AGENDA
Mountain/Desert Policy Committee

May 15, 2020
9:30 AM

MEETING ACCESSIBLE VIA ZOOM AT: https://zoom.us/j/99429484708

Teleconference
Dial: 1-669-900-6833
Meeting ID: 994 2948 4708

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

Mountain/Desert Policy Committee Membership

**Chair**
Rick Denison, Council Member
Town of Yucca Valley

Julie McIntyre, Mayor
City of Barstow

Joel Klink, Mayor
City of Twentynine Palms

**Vice Chair**
Robert A. Lovingood
Board of Supervisors

Bill Jahn, Council Member
City of Big Bear Lake

Jim Cox, Council Member
City of Victorville

Gabriel Reyes, Mayor
City of Adelanto

Rebekah Swanson, Council Member
City of Hesperia

Dawn Rowe
Board of Supervisors

Art Bishop, Council Member
Town of Apple Valley

Ed Paget, Vice Mayor
City of Needles

Janice Rutherford
Board of Supervisors
San Bernardino County Transportation Authority
San Bernardino Council of Governments

AGENDA

Mountain/Desert Policy Committee

May 15, 2020
9:30 AM

MEETING ACCESSIBLE VIA ZOOM AT: https://zoom.us/j/99429484708

Teleconference
Dial: 1-669-900-6833
Meeting ID: 994 2948 4708

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 May 14, 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 Rick Denison)

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

Possible Conflict of Interest Issues

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

1.  Information Relative to Possible Conflict of Interest

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

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

Discussion - Administrative Matters

2. Election of Committee Chair and Vice Chair

Conduct elections for members to serve as Chair and Vice Chair of the San Bernardino County Transportation Authority (SBCTA) Mountain/Desert Policy Committee for terms to end June 30, 2021.

Presenter: Andrea Zureick

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

Discussion - Regional/Subregional Planning

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

That the Mountain/Desert Policy Committee recommend 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 is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and the draft cooperative agreement.

4. 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

That the Mountain/Desert Policy Committee recommend 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 is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Risk Manager, and Procurement Manager have reviewed the original agreement and the revised version.

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

Receive a presentation regarding 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**

This agenda item is also scheduled for review by the Board of Directors Metro Valley Study Session on May 14, 2020. 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.

**Discussion - Transportation Programming and Fund Administration**

6. **Revisions to Measure I Strategic Plan Policies - Victor Valley Subarea**

That the Mountain/Desert Policy Committee recommend 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: Eric Jacobsen**

This item is not scheduled for review by any other policy committee. It was 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.

7. **Revisions to Measure I Strategic Plan Policies - Rural Mountain/Desert Subareas**

That the Mountain/Desert Policy Committee recommend 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: Eric Jacobsen**

This item is not scheduled for review by any other policy committee. It was 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.
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 May 14, 2020.

Comments from Board Members

Brief Comments from Board Members

ADJOURNMENT

Additional Information

Attendance
Acronym List
Mission Statement

The next Mountain/Desert Policy Committee meeting is scheduled for June 12, 2020.
**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
Minute Action

AGENDA ITEM: 1

Date: May 15, 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:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Contract No.</th>
<th>Principals &amp; Agents</th>
<th>Subcontractors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

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

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

Responsible Staff:
Andrea Zureick, Director of Fund Administration

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

Approved
Mountain-Desert Committee
Date: May 15, 2020
Witnessed By:
**Minute Action**

AGENDA ITEM: 2

**Date:** May 15, 2020

**Subject:**
Election of Committee Chair and Vice Chair

**Recommendation:**
Conduct elections for members to serve as Chair and Vice Chair of the San Bernardino County Transportation Authority (SBCTA) Mountain/Desert Policy Committee for terms to end June 30, 2021.

**Background:**
Terms for the Chair and Vice Chair of each of the San Bernardino County Transportation Authority (SBCTA) policy committees and Metro Valley Study Session expire on June 30, 2020. Election of Chair and Vice Chair for each of the policy committees and Metro Valley Study Session is normally scheduled to immediately follow the annual election of SBCTA Officers, which will occur at the June Board of Directors meeting. This item is being brought to the Mountain/Desert Policy Committee members ahead of the June Board of Directors meeting because there is a strong possibility that there will not be a Mountain/Desert Policy Committee meeting in June.

This item provides for an election to be conducted, which will identify the Chair and Vice Chair of the Mountain/Desert Policy Committee to serve until June 30, 2021. A complete listing of SBCTA policy committees, memberships, and chairs is attached to this item for reference.

**Financial Impact:**
This item has no financial impact on the Fiscal Year 2019/2020 budget, or the proposed Fiscal Year 2020/2021 budget.

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

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

---

Approved
Mountain-Desert Committee
Date: May 15, 2020
Witnessed By:

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority
## San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

<table>
<thead>
<tr>
<th>COMMITTEE</th>
<th>PURPOSE</th>
<th>MEMBERSHIP</th>
<th>TERMS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Policy Committee</strong></td>
<td>Makes recommendations to Board of Directors and:</td>
<td>West Valley</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) Provides general policy oversight which spans the multiple program</td>
<td>Alan Wapner, Ontario (Past President)</td>
<td>6/30/2020</td>
</tr>
<tr>
<td></td>
<td>responsibilities of the organization and maintains the comprehensive</td>
<td>L. Dennis Michael, Rancho Cucamonga</td>
<td>6/30/2020</td>
</tr>
<tr>
<td></td>
<td>organization integrity;</td>
<td>Acquanetta Warren, Fontana</td>
<td>6/30/2020</td>
</tr>
<tr>
<td></td>
<td>(2) Provides policy direction with respect to administrative issues,</td>
<td>Curt Hagman, Supervisor (Chair MVSS)</td>
<td>6/30/2020</td>
</tr>
<tr>
<td></td>
<td>policies, budget, finance, audit, and personnel issues for the</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>organization;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(3) Serves as policy review committee for any program area that</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>lacks active policy committee oversight.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Committee has authority to approve contracts in excess of $25,000 with</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>notification to the Board of Directors.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Brown Act)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transit Committee</strong></td>
<td>Provides policy guidance and recommendations to the SBCTA Board of</td>
<td>Bill Jahn, Big Bear Lake (Chair)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Directors and Southern California Regional Rail Authority (SCRRA)</td>
<td>L. Dennis Michael, Rancho Cucamonga</td>
<td></td>
</tr>
<tr>
<td></td>
<td>delegates with respect to commuter rail and transit service.</td>
<td>Alan Wapner, Colton</td>
<td></td>
</tr>
<tr>
<td></td>
<td>* SCRRA Primary Member</td>
<td>John Dutrey, Montclair**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>** SCRRA Alternate Member</td>
<td>Larry McCallon, Highland*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Brown Act)</td>
<td>David Avila, Yucaipa</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Deborah Robertson, Rialto</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alan Wapner, Ontario*</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Acquanetta Warren, Fontana</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ray Marquez, Chino Hills**</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dawn Rowe, Supervisor</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>John Valdivia, San Bernardino</td>
<td></td>
</tr>
</tbody>
</table>

* SCRRA Primary Member
** SCRRA Alternate Member

### East Valley
- Frank Navarro, Colton (Chair/Vice President)
- Darcy McNaboe, Grand Terrace (Vice Chair/President)
- Larry McCallon, Highland
- Josie Gonzales, Supervisor

** West Valley
- Alan Wapner, Ontario (Past President)
- L. Dennis Michael, Rancho Cucamonga
- Acquanetta Warren, Fontana
- Curt Hagman, Supervisor (Chair MVSS)

### Mountain/Desert
- Bill Jahn, Big Bear Lake (Chair TC)
- Art Bishop, Apple Valley
- Rick Denison, Yucca Valley (Chair MDC)
- Dawn Rowe, Supervisor

