

AGENDA
Board of Directors Meeting
May 5, 2021
10:15 a.m.

MEETING ACCESSIBLE VIA ZOOM AT: <https://gosbcta.zoom.us/j/92696593353>

Teleconference

Dial: 1-669-900-6833

Meeting ID: 926 9659 3353

**This meeting is being conducted in accordance with Governor Newsom's
Executive Order N-29-20**

Board of Directors

President

Frank Navarro, Mayor
City of Colton

Vice-President

Curt Hagman, Supervisor
County of San Bernardino

Gerardo Hernandez, Mayor Pro Tem
City of Adelanto

Art Bishop, Council Member
Town of Apple Valley

Paul Courtney, Mayor
City of Barstow

Rick Herrick, Mayor Pro Tem
City of Big Bear Lake

Eunice Ulloa, Mayor
City of Chino

Ray Marquez, Vice Mayor
City of Chino Hills

Acquanetta Warren, Mayor
City of Fontana

Darcy McNaboe, Mayor
City of Grand Terrace

Cameron Gregg, Mayor
City of Hesperia

Larry McCallon, Mayor Pro Tem
City of Highland

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

John Dutrey, Mayor
City of Montclair

Edward Paget, Vice Mayor
City of Needles

Alan Wapner, Mayor Pro Tem
City of Ontario

L. Dennis Michael, Mayor
City of Rancho Cucamonga

Paul Barich, Mayor
City of Redlands

Deborah Robertson, Mayor
City of Rialto

John Valdivia, Mayor
City of San Bernardino

Joel Klink, Council Member
City of Twentynine Palms

Carlos A. Garcia, Council Member
City of Upland

Debra Jones, Mayor
City of Victorville

David Avila, Council Member
City of Yucaipa

Rick Denison, Council Member
Town of Yucca Valley

Paul Cook, Supervisor
County of San Bernardino

Janice Rutherford, Supervisor
County of San Bernardino

Dawn Rowe, Supervisor
County of San Bernardino

Joe Baca, Jr., Supervisor
County of San Bernardino

Michael Beauchamp, Caltrans
Ex-Officio Member

Ray Wolfe, *Executive Director*

Julianna Tillquist, *General Counsel*

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

AGENDA

Board of Directors

May 5, 2021

10:15 a.m.

MEETING ACCESSIBLE VIA ZOOM AT: <https://gosbcta.zoom.us/j/92696593353>

Teleconference

Dial: 1-669-900-6833

Meeting ID: 926 9659 3353

Interested persons may submit Public Comments 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 p.m. on May 4, 2021.

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 Frank Navarro)

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

Pg. 15

Possible Conflict of Interest Issues

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

1. Information Relative to Possible Conflict of Interest

Pg. 16

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

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

CONSENT CALENDAR

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

Consent - Administrative Matters

- 2. March 2021 Procurement Report** Pg. 18

Receive the March 2021 Procurement Report.
Presenter: Jeffery Hill

This item was received by the General Policy Committee on April 14, 2021.
- 3. Measure I Revenue** Pg. 26

Receive report on Measure I receipts for Measure I 2010-2040.
Presenter: Lisa Lazzar

This item was received by the General Policy Committee on April 14, 2021.
- 4. Fiscal Year 2020/2021 Budget Amendments** Pg. 28

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

A. Approve an increase in budget for Fiscal Year 2020/2021 for Task No. 0550 – Allocations/Pass-Through by \$12,483,000 to be funded by an increase in anticipated Measure I (MSI) sales tax revenue for the Local Street Pass Through Programs in each of the six subareas of the County (funds 4140, 4240, 4340, 4440, 4540, and 4640); and

B. Approve an increase in budget for Fiscal Year 2020/2021 for Task No. 0310 – Transit Allocation/Pass-Through by \$3,438,000 to be funded by an increase in anticipated MSI sales tax revenue for the Senior and Disabled Transit Service Programs in each of the six subareas of the County (funds 4170, 4270, 4370, 4470, 4570, and 4670); and

C. Approve a budget adjustment for the Fiscal Year 2020/2021 for Task No. 0314 – Transit Operations with a substitution source of funds in an amount of \$4,000,000 Valley Local Transportation Funds for State Transit Assistance – Operator Share Funds in the amount of \$4,000,000, for a zero net increase to the fiscal year budget.

Presenter: Lisa Lazzar

This item was reviewed and unanimously recommended for approval by the General Policy Committee on April 14, 2021.
- 5. San Bernardino Associated Governments Pension Liability** Pg. 31

Receive report on the San Bernardino Associated Governments Pension Liability.
Presenter: Hilda Flores

This item was received by the General Policy Committee on April 14, 2021.

6. Investment Policy No. 20100

Pg. 34

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA), effective July 1, 2021:

A. Approve Investment Policy No. 20100, as revised; and

B. Delegate to SBCTA's Treasurer, who shall serve as SBCTA's Chief Financial Officer and Treasurer, authority for a one-year period, to invest or reinvest SBCTA funds and to sell or exchange securities so purchased, pursuant to Policy No. 20100; and

That the Board, acting as the San Bernardino Associated Governments, effective July 1, 2021:

C. Reauthorize pooling San Bernardino Council of Governments (SBCOG) funds with SBCTA funds, to be invested in accordance with SBCTA's Investment Policy No. 20100; and

D. Delegate to SBCTA's Treasurer, who shall serve as SBCOG's Chief Financial Officer and Treasurer, authority for a one-year period, to invest or reinvest SBCOG funds and to sell or exchange securities so purchased, pursuant to Policy No. 20100.

Presenter: Hilda Flores

This item was reviewed and unanimously recommended for approval by the General Policy Committee on April 14, 2021. SBCTA General Counsel has reviewed this item and the revised policy.

7. Revision to Policy No. 10000

Pg. 44

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

Approve revisions to Policy No. 10000 - Policy Committee Relationships & Procedures regarding quorum of policy committees and to clarify committee responsibilities.

Presenter: Marleana Roman

This item was reviewed and unanimously recommended for approval by the General Policy Committee on April 14, 2021. SBCTA General Counsel has reviewed this item and the proposed policy revisions.

8. Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Pg. 49

Receive the Fiscal Year 2020/2021 Initiatives and Action Plan –Third Quarter Report.

Presenter: Raymond Wolfe

This item was received by the General Policy Committee on April 14, 2021.

9. Executive Director Employment Contract Amendment

Pg. 66

Approve Amendment No. 7 to Employment Contract No. C12222 with Executive Director Raymond W. Wolfe.

Presenter: Frank Navarro

Extension to the term of the Executive Director's contract was reviewed and recommended by the Board of Directors in Closed Session on April 7, 2021. SBCTA General Counsel has reviewed this item and the draft amendment.

Consent - Project Delivery

10. On-Call Tolling Advisory Services Request for Proposals

Pg. 70

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

Approve the withdrawal of Request for Proposals No. 21-1002490 for an On-Call Tolling Advisory Services Consultant for the San Bernardino County Transportation Authority Express Lanes Program.

Presenter: Paula Beauchamp

This item was reviewed and recommended for approval (19-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on April 15, 2021. SBCTA General Counsel, Procurement Manager and Risk Management have reviewed this item and the Scope of Work.

11. Mt. Vernon Viaduct-Request for Additional Expenditure Authorization for Southern California Regional Rail Authority Construction Agreement

Pg. 76

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

Approve an additional expenditure authorization to Contract No. 19-1002210 with Southern California Regional Rail Authority for actual flagging, inspection and railroad support costs associated with the Mt. Vernon Viaduct project in the amount of \$300,000, bringing the total not-to-exceed contract amount to \$800,000.

Presenter: Henry Stultz

This item was reviewed and recommended for approval (19-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on April 15, 2021. SBCTA Risk Management has reviewed this item.

12. Amendment No. 2 to Contract No. 16-1001474 with Gibbs Giden Locher Turner Senet & Wittbrodt, LLP for Public Contracting Legal Services

Pg. 79

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

Approve Amendment No. 2 to Contract No. 16-1001474 with Gibbs Giden Locher Turner Senet & Wittbrodt, LLP for public contracting legal services, increasing the contract price from \$150,000 to \$650,000; extending the term through June 30, 2024, with two one-year optional terms, if needed; and updating certain insurance requirements; and authorize the Executive Director, or his designee, to exercise the optional terms.

Presenter: Julianna Tillquist

This item was reviewed and recommended for approval (19-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on April 15, 2021. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft amendment.

Consent - Regional/Subregional Planning

13. San Bernardino County Regional Greenhouse Gas Reduction Plan Update

Pg. 86

Receive information on the San Bernardino County Regional Greenhouse Gas Reduction Plan Update.

Presenter: Josh Lee

This item was received by the General Policy Committee on April 14, 2021. The GHG Reduction Plan has been a regularly scheduled item at the Planning Directors Technical Forum since the start of the project in 2018.

14. Development Mitigation Annual Report for Fiscal Year Ending June 30, 2020 Pg. 100

Receive information on the Development Mitigation Annual Report for Fiscal Year ending June 30, 2020.

Presenter: Steve Smith

This item was received by the General Policy Committee on April 14, 2021. The tables contained in this item were distributed to the Transportation Technical Advisory Committee on March 25, 2021, with a request for comment and an opportunity for questions and corrections.

Consent - Transit

15. West Valley Connector Project- Amendment No. 3 to Contract No. 18-1001870 with Parsons Transportation Group, Inc. Pg. 104

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

A. Approve Amendment No. 3 to Contract No. 18-1001870 with Parsons Transportation Group, Inc., for environmental, architectural, engineering, and final design services for the West Valley Connector Project, increasing the contract amount by \$1,894,812 for an amended not-to-exceed amount of \$14,830,113.11.

B. Approve an increase of contingency for a not-to-exceed amount of \$190,000 for Contract No. 18-1001870 and authorize the Executive Director, or his designee, to release contingency as necessary for the project.

Presenter: Victor Lopez

This item was reviewed and unanimously recommended for approval by the Transit Committee on April 15, 2021. SBCTA General Counsel, Procurement Manager and Risk Management have reviewed this item and the draft amendment.

16. Southern California Regional Rail Authority Lead Rancho Cucamonga Siding Project: Right-of-Way Acquisitions Pg. 145

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

A. Receive a report on parcels impacted by the Rancho Cucamonga Siding Project.

B. Authorize the Director of Transit and Rail Programs, or her designee, at their discretion, to approve the addition or deletion of such parcels as are necessary for the Rancho Cucamonga Siding Project.

Presenter: Ryan Aschenbrenner

This item was reviewed and unanimously recommended for approval by the Transit Committee on April 15, 2021. SBCTA General Counsel has reviewed this item.

17. Zero Emission Multiple Unit Update Pg. 148

Receive and file an update on the Zero Emission Multiple Unit and the infrastructure needed to maintain and operate it.

Presenter: Carrie Schindler

This item was received by the Transit Committee on April 15, 2021. SBCTA General Counsel has reviewed this item and a draft of the proposed Environmental Impact Report.

18. Amendment No. 2 to Work Order No. 8 for Cooperative Agreement No. 15-1001125 with Southern California Regional Rail Authority Pg. 151

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

A. Approve Amendment No. 2 to Work Order No. 8, issued under Cooperative Agreement No. 15-1001125 with the Southern California Regional Rail Authority, to provide rail related support services related to a light pole defect for lighting at the San Bernardino Santa Fe Depot and the Downtown San Bernardino Metrolink station, extending the term to June 30, 2021 and increasing the amount by \$200,000, for a new total not-to-exceed amount of \$450,000, to be funded with Rail Asset Funds.

B. Approve a budget amendment to the Fiscal Year 2020/2021 Budget, Task No. 0314 Transit Operations, to increase Sub-Task No. 0377 by \$200,000 in Rail Asset Funds.

C. Approve increasing the original allocation of \$500,000 by \$200,000, for a new total amount of \$700,000, in Rail Asset Funds to address issues related to a light pole defect for lighting at the San Bernardino Santa Fe Depot and the Downtown San Bernardino Metrolink station.

Presenter: Victor Lopez

This item was reviewed and unanimously recommended for approval by the Transit Committee on April 15, 2021. SBCTA General Counsel and Risk Management have reviewed this item and the draft Work Order.

19. Amendment No. 1 to Contract No. 16-1001329 with Nossaman, LLP for Legal Services for the Redlands Passenger Rail Project Pg. 156

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

Approve Amendment No. 1 to Contract No. 16-1001329 with Nossaman, LLP for Right-of-Way Legal Services on the Redlands Passenger Rail Project to extend the contract term through June 30, 2023; this increases the total contract term to just over seven years. Amendment No. 1 also increases the amount of professional liability coverage required.

Presenter: Victor Lopez

This item was reviewed and unanimously recommended for approval by the Transit Committee on April 15, 2021. SBCTA General Counsel, Procurement Manager and Risk Management have reviewed this item and the draft amendment.

20. West Valley Connector- Affordable Housing and Sustainable Communities Program Grant Application Pg. 160

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

Adopt Resolution No. 21-036 authorizing the Executive Director, or his designee, to apply for the Affordable Housing and Sustainable Communities Grant Program as a joint applicant with the City of Pomona and the Cesar Chavez Foundation, through which the San Bernardino County Transportation Authority (SBCTA) would request \$8,175,000 to be used towards the West Valley Connector Project, and to execute the Standard Agreement and associated documents, including indemnity agreements with joint applicants, upon General Counsel's approval as to legal form, should SBCTA be awarded the grant.

Presenter: Victor Lopez

This item was reviewed and unanimously recommended for approval by the Transit Committee on April 15, 2021. SBCTA General Counsel has reviewed this item and the draft Resolution.

Consent - Legislative/Public Outreach

21. State Legislative Update Pg. 165

Receive and file the April 2021 State Legislative Update.

Presenter: Louis Vidaure

This item was received by the Legislative Policy Committee on April 14, 2021.

22. Federal Legislative Update Pg. 188

Receive and file the April 2021 Federal Legislative Update.

Presenter: Louis Vidaure

This item was received by the Legislative Policy Committee on April 14, 2021.

23. Senate Bill 278 Pg. 191

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

Approve the action of the Legislative Policy Committee on April 14, 2021, adopting a Work with Author position on Senate Bill 278 Senator Connie Leyva at this time and direct staff to provide an update to the Legislative Policy Committee on the status of legislation at a later date for reconsideration of a position by SBCOG.

Presenter: Otis Greer

This item was reviewed and recommended for approval (5-1-0: Opposed: Wapner) by the Legislative Policy Committee on April 14, 2021.

24. Assembly Bill 840 Pg. 204

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

Approve the action of Legislative Policy Committee on April 14, 2021, adopting an OPPOSE position on Assembly Bill 840 by Assemblyman Chris Holden.

Presenter: Otis Greer

This item was reviewed and unanimously recommended for approval by the Legislative Policy Committee on April 14, 2021.

25. Bill Positions - Support Pg. 211

That Board, acting as the San Bernardino County Transportation Authority / San Bernardino Associated Governments (SBCOG):

Approve the action of the Legislative Policy Committee on April 14, 2021 to Support the following state legislation:

- A. Senate Bill 266 by Senator Josh Newman
- B. Senate Bill 623 by Senator Josh Newman
- C. Assembly Bill 703 by Assembly member Blanca Rubio
- D. Assembly Bill 744 by Assembly member Freddie Rodriguez

Presenter: Louis Vidaure

This item was reviewed and unanimously recommended for approval by the Legislative Policy Committee on April 14, 2021.

Consent Calendar Items Pulled for Discussion

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

DISCUSSION ITEMS

Discussion - Administrative Matters

26. Board Member Appointment

Pg. 235

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

Approve the appointment of Vice Mayor Ray Marquez, City of Chino Hills, to the Gold Line Phase II Joint Powers Authority, to serve as the alternate member for a term expiring on December 31, 2022.

Presenter: Marleana Roman

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

27. Fiscal Year 2021/2022 Proposed SBCTA and SBCOG Budget Workshop and Adoption of SBCOG Budget

Pg. 237

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

A. Receive the Fiscal Year 2021/2022 Initiatives and Action Plan; and

B. Receive a presentation of the Fiscal Year 2021/2022 Proposed Budget; and

C. Conduct a Board of Directors Workshop for SBCTA's Fiscal Year 2021/2022 Proposed Budget.

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

D. Adopt the Fiscal Year 2021/2022 SBCOG Budget with appropriations of \$1,281,956, transfers out of \$109,759, and estimated revenues of \$560,006.

Presenter: Hilda Flores

The Board of Directors, during the Metro Valley Study Session on February 11, 2021 and the Mountain/Desert Policy Committee on February 19, 2021, reviewed the Budget Overview for each program. All SBCTA policy committees have reviewed task descriptions and budget for activities under their purview.

Discussion - Council of Governments

28. Adoption of Regional Equity Resolution No. 21-037 and an Update on Work of the Equity Ad Hoc Committee

Pg. 250

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

A. Receive report on activity of the Equity Ad Hoc Committee.

B. Adopt the Regional Equity Resolution No. 21-037.

C. Approve project outline for completion of the Regional Equity Study and authorize staff to move forward in completing the study through a partnership with the University of California Riverside.

Presenter: Monique Reza-Arellano

A draft of the Equity Resolution was reviewed by the City/County Manager's Technical Advisory Committee on April 1, 2021. SBCTA General Counsel has reviewed this item and the proposed resolution.

Public Comment

Brief Comments from the General Public

Interested persons may submit Public Comments 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 p.m. on May 4, 2021.

