes City of Adelanto				X	X								
Art Bishop Town of Apple Valley	X		X	X	X								
Julie McIntyre City of Barstow			X	X	X	X							
Bill Jahn City of Big Bear Lake	X		X	X	X	X							
Eunice Ulloa City of Chino	X		X	X	X	X							
Ray Marquez City of Chino Hills	X		X	X	X	X							
Frank Navarro City of Colton	X		X	X	X	X							
Acquanetta Warren City of Fontana	X		X	X	X	X							
Darcy McNaboe City of Grand Terrace	X		X	X	X	X							
Rebekah Swanson City of Hesperia	X		X	X	X	X							
Larry McCallon City of Highland	X		X	X	X	X							

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. Shaded box=no meeting

BOARD OF DIRECTORS ATTENDANCE RECORD – 2020

Name	Jan	Feb	March	April	May	May 14 Special Mtg.	June	July	Aug DARK	Sept	Oct	Nov	Dec
Rhodes ‘Dusty’ Rigsby City of Loma Linda	X		X	X	X	X							
John Dutrey City of Montclair	X		X	X	X	X							
Edward Paget City of Needles			X		X	X							
Alan Wapner City of Ontario			X	X	X	X							
L. Dennis Michael City of Rancho Cucamonga	X		X	X	X	X							
Toni Momberger City of Redlands	X		X	X	X	X							
Deborah Robertson City of Rialto	X		X	X	X	X							
John Valdivia City of San Bernardino	X			X	X	X							
Joel Klink City of Twentynine Palms	X		X	X	X	X							
Debbie Stone City of Upland	X		X	X	X								
Jim Cox City of Victorville	X		X	*	*	X							
David Avila City of Yucaipa	X		X		X	X							
Rick Denison Town of Yucca Valley	X		X	X	X	X							
Michael Beauchamp Ex-Official Member	X		Diane Morales	X	Michael Beauchamp								

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. Shaded box=no meeting

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

AGENCY REPORTS



REPORT: Mobile Source Air Pollution Reduction Review Committee

FROM: Larry McCallon, SBCTA Representative to the MSRC

SYNOPSIS: Below is a summary of key issues addressed at the MSRC's meeting on April 16, 2020. The next meeting is scheduled for Thursday, May 21, 2020 at 2:00 p.m.

MSRC Operational Policies and Procedures

The enabling legislation for the MSRC calls for the members of the MSRC to select the Regional Rideshare Agency (RRA) which will designate its MSRC representative. In order to ensure a smooth rotation of the RRA now and in the future, the MSRC approved modifications to its Operational Policies and Procedures. Effective April 16, 2020, the RRA position will rotate every two years among the four County Transportation Commissions represented on the MSRC. San Bernardino County Transportation Authority shall be the initial designee, followed by Orange County Transportation Authority, then Riverside County Transportation Authority and then Los Angeles County Metropolitan Transportation Authority. This rotation shall continue in subsequent years.

FYs 2016-2018 Work Program

Hydrogen Infrastructure Partnership Program

To date, the MSRC has awarded \$1,000,000 under its FYs 2016-18 Hydrogen Infrastructure Partnership Program, which currently has a concept description submittal deadline of April 10, 2020. Several other entities have indicated interest in the program, particularly in recent weeks since the California Energy Commission released their Clean Transportation Program for Hydrogen Refueling Infrastructure. However, many of these same potential partners have indicated that they need more time to develop large scale projects for submittal to the MSRC. The MSRC considered the recommendation of its MSRC-TAC and extended the submittal deadline to April 9, 2021.

FYs 2018-2021 Work Program

Voucher Incentive Program (VIP) Plus Up Incentive

Using funds provided by the California Air Resources Board, South Coast AQMD implements the VIP to encourage the replacement of older, higher-polluting vehicles with newer, lower-emission vehicles which meet the 0.2 g/bhp-hr standard. The program features a rapid response time and is limited to small fleets of 10 or fewer vehicles.

There is an opportunity for the MSRC to partner with South Coast AQMD to support vehicle owners in going a step further to achieve emissions of 0.02 g/bhp-hr or less. Incentives would range up to a maximum of \$100,000 for Class 7 and 8 trucks. Other than the funding caps, all requirements of the VIP Guidelines would remain in place. The MSRC considered the recommendations of its MSRC-TAC and approved an initial funding allocation of \$5,000,000 for partnering with the South Coast AQMD for the VIP Plus Up Incentive with a sunset date of December 31, 2021.