** 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.**

** (Brown Act)**

---

For additional information, please refer to the attached document "SBCTA Policy Committee Membership (6374 : Election of Committee Chair and Vice Chair)".
## 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.  
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) | Provides ongoing policy level oversight related to the full array of SBCTA responsibilities as they pertain specifically to the Mountain/Desert subregion.  
| Rick Denison, Yucca Valley (Chair)  
Robert A. Lovingood, Supervisor (Vice Chair)  
Rebekah Swanson, Hesperia  
Art Bishop, Apple Valley  
Julie McIntyre, Barstow  
Bill Jahn, Big Bear Lake  
Gabriel Reyes, Adelanto  
Joel Klink, Twentynine Palms  
Jim Cox, Victorville  
Edward Paget, Needles  
Dawn Rowe, Supervisor  
Dawn Rowe, Supervisor  
Janice Rutherford, Supervisor | Indeterminate (6/30/2022)  
Indeterminate (6/30/2022)  
Indeterminate  
Indeterminate  
Indeterminate  
Indeterminate  
Indeterminate  
Indeterminate  
Indeterminate  
Indeterminate

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

### 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.  
(Brown Act) | 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. | 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 |
---|---|---|
**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.  
(Brown Act) | 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. | 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
### Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)

<table>
<thead>
<tr>
<th>COMMITTEE</th>
<th>PURPOSE</th>
<th>MEMBERSHIP</th>
<th>TERMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)</td>
<td>Subject to the Transportation Development Act (TDA) Section 99238 – establishes PASTACC’s statutory responsibilities; (1) Review and make recommendations on annual Unmet Transit Needs hearing findings (2) Score and make recommendations for Federal Transit Administration Section 5310 Capital Grant Program applications (3) Assist SBCTA in developing public outreach approach on updating the Coordinated Public Transit/Human Services Transportation Plan (4) Review call for projects for Federal Transit Administration Section 5310 grant applications (5) Monitor and make recommendations on Federal regulatory processes as they relate to transit and specialized transit (6) Monitor and disseminate information in reference to State level law and recommendations as they relate to transit and specialized transit (7) Receive annual reports on funded specialized programs funded through FTA Section 5310 and Measure I (8) Identify regional or county level areas of unmet needs (9) Address special grant or funding opportunities (10) Address any special issues of PASTACC voting and non-voting members</td>
<td>Standing Membership – Morongo Basin Transit Authority Mountain Area Regional Transit Authority Needles Area Transit Omnitrans Victor Valley Transit Authority County of San Bernardino Dept. of Public Works At Large Membership – San Bernardino Dept. of Aging and Adult Services Foothill Aids OPARC Option House Loma Linda Medical Center</td>
<td>On-going On-going On-going On-going On-going On-going On-going 5/31/2020 9/30/2020 9/30/2020 6/30/2022 5/31/2020</td>
</tr>
</tbody>
</table>

**Meeting Dates and Time:** Bi monthly, beginning in January, 2nd Tuesday of the month, 10:00 a.m. (Location rotates: SBCTA Office, VVTA, MBTA)
Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan

**COMMITTEE**

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

**PURPOSE**

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.

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.

**MEMBERSHIP**

Donald Driftmier (A)  
Gerry Newcombe (B)  
Wayne Hendrix (C)  
Rick Gomez (D)  
Mike Layne (E)  
Darcy McNaboe, Ex-Officio  
Ray Wolfe, Ex-Officio

**TERMS**

12/31/20  
12/31/20  
12/31/22  
12/31/22  
12/31/22

In addition to the appointed members, the SBCTA President and Executive Director will serve as ex-officio members.

---

**SBCTA Ad Hoc Committees**

**COMMITTEE**

Legislative

In March 2013, the SBCTA Board President appointed this ad hoc committee.

This committee will consist of the SBCTA Board Officers.

**PURPOSE**

Review proposed legislation at the state and federal level. Provide direction to staff on positions consistent with the Board-adopted legislative platform.

**MEMBERSHIP**

President – Darcy McNaboe, Grand Terrace  
Vice President – Frank Navarro, Colton  
Immediate Past President – Alan Wapner, Ontario

---

Attachment: SBCTA Policy Committee Membership (6374 : Election of Committee Chair and Vice Chair)
### Council of Governments Ad Hoc Committee
In June 2016, the SBCTA Board President appointed this ad hoc committee.

- To provide direction relative to the Council of Governments annual work plan.
- Alan Wapner, Ontario – Chair
- Josie Gonzales, Supervisor
- Bill Jahn, Big Bear Lake
- Larry McCallon, Highland
- L. Dennis Michael, Rancho Cucamonga
- Frank Navarro, Colton
- Janice Rutherford, Supervisor

### ByLaws Ad Hoc Committee
In December 2016, the Board of Directors authorized the reactivation of the Ad Hoc Committee and the President to make appointments.

- To study the Bylaws and make recommendations to the Board on necessary or desirable Bylaws amendments.
- Alan Wapner, Ontario
- Robert Lovingood, County of San Bernardino
- Janice Rutherford, County of San Bernardino
- Dusty Rigsby, Loma Linda

### 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 Liburn, Highland (Omnitrans)
- Sam Spagnolo, Rancho Cucamonga (Omnitrans)
- Darcy McNaboe, Grand Terrace (SBCTA)
- Dusty Rigsby, Loma Linda (SBCTA)
- Ray Marquez, Chino Hills (SBCTA)

### Visioning Ad Hoc Committee
In June 2019, the SBCTA Board President appointed SBCTA members to this ad hoc committee.

- To review the Mission Statement.
- Julie McIntyre, Barstow
- Eunice Ulloa, Chino
- Darcy McNaboe, Grand Terrace
- Rebekah Swanson, Hesperia
- John Dutrey, Montclair
- John Valdivia, San Bernardino
- Janice Rutherford, County of San Bernardino

### SBCTA Technical Advisory Committees

<table>
<thead>
<tr>
<th>COMMITTEE</th>
<th>PURPOSE</th>
<th>MEETING SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation Technical Advisory Committee (TTAC)</strong></td>
<td>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.</td>
<td>Generally meets on the first Monday of each month at 1:30 PM, at SBCTA.</td>
</tr>
<tr>
<td>Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Administrative Officer.</td>
<td>The TTAC is not a Brown Act committee.</td>
<td></td>
</tr>
<tr>
<td><strong>City/County Manager’s Technical Advisory Committee (CCM TAC)</strong></td>
<td>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.</td>
<td>Meets on the first Thursday of each month at 10:00 AM, at SBCTA.</td>
</tr>
<tr>
<td>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.</td>
<td>The CCM TAC is a Brown Act Committee.</td>
<td></td>
</tr>
<tr>
<td><strong>Planning and Development Technical Forum (PDTF)</strong></td>
<td>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.</td>
<td>Meets the 4th Wednesday of each month at 2:00 p.m. at the Santa Fe Depot (in the SCAG Office).</td>
</tr>
<tr>
<td>Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Chief Executive Officer.</td>
<td>The PDTF is not a Brown Act Committee.</td>
<td></td>
</tr>
<tr>
<td>Project Development Teams</td>
<td>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.</td>
<td>Varies with the PDT.</td>
</tr>
</tbody>
</table>
Minute Action

AGENDA ITEM: 3

Date: May 15, 2020

Subject:
Cooperative Agreement No. 20-1002383 with the Department of Transportation for the Widening of State Route 18

Recommendation:
That the Mountain/Desert Policy Committee recommend 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 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, approved by the Board in July 2019. As requested in the July 2019 agenda item, the Board authorized the SBCTA Executive Director to make modifications to the scope of work to reflect the eventual agreement between SBCTA and Caltrans, including addressing Caltrans oversight.