Comments from Board Members

Brief Comments from Board Members

Executive Director's Comments

Brief Comments from the Executive Director

CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
(Initiation) Pursuant to Government Code Section 54956.9(d)(4)--1 case by SBCTA

ADJOURNMENT

Additional Information

Attendance	Pg. 258
Acronym List	Pg. 260

Agency Reports

Mobile Source Air Pollution Reduction Review Committee Agency Report	Pg. 263
--	---------

Committee Membership

Representatives on SCAG Committees	Pg. 268
Appointments to External Agencies	Pg. 269
Committee Membership	Pg. 271

Mission Statement

Mission Statement	Pg. 276
-------------------	---------

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

Meeting Procedures - The Ralph M. Brown Act is the state law which guarantees the public’s right to participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees. California Governor Gavin Newsom has issued several Executive Orders (N-25-20, N-29-20 and N-35-20) waiving portions of the Brown Act requirements during the COVID-19 State of Emergency.

Accessibility – During the COVID-19 crisis, meetings are being held virtually using web-based or telephone technologies. If accessibility assistance is needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk can be reached by phone at (909) 884-8276 or via email at clerkoftheboard@gosbcta.com.

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

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

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

Public Testimony on an Item – Public Comment may be submitted in writing to the Clerk of the Board via email at clerkoftheboard@gosbcta.com. Written comments must acknowledge the Agenda Item number, and specify whether the commenter wishes the comment be included with the minutes or read into the record. Comments read into the record will be read for three minutes; if three minutes pass and there is comment still unread, the time will not be extended and the remaining comment will not be read. Public Comment must be submitted no later than 5:00 pm the day before the meeting. Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should indicate their request when Public Comment is called for during the meeting. This request to speak can be achieved by either using the ‘Raise Hand’ feature in Zoom platform or by verbally stating interest when the Chair calls for Public Comment. When recognized by the Chair, speakers should be prepared to announce their name for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. Members of the public requesting information be distributed to the Board of Directors must provide such information electronically to the Clerk of the Board via email at clerkoftheboard@gosbcta.com no later than 5:00 pm the day before the meeting. The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

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

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

Disruptive or Prohibited Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to be removed from the virtual meeting. Disruptive or prohibited conduct includes without limitation: addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, posting profane or rude content in the virtual meeting environment, or otherwise preventing the Board from conducting its meeting in an orderly manner. Your cooperation is appreciated!

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

Attendance.

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

Basic Agenda Item Discussion.

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

The Vote as specified in the SANBAG Bylaws.

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

Amendment or Substitute Motion.

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

Call for the Question.

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

The Chair.

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

Courtesy and Decorum.

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

Adopted By SANBAG Board of Directors January 2008

Revised March 2014

Revised May 4, 2016



Important Dates to Remember...

May 2021

SBCTA Meetings – Cancelled: None

SBCTA Meetings – Scheduled:

General Policy Committee	May 12	9:00 am	Meeting Accessible via Zoom
Legislative Policy Committee	May 12	9:30 am	Meeting Accessible via Zoom
Transit Committee	May 13	9:00 am	Meeting Accessible via Zoom
Metro Valley Study Session	May 13	9:30 am	Meeting Accessible via Zoom
I-10/I-15 Corridor Joint Sub-Committee	May 13	10:00 am	Meeting Accessible via Zoom
Mountain/Desert Committee	May 21	9:30 am	Meeting Accessible via Zoom

Other Meetings/Events:

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

SBCTA Offices will be CLOSED:

- **May 31st, Memorial day**

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

Minute Action

AGENDA ITEM: 1

Date: May 5, 2021

Subject:

Information Relative to Possible Conflict of Interest

Recommendation:

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

Background:

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

Item No.	Contract No.	Principals & Agents	Subcontractors
9	C12222-07	Raymond W. Wolfe	None
12	16-1001474-02	Gibbs Giden Locher Turner Senet & Wittbrodt, LLP <i>Ted Senet</i>	None
15	18-1001870-03	Parsons Transportation Group, Inc. <i>Chris A. Johnson, P.E.</i>	None
16	APN 0209-013-85	City of Rancho Cucamonga	None
16	APN 0209-013-87	City of Rancho Cucamonga	None
16	APN 0209-032-13	Zarp Properties, LLC	None
16	APN 0209-032-63	Kinsman, Craig Trust	None
16	APN 0209-032-11	Wilkinson Family Trust	None
16	APN 0209-032-17	Wong, Robert K and May L Family Limited Partnership	None
16	APN 0209-032-29	JNS Investments LLC	None

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

Board of Directors Agenda Item

May 5, 2021

Page 2

19	16-1001329	<i>Nossaman, LLP</i> Rick E. Rayle	None
20	N/A	City of Pomona	None
20	N/A	Cesar Chavez Foundation <i>Welton Smith</i>	None

Financial Impact:

This item has no direct impact on the budget.

Reviewed By:

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

Responsible Staff:

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

Minute Action

AGENDA ITEM: 2

Date: May 5, 2021

Subject:

March 2021 Procurement Report

Recommendation:

Receive the March 2021 Procurement Report.

Background:

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

The Board of Directors further authorized General Counsel to award and execute legal services contracts up to \$100,000 with outside counsel as needed, and authorized Department Directors to approve and execute Contingency Amendments that do-not-exceed contingency amounts authorized by Board of Directors. A list of all Contracts and Purchase Orders that were executed by the Executive Director, Department Director and/or General Counsel during the month of March 2021 are presented herein as Attachment A, and all RFPs and IFBs are presented in Attachment B.

Financial Impact:

This item is consistent with the Fiscal Year 2020/2021 Budget. Presentation of the monthly procurement report demonstrates compliance with the Contracting and Procurement Policy.

Reviewed By:

This item was received by the General Policy Committee on April 14, 2021.

Responsible Staff:

Jeffery Hill, Procurement Manager

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

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

Attachment A**March Contract Actions****New Contracts Executed:**

Contract No.	Description of Specific Services	Vendor Name	Dollar Amount
21-1002607	Issuance of rating for Interstate 10 (I-10) Contract One Express Lanes Project TIFIA Loan.	Kroll Bond Rating Agency, LLC	\$100,000.00

Attachment A

March Amendment Actions

Contract Amendments Executed:

Contract No. & Amendment No.	Reason for Amendment (include a description of the amendment)	Vendor Name	Previous Amendments & Dollar Values	Dollar Amount of Amendment	Amended Contract Total
19-1001998 Amendment 1	Increased not-to-exceed amount and updated vendor name. Project: Transit and specialized planning services.	AMMA Transit Planning	Original \$480,000.00	\$100,000.00	\$580,000.00
17-1001628 Amendment 1	Exercised first option term and increased the not-to-exceed amount. Project: Information technology network consultant support services.	City of Brea	Original \$852,875.00	\$503,717.00	\$1,356,592.00

Attachment: March Procurement Report Attachment A (7633 : March 2021 Procurement Report)

Attachment A

March Contract Task Order Actions

Contract Task Order (CTO) Executed:

Contract No. & CTO No.	Description of CTO	Vendor Name	Contract Amount	Previously Issued CTOs	Dollar Amount of CTO
19-1002185 CTO 12	San Bernardino County Sub-Regional REAP Grant Funding Implementation Support	Michael Baker International	\$3,414,000.00 Shared with Alta Planning + Design (19-1002103), Fehr & Peers (19-1002186), Cambridge Systematics (19-1002187), HDR Engineering (19-1002188), and Dudek (19-1002189)	Various CTOs not including CTO 12 Totaling \$833,659.64	Total \$214,215.00
20-1002377 CTO 4	Burrowing Owl and Nesting Birds pre- construction surveys, and biological oversight for the Interstate 10 (I-10) University Street interchange.	Vandermost Consulting Services	\$3,000,000.00	Various CTOs not including CTO 4 Totaling \$144,457.87	Total \$5,925.50
20-1002377 CTO 2 Amendment 1	Reduction to State Route 210 (SR-10) Lane Addition Paleontologist Contract.	Vandermost Consulting Services	\$3,000,000.00	Various CTOs not including CTO 2 Totaling \$38,313.55	Origin \$125,019.00 Amendment (\$12,949.10) Total \$112,069.90

Attachment: March Procurement Report Attachment A (7633 : March 2021 Procurement Report)

Attachment A

March Contract Task Order Actions

Contingency Released:

Contract No. & Contingency No.	Reason for Contingency Amendment (include a description of the amendment)	Vendor Name	Previous Amendments & Dollar Values	Dollar Amount of Contingency Amendment	Amended Contract Total
20-1002266 Contingency Amendment 0A	For analysis of Brightline project to ensure there is no interference between the train and express lanes where they are adjacent.	Michael Baker International	Original \$21,319,091.00	\$60,450.00	\$21,379,541.0
18-1001870 Contingency Amendment 2G	Added additional services including infiltration testing, West Valley Connector Charging Facility Concepts and title reports.	Parsons Transportation Group	Original \$6,495,780.54 Amendment 1 \$1,275,000.00 Amendment 2 \$1,045,000.00 Amendment 2A \$104,000.00 Amendment 2B \$54,523.00 Amendment 2C \$38,300.00 Amendment 2D \$199,107.00 Amendment 2E \$97,868.00 Amendment 2F \$229,726.00	\$54,265.00	\$9,593,569.5

Attachment: March Procurement Report Attachment A (7633 : March 2021 Procurement Report)

Attachment A

March Purchase Order Actions

Purchase Orders:

PO No.	PO Issue Date	Vendor Name	Description of Services	PO Dollar Amount
4002122	3/24/21	Berkshire Hathaway Homestate	Additional workers compensation final payroll audit.	\$9,605.0
4002123	3/20/21	Economics & Politics, Inc.	Provide sales tax forecast from FY 2021/2022 to March 2040 for the update to the 10-year delivery plan.	\$15,000.0
4002121	3/16/21	Spectrum Striping Services	Electric Vehicle (EV) striping and signs for the SBCTA parking lot.	\$7,474.0

Attachment: March Procurement Report Attachment A (7633 : March 2021 Procurement Report)

Attachment A

March Purchase Order Amendment Actions

Purchase Order Amendments Executed:

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

Attachment: March Procurement Report Attachment A (7633 : March 2021 Procurement Report)

Attachment B**March RFP's and IFB's****Release of RFP's and IFB's**

Release Date	RFP/IFB No.	Anticipated Dollar Amount	Anticipated Award Date	Description of Overall Program and Program Budget
4/7/21	21-1002570	\$180,000.00	July 2021	Laserfiche Software Support Services for agency wide document management storage system.

Attachment: March Procurement Report Attachment B (7633 : March 2021 Procurement Report)

Minute Action

AGENDA ITEM: 3

Date: May 5, 2021

Subject:

Measure I Revenue

Recommendation:

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

Background:

Sales tax revenue collections for Measure I 2010 through 2040 began on April 1, 2010. Cumulative total receipts as of March 31, 2021, were \$1,688,483,759.

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

Measure I revenue for the 2020/2021 Fiscal Year Budget was estimated to be \$143,900,000. Actual Measure I receipts for Fiscal Year 2020/2021 January through March are \$52,728,566, in comparison to \$49,729,997 received during the quarter ending March 2019/2020, with an increase of 6.03%. The increase is mainly attributed to the continuing acceleration in online shopping in addition to last year's implementation of Supreme Court decision of Wayfair v. South Dakota that requires out-of-state vendors to collect and remit sales and use taxes. SBCTA staff continues to monitor the impact of the COVID-19 pandemic on sales tax revenue, even though the impact is not as extreme as anticipated.

Financial Impact:

Measure I revenues for the third quarter of Fiscal Year 2020/2021 exceeded both the budgeted amount and prior years' collections.

Reviewed By:

This item was received by the General Policy Committee on April 14, 2021.

Responsible Staff:

Lisa Lazzar, Chief of Fiscal Resources

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

Entity: San Bernardino County Transportation Authority

Summary of SANBAG Measure I Receipts 2010-2040

Fiscal Year	July- September	October- December	January- March	April- June	Fiscal Year Total	Cumulative Total To Date
Receipts Prior to FY 2010/11						\$7,158,800
Fiscal Year 2010/11	28,188,907	29,207,950	28,808,766	29,397,456	115,603,079	\$122,761,879
Fiscal Year 2011/12	31,027,319	33,547,956	32,757,419	33,476,051	130,808,745	\$253,570,624
Fiscal Year 2012/13	34,279,449	35,076,980	34,336,570	34,309,171	138,002,171	\$391,572,794
Fiscal Year 2013/14	35,430,012	35,403,641	36,843,452	35,789,045	143,466,150	\$535,038,944
Fiscal Year 2014/15	37,253,007	38,007,716	38,225,122	37,132,591	150,618,437	\$685,657,380
Fiscal Year 2015/16	39,298,056	40,309,825	40,950,261	38,929,588	159,487,730	\$845,145,110
Fiscal Year 2016/17	41,123,141	40,742,242	41,465,217	39,801,939	163,132,539	\$1,008,277,649
Fiscal Year 2017/18	43,117,814	42,305,693	44,007,900	39,149,611	168,581,018	\$1,176,858,666
Fiscal Year 2018/19	41,560,927	49,358,825	46,035,191	43,531,556	180,486,500	\$1,357,345,167
Fiscal Year 2019/20	46,250,572	46,514,574	49,729,997	35,959,684	178,454,827	\$1,535,799,994
Fiscal Year 2020/21	48,366,423	51,588,776	52,728,566	-	152,683,765	\$1,688,483,759
% Increase Over 19/20	4.57%	10.91%	6.03%			

Minute Action

AGENDA ITEM: 4

Date: May 5, 2021

Subject:

Fiscal Year 2020/2021 Budget Amendments

Recommendation:

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

- A. Approve an increase in budget for Fiscal Year 2020/2021 for Task No. 0550 – Allocations/Pass-Through by \$12,483,000 to be funded by an increase in anticipated Measure I (MSI) sales tax revenue for the Local Street Pass Through Programs in each of the six subareas of the County (funds 4140, 4240, 4340, 4440, 4540, and 4640); and
- B. Approve an increase in budget for Fiscal Year 2020/2021 for Task No. 0310 – Transit Allocation/Pass-Through by \$3,438,000 to be funded by an increase in anticipated MSI sales tax revenue for the Senior and Disabled Transit Service Programs in each of the six subareas of the County (funds 4170, 4270, 4370, 4470, 4570, and 4670); and
- C. Approve a budget adjustment for the Fiscal Year 2020/2021 for Task No. 0314 – Transit Operations with a substitution source of funds in an amount of \$4,000,000 Valley Local Transportation Funds for State Transit Assistance – Operator Share Funds in the amount of \$4,000,000, for a zero net increase to the fiscal year budget.

Background:

The Finance Department is responsible for the preparation and administration of the San Bernardino County Transportation Authority (SBCTA) Budget. Subsequent to adoption of the budget, adjustments are made by departments either by Board of Directors (Board) approval or by the authority granted to the Executive Director under Policy No. 20000, Financial Policies.

In order to identify any major budgetary changes during the fiscal year, the Finance Department compares actual expenditures and revenues to the budget. All departments are also responsible for identifying other budget adjustments necessary as a result of: 1) programmatic adjustments required to maintain compliance with applicable federal and state law and internal policies such as Measure I (MSI) Policies; 2) additional funds made available from allocations or grants; 3) unforeseen costs; or 4) other unexpected changes.

Staff is requesting approval of the following budget increases necessary to carry out the administrative and programmatic functions of the agency:

Task 0550 – Allocations/Pass-Through of \$12,483,000 for anticipated MSI revenue increases for the Local Street Pass-Through Program and Task 0310 – Transit Allocations/Pass-Through of \$3,438,000 for anticipated MSI revenue increases for the Senior and Disabled Program.

SBCTA, based on Ordinance 04-01 to administer MSI 2010-2040 programs, allocates funds to the participating agencies. SBCTA staff compares actual MSI receipts through March in the amount of \$120,631,838 to the budget of \$143,900,000, and utilizes the services of HdL

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

Companies for sales tax projections. HdL Companies projects sales tax revenue for the fiscal year to end at \$190,000,000.

Since the revenue is based on sales tax and population by subarea, the analysis was performed at the subarea level. The Fiscal Year 2020/2021 Budget for MSI Local Street Pass-Through was approved for \$38,022,000 and the Senior and Disabled funds were approved for \$10,563,500. The sales tax revenue increase will require a budget adjustment of \$12,483,000 for Task 0550 and \$3,438,000 for Task 0310.

The recommended budget adjustments will provide sufficient appropriations to process payments to local jurisdictions for Measure I Local Street Pass-Through and Senior and Disabled funds.

Task No. 0314 – Transit Operations with a substitution source of funds in an amount of \$4,000,000 Valley Local Transportation Funds for State Transit Assistance – Operator Share Funds in the amount of \$4,000,000.

As a member agency of the Southern California Regional Rail Authority (SCRRA) Joint Powers Authority (JPA), the SBCTA Board approves subsidy assistance allocations for operating, new capital and rehabilitation on an annual basis. The budgeting process for the Fiscal Year 2020/2021 Budget began in January 2020 and experienced delays due to the budget impacts of the public health pandemic which became apparent during budget development. With this early preparation and subsequent modifications, staff projected anticipated funding needs through the end of the existing fiscal year. This had a direct impact on the fund sources designated to comprise the SCRRA preliminary budget operating subsidy request.

After all expenses and fund balances for Fiscal Year 2019/2020 have been recognized, the Transit Department reviewed all Tasks and their respective budgets for Fiscal Year 2020/2021 and determined a substitution source of funds for Task No. 0314 Transit Operations as outlined in the aforementioned recommendation. This budget amendment supports the ongoing operations of Metrolink passenger rail service throughout San Bernardino County with connections to the greater regional area.