Update on MSRC's Regional Goods Movement Program

Previously, the MSRC established four subject matter areas for the Regional Goods Movement Program of its FYs 2018-21 Work Program. This update focused on two of those subject matter areas. For the "Inland Ports" category, the Warehouse and Distribution Center Program Opportunity Notice closed on February 21st with a \$20,000,000 funding target. Eleven responses, requesting a total of \$80,904,500 for projects valued at over \$250,000,000, were received by the deadline. The Inland Ports Evaluation Subcommittee is working on identifying potential partnerships to leverage MSRC funds and establishing a short list to bring to the MSRC for consideration in the next two or three months. For the "Last Mile" category, the Southern California Association of Governments (SCAG) is offering to administer a program on behalf of MSRC. The MSRC authorized SCAG to submit a sole-source proposal for consideration, first by the Last Mile Subcommittee, and subsequently the MSRC-TAC and MSRC.

Contract Modification Requests

The MSRC considered two contract modification requests and took the following actions:

1. For the City of Azusa, Contract #ML16032, which provided \$474,925 to implement a "complete streets" pedestrian access project, a nine-month term extension; and
2. For the Riverside County Transportation Commission (RCTC), Contract #MS14059, which provided \$1,250,000 to implement various signal synchronization projects, a twenty-one month extension.

Contracts Administrator's Report

The MSRC's AB 2766 Contracts Administrator provides a written status report on all open contracts from FY 2004-05 through the present.

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 L. McCallon D. Robertson L. Michael R. Marquez B. Jahn R. Ramirez C. Hagman	B. Jahn R. Ramirez	D. Robertson	F. Navarro L. McCallon L. Michael R. Marquez 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.		David Avila Ed Paget Acquanetta Warren	Cynthia Moran John Valdivia Toni Momberger	John Dutrey

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.	12/31/21
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.	12/31/21 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	<p>Responsible for developing the integrated Regional Water Management Plan for the Santa Ana River.</p> <p>The term of the appointment is for four years for a city representative from San Bernardino County.</p> <p>Officers leaving elected office after appointment are still eligible to serve. Beginning January 2016, the OWOW meets on the 4th Thursday of every other month at 11:00 a.m. at the Santa Ana Watershed Project Authority (SAWPA). Members of the Steering Committee do not receive a stipend.</p>	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 Ray Marquez, Chino Hills, Alternate John Dutrey, Montclair, Alternate	Board of Directors (Recommendation made by the Transit Committee)	<p>SCRRA serves as the governing body for Metrolink, the regional commuter rail system serving the five Southern California Counties.</p> <p>Members receive payment of \$100 per day from SCRRA for participation.</p>	Indefinite
SR 91 Advisory Committee	Ray Marquez, Chino Hills, Ex-Officio Member	Board of Directors	<p>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.</p> <p>SBCTA has not authorized payment of stipend for participation.</p>	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)

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>General Policy Committee</p> <p>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)</p> <p>City members shall be SBCTA Board Members elected by caucus of city SBCTA Board Members within the subarea.</p> <p>Policy Committee and Board Study Session Chairs are members of this policy committee.</p> <p>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.</p> <p>The SBCTA Vice President shall serve as Chair of the General Policy Committee.</p>	<p>Makes recommendations to Board of Directors and:</p> <p>(1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity;</p> <p>(2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization;</p> <p>(3) Serves as policy review committee for any program area that lacks active policy committee oversight.</p> <p>Committee has authority to approve contracts in excess of \$25,000 with notification to the Board of Directors.</p> <p>(Brown Act)</p>	<p><u>West Valley</u></p> <p>Alan Wapner, Ontario (Past President) L. Dennis Michael, Rancho Cucamonga Acquanetta Warren, Fontana Curt Hagman, Supervisor (Chair MVSS)</p> <p><u>East Valley</u></p> <p>Frank Navarro, Colton (Chair/Vice President) Darcy McNaboe, Grand Terrace (Vice Chair/President) Larry McCallon, Highland Josie Gonzales, Supervisor</p> <p><u>Mountain/Desert</u></p> <p>Bill Jahn, Big Bear Lake (Chair TC) Art Bishop, Apple Valley Rick Denison, Yucca Valley (Chair MDC) Dawn Rowe, Supervisor</p> <p>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.</p>	<p>6/30/2020 6/30/2020 6/30/2020 6/30/2020</p> <p>6/30/2020 6/30/2020 6/30/2020 6/30/2020</p> <p>6/30/2020 6/30/2020 6/30/2020 6/30/2020</p>
<p>Transit Committee</p> <p>Membership consists of 12 SBCTA Board Members: 10 Valley-members, two being Southern California Regional Rail Authority (SCRRA) primary (*) and two being SCRRA alternate (**) members, and 2 Mountain/Desert Board Members.</p> <p>SCRRA members and alternates serve concurrent with their term on the SCRRA Board of Directors as appointed by the SBCTA Board.</p> <p>Other members are appointed by the SBCTA President for 2-year terms.</p>	<p>Provides policy guidance and recommendations to the SBCTA Board of Directors and Southern California Regional Rail Authority (SCRRA) delegates with respect to commuter rail and transit service.</p> <p>* SCRRA Primary Member ** SCRRA Alternate Member</p> <p>(Brown Act)</p>	<p>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* Acquanetta Warren, Fontana Ray Marquez, Chino Hills** Dawn Rowe, Supervisor John Valdivia, San Bernardino</p>	<p>12/31/2020 (6/30/2020) 12/31/2021 (6/30/2020) 12/31/2021 Indeterminate Indeterminate 12/31/2020 12/31/2020 Indeterminate 12/31/2021 Indeterminate 12/31/2020 12/31/2020</p>