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 $800,000, to be apportioned to both SBCTA and Metro at 50% each. SBCTA will pay its project cost share ($400,000) directly to Metro in two installments, one payment during Fiscal Year 2019/2020 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 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 is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Procurement Manager, and Risk Manager have reviewed this item and the draft cooperative agreement.

**Responsible Staff:**
Steve Smith, Director of Planning
### Contract Summary Sheet

#### General Contract Information

<table>
<thead>
<tr>
<th>Contract No:</th>
<th>20-1002383</th>
<th>Amendment No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Class:</td>
<td>Payable</td>
<td>Department: Planning</td>
</tr>
<tr>
<td>Vendor No.:</td>
<td>0450</td>
<td>Vendor Name: Caltrans</td>
</tr>
</tbody>
</table>

**Description:** Cooperative Agreement with Caltrans for PSR-PDS on SR-18 from SR-138 to US-395

**List Any Related Contract Nos.:** 19-100228

#### 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

#### Contract Authorization

<table>
<thead>
<tr>
<th>Board of Directors</th>
<th>Date: 4/1/2020</th>
<th>Committee</th>
<th>Item #</th>
</tr>
</thead>
</table>

**Contract Management (Internal Purposes Only):**

- **Other Contracts:**
- **Sole Source?:** N/A
- **No Budget Adjustment:**

**Local:**

**Funding Agreement:**

#### Accounts Payable

<table>
<thead>
<tr>
<th>Estimated Start Date:</th>
<th>5/1/2020</th>
<th>Expiration Date:</th>
<th>12/31/2039</th>
</tr>
</thead>
</table>

**No**

<table>
<thead>
<tr>
<th>Sub-Task</th>
<th>Prog</th>
<th>Task</th>
<th>Object</th>
<th>Revenue</th>
<th>PA Level</th>
<th>Revenue Code Name</th>
<th>Total Contract Funding</th>
<th>Total Contingency</th>
</tr>
</thead>
<tbody>
<tr>
<td>GL: 4280</td>
<td>20</td>
<td>0941</td>
<td>0000</td>
<td>52005</td>
<td>41100000</td>
<td>Victor Valley Mi PDTMS</td>
<td>$250,000.00</td>
<td>$ -</td>
</tr>
<tr>
<td>GL: 6010</td>
<td>20</td>
<td>0941</td>
<td>0000</td>
<td>52005</td>
<td>42904001</td>
<td>Contrib from LA Metro</td>
<td>$125,000.00</td>
<td>$ -</td>
</tr>
</tbody>
</table>

**Vendor No.:** 20-1002383  
**Vendor Name:** Caltrans  
**Department:** Payable Planning  
**Contract Class:** Payable Planning  
**Contract No:** 20-1002383  
**Contract Authorization**: No  
**Estimated Start Date:** 5/1/2020  
**Expiration Date:** 12/31/2039  
**Revised Expiration Date:**

**No**

**Additional Notes:**

---

**Project Manager (Print Name):** Steve Smith  
**Task Manager (Print Name):** Steve Smith

---

**List Any Related Contract Nos.:** 19-100228

---

**Description:** Cooperative Agreement with Caltrans for PSR-PDS on SR-18 from SR-138 to US-395

---

**List Any Related Contract Nos.:**

---

**Attachment:** CSS - Revised - Effective 01-27-2020 [Revision 1] (6513 : Cooperative Agreement with Caltrans for PSR-PDS for SR-18 Widening)
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**

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:

<table>
<thead>
<tr>
<th>CALTRANS Work Breakdown Structure Identifier (If Applicable)</th>
<th>AGREEMENT Funded Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.05.10.xx Quality Management</td>
<td>Yes</td>
</tr>
<tr>
<td>150.05.05.xx Provision of Existing Reports, Data, Studies, and Mapping</td>
<td>Yes</td>
</tr>
<tr>
<td>150.25.20 PID Circulation, Review, and Approval</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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. SBCTA will invite CALTRANS to participate in the selection of any consultants that participate in the WORK.

**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 are 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, are 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, are 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 SBCTA, 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. 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.

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 Director

VERIFICATION OF FUNDS AND AUTHORITY:

Mary Risaliti
District Budget Manager

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY

Darcy McNaboe
President, Board of Directors

Approved as to form and procedure:

Julianna K. Tillquist
General Counsel
# Funding Summary No. 01

## Funding Table

<table>
<thead>
<tr>
<th>Source</th>
<th>Party</th>
<th>Fund Type</th>
<th>PID</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCAL</td>
<td>SBCTA</td>
<td>Measure</td>
<td>$ 250,000</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td></td>
<td></td>
<td>$ 250,000</td>
</tr>
</tbody>
</table>

## Spending Summary

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>PID</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure</td>
<td>CALTRANS</td>
<td>$ 250,000</td>
</tr>
<tr>
<td></td>
<td>SBCTA</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>$ 250,000</td>
</tr>
</tbody>
</table>
**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

<table>
<thead>
<tr>
<th>WORK ELEMENT</th>
<th>CALTRANS</th>
<th>SBCTA</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.100.05.05.xx - Quality Management Plan</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>0.100.05.05.xx - Risk Management Plan</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>0.100.05.05.xx - Communication Plan</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>0.100.05.10.xx - Cooperative Agreement for PA&amp;ED Phase</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>0.100.05.10.xx - Independent Quality Assurance (IQA)</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>0.100.05.10.xx - Project Development Team Meetings</td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1.150.05.05 - Review of Existing Reports Studies and Mapping</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.05.xx - Provision of Existing Reports, Data, Studies, and Mapping</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.10 - Geological Hazards Review</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.10.xx - Provision of Existing Geological Information</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.15 - Utility Search</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.05.15.xx - Provision of Existing Utility Information</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.20 - Environmental Constraints Identification</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.20.xx - Provision of Environmental Constraints Information</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.25 - Traffic Forecasts/Modeling</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.25.xx - Provision of Existing Traffic Forecasts/Modeling Information</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.30 - Surveys and Maps for PID</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.30.xx - Provision of Existing Surveys and Mapping</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.35 – Transportation Problem Definition and Site Assessment</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.45 - As-Built Centerline and Existing Right of Way</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.05.xx - Provision of Existing District Geotechnical Information</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.10 – Initial Alternatives Development</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.10.05 - Public/Local Agency Input</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.10.15 – Concept Alternatives Development</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.15 – Alternatives Analysis</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.15.05 - Right of Way Data Sheets</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>WORK ELEMENT</td>
<td>CALTRANS</td>
<td>SBCTA</td>
<td>N/A</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-----------</td>
<td>-------</td>
<td>-----</td>
</tr>
<tr>
<td>1.150.15.10 - Utility Relocation Requirements Assessment</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.15.15 - Railroad Involvement Determination</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.15.25 - Preliminary Materials Report</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.15.30 – Structures Advance Planning Study (APS)</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.15.35 - Multimodal Review</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.15.40 - Hydraulic Review</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.15.50 - Traffic Studies</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.15.55 - Construction Estimates</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.15.60 – Preliminary Transportation Management Plan</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20 – Preliminary Environmental Analysis Report (PEAR)</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.05 - Initial Noise Study</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.10 - Hazardous Waste Initial Site Assessment</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.15 - Scenic Resource and Landscape Architecture Review</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.20 – Initial NEPA/404 Coordination</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.25 – Initial Biology Study</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.30 - Initial Records and Literature Search for Cultural Resources</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.40 - Initial Community Impact Analysis, Land Use, and Growth Studies</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.45 - Initial Air Quality Study Studies</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.50 - Initial Water Quality Studies</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.60 - Preliminary Environmental Analysis Report Preparation</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.20.65 - Initial Paleontology Study</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.25.05 - Draft PID</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.25.10 – Approved Exceptions to Design Standards</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.25.20 - PID Circulation, Review, and Approval</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.25.25 - Storm Water Data Report</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.25.30.05 – Cost Estimate for Alternatives</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.150.25.99 – Other PID Products</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WORK ELEMENT</td>
<td>CALTRANS</td>
<td>SBCTA</td>
<td>N/A</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>----------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>1.150.35 - Required Permits During PID Development</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.40 - Permit Identification During PID Development</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1.150.45 - Base Maps and Plan Sheets for PID</td>
<td></td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>
**Minute Action**

**AGENDA ITEM: 4**

**Date:** May 15, 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 Mountain/Desert Policy Committee recommend 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.