Financial Impact:

This item is not consistent with the Fiscal Year 2020/2021 Budget. Approval of this item will authorize budget amendments to several Funds (Fund: 4140 - \$7,341,000; 4170 - \$3,000,000; 4240 - \$3,583,000; 4270 - \$321,000; 4340 - \$551,000; 4370 - \$41,000; 4440 - \$113,000; 4470 - \$9,000; 4540 - \$413,000; 4570 - \$31,000; 4640 - \$482,000; 4670 - \$36,000; 1040 - \$4,000,000; 1050 - \$4,000,000) in the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on April 14, 2021.

Responsible Staff:

Lisa Lazzar, Chief of Fiscal Resources

Board of Directors Agenda Item
May 5, 2021
Page 3

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 5

Date: May 5, 2021

Subject:

San Bernardino Associated Governments Pension Liability

Recommendation:

Receive report on the San Bernardino Associated Governments Pension Liability.

Background:

San Bernardino County Transportation Authority (SBCTA) participates in a cost-sharing defined benefit plan to provide pensions to the employees of more than one employer with the San Bernardino County Employees' Retirement Association (SBCERA). The plan assets are pooled together to provide pension benefits and are not segregated into separate accounts by employer.

In June 2012, the Government Accounting Standards Board (GASB) issued Statement 68, *Accounting and Financial Reporting for Pensions*, which requires a closer measure and recording of the unfunded actuarial liability. The recorded liability is the "net pension liability" which represents the present value of projected benefits less the amount of the pension plan's fiduciary net position. SBCTA implemented GASB Statement 68 in the 2015 Comprehensive Annual Financial Report (CAFR).

Each employer in the cost-sharing plan will record a new liability representing their proportionate share of the collective net pension liability. The proportionate share is determined by the contributions of each employer. SBCERA's net pension liability for Fiscal Year (FY) 2019/2020 is \$2.7 billion, in comparison to \$2.5 billion in the previous FY. The net position as a percentage of the total pension liability has decreased from 79.89% to 79.61%. SBCTA's proportionate share of the net pension liability is \$16.5 million as of June 30, 2020. This liability is reported in the CAFR under the Government-wide Financial Statements section. The liability is an obligation of SBCTA until the pension plan's fiduciary net position is equal to or greater than the present value of projected benefits.

Currently, SBCTA's annual pension contribution is \$2.5 million, mainly funded with various Measure I Programs; Local Transportation Fund Special Revenue Fund, Service Authority for Freeway Emergencies Special Revenue Fund, and Council of Governments Fund. Future loss of these revenue sources would leave future funding of the net pension liability to remaining revenue sources ***including local jurisdictions***. SBCTA staff is monitoring the unfunded pension liability to ensure it is fully funded before the end of Measure I, which sunsets on March 31, 2040.

Staff requested SBCERA to provide information on paying off SBCTA's pension liability under three alternatives:

1. Lump-sum payment to pay off liability as of June 30, 2020.
2. Increase in contribution rates to pay off liability over five years.
3. Increase in contribution rates to pay off liability over ten years.

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

Alternative 1

The pension liability of \$17.6 million as of June 30, 2020, would be contributed by SBCTA and would result in the immediate funding of the liability. SBCTA would start contributing at only the normal cost contribution rates in the future. The difficulty of this alternative is identifying the appropriate unrestricted funding sources. Currently, nearly 100% of SBCTA's fund balances are restricted by Federal, State and local regulations and covenants.

Alternative 2

In order to pay off the pension liability over five years, the current contribution rate of 26.22% for the liability would have to increase to 46.78%. This is exclusive of the normal cost contribution rate. The annual contribution would increase significantly from \$2.5 million to \$4 million or 158%. The additional costs would increase overhead to various programs and projects.

Alternative 3

In order to pay off the pension liability over ten years, the current contribution rate of 26.22% for the liability would have to increase to 30.25%. This is exclusive of the normal cost contribution rate. The annual contribution would increase from \$2.5 million to \$2.8 million and is considerably less costly than Alternative 2. The additional costs would increase overhead to various programs and projects.

The additional contributions in Alternatives 2 and 3 would be tracked separately and the accumulated balances would be applied to the remaining pension liability in the future (five and ten years). There would be no reduction of SBCTA's liability until the application of accumulated balances which would result in no pension liability in the future. *It should be noted this evaluation is ongoing and SBCTA could be liable for any new unfunded liability that may emerge in the future.* Also, the additional contributions were assumed to be paid solely by the employer.

Another alternative is to continue with the current rates based on the June 30, 2019 actuarial valuation. SBCERA's net pension liability and net position as a percentage of the pension liability for FY 2018/2019 and FY 2019/2020 (Measurement date 2018-2019) are as follows:

Fiscal Year	Net Pension Liability	Net Position as a Percentage to Total Pension Liability
2019	\$ 2,533,580,002	79.89%
2020	\$ 2,711,896,561	79.61%

A number of things occurred during FY 2019/2020 and FY 2020/2021 that impacted Pension Liabilities. The following are the most significant changes:

1. The California Supreme Court's decision issued on Thursday, July 30, 2020 in the case known as Alameda County Deputy Sheriffs' Association et al. v. Alameda County Employees' Retirement Association (ACERA) and Board of Retirement of ACERA (S247095, also known as "the Alameda case"). The Supreme Court's decision has an effect on the manner in which SBCERA calculated retirement benefits for certain

SBCERA retirees, which will result in a recalculation and reduction of benefits for some retirees. The decision also affects how SBCERA must calculate retirement benefits for some active and deferred members who may retire now and into the future. This may have an effect on the Total Pension Liability and Net Pension Liability.

2. COVID-19 has had a negative impact on interest earnings over the past year. Market returns above or below investment return assumptions are smoothed over a five-year period to eliminate large variations from year to year.
3. The reorganization changes approved by the Board of Directors in January 2021 of the Project Delivery and Toll Operations and Transit and Rail Departments to add eleven new positions will increase the Total Pension Liability and Net Pension Liability.

The effect of these changes on the pension liability is not yet known. The June 30, 2019 actuarial valuation provided a sensitivity analysis which indicated if the investment return assumption was increased from 7.25% to 8.25%, the pension liability would decrease from \$2.7 billion to \$1.2 billion.

SBCTA will not provide any new pension contributions at this time. The pension liability position will be reviewed by FY 2024/2025 noting that if there are material future benefit and/or assumption changes, it will change future calculations. SBCTA staff will include a reserve in Fiscal Year 2021/2022 proposed budget to pay off the pension liability before the end of the current Measure in March of 2040.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was received by the General Policy Committee on April 14, 2021.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

Minute Action

AGENDA ITEM: 6

Date: May 5, 2021

Subject:

Investment Policy No. 20100

Recommendation:

That the Board, acting as the San Bernardino County Transportation Authority (SBCTA), effective July 1, 2021:

A. Approve Investment Policy No. 20100, as revised; and

B. Delegate to SBCTA's Treasurer, who shall serve as SBCTA's Chief Financial Officer and Treasurer, authority for a one-year period, to invest or reinvest SBCTA funds and to sell or exchange securities so purchased, pursuant to Policy No. 20100; and

That the Board, acting as the San Bernardino Associated Governments, effective July 1, 2021:

C. Reauthorize pooling San Bernardino Council of Governments (SBCOG) funds with SBCTA funds, to be invested in accordance with SBCTA's Investment Policy No. 20100; and

D. Delegate to SBCTA's Treasurer, who shall serve as SBCOG's Chief Financial Officer and Treasurer, authority for a one-year period, to invest or reinvest SBCOG funds and to sell or exchange securities so purchased, pursuant to Policy No. 20100.

Background:

The California Government Code (Government Code), which governs the investment and the deposit of public funds (Section 53600 et seq. and Section 53635), requires that the agency's governing body review the investment policy at a public meeting.

San Bernardino County Transportation Authority's (SBCTA) staff and investment advisor, PFM Asset Management LLC (PFM), has reviewed the current Policy No. 20100, Investment Policy, and concur that the policy meets all requirements with recommended changes. The changes relate to Senate Bill 998, which took effect on January 1, 2021, and includes the following amendments to the Code:

- Allows local agencies, like SBCTA, that have more than \$100 million of investment assets, to invest up to 40% of their assets in commercial paper (the existing limit is 25% for all agencies other than a county or a city and county). While SBCTA has made only limited use of commercial paper in the past, increasing the Policy limit to match Code would provide SBCTA with additional flexibility to enhance its short-term investments earnings.
- Eliminates the 10% limit on the outstanding commercial paper of any one issuer and establishes a combined 10% per issuer limit on commercial paper and corporate notes. We recommend that SBCTA eliminate the 10% limit on the outstanding commercial paper of an issuing corporation, as it is no longer in the Code. There is no need to incorporate the new 10% per issuer limit as SBCTA already has a more restrictive 3% per issuer limit that applies across corporate sectors.

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

Board of Directors Agenda Item

May 5, 2021

Page 2

- Allows local agencies to invest in securities issued or backed by the U.S. government that could result in zero or negative interest accrual if held to maturity, in the event of, and for the duration of, a period of negative market interest rates. As Section 53601.6 is not referenced in the Policy, no changes are required. SBCTA would still be able to utilize this Code provision in the unlikely event interest rates were to go negative.
- Allows federally recognized Indian tribes to invest and participate in an investment Joint Powers Authority (JPA). This provision does not apply to SBCTA.

The Government Code also provides that if an agency's legislative body elects to delegate investment authority to the agency treasurer, it may do so for a one-year period, and delegation may be renewed annually. Recommendations B and D request the SBCTA and San Bernardino Council of Governments (SBCOG) Board approve the annual delegation of investment authority, pursuant to Policy No. 20100, for a one-year period to the SBCTA Treasurer, who is also the SBCTA Chief Financial Officer and the SBCOG Treasurer.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 or 2021/2022 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on April 14, 2021. SBCTA General Counsel has reviewed this item and the revised policy.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

San Bernardino County Transportation Authority	Policy	20100
Adopted by the Board of Directors 1996	Revised	<u>5/06/2005/05/2021</u>
Investment Policy	Revision No.	<u>2425</u>

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

Table of Contents

[Purpose](#) | [Policy](#) | [Investment Goals](#) | [Prudent Investor Standard](#) | [Scope](#) | [Delegation of Authority](#) | [Conflicts of Interest](#) | [Portfolio Maturity Limits](#) | [Allowable Investments for SBCTA and SBCOG Operating Funds](#) | [Additional Allowable Investments for Bond Proceeds](#) | [Prohibited Investment Transactions](#) | [Investment in "Derivative" Securities](#) | [Leveraging](#) | [Safekeeping of Securities](#) | [Competitive Bidding of Investments](#) | [Broker/Dealers](#) | [Reporting](#) | [Annual Submission of Investment Policy](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to provide guidelines for the investment of funds based upon prudent cash management practices and in conformity with all applicable statutes.

II. POLICY

The Board of Directors of the San Bernardino County Transportation Agency (SBCTA) and of the San Bernardino Council of Governments (SBCOG) recognize their responsibility to direct the investment of funds under their care. This policy is designed to meet the specific needs of SBCTA and SBCOG while ensuring the safety of funds. This revised policy is effective July 1, 2019.

III. INVESTMENT GOALS

The investment of funds by SBCTA and SBCOG shall be guided by the goals of safety, liquidity, diversification, and a reasonable market rate of return.

Safety: Safety of principal is the foremost objective of the investment program. Investments of SBCTA and SBCOG will be undertaken in a manner that seeks to ensure the preservation of capital in the portfolio.

Liquidity: SBCTA's and SBCOG's investment portfolio will remain sufficiently liquid to enable SBCTA and SBCOG to meet all operating requirements and budgeted expenditures, including an additional amount to cover reasonably estimated contingencies.

Diversification: The investment portfolio will be diversified to avoid risk regarding specific security types or individual financial institutions.

Reasonable Market Rate of Return: The investment portfolio will be designed to attain a market average rate of return through economic cycles which is consistent with SBCTA's and SBCOG's primary goals of safety, liquidity and diversification.

IV. PRUDENT INVESTOR STANDARD

SBCTA and SBCOG investments are governed by the prudent investor standard, set forth as follows:

When investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing public funds, a trustee shall act with care, skill, prudence and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency that a prudent person acting in a like capacity and familiarity with those matters would use in the investment of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall investment strategy, investments may be acquired as authorized by law.

V. SCOPE

The investment policy applies to all financial assets held by SBCTA and SBCOG, including bond proceeds. Funds specifically exempt from this policy include employee deferred compensation plans, employee pension plans, or assets held in trust by SBCTA and SBCOG with specific investment instructions.

VI. DELEGATION OF AUTHORITY

SBCTA's Board Administrative Code and SBCOG's Bylaws designate the SBCTA Chief Financial Officer (CFO) as Treasurer for each Agency.

Under the direction and oversight of the Chief Financial Officer, and in consultation with SBCTA's and SBCOG's investment adviser, the Chief Financial Officer or designee shall direct the investment of SBCTA and SBCOG combined operating funds, which are not invested in the County Pool or in LAIF ("DIRECT INVESTMENTS") in accordance with this Policy. All officials, staff members and consultants are directly accountable to the SBCTA and SBCOG Boards for investment functions.

VII. CONFLICTS OF INTEREST

All officials, staff members and consultants involved in the investment functions will refrain from personal business activity that could conflict with the execution of the investment function or which could impair their ability to make impartial investment decisions. Officials, staff members, and consultants will disclose to the Executive Director any financial interest with a financial institution or broker that conducts business with SBCTA and SBCOG. Officials, staff members and consultants will further disclose any personal financial positions that could be related to the performance of SBCTA's and SBCOG's portfolio.

VIII. PORTFOLIO MATURITY LIMITS

Investment maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled so as to permit SBCTA and SBCOG to meet all projected obligations.

The maximum maturity of any other investment of operating funds ("direct investments") may not exceed five years unless otherwise noted in Paragraph IX.

Investment of bond proceeds shall be made in consideration of the liquidity needs of the bond fund, and may not exceed five years, except for securities to be held in a defeasance escrow for refunded bonds and bond debt service reserve funds.

Investments in the San Bernardino County Pool and in LAIF are subject to maturity limits and other investment restrictions as imposed by the governing bodies of those agencies.

IX. ALLOWABLE INVESTMENTS FOR SBCTA and SBCOG OPERATING FUNDS

Investment of SBCTA's and SBCOG's funds is governed by the California Government Code, Sections 53600 et seq. and 53635 et seq. Should the Government Code become more restrictive than this policy, the Government Code restrictions shall prevail.

The following investment vehicles are permitted for the investment of operating funds.

- A. Government obligations for which the full faith and credit of the United States are pledged for the payment of principal and interest.
- B. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. No more than 40% of SBCTA's and SBCOG's combined investment portfolio may be invested in the obligations of any one federal agency or United States government-sponsored enterprise.
- C. Obligations of the State of California or any local agency within the state, including bonds payable solely out of revenues from a revenue producing property owned, controlled or operated by the state or any local agency or by a department, board, agency or authority of the state or any local agency.

Obligations of the State of California or any California local agency may not represent more than 20% of SBCTA's and SBCOG's combined portfolio and no more than 10% may be invested in the obligations of any one issuer.

- D. Registered treasury notes or bonds of any of the other 49 United States in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 United States, in addition to California. Obligations of the other 49 states may not represent more than 20% of SBCTA's and SBCOG's combined portfolio and no more than 10% may be invested in the obligations of any one issuer.

- E. Repurchase Agreements used solely as short-term investments not to exceed 30 days.

The following collateral restrictions will be observed: Only U.S. Treasury securities or Federal Agency securities, as described in Paragraph IX. A and B, will be acceptable collateral. All securities underlying Repurchase Agreements must be delivered to SBCTA's custodian bank by book entry, physical delivery, or held by a third party custodial agreement. The total of all collateral for each Repurchase Agreement must equal or exceed, on the basis of market value, 102% of the funds borrowed against those securities. For any Repurchase Agreement with a term of more than one day, the value of the underlying securities must be reviewed on a weekly basis and the value of the underlying securities brought back up to 102% no later than the next business day.

Market value must be calculated each time there is a substitution of collateral.

SBCTA and SBCOG or their trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to the Repurchase Agreement.

SBCTA and SBCOG may enter into Repurchase Agreements only with primary dealers of the Federal Reserve Bank of New York.

SBCTA and SBCOG will have specific written agreements with each firm with which it enters into Repurchase Agreements.

Reverse repurchase agreements will not be allowed.

Repurchase agreements may not represent more than 20% of SBCTA's and SBCOG's combined investment portfolio.

- F. Bankers' Acceptances issued by domestic or foreign banks, which are eligible for purchase by the Federal Reserve System, the short-term paper of which is rated in the highest category by a nationally recognized statistical-rating organization (NRSRO).

Purchases of Bankers' Acceptances may not exceed 180 days maturity or 40% of SBCTA's and SBCOG's combined investment portfolio. No more than 3% of SBCTA and SBCOG's investment portfolio may be invested in the securities of any one non-government issuer regardless of security type.

- G. Commercial paper rated in the highest short-term rating category, as provided by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2):

- (1) The entity meets the following criteria: (a) is organized and operating in the United States as a general corporation; (b) has total assets in excess of five hundred million dollars (\$500,000,000); (c) has debt other than commercial paper, if any, that is rated in a rating category of "A" or its equivalent or higher by a NRSRO.
- (2) The entity meets the following criteria: (a) is organized within the United States as a special purpose corporation, trust, or limited liability company; (b) has program-wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond; (c) has commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Purchases of eligible commercial paper may not exceed 270 days maturity ~~nor represent more than 10% of the outstanding paper of an issuing corporation.~~

Purchases of commercial paper may not exceed 2540% of SBCTA's and SBCOG's combined investment portfolio. No more than 3% of SBCTA's and SBCOG's combined investment portfolio may be invested in the securities on any one non-government issuer regardless of security type.