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)	Robert A. Lovingood, Supervisor (Chair) Dawn Rowe, Supervisor (Vice Chair) Gabriel Reyes, Adelanto Art Bishop, Apple Valley Julie McIntyre, Barstow Bill Jahn, Big Bear Lake Rebekah Swanson, Hesperia Edward Paget, Needles Joel Klink, Twentynine Palms Jim Cox, Victorville Rick Denison, Yucca Valley Janice Rutherford, Supervisor	Indeterminate (6/30/202 Indeterminate (6/30/202 Indeterminate 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 Curt Hagman, Supervisor (Chair) Dawn Rowe, Supervisor (Vice Chair)	6/30/2020 6/30/2020

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	TERMS
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 Art Bishop, Town of Apple Valley	12/31/2020 12/31/2020 12/31/2020 12/31/2020 12/31/2020 12/31/2020 12/31/2020 12/31/2020 12/31/2020 12/31/2020 12/31/2020

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 At Large Members 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 5310 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 5310 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</p> <p>Mountain Area Regional Transit Authority</p> <p>Needles Area Transit</p> <p>Omnitrans</p> <p>Victor Valley Transit Authority</p> <p>County of San Bernardino Dept. of Public Works</p> <p>At Large Membership –</p> <p>San Bernardino Dept. of Aging and Adult Services</p> <p>Foothill Aids</p> <p>OPARC</p> <p>Option House</p> <p>Loma Linda Medical Center</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>6/30/2022</p> <p>5/31/2020</p>

Meeting Dates and Time: Bi monthly, beginning in January, 2nd Tuesday of the month, 10:00 a.m., (Location rotates: SBCTA Office, VVTA, MBTA)

Communication: Committee Membership (Committee Membership)

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) Gerry Newcombe (B) Wayne Hendrix (C) Rick Gomez (D) Mike Layne (E) Darcy McNaboe, Ex-Officio Ray Wolfe, Ex-Officio</p>	<p>12/31/20 12/31/20 12/31/22 12/31/22 12/31/22 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
Omnitrans/San Bernardino County Transportation Authority Ad Hoc Committee In April 2019, President McNaboe appointed SBCTA members to this ad hoc committee.	To provide policy guidance related to funding allocations and project delivery.	Ron Dailey, Loma Linda (Omnitrans) Penny Lilburn, Highland (Omnitrans) Sam Spagnolo, Rancho Cucamonga (Omnitrans) Darcy McNaboe, Grand Terrace (SBCTA) Dusty Rigsby, Loma Linda (SBCTA) Ray Marquez, Chino Hills (SBCTA)

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.



MISSION STATEMENT

Our mission is to improve the quality of life and mobility in San Bernardino County. Safety is the cornerstone of all we do.

We achieve this by:

- Making all transportation modes as efficient, economical, and environmentally responsible as possible.
- Envisioning the future, embracing emerging technology, and innovating to ensure our transportation options are successful and sustainable.
- Promoting collaboration among all levels of government.
- Optimizing our impact in regional, state, and federal policy and funding decisions.
- Using all revenue sources in the most responsible and transparent way.

Approved December 4, 2019