*Entity: San Bernardino County Transportation Authority*
only for SR-18 from SR-138 to US 395. This effort collectively will be known as the “SR-18/138 Corridor Study” (Project).

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 adopted Fiscal Year 2019/2020 budget.

Reviewed By:
This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Risk Manager, and Procurement Manager have reviewed the original agreement and the revised version.

Responsible Staff:
Steve Smith, Director of Planning
**General Contract Information**

<table>
<thead>
<tr>
<th>Contract No:</th>
<th>19-1002228</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment No.:</td>
<td>_____</td>
</tr>
<tr>
<td>Contract Class:</td>
<td>Receivable</td>
</tr>
<tr>
<td>Department:</td>
<td>Planning</td>
</tr>
<tr>
<td>Customer ID:</td>
<td>01216</td>
</tr>
<tr>
<td>Customer Name:</td>
<td>LA County Metropolitan Transportation Authority</td>
</tr>
<tr>
<td>Description:</td>
<td>Co-op Agreement between SBCTA and Metro for the SR-18/138 Corridor Study - receivable</td>
</tr>
<tr>
<td>List Any Accounts Payable Related Contract Nos.:</td>
<td>19-100228, 20-1002383</td>
</tr>
</tbody>
</table>

### Dollar Amount

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract</td>
<td>$125,000.00</td>
<td>Original Contingency</td>
</tr>
<tr>
<td>Prior Amendments</td>
<td>$</td>
<td>Prior Amendments</td>
</tr>
<tr>
<td>Current Amendment</td>
<td>$</td>
<td>Current Amendment</td>
</tr>
<tr>
<td><strong>Total/Revised Contract Value</strong></td>
<td>$125,000.00</td>
<td><strong>Total Contingency Value</strong></td>
</tr>
<tr>
<td><strong>Total Dollar Authority (Contract Value and Contingency)</strong></td>
<td>$125,000.00</td>
<td></td>
</tr>
</tbody>
</table>

### Contract Authorization

- Board of Directors: 6/3/2020
- Committee: Item #

### Contract Management (Internal Purposes Only)

- **Accounts Receivable**
  - Total Contract Funding: $125,000.00
  - Funding Agreement No: 19-1002228
- **Beginning POP Date:** 6/15/2020
- **Ending POP Date:** 6/30/2023
- **Final Billing Date:** 6/30/2023
- **Expiration Date:** 6/30/2023

### Additional Notes:
- AR Contract #20-1002415

---

**Packet Pg. 43**
**Contract Summary Sheet**

**General Contract Information**

<table>
<thead>
<tr>
<th>Contract No:</th>
<th>19-1002228</th>
<th>Amendment No.:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Class:</td>
<td>Receivable</td>
<td>Department:</td>
<td>Planning</td>
</tr>
<tr>
<td>Customer ID:</td>
<td>01216</td>
<td>Customer Name:</td>
<td>LA County Metropolitan Transportation Authority</td>
</tr>
<tr>
<td>Description:</td>
<td>Co-op Agreement between SBCTA and Metro for the SR-18/138 Corridor Study - receivable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>List Any Accounts Payable Related Contract Nos.:</td>
<td>19-100228, 20-1002383</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Dollar Amount**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract</td>
<td></td>
<td>$ 125,000.00</td>
<td>Original Contingency</td>
</tr>
<tr>
<td>Prior Amendments</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>Current Amendment</td>
<td></td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

**Total/Revised Contract Value**

|               | $ 125,000.00 | Total Contingency Value | $        |

**Total Dollar Authority (Contract Value and Contingency)**

|               | $ 125,000.00 |

**Board of Directors**

| Date: 6/3/2020 | Committee Item # |

**Contract Authorization**

**Contract Management (Internal Purposes Only)**

**Accounts Receivable**

<table>
<thead>
<tr>
<th>Total Contract Funding: $ 125,000.00</th>
<th>Funding Agreement No: 19-1002228</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning POP Date: 6/15/2020</td>
<td>Ending POP Date: 6/30/2023</td>
</tr>
<tr>
<td>Expiration Date: 6/30/2023</td>
<td></td>
</tr>
</tbody>
</table>

**Additional Notes**: AR Contract #20-1002415

---

Attachment: CSS-20273CoopWithMetroForSR18Payable [Revision 1] (6542 : Cooperative Agreement No.19-1002228 between SBCTA and Metro)
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.


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: __________________________

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: __________________________
Phillip A. Washington
Chief Executive Officer

Date: __________________________

APPROVED AS TO FORM:

By: __________________________
Julianna K. Tillquist
General Counsel

Date: __________________________

APPROVED AS TO FORM AND PROCEDURE:

By: __________________________
Mary C. Wickham
County Counsel

Date: __________________________
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
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.

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.

Figure 1. Overview of SR-18/138 Study Area

The PSR-PDS for SR-18 will follow the process outlined in Appendix S of the Caltrans Project Development Procedures Manual (PDPM), with the primary alternative under consideration to be the widening of SR-18 to a cross-section consistent with the cross-section that currently exists east of U.S. 395, subject to traffic analysis. Lane configurations at streets intersecting with SR-18 will be included in the analysis. Although the widening of SR-138 is being completed in LA County within the next several years, methods to enhance these traffic flows on SR-138 through operational and signal improvements will be considered as part of this effort. It is estimated that Part 1 (PSR-PDS) will be at least 85% of the effort and Part 2 no more than 15% of the effort.

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 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: 5

*Date:* May 15, 2020

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

*Recommendation:* Receive a presentation regarding 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:**
This agenda item is also scheduled for review by the Board of Directors Metro Valley Study Session on May 14, 2020. 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.

**Responsible Staff:**
Steve Smith, Director of Planning
San Bernardino County Transportation Authority
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:
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, 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.
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
San Bernardino County
SB 743
Vehicle Miles Traveled (VMT)
Implementation Study

Intent of Legislation

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

- Infill Development
- Promote public health through active transportation (e.g., walking, biking)
- Reducing Greenhouse Gas Emission

SB 743 OVERVIEW
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
• VMT metric recommended by Gov’s Office of Planning and
Research to apply statewide
• OPR recommends reduction of 15% VMT per capita or employee

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
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

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
How was the project developed?

Kickoff
- Project Overview
- Stakeholder buy-in

Mitigation Measures
- Identify appropriate VMT reduction measures

Data Collection
- Review available tools
- Identify current VMT methodology and estimates

Sample Projects
- Work with stakeholders to identify 12 projects
- Test significance criteria and mitigation measures

Baseline VMT
- Screen low VMT geographies: mapping tool
- Develop baseline VMT

Draft Significance Criteria
- Develop draft significance criteria

Documentation
- Summary of methodologies, procedures, criteria
- Guide for local implementation

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
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
Minute Action

AGENDA ITEM: 6

Date: May 15, 2020

Subject: Revisions to Measure I Strategic Plan Policies - Victor Valley Subarea

Recommendation:
That the Mountain/Desert Policy Committee recommend 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 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 40012 (Attachment 1) has been updated to reflect the latest reporting and eligibility requirements.