- H. Medium-term corporate notes issued by corporations organized and operating within the United States or by depository institutions licensed by the U.S. or any state and operating within the U.S. Medium-term corporate notes shall be rated in a rating category "A", or its equivalent or better, by a NRSRO.

Purchase of medium-term corporate notes may not exceed 30% of SBCTA's and SBCOG's combined investment portfolio. No more than 3% of SBCTA's and SBCOG's combined investment portfolio may be invested in the securities of any one non-government issuer regardless of security type.

- I. Negotiable certificates of deposit or deposit notes issued by a nationally or state-chartered bank or a state or federal savings and loan association or by a federally- or state-licensed branch of a foreign bank. Investments under this subdivision shall be rated in a rating category of "A" for long-term, "A-1" for short-term, their equivalent or better by a NRSRO.

Purchase of negotiable certificates of deposit may not exceed 30% of SBCTA's and SBCOG's combined investment portfolio. No more than 3% of SBCTA's and SBCOG's combined investment portfolio may be invested in the securities of any one non-government issuer regardless of security type.

- J. State of California's Local Agency Investment Fund (LAIF)

Investment in LAIF may not exceed 60% of SBCTA's and SBCOG's combined operating funds or up to the maximum amount permitted by the State Treasurer, whichever is less.

- K. California Asset Management Program (CAMP)'s money market pool, which is rated AAAM. Investment in CAMP may be up to the maximum amount permitted by the State.

- L. San Bernardino County Investment Pool.

- M. Insured savings accounts.

- N. Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1, et seq.). To be eligible for investment pursuant to this subdivision, these companies shall either: (1) have attained the highest ranking or the highest letter and numerical rating provided by not less than two NRSROs, or (2) have an investment advisor registered or exempt from registration with the Securities and Exchange Commission with not less than five years experience managing money market mutual funds and with assets under management in excess of \$500,000,000.

The purchase price of shares of beneficial interest purchased shall not include any commission that the companies may charge and shall not exceed 20% of SBCTA's and SBCOG's combined investment portfolio. Further, no more than 10% of SBCTA's and SBCOG's combined investment portfolio may be invested in shares of beneficial interest of any one money market fund.

- O.

- (1) Bonds issued by SBCTA, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by SBCTA or by a department, board, agency, or authority of SBCTA, provided the SBCTA Board first specifically approves investing in such bonds.
- (2) Bonds, notes, warrants, or other evidences of indebtedness of a local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency, provided the SBCTA Board first specifically approves of SBCTA investing in such bonds, notes, warrants or other evidences of indebtedness of SBCTA.

- P. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development (IBRD), International Finance Corporation (IFC), or Inter-American Development Bank (IADB), with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated "AAA" or its equivalent by a NRSRO and may not exceed 30% of SBCTA's and SBCOG's combined investment portfolio.

- Q. A mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate, or

consumer receivable-backed bond of a maximum of five years' maturity. Securities eligible for investment under this subdivision shall be rated "AAA" or its equivalent by a NRSRO and may not exceed 20% of SBCTA's and SBCOG's combined investment portfolio. No more than 3% of SBCTA's and SBCOG's combined investment portfolio may be invested in the securities of any one non-government issuer regardless of security type.

For purposes of determining compliance with this policy, where this section specifies a percentage limitation for a particular category of investment, that percentage is applied on the date of purchase. Credit criteria listed in this section refers to the credit of the issuing organization at the time the security is purchased.

X. ADDITIONAL ALLOWABLE INVESTMENTS FOR BOND PROCEEDS

- A. Investment agreement with an AA rated bank or collateralized investment agreement with an A rated bank or an investment acceptable to a bond insurance company and approved specifically by the SBCTA and SBCOG Board.
- B. Debt service reserve funds and debt service funds may be invested longer than five years as long as they are permitted by state law and investments are readily available for bond payments and other bond purposes (refundings, defeasance, etc.).
- C. U.S. Treasury Securities and State and Local Government Securities having a maturity longer than five years are permitted for escrowed defeasances.
- D. Forward purchase agreements, forward delivery agreements and debt service reserve agreements approved specifically by the SBCTA and SBCOG Board.
- E. Other investments as permitted by bond indentures.

XI. PROHIBITED INVESTMENT TRANSACTIONS

Any investment not specifically allowed by this policy is prohibited.

XII. INVESTMENT IN "DERIVATIVE" SECURITIES

Direct investment in derivative securities is prohibited. A "derivative security" is any investment the value of which is derived from an underlying security, commodity or index. For purposes of this policy, a derivative is any security that has principal and/or interest payments which are subject to significant uncertainty as to timing, and/or amount.

It is understood that the County Pool and LAIF may invest in certain derivative securities.

XIII. LEVERAGING

All forms of portfolio leverage, including, but not limited to, securities lending programs, reverse repurchase agreements, and margin accounts, are prohibited.

XIV. SAFEKEEPING OF SECURITIES

SBCTA shall enter into an agreement with a bank trust department to serve as the safekeeping agent for all deliverable investments. The safekeeping agent shall hold all investments in an account for the sole benefit of SBCTA and SBCOG. All deliverable investments shall be delivered by the broker to SBCTA's and SBCOG's combined safekeeping account on a delivery versus payment basis.

XV. COMPETITIVE BIDDING OF INVESTMENTS

The investment procedures require that approved broker/dealers compete for direct investment purchases and sales to ensure that all investment transactions are free from favoritism. The CFO in conjunction with SBCTA's and SBCOG's investment advisor shall determine the best execution price for SBCTA and SBCOG, and act accordingly.

XVI. BROKER/DEALERS

A. If a third party investment advisor is authorized to conduct investment transactions on SBCTA's and SBCOG's behalf, the investment advisor may use their own list of approved issuers, broker/dealers and financial institutions for investment purposes. The investment advisor's approved list must be made available to SBCTA and SBCOG upon request.

B. For any investment transactions conducted by the Treasurer on behalf of SBCTA and SBCOG, and not conducted directly with the issuer, the Treasurer shall comply with the following requirements:

C. Transactions initiated by SBCTA and SBCOG shall be executed through government securities dealers reporting as primary dealers to the New York Federal Reserve Bank of New York or direct issuers (defined as corporations that issue their own securities) and through secondary dealers who have received prior approval to do business with SBCTA and SBCOG.

D. Primary dealers wishing to do business with SBCTA and SBCOG must meet the following criteria:

1. The primary dealer representative must have demonstrated experience providing investment services to public agencies in California.
2. The primary dealer representative must provide SBCTA and SBCOG with a minimum of three references of finance officials from public agencies in California.

E. Secondary dealers must complete a broker/dealer application provided by SBCTA and SBCOG, and must meet the following criteria to the satisfaction of SBCTA's Chief Financial Officer:

1. The broker/dealer must qualify under SEC Rule 15C3-1 (uniform net capital rule).
2. The broker/dealer and the broker/dealer representative must be properly registered with the appropriate state and federal regulatory bodies.
3. The broker/dealer should be a market maker and have a strong market presence in one or more product areas that are pertinent to SBCTA's and SBCOG's investment goals.
4. The broker/dealer and its representative should be well established in the business and have an acceptable track record.

F. Each broker/dealer will be sent a copy of this Policy, a broker/dealer application, and a list of persons authorized to execute transactions on SBCTA's and SBCOG's behalf. In order to be considered for investment business opportunities with SBCTA and SBCOG, each firm must acknowledge receipt of such materials.

XVII. REPORTING

A. Quarterly Report

The CFO will provide a quarterly report to the General Policy Committee and to the Board of Directors providing the following information:

1. Breakout of all securities, investments and moneys held by SBCTA and SBCOG by investment type, issuer, date of maturity, par, dollar amount and percent of portfolio invested in each.
2. A description of all SBCTA's and SBCOG's funds, investments or programs that are under the management of any outside party that is not a local agency. This report must also include market valuation of the portfolio and the source of the valuation.
3. A statement of compliance with investment policy and a statement denoting the ability of SBCTA and SBCOG to meet all expenditures for the next six months.

B. Monthly Report

The CFO will provide a monthly list of investment transactions to the Board of Directors as required by the California Government Code §53607 when investment authority has been delegated by the Board.

XVIII. SUBMISSION OF INVESTMENT POLICY

SBCTA's CFO shall render a statement of investment policy to the Board of Directors of SBCTA and SBCOG as required by the California Government Code. If changes are proposed, the Board shall consider the policy, and proposed changes, in a public meeting.

XIX. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	10/02/96
1	20100: Added paragraph starting with "It shall be SANBAG's long term objective . . .".	09/03/97
2	No changes.	12/02/98
3	20100.10: Changed percentage of operating funds amount to 20%. 20100.10: Changed percentage of San Bernardino portfolio to 20%.	11/03/99
4	No changes. Re-approved by the Board of Directors.	11/01/00
5	Added Para. 20100.16 Qualifications of Broker/Dealers; re-sequenced existing paragraphs. 20100.16, 20100.17, 20100.18, 20100.19, 20100.20, and 20100.21 to 20100.17, 20100.18, 20100.19, 20100.20, and 20100.22. Revised Par. 20100.10: Revised "...not to exceed 20% of SANBAG's operating funds..." to "...not to exceed 30% of SANBAG's operating funds...", and "Portion of Portfolio: 20% maximum" to "Portion of Portfolio: 30% maximum".	11/07/01
6	Changed paragraph numbering style from 20100.1, 20100.2, 20100.3 etc. to I, II, III, etc. Par. IX: Changed "one year" to "two years". Par. X.4: Changed "1 year maximum" to "2 year maximum". Par. X.5: Changed "1 year maximum" to "2 year maximum". Par. X.6: Changed "180 days maximum" to "270 day maximum".	11/06/02
7	No changes. Re-approved by the Board of Directors	11/05/03
8	No changes. Re-approved by the Board of Directors	01/05/05
9	No changes. Re-approved by the Board of Directors	11/02/05
10	Paragraphs on DEFINITIONS, ANNUAL MANAGEMENT REVIEW AND AUDIT, AND SEGREGATED INVESTMENT, and EXECUTION AND RECORD KEEPING: Deleted. Paragraphs III, IV, IX, and XVII: Minor revisions. Paragraphs VIII, IX, and XVI: Major revisions.	07/05/06
11	Par. IX.J: Removed limitation.	09/13/06
12	No changes. Re-approved by the Board of Directors	01/09/08
13	Par. VI: Delete "In addition, the CFO, under the direction and oversight of the Executive Director, and consultation with SANBAG's investment advisor, shall review the alternatives for the investment of bond proceeds, and shall recommend such investments to the SANBAG Board for approval". The investment of bond proceeds is identified under par. X. and will be authorized by bond covenant. Par. IX: Add (C) Obligations of the State of California or any local agency within the state and (D) Registered treasury notes or bonds of other states in addition to California to diversify the number of sectors and issuers; revise (C) to be (E) and add "held" before "by a third party custodial agreement". Also add "Repurchase agreements may not represent more than 20% of SANBAG's investment portfolio", to limit the amount to be invested in repurchase agreements; delete "(G) 'provided that the issuing corporation is organized and operating within the United States, has total assets in excess of \$500 million and has an 'A' or higher rating for its long-term debt, if any, as provided by a nationally recognized statistical rating organization.'" This is also stated in paragraphs (G) (1) and (2); increase (J) from \$40 million to \$50 million limitation on LAIF investment per State Treasurer's Office authorization to increase the dollar amount for investment. Par. X: Change (A) For CAMP, rating from AAA to AAAM and average maturity from one year to 60 days or less. This is to improve safety and liquidity. Par. XV: Add "in conjunction with SANBAG's investment advisor" for clarification purposes.	09/01/10
14	Par. VIII: Changed four years to five years and added "unless otherwise noted in Par. IX. Par. IX.B: Changed 10% to 40%. Par. IX.F: Changed 20% to 40% and changed "No more than 5% of SANBAG's investment portfolio may be invested in the Bankers' Acceptances of any one commercial bank." to "No more than 3% of SANBAG's investment portfolio may be invested in the securities of any one non-government issuer regardless of security type."	07/06/11

Revision No.	Revisions	Adopted
	<p>Par. IX.G: Changed "No more than 5% of SANBAG's investment portfolio may be invested in commercial paper of one issuer." to "No more than 3% of SANBAG's investment portfolio may be invested in the securities on any one non-government issuer regardless of security type."</p> <p>Par. IX.H: Changed 20% to 30 and changed "No more than 5% of SANBAG's investment portfolio may be invested in a medium-term note of any one corporation." to "No more than 3% of SANBAG's investment portfolio may be invested in the securities of any one non-government issuer regardless of security type."</p> <p>Par. IX.I: Changed 20% to 30% and added "No more than 3% of SANBAG's investment portfolio may be invested in the securities of any one non-government issuer regardless of security type."</p> <p>Par. XVII: Removed 'QUARTERLY' from title, renumbered paragraphs, and added "B. Monthly Report. The CFO will provide a monthly list of investment transactions to the Board of Directors as required by the California Government Code 53607 when investment authority has been delegated by the Board."</p>	
15	<p>Par. IX.H: Changed rating of "AA" to "A".</p> <p>Par. IX.I: Changed "... by a state-licensed branch ..." to "... by a federally or state-licensed branch ..." and changed "... rated AA ..." to "... rated A or its equivalent ...".</p> <p>Re-approved by the Board of Directors.</p>	08/01/12
16	No changes. Re-approved by the Board of Directors on 9/4/13, Agenda Item 5.	09/04/13
17	Re-approved by the Board of Directors on 7/2/14, Agenda Item 4. Updated Par. VI to mirror bylaws that designate the CFO as Treasurer.	07/02/14
18	Re-approved by the Board of Directors on 9/2/15, Agenda Item 6. Updated Par. IX – Allowable Investments for SANBAG Operating Funds, including modifications to subparagraph I, and adding subparagraphs N and O.	09/02/15
19	BOD approved on 11/05/15, Agenda Item 3. Updated Par. IX section N permitting investment in certain obligations issued by SANBAG entities.	11/04/15
20	BOD approved on 9/07/16, Agenda Item 8. Updated Par. IX – Allowable Investments for SANBAG Operating Funds, modifying subparagraph J and to Par. XVIII – Annual Submission of Investment Policy.	09/07/16
21	BOD approved on 3/01/17, Agenda Item 6. Updated entity name from SANBAG to SBCTA, Par. IX section K allowing investment in CAMP, Par. VI – designate the CFO as Treasurer of SBCTA & SBCOG with one year authority to invest or reinvest SBCTA and SBCOG funds.	03/01/17
22	BOD approved on 6/6/18, Agenda Item 4. Minor modifications for clarification purposes to Paragraphs IX (sections F, G, H, I, N, P, and Q).	06/06/18
23	BOD approved on 6/05/19, Agenda Item 24. Minor modification to paragraphs VI and IX, K..	06/05/19
24	BOD approved on 05/06/20 agenda item 5.	05/06/20
<u>25</u>	<u>BOD approved on 5/5/21 Amend Section IX, G to comply with SB998 allowing to invest in commercial paper up to 40% and eliminate 10% limit on any one issuer.</u>	<u>05/05/2021</u>

Minute Action

AGENDA ITEM: 7

Date: May 5, 2021

Subject:

Revision to Policy No. 10000

Recommendation:

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

Approve revisions to Policy No. 10000 - Policy Committee Relationships & Procedures regarding quorum of policy committees and to clarify committee responsibilities.

Background:

San Bernardino County Transportation Authority (SBCTA) Policy No.10000 establishes the relationships and procedures by which Policy Committees operate. Section IV. Determining Quorum, currently states the County representatives shall be counted as one for the purpose of establishing a quorum, but each County representative is counted for attendance and each vote is taken for the record. In order to make determination of quorum clear and consistent, staff is proposing revisions to the attached policy, so that a quorum consists of a majority of the membership of each Policy Committee. The revisions further provide that in the absence of a quorum, the Policy Committee may consider, discuss and make informal recommendations to the Board regarding items on the agenda, and that Board agenda items will reflect whether a recommendation was made by less than a quorum of the Policy Committee. Finally, the revisions clarify that the responsibility for providing policy direction with respect to the legislative program now rests with the Legislative Policy Committee, not the General Policy Committee.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on April 14, 2021. SBCTA General Counsel has reviewed this item and the proposed policy revisions.

Responsible Staff:

Marleana Roman, Clerk of the Board

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

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

San Bernardino County Transportation Authority	Policy	10000
Adopted by the Board of Directors	March 1, 1989	Revised <u>04/01/2005/05/21</u>
Policy Committee Relationships & Procedures		Revision No. <u>4819</u>

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

Table of Contents

[Purpose](#) | [References](#) | [Policy](#) | [Determining Quorum](#) | [Procedures](#) | [Revision History](#) |

I. PURPOSE

The purpose of this policy is to establish the relationships and procedures by which Policy Committees operate.

II. REFERENCES

Policy 10002, Policy Committee Membership
 Policy 10005, Board and Policy Committees – Meeting Dates and Times
 Policy 10007, Board of Directors Study Sessions for Metro Valley Issues
 Policy 11000, Contracting and Procurement Policy

III. POLICY

The Board of Directors provides for involvement of all county supervisors and representatives from each of the cities within the County. The size of the Board, however, makes it extremely difficult to engage in detailed discussions of the varied issues which may come forward on any one agenda. The standing policy committees shall be created to provide opportunities for more thorough discussion and understanding of issues in particular functional or geographic areas.

A. Transit Policy Committee

The responsibility of the Transit Policy Committee shall be to:

- Provide policy guidance and recommendations to the Board of Directors and Southern California Regional Rail Authority delegates with respect to commuter rail service in San Bernardino County.