Cost Buy-down for Projects 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
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:
This item is not scheduled for review by any other policy committee. It was 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.

Responsible Staff:
Eric Jacobsen, Chief of Fund Administration
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 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.

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 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.

d. 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).

def. For capacity enhancement projects 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

Packet Pg. 75
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:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Types of Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additions</td>
<td>1. The addition of a frontage street or road</td>
</tr>
<tr>
<td></td>
<td>2. Addition of auxiliary lanes such as speed change, storage, or climbing lanes</td>
</tr>
<tr>
<td>Barriers</td>
<td>3. Earthwork protective structures within or adjacent to the right-of-way area</td>
</tr>
<tr>
<td></td>
<td>4. Extensions and new installation of walls</td>
</tr>
<tr>
<td></td>
<td>5. Replacement of retaining walls to a higher standard</td>
</tr>
<tr>
<td></td>
<td>6. Extension of new installation of guardrails, fence lines, raised medians, or barriers for traffic safety</td>
</tr>
<tr>
<td>Bikeways</td>
<td>7. Construction of bikeways where they are an integral part of the streets and highway system</td>
</tr>
<tr>
<td></td>
<td>8. Construction of bicycle or pedestrian underpasses or overhead crossings for the general public use</td>
</tr>
<tr>
<td>Bridges</td>
<td>9. Reconstruction of an existing bridge or installation of a new bridge</td>
</tr>
<tr>
<td></td>
<td>10. Widening of a bridge</td>
</tr>
<tr>
<td></td>
<td>11. Replacement of bridge rails and floors to a higher standard</td>
</tr>
<tr>
<td>Curbs, etc.</td>
<td>12. Installation or extension of curbs, gutters, sidewalks, or underdrain (including improvements to handicap ramps to make them ADA compliant)</td>
</tr>
<tr>
<td>Drainage</td>
<td>13. A complete reconstruction or an addition to a culvert 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.</td>
</tr>
<tr>
<td>Interagency Projects</td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>16. Road improvements and maintenance on a state highway as long as the appropriate agreement with Caltrans is in place</td>
</tr>
<tr>
<td></td>
<td>17. Maintenance or construction on alleys that have been formally accepted into the city or county street system</td>
</tr>
<tr>
<td></td>
<td>18. Development of facilities associated with Metrolink commuter rail operations that are determined to be a local responsibility</td>
</tr>
<tr>
<td>Landscaping</td>
<td>19. Installation or addition to landscape treatment such as sod, shrubs, trees, irrigation, etc. along the street or road right-of-way</td>
</tr>
<tr>
<td></td>
<td>20. Purchase of land for “greenbelt” if needed to mitigate the environmental impact of a street or road construction project</td>
</tr>
<tr>
<td>Layout</td>
<td>21. Change of alignment, profile, and cross-section</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
<tr>
<td>Lighting</td>
<td>23. Installation, replacement, or expansion of street or road lighting system</td>
</tr>
<tr>
<td><strong>Associated Planning and Design</strong></td>
<td>24.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>25.</td>
</tr>
<tr>
<td></td>
<td>26.</td>
</tr>
<tr>
<td><strong>Relocation</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>27.</td>
</tr>
<tr>
<td></td>
<td>28.</td>
</tr>
<tr>
<td><strong>Signs and Signals</strong></td>
<td>29.</td>
</tr>
<tr>
<td></td>
<td>30.</td>
</tr>
<tr>
<td></td>
<td>31.</td>
</tr>
<tr>
<td></td>
<td>32.</td>
</tr>
<tr>
<td></td>
<td>33.</td>
</tr>
<tr>
<td><strong>Striping</strong></td>
<td>34.</td>
</tr>
<tr>
<td><strong>Surface Work</strong></td>
<td>35.</td>
</tr>
<tr>
<td></td>
<td>36.</td>
</tr>
<tr>
<td></td>
<td>37.</td>
</tr>
<tr>
<td></td>
<td>38.</td>
</tr>
<tr>
<td></td>
<td>39.</td>
</tr>
<tr>
<td></td>
<td>40.</td>
</tr>
<tr>
<td><strong>Widening</strong></td>
<td>41.</td>
</tr>
<tr>
<td></td>
<td>42.</td>
</tr>
<tr>
<td><strong>Other eligible expenditures</strong></td>
<td>43.</td>
</tr>
<tr>
<td></td>
<td>44.</td>
</tr>
<tr>
<td></td>
<td>45.</td>
</tr>
<tr>
<td></td>
<td>46.</td>
</tr>
<tr>
<td></td>
<td>47.</td>
</tr>
<tr>
<td></td>
<td>48.</td>
</tr>
</tbody>
</table>
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:**

The following are examples of maintenance expenditures:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Scarifying, reshaping, and restoring material losses</td>
</tr>
<tr>
<td>2.</td>
<td>Applying dust palliatives</td>
</tr>
<tr>
<td>3.</td>
<td>Patching, repairing, surface treating, and joint filling on bituminous or concrete surfaces</td>
</tr>
<tr>
<td>4.</td>
<td>Jacking concrete pavements</td>
</tr>
<tr>
<td>5.</td>
<td>Repairing traveled way and shoulders</td>
</tr>
<tr>
<td>6.</td>
<td>Adding bituminous material of less than 1&quot; to bituminous material including seal coats</td>
</tr>
<tr>
<td>7.</td>
<td>Remixing existing bituminous surfacing with added materials to provide a total thickness of less than 1&quot; (see exception under Construction, example 39)</td>
</tr>
<tr>
<td>8.</td>
<td>Patching operations including base restoration</td>
</tr>
<tr>
<td>9.</td>
<td>Resealing street or road shoulders and side street and road approaches</td>
</tr>
<tr>
<td>10.</td>
<td>Reseeding and resodding shoulders and approaches</td>
</tr>
<tr>
<td>11.</td>
<td>Reshaping drainage channels and side slopes</td>
</tr>
<tr>
<td>12.</td>
<td>Restoring erosion controls</td>
</tr>
<tr>
<td>13.</td>
<td>Cleaning culverts and drains</td>
</tr>
<tr>
<td>14.</td>
<td>Removing slides and restoring facilities damaged by slides (additional new facilities shall be considered construction)</td>
</tr>
<tr>
<td>15.</td>
<td>Mowing, tree trimming, and watering within the street right-of-way</td>
</tr>
<tr>
<td>16.</td>
<td>Replacing topsoil, sod, shrubs, trees, irrigation facilities, etc., on streets and roadsides</td>
</tr>
<tr>
<td>17.</td>
<td>Repairing curb, gutter, rip-rap, underdrain, culverts, and drains</td>
</tr>
<tr>
<td>18.</td>
<td>Cleaning, painting, and repairing bridges and structures</td>
</tr>
<tr>
<td>19.</td>
<td>Performing all snow control operations such as erection of snow fences and the actual removal of snow and ice from the traveled way</td>
</tr>
<tr>
<td>20.</td>
<td>Repainting pavements, striping, and markings</td>
</tr>
<tr>
<td>21.</td>
<td>Repainting and repairing signs, guard rails, traffic signals, lighting standards, etc.</td>
</tr>
</tbody>
</table>
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 including payment for the cost of power

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. | Debt service payments for non-voter-approved bonds, including Certificates of Participation |
19. Over-expended funds (deficit fund balance)

20. Negative interest allocation

21. The value of park or other city/county owned property rededicated for a street right-of-way

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

<table>
<thead>
<tr>
<th>Revision No.</th>
<th>Revisions</th>
<th>Adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Adopted by the Board of Directors.</td>
<td>04/01/2009</td>
</tr>
<tr>
<td>1</td>
<td>Revisions adopted by the Board of Directors on Jan. 8, 2014, Agenda Item 14.</td>
<td>01/08/2014</td>
</tr>
<tr>
<td>2</td>
<td>Revisions adopted by the Board of Directors on May 6, 2014, Agenda Items 6 &amp; 18.</td>
<td>05/06/2015</td>
</tr>
<tr>
<td>3</td>
<td>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.</td>
<td>9/6/2017</td>
</tr>
<tr>
<td>4</td>
<td>Addition of due date of Capital Improvement Plan in VVLS-2. BOD approved changes 7/11/18, Agenda Item 25.</td>
<td>7/11/2018</td>
</tr>
<tr>
<td>5</td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>
San Bernardino County Transportation Authority

<table>
<thead>
<tr>
<th>Policy</th>
<th>40013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopted by</td>
<td>April 1, 2009</td>
</tr>
<tr>
<td>the Board of</td>
<td>April 1, 2009</td>
</tr>
<tr>
<td>Directors</td>
<td>Revised</td>
</tr>
<tr>
<td>Victor Valley</td>
<td>1/9/19</td>
</tr>
<tr>
<td>Major Local</td>
<td></td>
</tr>
<tr>
<td>Highways (VVMLH)</td>
<td>Revision</td>
</tr>
<tr>
<td>Program</td>
<td>No.</td>
</tr>
</tbody>
</table>

Victor Valley Major Local Highways (VVMLH) Program Measure I 2010-2040 Strategic Plan

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 funds, 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 40013
Victor Valley Major Local Highways Program
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 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
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 Highways 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

<table>
<thead>
<tr>
<th>Revision No.</th>
<th>Revisions</th>
<th>Adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Adopted by the Board of Directors.</td>
<td>04/01/2009</td>
</tr>
<tr>
<td>1</td>
<td>Amended to include policies VVMLH-28 through VVMLH-31 establishing and maintaining a Measure I reserve.</td>
<td>07/07/2010</td>
</tr>
<tr>
<td>2</td>
<td>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</td>
<td>03/04/2015</td>
</tr>
<tr>
<td>3</td>
<td>Added Section VIII (L), Development Mitigation Fair Share Loans and Loan Repayment (Agenda Item 18, 1/6/16)</td>
<td>01/06/2016</td>
</tr>
<tr>
<td>4</td>
<td>Updated fund definitions to include relevant SB 1 programs and provided other edits for clarification. BOD approved changes 9/6/17, Agenda Item 11.</td>
<td>09/06/2017</td>
</tr>
<tr>
<td>5</td>
<td>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.</td>
<td>01/09/2019</td>
</tr>
<tr>
<td>6</td>
<td>Amended to clarify CPNA submittal requirements and define treatment of new fund sources in application of cost buy-down policies.</td>
<td></td>
</tr>
</tbody>
</table>
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 (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 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 Subsides
   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

<table>
<thead>
<tr>
<th>Revision No.</th>
<th>Revisions</th>
<th>Adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Adopted by the Board of Directors.</td>
<td>04/01/2009</td>
</tr>
<tr>
<td>1</td>
<td>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).</td>
<td>07/06/2016</td>
</tr>
<tr>
<td>2</td>
<td>Deleted Policies VVSDT-10 and VVSDT-11 as no longer applicable. BOD approved changes 9/6/17, Agenda Item 11.</td>
<td>09/06/2017</td>
</tr>
<tr>
<td>3</td>
<td>Amended VVSDT-16 to clarify Compliance Audit Deadline extensions.</td>
<td></td>
</tr>
</tbody>
</table>
**Minute Action**

AGENDA ITEM: 7

**Date:** May 15, 2020

**Subject:**
Revisions to Measure I Strategic Plan Policies - Rural Mountain/Desert Subareas

**Recommendation:**
That the Mountain/Desert Policy Committee recommend 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*
Financial Impact:
There is no impact to the Fiscal Year 2019/2020 budget.

Reviewed By:
This item is not scheduled for review by any other policy committee. It was 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.

Responsible Staff:
Eric Jacobsen, Chief of Fund Administration
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 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
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 TIA’s 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 “Categor ical 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:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Types of Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additions</td>
<td>1. The addition of a frontage street or road</td>
</tr>
<tr>
<td></td>
<td>2. Addition of auxiliary lanes such as speed change, storage, or climbing lanes</td>
</tr>
<tr>
<td>Barriers</td>
<td>3. Earthwork protective structures within or adjacent to the right-of-way area</td>
</tr>
<tr>
<td></td>
<td>4. Extensions and new installation of walls</td>
</tr>
<tr>
<td></td>
<td>5. Replacement of retaining walls to a higher standard</td>
</tr>
<tr>
<td></td>
<td>6. Extension of new installation of guardrails, fence lines, raised medians, or barriers for traffic safety</td>
</tr>
<tr>
<td>Bikeways</td>
<td>7. Construction of bikeways where they are an integral part of the streets and highway system</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-------------</td>
</tr>
<tr>
<td>8.</td>
<td>Construction of bicycle or pedestrian underpasses or overhead crossings for the general public use</td>
</tr>
<tr>
<td>9.</td>
<td>Reconstruction of an existing bridge or installation of a new bridge</td>
</tr>
<tr>
<td>10.</td>
<td>Widening of a bridge</td>
</tr>
<tr>
<td>11.</td>
<td>Replacement of bridge rails and floors to a higher standard</td>
</tr>
<tr>
<td>12.</td>
<td>Installation or extension of curbs, gutters, sidewalks, or underdrain (including improvements to handicap ramps to make them ADA compliant)</td>
</tr>
<tr>
<td>13.</td>
<td>A complete reconstruction or an addition to a culvert 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.</td>
</tr>
<tr>
<td>14.</td>
<td>Extending old culverts and drains and replacing headwalls</td>
</tr>
<tr>
<td>15.</td>
<td>Measure I can be expended for road improvements within an adjoining jurisdiction as long as the improvements are made within the County of San Bernardino</td>
</tr>
<tr>
<td>16.</td>
<td>Road improvements and maintenance on a state highway as long as the appropriate agreement with Caltrans is in place</td>
</tr>
<tr>
<td>17.</td>
<td>Maintenance or construction on alleys that have been formally accepted into the city or county street system</td>
</tr>
<tr>
<td>18.</td>
<td>Development of facilities associated with Metrolink commuter rail operations that are determined to be a local responsibility</td>
</tr>
<tr>
<td>19.</td>
<td>Installation or addition to landscape treatment such as sod, shrubs, trees, irrigation, etc. along the street or road right-of-way</td>
</tr>
<tr>
<td>20.</td>
<td>Purchase of land for “greenbelt” if needed to mitigate the environmental impact of a street or road construction project</td>
</tr>
<tr>
<td>21.</td>
<td>Change of alignment, profile, and cross-section</td>
</tr>
<tr>
<td>22.</td>
<td>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</td>
</tr>
<tr>
<td>23.</td>
<td>Installation, replacement, or expansion of street or road lighting system</td>
</tr>
<tr>
<td>24.</td>
<td>Project development, planning studies, and design for eligible transportation projects</td>
</tr>
<tr>
<td>25.</td>
<td>Expenses incurred in attending or participating in transportation and traffic engineering sponsored programs or training conducted for street or road purposes</td>
</tr>
<tr>
<td>26.</td>
<td>Engineering review of plans for construction of Valley Measure I Major Streets projects</td>
</tr>
<tr>
<td>27.</td>
<td>The removal of old street and roadbeds and structures, and detour costs when connected with a construction project</td>
</tr>
<tr>
<td>28.</td>
<td>Replacement in kind, when legally required, of structures that are required to be relocated for street and road purposes</td>
</tr>
<tr>
<td>29.</td>
<td>Installation of original traffic signs and markers on routes</td>
</tr>
<tr>
<td>30.</td>
<td>Replacement of all major signs or traffic control devices on a street or road</td>
</tr>
<tr>
<td>31.</td>
<td>The installation of a new sign or the replacement of an old sign</td>
</tr>
<tr>
<td>Expenditure Description</td>
<td>Eligibility</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>32. Installation or improvements of traffic signal controls at intersections and protective devices at railroad grade crossings</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>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</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>34. Painting or rearrangement of pavement striping and markings, or repainting to a higher standard</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>35. Original surfacing of shoulders</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>36. Improvement of a surface to a higher type of material</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>37. Placing sufficient new material on soil surface or gravel street or road to substantially improve the quality or the original surface</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>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</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>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</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>40. Stabilization of street or road base by additive, such as cement, lime, or asphaltic material</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>41. Widening of existing street or roadbed or pavement, with or without resurfacing</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>42. Resurfacing, stabilizing, or widening of shoulders including necessary connections to side streets or road approaches</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>43. Matching funds to federal or state contributions to a roadway project</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>44. Park and ride facilities</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>45. Undergrounding utilities or utility relocation only if part of a new roadway construction or documented as a legal road or street obligation.</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>46. Rubberized railroad grade crossing material or repair of grade crossings</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>47. Preliminary and construction engineering may be claimed on the percentage basis approved in previous years by Caltrans for contract work.</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
<tr>
<td>48. Relocation expenses necessitated by right-of-way acquisitions in accordance with the applicable government codes on relocation assistance.</td>
<td>Eligible if part of a new roadway construction.</td>
</tr>
</tbody>
</table>