B. General Policy Committee

The responsibilities of the General Policy Committee shall be to:

- Provide general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organizational integrity;
- Provide policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization;
- ~~Provide policy direction with respect to the legislative program;~~
- Provide policy direction with respect to the countywide Comprehensive Transportation Plan and input into the revisions of the Regional Transportation Plan, the Congestion Management Program (CMP) revisions, and Programming issues related to the CMP Capital Improvement Program, the Regional Transportation Improvement Program (RTIP) and air quality conformity;
- Serve as policy review committee for any program area which lacks active policy committee oversight.

Attachment: Revised Policy 10000 (7629 : Revision to Policy No. 10000)

- Serve as audit oversight.

The responsibilities of audit oversight shall be to:

- Provide a direct contact between the independent auditor and the Board of Directors before, during and after the annual audit.
- Work with the auditor and staff on reviewing and implementing practices and controls identified in the annual audit.
- Executive Board, consisting of the President, Vice President, and immediate past President be directly accessible to the Auditor.

The General Policy Committee shall have the authority to approve expenditures of up to \$100,000 with Board of Directors ratification to follow. Refer to Policy 11000, Contracting and Procurement Policy.

C. Mountain/Desert Policy Committee

The responsibility of the Mountain/Desert Policy Committee shall be to:

- Provide ongoing policy level oversight related to the full array of SBCTA responsibilities as they pertain specifically to the Mountain/Desert subregion. The Committee shall also meet in conjunction with the Mountain/Desert Measure I Committee as it carries out responsibilities for Measure I Mountain/Desert Expenditure Plan.

D. Legislative Policy Committee

The responsibilities of the Legislative Policy Committee shall be to:

- Provide guidance and recommendations to the Board of Directors regarding issues and actions relating to the executive, legislative or judicial branches of the State and Federal government, or any other local governing body or agency;
- Review and provide input on drafting of State and Federal legislative platform;
- Make recommendations to Board of Directors on adoption of State and Legislative platform, which will serve as guiding principles to support or oppose State and Federal legislation and regulations;
- Consistent with the Board-adopted platform, take official positions of support or opposition to State and Federal legislation or regulations on behalf of the Board of Directors and report all positions taken to the Board in a timely manner;
- Receive periodic updates from staff on State and Federal legislative issues.

IV. DETERMINING QUORUM

A quorum shall be required for Policy Committees to conduct business. A quorum shall consist of a majority of the membership of each Policy Committee. In the absence of a quorum, ~~committees-committee members in attendance may consider, discuss and make informal recommendations to the Board regarding items on the committee agenda for Board action at its regular meetings. act as a committee of the whole for the purpose of discussing issues and making informal recommendations.~~

~~A quorum shall consist of a majority of the membership of each Policy Committee, except that all County representatives shall be counted as one for the purpose of establishing a quorum.~~

~~Example: The General Policy Committee consists of the President, Vice President, and Immediate Past President, four East Valley members (3 City, 1 County), four West Valley members (3 City, 1 County), four Mountain/Desert members (3 City, 1 County), and all chairpersons of the Policy Committees and the Board of Directors Study Sessions for Metro Valley Issues (Board Study Sessions).~~

~~In this example, the General Policy Committee is comprised of nine city members and four members of the Board of Supervisors. Under this policy, all members of the Board of Supervisors count as one for purposes of a quorum, making the quorum 6 members.~~

V. PROCEDURES

1. Agenda materials shall indicate which policy and/or technical committees and/or Board Study Session have reviewed the items, and will/shall contain any specific recommendations of committees/Study

Session, and shall note whether a quorum was present at the committee or Study Session where the recommendation was made.

2. It shall be the standard practice for all items to come before a Policy Committee or Board Study Session prior to placement on the Board of Directors agenda.
 3. The Policy Committee may consider and make recommendations on any items coming before the committee. The Policy Committee may recommend approval, denial, or a modification of the staff recommendation.
 4. All recommendations coming before the Board of Directors shall contain the Policy Committee or Board Study Session recommendation. If the recommendation is made by less than a quorum of the Committee/Study Session, that fact shall be noted on the Board agenda.
 5. The Board of Directors shall make the final determination on all recommendations presented by committees.
-

VI. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted.	03/01/89
1	Added Section III.B: Admin. Committee	12/06/89
2	Added Section III.C: Major Projects	01/02/91
3	Added Section III.D: Mountain/Desert Committee	06/05/91
4	Added Section III.E: Plans and Programs	09/07/94
5	Added Section V: Procedures	02/03/93
6	Added Section IV: Determining Quorum	02/05/97
7	Changed name from Task Force to Committee.	08/05/98
8	Added the following to Par. III.E: "The Plans and Programs Committee shall have the authority to approve expenditures of up to \$25,000 with Board of Directors ratification to follow", which was approved by the SANBAG Board on July 5, 2000 for Policy 11000 but was never incorporated into this policy. Added links to Policy 11000.	06/13/03
9	Added par. VI; Revision History changed to par. VII.	01/05/05
10	Revised Par. II: Changed DEFINITIONS to REFERENCES and added Policy 10005. Deleted Par. VI. CANCELLATIONS AND CHANGES. New Policy 10005 establishes the protocols for adjusting major meeting dates and times involving members of the SANBAG Board of Directors	01/09/08
11	Paragraph III.B: Added Audit Subcommittee.	11/05/08
12	Par. III.A: Revised committee name – was Commuter Rail Committee. The name change was approved by the Board on October 7, 2009.	04/06/11
13	Par. III.E: Eliminated the Plans and Programs Committee. Agenda items specific to the Valley or the Mountain/Desert will go to the Major Projects or Mountain/Desert committees, respectively. Items of a more general nature or that affect the Count as a whole will go to the Administrative Committee. Change was adopted by the Board on September 5, 2012 (Agenda Item 7).	09/05/12
14	Par. II, III, IV, and V: Incorporated changes resulting from renaming of the Administrative Policy Committee to the General Policy Committee and the reclassification of the Major Projects Committee to the Board of Directors Study sessions for Metro Valley Issues. Changes were approved by the Board of Directors on 10/3/12, Agenda Item 30. Approved 11/7/12, Board Agenda Item 28.	11/07/12
15	Par. III.B: Incorporated changes resulting from eliminating the Audit Subcommittee and assigning the responsibility for that function to GPC. Changes were approved by the Board of Directors on 5/13/15, Agenda Item 5.	05/13/15
16	Par. III.A: Revised committee name – was Commuter Rail and Transit Committee. The name change was approved by the Board on April 6, 2016.	04/06/16
17	Revised to be consistent with SB 1305. Change approved by the Board on January 4, 2017, Agenda Item 6.	01/04/17
18	Revised to add Section III D. Legislative Policy Committee	04/01/20
19	Revised Section IV: Determining Quorum	05/05/21

Attachment: Revised Policy10000 (7629 : Revision to Policy No. 10000)

Minute Action

AGENDA ITEM: 8

Date: May 5, 2021

Subject:

Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Recommendation:

Receive the Fiscal Year 2020/2021 Initiatives and Action Plan –Third Quarter Report.

Background:

The San Bernardino County Transportation Authority’s (SBCTA) Fiscal Year 2020/2021 Initiatives and Action Plan establish the Board of Directors’ priorities for the year. The Executive Director uses this as a tool with the Executive Management Team to evaluate SBCTA’s progress in achieving the Board’s priorities.

Financial Impact:

This item does not impact the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was received by the General Policy Committee on April 14, 2021.

Responsible Staff:

Raymond Wolfe, Executive Director

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

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

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Initiative #1: Transparent and Accountable Allocation Strategies				
Division Strategy: Complete timely audits of Measure I and Transportation Development Act recipients				
1A	Action Plan	Milestones	Milestone Status	Responsibility
	Manage and communicate with Audit firm to plan and complete annual audits	Convey time table and expectations to jurisdictions and transit operators – Q1	SBCTA staff met with transit operators to plan annual audit. Finance mailed a letter in April 2020 to all Jurisdictions explaining the audit process and responsibilities.	Finance
	Monitor progress of audits	Oversee audit scheduling and progress - Q3	Finance managed Measure I (MSI) and Transportation Development Act (TDA) audits.	Finance
	Inform Committees and SBCTA Board of status of audits	Provide audit reports and recommendations – Q3	Finance to present audits to the General Policy Committee meeting in March 2021.	Finance
	Manage TDA triennial performance audits of SBCTA and transit operators	Award consultant contract for triennial performance audits – Q2	At the October meeting, Board awarded the contract to Michael Baker International, Inc.	Fund Administration
		Coordinate with consultant, SBCTA and transit operators to collect necessary audit information - Q4	On schedule.	Fund Administration, Transit
		Submit completed audits to Caltrans by July 1, 2021 – Q4	On schedule.	Fund Administration
	Notes			
Division Strategy: Update construction in progress and conduct annual inventory of capital assets				
1B	Action Plan	Milestones	Milestone Status	Responsibility
	Conduct annual inventory of capital and inventoriable assets, including updates to construction in progress (CIP)	Update capital asset listing and CIP by Q3.	Capital asset listing updated in September 2020.	Finance
	Notes			
Division Strategy: Use strategic programming to ensure that no funds are lost				
1C	Action Plan	Milestones	Milestone Status	Responsibility
	Manage projects closely with Caltrans to ensure adequate resources are available when projects are ready	May 1 is Caltrans’ deadline for guaranteed access to federal Obligation Authority (OA) – Q4	At the end of the Federal Fiscal Year (FFY) in September 2020, 228% of SBCTA OA was delivered for FFY 2019/2020, which resulted in access to \$21M additional federal funding in FFY 2020/2021 and protected SBCTA from losing unobligated federal funds. Staff continues to monitor OA and apportionments for the current FFY.	Fund Administration (Project Delivery)
		June 30 is California Transportation Commission (CTC) deadline for project allocation or extension requests – Q4	Current project schedules will allow SBCTA to allocate most funds before the June 30 deadline. Where this is not possible, extensions to the deadline will be sought prior to June 30, 2021.	Fund Administration

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

1C (cont)	Manage projects to ensure funds are not lost	Ensure Omnitrans will begin expending Low Carbon Transit Operations Program (LCTOP) funds by December 2020 deadline - Q1	Omnitrans has confirmed these funds were expended by the December 2020 deadline.	Fund Administration
		Request allocation of Planning, Programming, and Monitoring funds for Fiscal Year 21/22 - Q4	PPM Allocation Request will be submitted to Caltrans in April 2021 as required.	Fund Administration
		Request allocation or extension of Local Partnership Program (LPP) funds for Ranchero Corridor - Q4	LPP funds totaling \$12.678M were programmed and \$12.195M allocated by the CTC at the January 2021 meeting. The balance will be allocated when available in FY 2021/2022.	Fund Administration
	Monitor approval of 2021 FTIP and possible impacts of SAFE Vehicle Rule	2021 FTIP approval scheduled for Dec 2020	The 2021 FTIP adoption has been delayed from December 2020 to April 2021.	Fund Administration
	Notes			
Division Strategy: Protect San Bernardino County’s equitable share of available state and federal funds				
1D	Action Plan	Milestones	Milestone Status	Responsibility
	Develop funding strategies that maximize resources available and result in opportunities to seize additional state and federal funds	Ensure that Obligation Authority (OA) and apportionment are available as new projects are ready for funding while continuing to draw down funds for I-10 Corridor Contract 1 – Q4	Staff continues to monitor OA and apportionments and finds they will be sufficient for the current FFY.	Fund Administration
		Work with Project Delivery and Transit to realign funding strategies based on results of 2020 competitive grant awards and any possible stimulus packages - Q3	The CTC awarded Senate Bill 1 funds to West Valley Connector, I-10 Truck Climbing Lanes, and I-15 Express Lanes in December 2020 and funding plans have been revised. Although it is now fully funded, the final funding plan for West Valley Connector is still dependent on the results of Federal Small Starts funding, which may be known in the current Fiscal Year.	Fund Administration, Project Delivery, Transit
	Notes			
Division Strategy: Develop long-term bonding needs to help leverage other funds and deliver projects				
1E	Action Plan	Milestones	Milestone Status	Responsibility
	Establish plan for 2022 sales tax revenue bond program NOTE: This has been corrected. It previously referred to a 2021 sales tax revenue bond program in error.	Present draft program project lists for inclusion in the 2021 Update to the 10-Year Delivery Plan, for approval by the Board in Fall 2021 – Q4	Staff continues to analyze scenarios of the impacts from the COVID-19 pandemic to determine if project prioritization or changes to the 2022 sales tax revenue bond program, planned for March 2022, are required; however, more data related to actual revenue impacts is required for a meaningful analysis. Because of this, staff recommended that the adoption of the 2021 Update to the 10-Year Delivery Plan be delayed from Fall 2021 (September) to December 2021 in the Q1 update. Development of the program project lists will continue on schedule through Q4.	Fund Administration (Finance, Project Delivery, Transit, Planning)
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Division Strategy: Manage geographic equity in fund distribution across the County				
1F	Action Plan	Milestones	Milestone Status	Responsibility
	Manage long-term strategy for ensuring geographic equity in fund distribution over the life of the Measure	Incorporate Mountain/Desert subareas' regional and interregional projects lists into the 2021 Update to the 10-Year Delivery Plan – Q4	Program Project Lists for the Mountain/Desert Subareas were approved by the Board at its September 2020 meeting. Staff is meeting individually with Caltrans and Mountain/Desert jurisdictions to review and confirm project schedules and costs. Interregional priorities for the Rural Mountain/Desert Subareas were presented to the Mountain/Desert Policy Committee in March. Victor Valley interregional priorities are scheduled to be presented in May. Subarea meetings with all jurisdictions will follow to determine project priorities, fair share availability of funding, and program programming.	Fund Administration
	Notes			
Division Strategy: Manage SBCTA railroad right-of-way in an efficient and comprehensive fashion				
1G	Action Plan	Milestones	Milestone Status	Responsibility
	Manage SBCTA railroad right-of-way in an efficient and comprehensive fashion.	Continue management and incorporate Best Practices as appropriate.	Ongoing	Transit
	Notes			
Division Strategy: Conduct consolidation study between SBCTA and Omnitrans and an Innovative Transit Review of Metro-Valley area				
1H	Action Plan	Milestones	Milestone Status	Responsibility
	Manage consultant, coordinate work and results with Omnitrans Executive team, and communicate results to SBCTA and Omnitrans committees and Board.	Present a preliminary list of pros and cons of consolidation.	Completed on April 1, 2020.	Special Projects and Strategic Initiatives
		Present financial impacts for consolidation to Transit Committee and Board - Q1.	Completed on September 2, 2020.	Special Projects and Strategic Initiatives
		Present consolidation report, implementation plan, and final assessment and innovative transit review report to Transit Committee and Board - Q2.	Completed November 2020.	Special Projects and Strategic Initiatives
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Initiative #2: Engender Public Trust				
Division Strategy: Secure an unmodified opinion of Comprehensive Annual Financial Report (CAFR)				
2A	Action Plan	Milestones	Milestone Status	Responsibility
	Plan meeting at interim field work with Executive Board officers and CPA firm	Schedule meeting – Q1	Meeting held in August 2020.	Finance
		Schedule interim field work in April 2020	Interim field work completed in April 2020.	Finance
		Schedule year-end field work to start in October 2020	Field work started in October 2020 and audit process is now complete.	Finance
	Notes			
Division Strategy: Obtain Certificate of Achievement for Excellence in Financial Reporting				
2B	Action Plan	Milestones	Milestone Status	Responsibility
	Apply for Government Finance Officers Association (GFOA) award for the Comprehensive Annual Financial Report (CAFR)	Submit application and CAFR to GFOA after meeting with Executive Board in December 2020.	Application to GFOA submitted in December 2020.	Finance
	Notes			
Division Strategy: Obtain Distinguished Budget Presentation Award				
2C	Action Plan	Milestones	Milestone Status	Responsibility
	Apply for GFOA award for annual budget	Submit application to GFOA – Q1	Application will be submitted to GFOA in June 2021.	Finance
	Notes			
Division Strategy: Complete internal control self-assessment to identify areas of improvement.				
2D	Action Plan	Milestones	Milestone Status	Responsibility
	Complete review of annual internal control self-assessment	Review procedure and questionnaire based on Code of Federal Regulations, Federal Transit Administration, and framework from the Committee of Sponsoring Organizations of the Treadway Committee (COSO) by Q2 and implementation of recommendation from report of on-call auditor presented to Board May 2020.	Review procedure and questionnaire for internal control assessment and on-call auditor recommendation presented to Board May 2020.	Finance
		Review procedure and questionnaire and present to executive staff and complete questionnaire by Q3.	Finance staff reviewed procedure and questionnaire and implementation of recommendations from on-call auditor.	Finance
		Identify and improve controls for areas that require improvement by Q4.	Finance has reviewed answers and recommendations from on-call auditor and has implemented improvements to internal controls.	Finance
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Division Strategy: Deploy an Enterprise Resource Planning System				
2E	Action Plan	Milestones	Milestone Status	Responsibility
	Deploy an Enterprise Resource Planning (ERP) system	Release Request for Proposals (RFP) to secure vendor for business process analysis by Q2.	Readiness assessment analysis completed, scope of work in progress. Project has been delayed by a year as an electronic document management system has been prioritized in order to implement the Records Retention Schedule.	Special Projects and Strategic Initiatives
		Select vendor for business process analysis by Q3.	Selection has been postponed to Q4 of Fiscal Year 2021-2022.	Special Projects and Strategic Initiatives
	Notes			
Initiative #3: Focus on Creating and Strengthening Collaborative Partnerships with Governmental and Business Entities				
Division Strategy: Work with other governments and business groups to leverage resources for our region's benefit				
3A	Action Plan	Milestones	Milestone Status	Responsibility
	Create a Strategic plan for Housing Policy in San Bernardino County and collaborate with neighboring government entities and stakeholders	Draft a white paper for member agencies on significant changes to statewide housing policy and laws for circulation in Q1.	Complete. Presented to Technical Advisory Committee's (TAC's) in September and Board in October.	COG
		Incorporate Housing policy discussion as part of the 2021 City/County Conference.	The 2021 Conference will be virtual and topics will be limited to COVID-19 recovery and economic recovery. Will explore how best to hold the housing discussion in the next fiscal year.	COG
		Partner with League of California Cities for advocacy efforts especially on communicating unique circumstances in San Bernardino County.	Ongoing	COG
	Move forward a workforce development toolkit	Integrate inventory of city programs, projects and practices with County efforts and tools for a complete countywide workforce development resource by Q2.	Ongoing, to be complete by Q4.	COG
		Host summit of County and cities on workforce development tools available by Q3.	Will be in Q4	COG
		Working with City Managers TAC, help collaboration of cities and County on regional economic recovery following COVID-19 crisis.	Ongoing. Will be a focus of virtual City/County Conference in June 2021.	COG