**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.
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 including payment for the cost of power
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, and 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. Debt service payments for non-voter-approved bonds, including Certificates of Participation

19. Over-expended funds (deficit fund balance)

20. Negative interest allocation

21. The value of park or other city/county owned property rededicated for a street right-of-way.

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.

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 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 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 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

<table>
<thead>
<tr>
<th>Revision No.</th>
<th>Revisions</th>
<th>Adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Adopted by the Board of Directors.</td>
<td>04/01/2009</td>
</tr>
<tr>
<td>1</td>
<td>Revisions adopted by the Board of Directors on January 8, 2014, Agenda Item 14.</td>
<td>01/08/2014</td>
</tr>
<tr>
<td>2</td>
<td>Revisions adopted by the Board of Directors on May 6, 2015, Agenda Items 6 &amp; 18.</td>
<td>05/06/2015</td>
</tr>
<tr>
<td>3</td>
<td>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.</td>
<td>09/06/2017</td>
</tr>
<tr>
<td>4</td>
<td>Addition of due date of Capital Improvement Plan in MDLS-2. BOD approved changes 7/11/18, Agenda Item 25.</td>
<td>07/11/2018</td>
</tr>
<tr>
<td>5</td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Revision No.</th>
<th>Revisions</th>
<th>Adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Adopted by the Board of Directors.</td>
<td>04/01/2009</td>
</tr>
<tr>
<td>1</td>
<td>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).</td>
<td>07/06/2016</td>
</tr>
<tr>
<td>2</td>
<td>Deleted Policies MDSDT-10 and MDSDT-11 as no longer applicable. Approved by the BOD 9/6/17, Agenda Item 11.</td>
<td>09/06/2017</td>
</tr>
<tr>
<td>3</td>
<td>Amended MDSDT-16 to clarify Compliance Audit Deadline extensions.</td>
<td></td>
</tr>
</tbody>
</table>
Additional Information
<table>
<thead>
<tr>
<th>Name</th>
<th>Jan</th>
<th>Feb</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Aug</th>
<th>Sept</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gabriel Reyes</td>
<td>**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Adelanto</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Art Bishop</td>
<td>**</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Town of Apple Valley</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Julie McIntyre</td>
<td>**</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Barstow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bill Jahn</td>
<td>**</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Big Bear Lake</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rebekah Swanson</td>
<td>**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Hesperia</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ed Paget</td>
<td>**</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Needles</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joel Klink</td>
<td>**</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Twentynine Palms</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jim Cox</td>
<td>**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Victorville</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rick Denison</td>
<td>**</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Town of Yucca Valley</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert Lovingood</td>
<td>**</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County of San Bernardino</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Janice Rutherford</td>
<td>**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County of San Bernardino</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dawn Rowe</td>
<td>**</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County of San Bernardino</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Non-voting City Representative attended  **The Mountain/Desert Committee did not meet  *** New SBCTA Board Member  
+ Measure I Committee representative  x*Alternate Attended