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

3A (cont)	Complete Priority Dispatch Optimization Plan which will provide recommendations and cost benefit analysis for options to help alleviate undue burden on the 9-1-1 Emergency Medical Services System	Complete study by Q2.	Contract Extension to FY 2021 for implementation of Emergency Community Notification System (ECNS). ECNS soft launch 12/17/2020.	COG
		Collaborate with stakeholders including County, cities, Inland Counties Emergency Medical Agency (ICEMA), County Chiefs and dispatch centers on implementation of recommendations based on lessons learned during the COVID-19 crisis.	Ongoing effort during the year.	COG
	Notes			
Division Strategy: Enhance COG role				
3B	Action Plan	Milestones	Milestone Status	Responsibility
	Work with the Board to make sure the COG is responsive to the needs of our members	Meet with COG Ad Hoc Committee to update COG work plan before the end of Q1.	Seeking new date as economic impacts of COVID are a concern for this meeting's discussions.	COG
	Collaborate with Member Agencies through the COG Advisory Group during the decision-making process on items related to the COG work plan and any items related to the Countywide Vision	Meet at least four times with the Advisory Group on the work plan.	Ongoing.	COG
		Discuss revisiting the Countywide Vision with the County and collaborate on process to update.	Board of Directors established an Equity Ad Hoc and directed staff to work with the County on its Eleventh Element of the Countywide Vision. Ad Hoc is meeting regularly and is focused on SBCTA operations and looking at providing a regional toolkit to be used by local agencies utilizing GIS. Work will continue through the remainder of this fiscal year and will be incorporated into next years work plan.	COG
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Division Strategy: Enhance SBCOG’s and the region’s ability to compete for grant funding				
3C	Action Plan	Milestones	Milestone Status	Responsibility
	Host grant writing workshop for our members and other local government partners	Schedule grant workshop for Q2.	The Grant Writing workshop was held June 25, 2020, for the Active Transportation Program (ATP), Cycle 5 program.	COG
	Better communicate grant opportunities to member agencies	Establish formal process for notifications with City Managers TAC by Q2.	This was complete in July. Staff established a webpage and process for noticing local agencies about grant opportunities.	COG
	Notes			
Division Strategy: Assist local governments with environmental and efficiency initiatives				
3D	Action Plan	Milestones	Milestone Status	Responsibility
	Provide leadership and assistance to our members in implementing energy conservation projects	Host Light Emitting Diode (LED) Holiday light exchanges in Q2.	Will continue to coordinate with cities regarding distribution and exchange of the remaining LED holiday lights and energy efficiency kits inventory. Activities in 2020 were interrupted due to COVID-19 issues/concerns. Outreach to cities regarding possible Fall of 2021 activities set for Q1 for Q2 events.	Air Quality/Mobility
		Explore establishing a Regional Energy Network and submit a business plan to the California Public Utilities Commission (CPUC) by Q1.	Business Plan submitted to the CPUC in Feb 2021. Anticipating questions/comments regarding Business Plan from the CPUC in April 2021. In the meantime, continuing to gather and submit letters of support for the REN Business Plan for the CPUC.	Air Quality/Mobility
	Assist local agencies and the region with tools and funding to encourage pollution reductions through alternative fueled vehicles and new advanced technologies	Establish process to notify member agencies regularly of Electric Vehicle (EV) charging infrastructure funding opportunities by Q3.	Work continuing. Will incorporate with other grant opportunity communications with cities. Process scheduled to be completed by Q3	Air Quality/Mobility
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Initiative #4: Accelerate Delivery of Capital Projects				
Division Strategy: Deliver the Redlands Passenger Rail Project & Implement Arrow Service				
4A	Action Plan	Milestones	Milestone Status	Responsibility
	Ensure construction of the mainline is progressing, substantially complete the maintenance facility, and complete final assembly of Diesel Multiple Unit (DMU) vehicles. Assist Southern California Regional Rail Authority (SCRRA) with rail activation planning and inclusion of Arrow in their new operation contract procurement.	Assist SCRRA rail activation planning.	Ongoing	Transit
		Maintenance facility substantial completion - Q2	Scheduled to be substantially complete in Q4.	Transit
		Final delivery of all DMU vehicles - Q3	Scheduled to be delivered in Q4.	Transit
		Continue construction of the Redlands Passenger Rail Project (RPRP) mainline and continued support to Metrolink for development of the future Arrow hybrid-rail service - Q1 FY22 (infrastructure)	Substantial completion of infrastructure is on schedule for Q1 FY22 with revenue service targeted for Q3 or Q4 FY22 pending actions by SCRRA and FRA.	Transit
	Notes			
	Staff is working with SCRRA and Riverside County Transportation Commission to accept delivery of the vehicles at the South Perris Valley Line layover facility and start testing and commissioning activities of the DMUs. Overall, this is beneficial to the project as the vehicles can be tested on existing infrastructure isolating issues that might arise with the newly built infrastructure.			
Division Strategy: Support Delivery of Gold Line Phase 2B				
4B	Action Plan	Milestones	Milestone Status	Responsibility
	Close the funding shortfall in San Bernardino County if LA Metro commits to building to the county line.	Close the funding gap - TBD	Monitor	Transit
	Notes			
The construction bids exceeded the engineer’s estimate by \$550 million. The Gold Line Construction Authority (GLCA) re-scoped the project to include Pomona as the initial terminus, with an option to build to Claremont, and then another option from Claremont to Montclair based on funding availability. Funding in LA County to get it from Pomona to the county line has not been identified. The portion of work in San Bernardino County has increased from \$80 million to \$97 million. The draft construction agreement was prepared by San Bernardino County Transportation Authority (SBCTA) and issued to GLCA for review and comment. Negotiations on hold at the request of the GLCA. Draft operating agreement provided by LA Metro for review. On-hold pending re-scoping of the Project.				

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Division Strategy: Support Delivery the West Valley Connector				
4C	Action Plan	Milestones	Milestone Status	Responsibility
	Begin final design of the West Valley Connector Phase 1 Project and initiate right of way acquisition activities	Complete Final Design - Q4	On Schedule	Transit
		Submit Small Starts Rating Package to FTA - Q1	Completed	Transit
		Initiate right of way acquisition activities - Q2	Completed	Transit
	Notes			
	FTA has allocated the full funding request of \$86.75 million from their Small Starts Program. Staff will continue to work with the FTA on requirements for the Small Starts Grant Agreement. 90% design is complete and final design is scheduled to be completed in late Q4. Initial right-of-way acquisition activities are ongoing with acquisition offers being presented to owners in summer 2021.			
Division Strategy: Produce Zero or Low Emission Multiple Unit				
4D	Action Plan	Milestones	Milestone Status	Responsibility
	Proceed with final design of the zero or low emission multiple unit (ZEMU) in close coordination with Southern California Regional Rail Authority (SCRRA) and continued consultation with the Federal Railroad Administration (FRA). Finalize fueling plan.	Complete Conceptual Design - Vehicle - Q2	On Schedule	Transit
		Environmental Approval - Fueling Infrastructure - Q1	Delayed to Q4 - See Below	Transit
		Complete Conceptual Design - Fueling Infrastructure - Q4	On Schedule	Transit
	Notes			
	Per consultation with General Counsel, staff is proceeding with a focused EIR for the fueling infrastructure project.			
Division Strategy: Delivery of Capital Projects				
4E	Action Plan	Milestones	Milestone Status	Responsibility
	Project Study Report (PSR) and Project Approval and Environmental Document (PA/ED) Milestones	I-10 Mt. Vernon Interchange: PA/ED Approved - Q3	PA/ED Approval anticipated FY 2021/2022 Q1	Project Delivery
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Division Strategy: Delivery of Capital Projects				
4F	Action Plan	Milestones	Milestone Status	Responsibility
	Plans, Specifications and Estimate (PS&E) Milestones	I-215 University Interchange: PS&E Approved – Q4	Current schedule is Q2 2022/2023 based on updated r/w acquisition schedule, assuming eminent domain required.	Project Delivery
		I-215 Bi-County Landscape: PS&E Approved – Q4	On Schedule	Project Delivery
		I-10 Alabama Interchange: PS&E Approved - Q2	PS&E Approval anticipated Q2 2021/2022	Project Delivery
	Notes			
Division Strategy: Delivery of Capital Projects				
4G	Action Plan	Milestones	Milestone Status	Responsibility
	Construction Milestones	US 395 Phase 1: Complete for Beneficial Use - Q1	Beneficial Use realized ahead of schedule on June 19, 2020	Project Delivery
		SR 60 Central: Start Construction - Q2	Contract was awarded in Q2	Project Delivery
		SR 60 Archibald: Complete for Beneficial Use - Q3	Completed for Beneficial Use Q4	Project Delivery
		I-10 University Interchange: Start Construction - Q3	Contract was awarded Q2	Project Delivery
		I-10 Alabama Interchange: Start Construction - Q4	Start Construction Anticipated FY 2021/2022 Q2	Project Delivery
Notes				
Initiative #5: Maximize Funding Opportunities and Cost-Effectiveness of Investments				
Division Strategy: Conduct regional forums to discuss issues of importance across our region				
5A	Action Plan	Milestones	Milestone Status	Responsibility
	Advocate for policies and funding formulas at the state and federal levels that are favorable for San Bernardino County Transportation Authority (SBCTA) to construct and deliver transportation projects	Monitor Annual State/Federal Appropriations	Ongoing	Legislative/Public Affairs
		Support/Oppose legislation favorable/harmful to SBCTA’s ability to deliver transportation projects.	Ongoing	Legislative/Public Affairs
		Host a legislative roundtable with district staff from SBCTA’s state and federal delegation.	Planning Meeting for November 2021	Legislative/Public Affairs
		Host an Ontario Airport Transit Access focused roundtable with San Bernardino County stakeholders.	Ongoing	Legislative/Public Affairs
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Initiative #6: Awareness of SBCTA Programs, Services, and Transit Options				
Division Strategy: Build awareness of SBCTA programs and services				
6A	Action Plan	Milestones	Milestone Status	Responsibility
	Highlight Measure I's contributions to the region's transportation system	Actively identify speaking opportunities to promote programs and major projects; participate in regional forums; enhance visibility.	Ongoing	Legislative/Public Affairs, Fund Administration
	Market San Bernardino County Transportation Authority (SBCTA) identity, promote awareness of programs and services		Ongoing	Legislative/Public Affairs
Notes				
Division Strategy: Leverage and grow public outreach and communication services				
6B	Action Plan	Milestones	Milestone Status	Responsibility
	Continue to enhance traditional and social media presence	Leverage projects to gain more local media coverage. Procure media relations expert to advance media placement and agency reputation with editors.	Ongoing	Legislative/Public Affairs
	Utilize On-Call Public Outreach Contracts, On-Call Graphic Design Services Contracts, Marketing & Branding Services Contract, and Redlands Passenger Rail Project Outreach Contract to utilize new tools and capitalize on communication opportunities throughout the region.	Provide project-based webinars to promote more participation via online tools.	Ongoing	Legislative/Public Affairs
		Develop content for Mobility 21 and Focus on the Future events for regional visibility	Planning for Fall 2021	Legislative/Public Affairs, Transit
	Utilize On-Call Graphic Design Services Contracts & Marketing and Branding Services Contract to support each Division in their efforts to communicate internally and externally.	Submit successful projects for regional awards (i.e., CAPIO, PRSA, etc.)	Ongoing	Legislative/Public Affairs, Fund Administration
Notes				
Division Strategy: Highlight transit options in San Bernardino County				
6C	Action Plan	Milestones	Milestone Status	Responsibility
	In partnership with transit operators, highlight transit connectivity options in the region via quarterly Customer Based initiatives meetings and coordinate marketing efforts.	Leverage existing resources to build awareness of transit services in San Bernardino County.	Ongoing	Legislative/Public Affairs, Transit
Notes				

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Initiative #7: Long Range Strategic Planning				
Division Strategy: Analyze long range transportation strategy in a financially constrained framework				
7A	Action Plan	Milestones	Milestone Status	Responsibility
	Update Long Range Transit Plan (LTRP)	Complete Draft LRTP – Q4	Note: Strategy changing to incorporate into a Comprehensive, Long Range Multimodal Transportation Plan. Submitting for Caltrans grant, to be done at a time when transit and travel has stabilized.	Planning, Transit, Fund Administration
	Update Countywide Transportation Plan (CTP)	Complete Final 2021 CTP – Q2	CTP now incorporating additional multimodal elements, planned for completion in Q4.	Planning, Fund Administration
	Complete Zero-emission Bus Analysis for San Bernardino County	Complete Final – Q3	Complete	Transit, Planning
	Notes			
Division Strategy: Conduct strategic planning of Measure I projects and update policies to be consistent with practice				
7B	Action Plan	Milestones	Milestone Status	Responsibility
	Update Development Mitigation Nexus Study	Update Project List – Q1	Updated and provided to TTAC and GPC in September	Planning, Fund Administration
		Adopt Updated Nexus Study – Q2	Adopted in October 2020	Planning, Fund Administration
	Prepare updated priority list of Valley Interchange Projects	Conduct analysis – Q3	Deferred until traffic has stabilized after the pandemic. Will reassess need after that point.	Planning
		Prepare recommendations – Q4	Deferred until traffic has stabilized after the pandemic.	Planning
	Notes			
Division Strategy: Provide current, quality planning data				
7C	Action Plan	Milestones	Milestone Status	Responsibility
	Support other departments with data analysis and mapping/GIS	Ongoing	Provided exhibits and graphics for multiple projects and procurements	Planning
	Provide planning/modeling data to support Senate Bill (SB) 743 implementation and various development projects	Make model available to outside consultants - Q1 Model support and jurisdiction assistance - Ongoing	Made model distribution available through SBCTA planning consultant bench	Planning
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Division Strategy: Conduct subarea and modal studies

7D	Action Plan	Milestones	Milestone Status	Responsibility
	Prepare Comprehensive Multimodal Corridor Plans (CMPC) with Riverside County Transportation Commission (RCTC) and Caltrans, to address SB 1 Solutions for Congested Corridors requirements	Provide full draft of Inland Empire CMCP – Q1	Draft provided in July, Interagency reviews completed by end of September.	Planning
		Complete Inland Empire CMCP - Q2	Adopted in October 2020 and used as basis for SB 1 Solutions for Congested Corridors Program grants.	Planning
	Conduct SR-18/138 Corridor Study with Metro and Caltrans	Initiate study – Q3	Agreements with LA Metro and Caltrans executed, and kick-off meeting scheduled.	Planning
	Notes			

Initiative #8: Environmental Stewardship, Sustainability, and Grant Applications

Division Strategy: Monitor and Provide Input to State, Federal, and Regional Plans and Guidelines

8A	Action Plan	Milestones	Milestone Status	Responsibility
	Provide technical comments on draft reports, plans, and guidelines from Caltrans, CTC, OPR, CARB, CalSTA, and other state agencies	As draft reports and guidelines are released for review	Provided comments to SCAG on Regional Housing Needs Assessment; to Caltrans on SB 743, SoCal Freight Strategy, and Regional Express Lanes Study: comments to High Speed Rail on Colton Intermodal Facility and Lenwood Staging Tracks; to Caltrans on CA Transportation Plan 2050.	Planning, COG
	Prepare and Submit Grant Applications for SB 1 and other funding	SB 1 Grant Applications – Q1	Four SB 1 grant applications submitted in July and August: I-10 Truck Climbing Lane, West Valley Connector, and I-15 Auxiliary Lanes and Express lanes in two SB 1 categories. All four grants awarded by CTC in December 2020. Developing strategy for Cycle 3 of SB 1 grants.	Planning, Fund Administration
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Division Strategy: Assist jurisdictions, developers, and other stakeholders with area-wide sustainability studies