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

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB</td>
<td>Assembly Bill</td>
</tr>
<tr>
<td>ACE</td>
<td>Alameda Corridor East</td>
</tr>
<tr>
<td>ACT</td>
<td>Association for Commuter Transportation</td>
</tr>
<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
</tr>
<tr>
<td>ADT</td>
<td>Average Daily Traffic</td>
</tr>
<tr>
<td>APTA</td>
<td>American Public Transportation Association</td>
</tr>
<tr>
<td>AQMP</td>
<td>Air Quality Management Plan</td>
</tr>
<tr>
<td>ARRA</td>
<td>American Recovery and Reinvestment Act</td>
</tr>
<tr>
<td>ATMIS</td>
<td>Advanced Transportation Management Information Systems</td>
</tr>
<tr>
<td>BAT</td>
<td>Barstow Area Transit</td>
</tr>
<tr>
<td>CALACT</td>
<td>California Association for Coordination Transportation</td>
</tr>
<tr>
<td>CALCOG</td>
<td>California Association of Councils of Governments</td>
</tr>
<tr>
<td>CALSAFE</td>
<td>California Committee for Service Authorities for Freeway Emergencies</td>
</tr>
<tr>
<td>CARB</td>
<td>California Air Resources Board</td>
</tr>
<tr>
<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>CMAQ</td>
<td>Congestion Mitigation and Air Quality</td>
</tr>
<tr>
<td>CMIA</td>
<td>Corridor Mobility Improvement Account</td>
</tr>
<tr>
<td>CMP</td>
<td>Congestion Management Program</td>
</tr>
<tr>
<td>CNG</td>
<td>Compressed Natural Gas</td>
</tr>
<tr>
<td>COG</td>
<td>Council of Governments</td>
</tr>
<tr>
<td>CPUC</td>
<td>California Public Utilities Commission</td>
</tr>
<tr>
<td>CSAC</td>
<td>California State Association of Counties</td>
</tr>
<tr>
<td>CTA</td>
<td>California Transit Association</td>
</tr>
<tr>
<td>CTC</td>
<td>California Transportation Commission</td>
</tr>
<tr>
<td>CTC</td>
<td>County Transportation Commission</td>
</tr>
<tr>
<td>CTP</td>
<td>Comprehensive Transportation Plan</td>
</tr>
<tr>
<td>DBE</td>
<td>Disadvantaged Business Enterprise</td>
</tr>
<tr>
<td>DEMO</td>
<td>Federal Demonstration Funds</td>
</tr>
<tr>
<td>DOT</td>
<td>Department of Transportation</td>
</tr>
<tr>
<td>EA</td>
<td>Environmental Assessment</td>
</tr>
<tr>
<td>E&amp;D</td>
<td>Elderly and Disabled</td>
</tr>
<tr>
<td>E&amp;H</td>
<td>Elderly and Handicapped</td>
</tr>
<tr>
<td>EIR</td>
<td>Environmental Impact Report (California)</td>
</tr>
<tr>
<td>EIS</td>
<td>Environmental Impact Statement (Federal)</td>
</tr>
<tr>
<td>EPA</td>
<td>Environmental Protection Agency</td>
</tr>
<tr>
<td>FHWA</td>
<td>Federal Highway Administration</td>
</tr>
<tr>
<td>FSP</td>
<td>Freeway Service Patrol</td>
</tr>
<tr>
<td>FRA</td>
<td>Federal Railroad Administration</td>
</tr>
<tr>
<td>FTA</td>
<td>Federal Transit Administration</td>
</tr>
<tr>
<td>FTIP</td>
<td>Federal Transportation Improvement Program</td>
</tr>
<tr>
<td>GFOA</td>
<td>Government Finance Officers Association</td>
</tr>
<tr>
<td>GIS</td>
<td>Geographic Information Systems</td>
</tr>
<tr>
<td>HOV</td>
<td>High-Occupancy Vehicle</td>
</tr>
<tr>
<td>ICTC</td>
<td>Interstate Clean Transportation Corridor</td>
</tr>
<tr>
<td>IEEP</td>
<td>Inland Empire Economic Partnership</td>
</tr>
<tr>
<td>ISTEA</td>
<td>Intermodal Surface Transportation Efficiency Act of 1991</td>
</tr>
<tr>
<td>IIP/ITIP</td>
<td>Interregional Transportation Improvement Program</td>
</tr>
<tr>
<td>ITS</td>
<td>Intelligent Transportation Systems</td>
</tr>
<tr>
<td>IVDA</td>
<td>Inland Valley Development Agency</td>
</tr>
<tr>
<td>JARC</td>
<td>Job Access Reverse Commute</td>
</tr>
<tr>
<td>LACMTA</td>
<td>Los Angeles County Metropolitan Transportation Authority</td>
</tr>
<tr>
<td>LNG</td>
<td>Liquefied Natural Gas</td>
</tr>
<tr>
<td>LTF</td>
<td>Local Transportation Funds</td>
</tr>
<tr>
<td>Acronym</td>
<td>Definition</td>
</tr>
<tr>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>MAGLEV</td>
<td>Magnetic Levitation</td>
</tr>
<tr>
<td>MARTA</td>
<td>Mountain Area Regional Transportation Authority</td>
</tr>
<tr>
<td>MBTA</td>
<td>Morongo Basin Transit Authority</td>
</tr>
<tr>
<td>MDAB</td>
<td>Mojave Desert Air Basin</td>
</tr>
<tr>
<td>MDAQMD</td>
<td>Mojave Desert Air Quality Management District</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MPO</td>
<td>Metropolitan Planning Organization</td>
</tr>
<tr>
<td>MSARC</td>
<td>Mobile Source Air Pollution Reduction Review Committee</td>
</tr>
<tr>
<td>NAT</td>
<td>Needles Area Transit</td>
</tr>
<tr>
<td>NEPA</td>
<td>National Environmental Policy Act</td>
</tr>
<tr>
<td>OA</td>
<td>Obligation Authority</td>
</tr>
<tr>
<td>OCTA</td>
<td>Orange County Transportation Authority</td>
</tr>
<tr>
<td>PA&amp;ED</td>
<td>Project Approval and Environmental Document</td>
</tr>
<tr>
<td>PASTACC</td>
<td>Public and Specialized Transportation Advisory and Coordinating Council</td>
</tr>
<tr>
<td>PDT</td>
<td>Project Development Team</td>
</tr>
<tr>
<td>PNRS</td>
<td>Projects of National and Regional Significance</td>
</tr>
<tr>
<td>PPM</td>
<td>Planning, Programming and Monitoring Funds</td>
</tr>
<tr>
<td>PSE</td>
<td>Plans, Specifications and Estimates</td>
</tr>
<tr>
<td>PSR</td>
<td>Project Study Report</td>
</tr>
<tr>
<td>PTA</td>
<td>Public Transportation Account</td>
</tr>
<tr>
<td>PTC</td>
<td>Positive Train Control</td>
</tr>
<tr>
<td>PTMISEA</td>
<td>Public Transportation Modernization, Improvement and Service Enhancement Account</td>
</tr>
<tr>
<td>RCTC</td>
<td>Riverside County Transportation Commission</td>
</tr>
<tr>
<td>RDA</td>
<td>Redevelopment Agency</td>
</tr>
<tr>
<td>RFP</td>
<td>Request for Proposal</td>
</tr>
<tr>
<td>RIP</td>
<td>Regional Improvement Program</td>
</tr>
<tr>
<td>RSTIS</td>
<td>Regionally Significant Transportation Investment Study</td>
</tr>
<tr>
<td>RTIP</td>
<td>Regional Transportation Improvement Program</td>
</tr>
<tr>
<td>RTP</td>
<td>Regional Transportation Plan</td>
</tr>
<tr>
<td>RTPA</td>
<td>Regional Transportation Planning Agencies</td>
</tr>
<tr>
<td>SB</td>
<td>Senate Bill</td>
</tr>
<tr>
<td>SAFE</td>
<td>Service Authority for Freeway Emergencies</td>
</tr>
<tr>
<td>SAFETEA-LU</td>
<td>Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users</td>
</tr>
<tr>
<td>SCAB</td>
<td>South Coast Air Basin</td>
</tr>
<tr>
<td>SCAG</td>
<td>Southern California Association of Governments</td>
</tr>
<tr>
<td>SCAQMD</td>
<td>South Coast Air Quality Management District</td>
</tr>
<tr>
<td>SCARRA</td>
<td>Southern California Regional Rail Authority</td>
</tr>
<tr>
<td>SHA</td>
<td>State Highway Account</td>
</tr>
<tr>
<td>SHOPP</td>
<td>State Highway Operations and Protection Program</td>
</tr>
<tr>
<td>SOV</td>
<td>Single-Occupant Vehicle</td>
</tr>
<tr>
<td>SRTP</td>
<td>Short Range Transit Plan</td>
</tr>
<tr>
<td>STAF</td>
<td>State Transit Assistance Funds</td>
</tr>
<tr>
<td>STIP</td>
<td>State Transportation Improvement Program</td>
</tr>
<tr>
<td>STP</td>
<td>Surface Transportation Program</td>
</tr>
<tr>
<td>TAC</td>
<td>Technical Advisory Committee</td>
</tr>
<tr>
<td>TCIF</td>
<td>Trade Corridor Improvement Fund</td>
</tr>
<tr>
<td>TCM</td>
<td>Transportation Control Measure</td>
</tr>
<tr>
<td>TCRP</td>
<td>Traffic Congestion Relief Program</td>
</tr>
<tr>
<td>TDA</td>
<td>Transportation Development Act</td>
</tr>
<tr>
<td>TEA</td>
<td>Transportation Enhancement Activities</td>
</tr>
<tr>
<td>TEA-21</td>
<td>Transportation Equity Act for the 21st Century</td>
</tr>
<tr>
<td>TMC</td>
<td>Transportation Management Center</td>
</tr>
<tr>
<td>TMEE</td>
<td>Traffic Management and Environmental Enhancement</td>
</tr>
<tr>
<td>TSM</td>
<td>Transportation Systems Management</td>
</tr>
<tr>
<td>TSSDRA</td>
<td>Transit System Safety, Security and Disaster Response Account</td>
</tr>
<tr>
<td>USFWS</td>
<td>United States Fish and Wildlife Service</td>
</tr>
<tr>
<td>VCTC</td>
<td>Ventura County Transportation Commission</td>
</tr>
<tr>
<td>VVTA</td>
<td>Victor Valley Transit Authority</td>
</tr>
<tr>
<td>WRCOG</td>
<td>Western Riverside Council of Governments</td>
</tr>
</tbody>
</table>
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