8B	Action Plan	Milestones	Milestone Status	Responsibility
	SB 743 Countywide Implementation Study	Complete Phase 1 – Q1	Phase 1 completed	Planning
		Complete Phase 2 (SCAG portion) – Q4	SCAG procurement completed in Q1. Initiated in Q2.	Planning
	Prepare Climate Adaptation Plan with Western Riverside Council of Governments (WRCOG).	Prepare Draft Plan – Q1	Plan completed	Planning
				Planning
	Prepare Countywide Green House Gas (GHG) Reduction Plan	Draft GHG Reduction Plan – Q2	Draft completed. Coordinating with jurisdictions to finalize.	Planning
		Final GHG Reduction Plan – Q3	Final workshop held in March. Incorporating local jurisdiction comments.	Planning
	Notes			
Division Strategy: Prepare effective active transportation plans				
8C	Action Plan	Milestones	Milestone Status	Responsibility
	Conduct Active Transportation (ATP) Plans: Redlands Rail Accessibility Study, Safe Routes to School (SRTS) Program (with County), and Countywide Sidewalk Inventory	Redlands Rail – Final Plan - Q1	Completed.	Planning
		SRTS Program: Complete Phase 1 – Q3	May incur additional delay due to COVID. Schools not open.	Planning
		Initiate SRTS Phase 2 – Q3	Likely to be delayed due to COVID.	Planning
		Sidewalk Inventory - Initiate Phase 2 - Q2	Consultant has been selected. Notice to proceed in Q3.	Planning
		Sidewalk Inventory – Data Development - Q4		Planning
	Create Digital Active Transportation Plan	Final Plan – Q1	Completed and presented to GPC in Q1	Planning
		Ongoing maintenance/updates	Update to support ATP Cycle 5 completed and presented to Board in September	Planning
	Notes			
Division Strategy: Implement components of ATP Metrolink Station Accessibility Grant				
8D	Action Plan	Milestones	Milestone Status	Responsibility
	Construction of Phase 2 of the Bicycle and Pedestrian improvements around the six Metrolink Stations as identified in the Transit Access Plan	Environmental – Q2	At Caltrans for review.	Planning, Project Delivery
		Final Design – Q4		Planning, Project Delivery
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

Division Strategy: Develop and administer programs to improve the efficient use of our existing freeway network				
8E	Action Plan	Milestones	Milestone Status	Responsibility
	Administer programs to reduce congestion and traffic delays.	Merge 511 system to create So Cal 511 through regional collaboration with Los Angeles Metropolitan Transportation Authority (LA Metro), Riverside County Transportation Commission (RCTC), Orange County Transportation Authority (OCTA), and Ventura County Transportation Commission (VCTC) by Q2 of Fiscal Year 2021/2022.	Work continuing. Working with LA Metro to get the final Memorandum of Understanding (MOU) in place and appropriate costs outlined. Merging of the two regional 511 systems is scheduled to take place by Q2 of Fiscal Year 2021/2022 due to additional edits, reviews and various COVID-19 impacts.	Air Quality/Mobility
		Implement a mobile call box/511 program by Q3 of Fiscal Year 2021/2022	Work continuing. Implementation schedule is tied to the merging of the 511 system with Metro. Due to various edits, reviews and COVID-19 impacts on California Highway Patrol (CHP) dispatch, schedule for implementation is Q3 of Fiscal Year 2021/2022.	Air Quality/Mobility
	Notes			
Division Strategy: Support access to jobs, healthcare, and education while reducing roadway congestion.				
8F	Action Plan	Milestones	Milestone Status	Responsibility
	Administer multi-modal programs to reduce congestion and improve quality of life including coordination with transit providers and Consolidated Transportation Service Agencies serving San Bernardino County	Submit county-wide vanpool program 2021 annual report - Q4	Ongoing	Transit
		Seek private partnerships with technology providers to improve commuter programs and first/last mile connections. Continue Private Transportation Provider Pilot Program to Ontario International Airport (ONT).	Ongoing	Transit
		Continue the Metrolink San Bernardino Line Fare Discount Program & monitor its performance	Ongoing	Transit
		Actively participate in the Metrolink Member Agency Advisory Committee and transit operator technical advisory committees.	Ongoing	Transit
		Present transit operator allocations in a timely manner - Q4 (for following fiscal year)	On Schedule	Transit, Fund Administration
		Present transit operator short range transit plans in a timely manner and in compliance with the Transportation Development Act - Q4 (FY21 only Mountain Transit and Omnitrans)	See Below	Transit
		Advocate for a sustainable source of funding for transit operations	Ongoing	Legislative/Public Affairs, Transit

San Bernardino County Transportation Authority
Fiscal Year 2020/2021 Initiatives and Action Plan - Third Quarter Report

8F (cont)	Complete 2021 Update to the San Bernardino County Public Transit-Human Services Transportation Coordinated Plan - Q4		On Schedule	Transit
	Implement the IE Commuter rideshare program Q1 and merge regional database - Q4		See Below	Transit
	Notes			
	The Inland Empire (IE) Commuter rideshare program has been implemented and available for use in Q1. The merged regional database is still pending. Mountain Transit SRTTP will not be completed until Q2 in FY21/22. MT had a late start due to a number of issues (New GM, emergency at maintenance facility and acquisition of consultant). Omnitrans SRTTP is still on time.			
Division Strategy: Support transit-oriented development				
8G	Action Plan	Milestones	Milestone Status	Responsibility
	Continue to work closely with the City of Rancho Cucamonga on implementation of the transit-oriented development effort at the Rancho Cucamonga Metrolink Station	Three party development agreement- TBD	On hold	Transit
		Specific Plan Development - TBD	Ongoing, City lead	Transit
	Notes			
	Staff is working with the City on incorporation of the planned Brightline West improvements and service at the Rancho Cucamonga Station in accordance with the MOU with XpressWest, now called Brightline West, approved by the SBCTA Board of Directors on July 1, 2020. The exclusive negotiations agreement and associated cooperative agreement with the City were terminated per Board action on 12/10/2020.			
Division Strategy: Advance transit connectivity to Ontario International Airport				
8H	Action Plan	Milestones	Milestone Status	Responsibility
	Tunnel to ONT	Issue Notice to Proceed to PCM - Q3	Completed	Transit
		Issue Request for Qualifications for an Infrastructure Developer - Q2	Completed	Transit
		Issue Request for Proposals for an Infrastructure Developer - Q4	On Schedule	Transit
	Notes			
In accordance with SBCTA Board direction on September 2, 2020, the Alternative Analysis was cancelled, and staff is progressing with delivery of the Tunnel to ONT project. This section will be updated to reflect the action plan and milestones for the Tunnel to ONT project going forward.				

Minute Action

AGENDA ITEM: 9

Date: May 5, 2021

Subject:

Executive Director Employment Contract Amendment

Recommendation:

Approve Amendment No. 7 to Employment Contract No. C12222 with Executive Director Raymond W. Wolfe.

Background:

On March 7, 2012, the Board of Directors approved a three-year contract with Raymond W. Wolfe to serve as the Executive Director. The contract provided that the Board review and evaluate the performance of the Executive Director during the month of April 2013, and annually thereafter, and to review his compensation level and possible extension of the contract.

In April 2015, the Board reviewed and evaluated the Executive Director's performance. On May 6, 2015, the Board approved a Second Amendment to his contract increasing his annual salary, extending his contract to April 9, 2021, and providing that his contract be extended by one-year each year the Board assigns him a performance rating of four or more on a scale of one to five, with five being the highest rating. After a performance evaluation, the Board approved a Third Amendment to his contract in September 2016, increasing his annual salary and extending his contract term. In May 2017, the Board evaluated the Executive Director's performance, and in recognition of his exemplary performance, the Board approved a Fourth Amendment to his contract on July 12, 2017, increasing his annual salary and extending his contract term to April 9, 2023. The Board evaluated the Executive Director's performance in June 2018, and approved a Fifth Amendment to increase his annual salary and extend his contract term. The Sixth Amendment to the Executive Director's contract was approved in May 2019, increasing his annual salary and extending the contract term to April 9, 2025. After the Board's evaluation of the Executive Director's performance in April 2021, the Board desires to extend his contract term to April 9, 2026.

Financial Impact:

This item is consistent with the Proposed Fiscal Year 2021/2022 Budget.

Reviewed By:

Extension to the term of the Executive Director's contract was reviewed and recommended by the Board of Directors in Closed Session on April 7, 2021. SBCTA General Counsel has reviewed this item and the draft amendment.

Responsible Staff:

Frank Navarro, City of Colton

Board of Directors Agenda Item
May 5, 2021
Page 2

Approved
Board of Directors
Date: May 5, 2021
Witnessed By:

**SEVENTH AMENDMENT TO SAN BERNARDINO COUNTY TRANSPORTATION
AUTHORITY EXECUTIVE DIRECTOR EMPLOYMENT CONTRACT NO. C12222
(C12222-07)**

This Seventh Amendment to the Executive Director Employment Contract No. C12222 (Contract) is made and entered into this _____ day of May, 2021, by and between Raymond W. Wolfe (Employee) and San Bernardino County Transportation Authority (SBCTA or Employer).

RECITALS

A. On March 7, 2012, the Board of Directors approved an Employment Contract with Employee.

B. The Contract provides that the Board shall annually review Employee's performance and his compensation level and consider extending his Contract term.

C. On June 5, 2013, the Board approved a First Amendment to the Contract adjusting Employee's compensation and extending his Contract term.

D. On May 6, 2015, the Board approved a Second Amendment to the Contract adjusting Employee's compensation and extending his Contract term.

E. On September 7, 2016, the Board approved a Third Amendment to the Contract adjusting Employee's compensation and extending his Contract term.

F. On July 12, 2017, the Board approved a Fourth Amendment to the Contract adjusting Employee's compensation and extending his Contract term.

G. On July 11, 2018, the Board approved a Fifth Amendment to the Contract adjusting Employee's compensation and extending his Contract term.

H. On June 5, 2019, the Board approved a Sixth Amendment to the Contract adjusting Employee's compensation and extending the Contract term.

I. In recognition of Employee's performance the Board desires to amend Employee's Contract to extend its term for one year.

NOW THEREFORE, in consideration of the foregoing recitals that are incorporated herein, the Parties desire to amend the Contract as follows:

1. Section 1 of the Contract is amended and restated as follows:

"SECTION 1. TERM

The term of this Agreement shall be through April 9, 2026, subject to extensions as provided in Section 8, and subject to the early termination provisions as provided in Section 9.

As provided in SBCTA's Personnel Rules, Employee serves at the pleasure of SBCTA's Board of Directors."

2. The Contract is incorporated into this Seventh Amendment.
3. All other terms and conditions of the Contract not expressly amended by this Seventh Amendment shall remain the same.
4. This Seventh Amendment is the full and complete understanding of the Parties regarding the rights and obligations of the Parties with respect to Employee's provision of services.

This Seventh Amendment is duly executed by the Parties on the dates indicated below.

SBCTA/EMPLOYER

EMPLOYEE

Frank J. Navarro, Board President

Raymond W. Wolfe

Date: _____

Date: _____

APPROVED AS TO FORM

Julianna K. Tillquist
General Counsel

Date: _____

Minute Action

AGENDA ITEM: 10

Date: May 5, 2021

Subject:

On-Call Tolling Advisory Services Request for Proposals

Recommendation:

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

Approve the withdrawal of Request for Proposals No. 21-1002490 for an On-Call Tolling Advisory Services Consultant for the San Bernardino County Transportation Authority Express Lanes Program.

Background:

In November 2020, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved a new Program Project Management Contract along with a directive to staff for the analysis of consultant costs verses in-house employee costs. While this was occurring, an agenda item was under development, and later approved at the December 2020 Board meeting, for the release of a Request for Proposals (RFP) No. 21-1002490 for an On-Call Tolling Advisory Services Consultant for the SBCTA Express Lanes Program.

On January 6, 2021, the Board received a report on the analysis of consultant costs verses in-house staff along with an approved reorganization of the Project Delivery and Toll Operations, and Transit and Rail Program departments. Meanwhile, on the proposal due date, January 20, 2021, SBCTA received two (2) proposals in response to the Toll Advisory Services RFP.

Since the RFP agenda item had crossed paths with the organizational staffing analysis for Project Delivery and Toll Operations, the particular scope of work associated with that RFP was not included in staff's analysis. For this reason, it is recommended that the Board withdraw the RFP to allow time for the scope of work review and a determination as to which tasks should be best assigned to in-house employees and which tasks would better be served by an individual On-Call Consultant Advisor.

Additionally, if the Board approves a future solicitation for a reduced scope of work for Toll Advisory Services, the withdrawal of this RFP provides time for staff to perform greater outreach efforts with the goal of enticing broad interest. Staff recommends approval of this item for greater consideration of roles and responsibilities for tolling activities.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was reviewed and recommended for approval (19-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on April 15, 2021. SBCTA General Counsel, Procurement Manager and Risk Management have reviewed this item and the Scope of Work.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

May 5, 2021

Page 2

Responsible Staff:

Paula Beauchamp, Director of Project Delivery and Toll Operations

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

San Bernardino County Transportation Authority

Tolling Advisory Services (On Call) Scope of Work

Background

The San Bernardino County Transportation Authority (SBCTA) is currently constructing the I-10 Express Lanes Contract 1 project under a design build contract and is under contract for the design of the I-15 Corridor Freight Improvement Project Auxiliary and Express Lanes project along with developing future express lane facilities. The I-10 Express Lanes Contract 1 project will begin operations in Summer 2023. Design of the I-15 Corridor Freight Improvement Project Auxiliary and Express Lanes project will begin in Winter 2020 and expected to begin operations in Summer 2026. Planning work is also underway for an eastern extension of the I-10 Express Lanes (Phase 2A) and a broader network of express lanes throughout San Bernardino County. As SBCTA express lanes and related facilities continue to progress through project development phases to full operations, toll consultant support is needed to assist SBCTA with express lane operation, maintenance, planning and design activities in our region.

Description of Work

SBCTA's toll program is seeking tolling consultant support under a contract to provide advisory services for upcoming SBCTA express lane facility operations and development of future express lane facilities. Advisory services include staff augmentation and advice and resources on a wide variety of topics pertaining to hardware, software and other items associated with Express Lane facilities, operations, and maintenance. In addition, innovative information on products and systems will be shared with SBCTA to allow SBCTA to design, implement, and operate an efficient and unproblematic express lane facility. For any services which will produce products such as reports or studies, a task order will be issued by SBCTA.

The list of tasks below are the categories of work for which SBCTA is seeking qualified Proposers. In addition to the specific task work described below, general task responsibilities could also include: develop task/project schedules, develop cost estimates, review benefit/cost analyses, provide procurement document development oversight, administer contracts, review invoices, oversee contractors/consultants, review contract deliverables, research industry and industry best practices, develop standard operating procedures, and coordinate with contractors, consultants, and agencies.

Contractors are providing and maintaining the I-10 Express Lanes Contract 1 and I-15 Corridor Freight Improvement Project Auxiliary and Express Lanes project roadside systems and back office systems. Contractors are also providing operations of a customer service call center.

The estimated value of this contract is \$3 million for a five-year base contract and two, one-year options for a total performance period of seven years. Activities below are intended to be performed under the direction of SBCTA's Toll Operations Administrator.

Activity 1 Express Lanes Planning and Policy

The Consultant shall advise SBCTA on strategic and operational planning and policy work for future express lanes. Planning and policy work require balancing the SBCTA's financial obligations and program goals with regional policy and other related requirements. SBCTA may request advice with a wide range of planning and policy work including but not limited to:

- Review of concept of operations.
- Review of business rules.
- Advise regarding program and facility policies and goals.
- Research and monitor legislation.
- Review organizational readiness planning.
- Review or conduct user surveys and focus groups.

Activity 2 Technology and Systems Support

The Consultant shall advise SBCTA on the assessment, planning, implementation and management of technology and systems used in the operation and management of the express lanes and facilities. SBCTA could request assistance with a wide range of technology and system advice including but not limited to:

- Monitor existing technology and systems.
- Oversee configuration management processes.
- Provide oversight of system deployment, installation and testing.
- Review technical evaluations.
- Review long-term system replacement plans.
- Validate system generated reports.
- Review system generated data.
- Review system design.
- Identify and evaluate new technology, prepare white papers on potential application in SBCTA toll program.
- Audit system performance.
- Monitor and evaluate system maintenance.
- Review system plans, documents, drawings, etc.
- Evaluate asset management.
- Evaluate transponder or other payment method technology.
- Review system interfaces.
- Identify and evaluate future opportunities in customer service and back office operations.
- Oversight support of tolling contractors.
- Present information regarding new technologies, including but not limited to occupancy detection.

Activity 3 Customer Service and Toll Evasion Violation Support

The Consultant shall advise SBCTA on the back office operation and toll evasion violation of the Express Lanes once operation begins. The Contractors perform most of the work and SBCTA is responsible for procuring and managing the contracts and providing oversight. SBCTA could request assistance with a wide range of customer service and toll evasion violation advice including but not limited to:

- Evaluate proposed delivery options and methods.
- Review website content, customer materials, customer correspondence.
- Review complex reporting.
- Evaluate collection program.
- Audit contract performance requirements.
- Audit contract standard operating procedures.
- Audit transactions, revenue and reconciliations.
- Audit and review financial processes.
- Review third party audits.
- Review Service Organization Control, Payment Card Industry, Personally Identifiable Information, and Department of Motor Vehicle compliance.
- Perform operational assessments and reporting.
- Review operational initiatives.
- Respond to customer inquiries.
- Coordinate marketing consultant.
- Develop lean processes.
- Oversight transponder purchasing.
- Evaluate data management strategy.

Activity 4 Roadway Maintenance Support

The Consultant shall advise SBCTA on a wide range of roadway and building advice including but not limited to:

- Coordinate express lane and regular lane closures.
- Develop and coordinate roadway maintenance plan.
- Coordinate roadway sign replacement or upgrade.
- Develop and coordinate incident response plan.
- Coordinate Freeway Service Patrol.
- Coordinate California Highway Patrol enforcement.
- Coordinate with Caltrans on routine and lifecycle maintenance of roadway assets.
- Develop and implement long term asset management, repair, and replacement plan.
- Coordination with projects impacting the express lanes.
- Department standard operating procedure development.

Activity 5 Industry Representation

The Consultant shall advise SBCTA in its participation with outside agencies and within the transportation industry. The Consultant could advise the agency in its industry efforts SBCTA may request advice including but not limited to:

- Prepare presentation materials.
- Deliver presentations.
- Perform research.
- Organize and conduct tours.
- Coordinate events.
- Participate in assigned committees.
- Interface with other agencies.
- Identify available industry platforms.
- Manage agency initiatives.

Activity 6 Express Lanes Performance

The Consultant shall advise SBCTA on the performance monitoring of the express lanes operations. SBCTA may request advice including but not limited to:

- Evaluate general traffic, High-Occupancy-Vehicle, and other counts.
- Evaluate corridor traffic operations.
- Evaluate dynamic pricing.
- Evaluate Performance Measurement System (PeMS) data collection and analysis.
- Evaluate video and drone recordings and analyze information.

Activity 7 Financial Support

The Consultant shall advise SBCTA on work related to existing facility and future project financings and general financial support. SBCTA may request advice including but not limited to:

- Estimate life-cycle costs for toll technology, express lane pavement, and other capital costs.
- Analyze surplus toll revenue, create of surplus toll revenue expenditure plans.
- Other duties may include providing insight and expertise on State/Federal/Local funding sources in accordance with GASB/FHWA rules and regulation. Setting up for SBCTA's execution workflow, schedules, and strategies for the projects dynamics funding and loans.

Minute Action

AGENDA ITEM: 11

Date: May 5, 2021

Subject:

Mt. Vernon Viaduct-Request for Additional Expenditure Authorization for Southern California Regional Rail Authority Construction Agreement

Recommendation:

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

Approve an additional expenditure authorization to Contract No. 19-1002210 with Southern California Regional Rail Authority for actual flagging, inspection and railroad support costs associated with the Mt. Vernon Viaduct project in the amount of \$300,000, bringing the total not-to-exceed contract amount to \$800,000.

Background:

In January 2020, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved Contract No. 19-1002210 with Southern California Regional Rail Authority (SCRRA) for a construction agreement to provide flagging and inspection services, engineering plan reviews and support, and railroad design and coordination services, in support of the deconstruction and plan review of a new bridge for the Mt. Vernon Viaduct in the City of San Bernardino. This agreement states that SBCTA will pay 100% of actual costs for flagging, inspection, and railroad support costs for the project work, estimated at \$500,000.

The existing bridge deconstruction has been underway since December 2020, and the flagging and inspection costs for the project have increased significantly beyond what was originally estimated. Reasons for these increased costs include new requirements for additional flagging and inspection support when there are over 10 people working in the area, and more track time required than anticipated as part of the construction of temporary track crossings and piece by piece deconstruction of the existing bridge. Based on current projections of total flagging, inspection and support needs through the contract duration of fall 2022, it is estimated that an additional \$300,000 will be needed beyond what was originally budgeted. Since SBCTA is required to pay 100% of actual costs, an amendment is not needed for the contract at this time; however, additional expenditure authorization is required to meet the commitments of this agreement.

Financial Impact:

This item is consistent with the Fiscal Year 2020/2021 Budget for Task No. 860 Arterial Projects, Subtask No. 0827, the Mt. Vernon Viaduct project.

Reviewed By:

This item was reviewed and recommended for approval (19-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on April 15, 2021. SBCTA Risk Management has reviewed this item.

Responsible Staff:

Henry Stultz, Director of Project Delivery

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item
May 5, 2021
Page 2

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

San Bernardino County Transportation Authority

Contract No.: 19-1002210 Amendment No.: 1

Contract Class: Payable Department: Project Delivery

Vendor No.: 02003 Vendor Name: Southern California Regional Rail Authority

Description: Railroad support services for the Mt. Vernon Viaduct project

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	500,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	300,000.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	800,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	800,000.00

Board of Directors	Date: 05/05/2021	Board	Item # 7620
--------------------	------------------	-------	-------------

Capital Project Contracts		Sole Source?	No	No Budget Adjustment
Federal/Local	Construction and Maintenance Agreement			

[illegible]

Task Manager (Print Name)

Additional Notes:

Minute Action

AGENDA ITEM: 12

Date: May 5, 2021

Subject:

Amendment No. 2 to Contract No. 16-1001474 with Gibbs Giden Locher Turner Senet & Wittbrodt, LLP for Public Contracting Legal Services

Recommendation:

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

Approve Amendment No. 2 to Contract No. 16-1001474 with Gibbs Giden Locher Turner Senet & Wittbrodt, LLP for public contracting legal services, increasing the contract price from \$150,000 to \$650,000; extending the term through June 30, 2024, with two one-year optional terms, if needed; and updating certain insurance requirements; and authorize the Executive Director, or his designee, to exercise the optional terms.

Background:

In February 2016, in accordance with Policy No. 11000, General Counsel awarded Contract No. 16-1001474 to the law firm of Gibbs Giden Locher Turner Senet & Wittbrodt, LLP (Attorney), to provide public contracting legal services through June 30, 2021. On January 3, 2017, the contract was amended to increase the contract price from \$100,000 to \$150,000.

Attorney has provided legal representation to San Bernardino County Transportation Authority (SBCTA) in litigation of several cases arising from construction of projects, and is currently representing SBCTA in an action brought by a contractor regarding a completed grade separation project. As the action is in its early stages and is scheduled to go to mediation mid-May, it likely will not be resolved before the contract expires at the end of June. Staff also recommends two additional years, at SBCTA's option, should Attorney's services be required, whether for the current litigation or future litigation. Further, the remaining contract balance is insufficient to fund SBCTA's defense in the current litigation, especially if the case does not resolve at mediation. Staff's request for adding \$500,000 to the contract amount is to fund defense through trial. Finally, the amendment increases the required amounts of professional liability and commercial general liability coverage, to align with the guidance of SBCTA's insurance advisor.

Financial Impact:

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

Reviewed By:

This item was reviewed and recommended for approval (19-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on April 15, 2021. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft amendment.

Responsible Staff:

Julianna Tillquist, General Counsel

Board of Directors Agenda Item
May 5, 2021
Page 2

Approved
Board of Directors
Date: May 5, 2021
Witnessed By:

San Bernardino County Transportation Authority

General Contract Information

Contract No: 16-1001474 Amendment No.: 2

Contract Class: Payable Department: General Counsel

Vendor No.: 03076 Vendor Name: Gibbs Giden Locher Turner Senet & Wittbrodt, LLC

Description: Public Contracting Legal Services

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	100,000.00	Original Contingency		\$	-
Prior Amendments		\$	50,000.00	Prior Amendments		\$	-
Current Amendment		\$	500,000.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	650,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	650,000.00

Contract Authorization

Board of Directors _____ Date: 05/05/2021 Board _____ Item # 7621

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? No No Budget Adjustment _____

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

Accounts Payable

Estimated Start Date:		02/18/2016		Expiration Date:		06/30/2021		Revised Expiration Date:		06/30/2024	
NHS:		No		QMP/QAP:		No		Prevailing Wage:		No	
								Total Contract Funding:		Total Contingency:	
Fund		Prog		Task		Sub-Task		Object		Revenue	
PA Level		Revenue Code		Name				\$		650,000.00	
								\$		-	
GL:		4901		40		0820		0838		52200	
										41100000	
										0	
										MSI	
GL:		6010		40		0840		0868		52200	
										48005110	
										UPRR	
GL:		6010		40		0840		0868		52200	
										42414008	
										Montclair	
GL:		4130		40		0840		0868		52200	
										41100000	
										MSI	
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											
GL:											

Julianna Tillquist

Paula Beauchamp

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: CSS - Gibbs Giden 16-1001474 (7621 : Amendment No. 2 to Contract No.16-1001474 with Gibbs Giden Locher Turner Senet &

AMENDMENT NO. 2 TO CONTRACT NO. 16-1001474

FOR

PUBLIC CONTRACTING LEGAL SERVICES

(GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT, LLP)

This Amendment No. 2 to Contract No. 16-1001474 is made by and between the San Bernardino County Transportation Authority (“SBCTA”) and the firm of Gibbs Giden Locher Turner Senet & Wittbrodt, LLP (“ATTORNEY”). SBCTA and ATTORNEY are each a “Party” and collectively are “Parties”.

RECITALS

- A. SBCTA, under Contract No. 16-1001474, engaged ATTORNEY to provide legal services relating to several construction projects including providing legal advice and opinions, and representation in litigation and administrative proceedings (“Contract”); and
- B. On January 3, 2017, SBCTA and ATTORNEY entered into Amendment No. 1 to Contract revising the Description of Services, and increasing the contract price from \$100,000 to \$150,000; and
- C. SBCTA and ATTORNEY desire to further amend the Contract to increase the contract price by \$500,000, to extend its termination date to June 30, 2024, with two optional one-year extensions, if needed, and to increase the insurance coverage.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, SBCTA and ATTORNEY agree as follows:

- 1. All references to “Gibbs Giden Locher Turner Senet & Wittbrodt, LLC” shall mean “Gibbs Giden Locher Turner Senet & Wittbrodt, LLP.”
- 2. ARTICLE 2. PERIOD OF PERFORMANCE is deleted and replaced in its entirety to read as follows:

“The Period of Performance by ATTORNEY under this Contract shall commence February 18, 2016, and shall continue in full force and effect through June 30, 2024. SBCTA at its sole discretion may extend the term of this Contract for two one-year Option Terms. The maximum term of this Contract, including the Optional Terms, if exercised, will not exceed June 30, 2026.”

3. ARTICLE 3.1 COMPENSATION is deleted and replaced in its entirety to read as follows;

“3.1 The total Not-To-Exceed Amount is Six Hundred Fifty Thousand Dollars (\$650,000.00) for Services to be provided under this Contract. SBCTA shall compensate ATTORNEY for Services performed pursuant to the rates set forth in Exhibit “B”, Attorneys’ Fees and Charges. The hourly rates identified in Exhibit “B” shall remain fixed for the term of this Contract and include ATTORNEY’s direct labor costs, indirect costs, and profit. All costs and expenses shall be reimbursed for the amounts identified in Exhibit “B”. SBCTA will not reimburse for any expenses not shown in Exhibit “B”.”

4. ARTICLE 19. INSURANCE is amended as follows:

a. The per claim amount of professional liability coverage required in Section 19.1 shall be **\$2 million**.

b. Section 19.3 is deleted and replaced in its entirety with the following:

“Commercial General Liability – Commercial General Liability insurance (Insurance Services Office (ISO) Form CG 00 01) or Premises and Operations, Contractual Liability, Products/Completed Operations Liability, Personal Injury Liability, Broad-Form Property Damage and Independent Contractors’ Liability, and if necessary, excess/umbrella commercial liability insurance, with a combined limit of liability of not less than \$2,000,000 per occurrence. For products and completed operations a \$2,000,000 aggregate shall be provided.

“Umbrella/Excess CGL. The policy must include the following:

If the ATTORNEY elects to include an umbrella or excess policy to cover any of the total limits required beyond the primary commercial general liability policy limits and/or the primary commercial automobile liability policy limits, then the policy must include the following:

- o The umbrella or excess policy shall follow form over the ATTORNEY’s primary general liability coverage and shall provide a separate aggregate limit for products and completed operations coverage.
- o The umbrella or excess policy shall not contain any restrictions or exclusions beyond what is contained in the primary policy.
- o The umbrella or excess policy shall contain a clause stating that it takes effect (drops down) in the event the primary limits are impaired or exhausted.
- o The umbrella or excess policy must also extend coverage over the automobile policy if it is to be used in combination with the primary automobile policy to meet the total insurance requirement limits.

“There shall be no statement limiting the coverage provided to the parties listed as additionally insureds in the Contract.”

5. The Recitals set forth above are incorporated herein by this reference.
6. Except as amended by this Amendment No. 2, all other provisions of the Contract, and amendments thereto, shall remain in full force and effect and are incorporated herein by this reference.
7. This Amendment No. 2 is effective upon execution by SBCTA.

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

DRAFT

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

**GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT, LLP**

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Theodore Senet
Partner

By: _____
Frank J. Navarro
Board President

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist
General Counsel

Date: _____

CONCURRENCE:

By: _____
Jeffrey Hill
Procurement Manager

Date: _____

Attachment: 16-1001474 - 02 (7621 : Amendment No. 2 to Contract No.16-1001474 with Gibbs Giden Locher Turner Senet & Wittbrodt, LLP)

Minute Action

AGENDA ITEM: 13

Date: May 5, 2021

Subject:

San Bernardino County Regional Greenhouse Gas Reduction Plan Update

Recommendation:

Receive information on the San Bernardino County Regional Greenhouse Gas Reduction Plan Update.

Background:

Regional Greenhouse Gas (GHG) Reduction Plan Update Background

In 2006, the California legislature passed Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006. The law establishes a limit on GHG emissions for the state of California to reduce state-wide emissions to 1990 levels by 2020. In 2016, the California Assembly and Senate expanded upon AB 32 with Senate Bill (SB) 32, which mandates a 40% reduction in GHG emissions from 1990 levels by 2030 (California Legislative Information, 2016).

In response to these initiatives, a project partnership, led by the San Bernardino Council of Governments (SBCOG), compiled a GHG emissions inventory and an evaluation of reduction measures that could be adopted by the 25 partnership jurisdictions of the San Bernardino County. The *San Bernardino County Regional Greenhouse Gas Reduction Plan (Reduction Plan) Update* is a collaborative effort that developed GHG inventories and forecasts, assessed the effectiveness of California initiatives to reduce GHG emissions, and identified local GHG reduction strategies that were selected by and for 25 jurisdictions to reduce local GHG emissions. The Reduction Plan identifies potential local strategies to reduce GHG emissions in support of the statewide GHG targets expressed in SB 32. This project also included development of an updated monitoring and tracking tool, updated local development screening tables as an implementation tool for each jurisdiction, and training materials for their use. The Reduction Plan started in July 2018 and was completed in March 2021.

The Reduction Plan includes the following actions that will reduce GHG emissions associated with its regional (or countywide) activities.

1. Prepare a baseline (2016) GHG emissions inventory for each of the 25 Partnership jurisdictions in the county.
2. Prepare future year (2020, 2030, and 2045) GHG emissions forecasts for each of the jurisdictions.
3. Develop general GHG reduction measures and jurisdiction-specific measures appropriate for each jurisdiction.
4. Develop consistent baseline information for jurisdictions to use for their development of community climate action plans (CAPs) meeting jurisdiction-identified reduction goals.

By working in a collaborative manner on these goals, the jurisdictions aim to develop consistent information in an efficient manner that can subsequently be used by individual jurisdictions that choose to develop and adopt CAPs for their jurisdictions and/or implement specific GHG reduction measures. GHG reduction measures selected by jurisdictions for this report are non-binding unless the decision-making body of a jurisdiction decides to formally adopt them.

Entity: San Bernardino County Transportation Authority

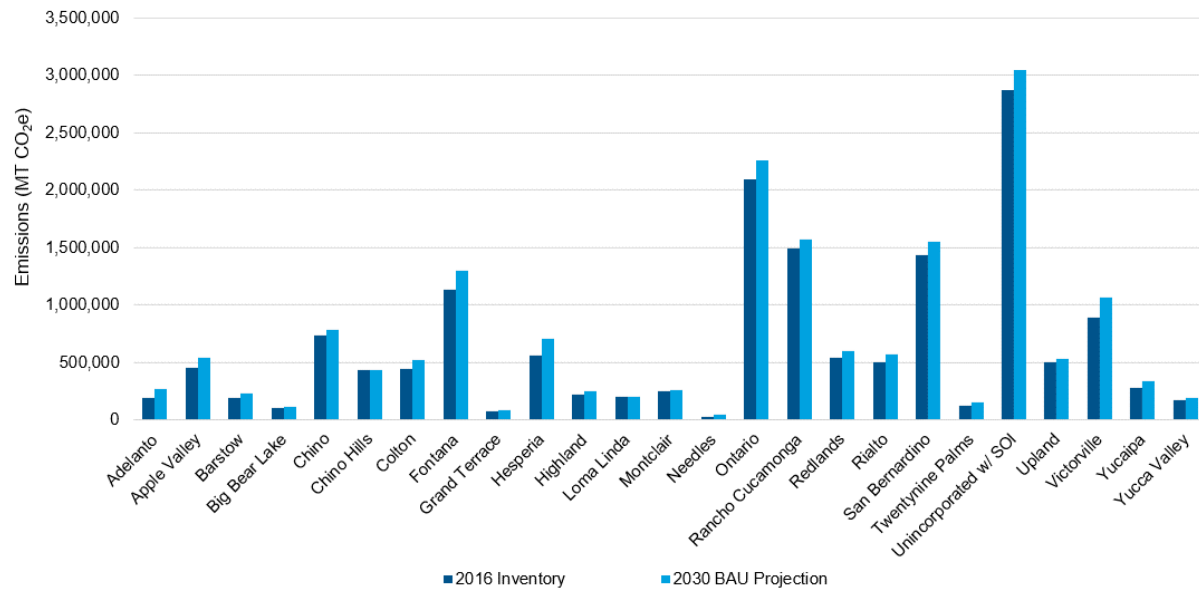
The San Bernardino Associated Governments (SANBAG), the predecessor agency to SBCOG, prepared the first regional Reduction Plan in 2014 with an accompanying Programmatic Environmental Impact Report (PEIR), which had a 2020 GHG reduction target. Subsequently, SB 32 was passed in 2016 with a more aggressive 2030 GHG reduction target. The 2021 update of the Reduction Plan provides the information for local jurisdictions to use in developing local efforts to meet more aggressive 2030 reduction targets. In addition, grant programs supported the opportunity for SBCOG to help local jurisdictions with developing the technical information for local GHG reduction planning efforts efficiently while reducing costs to local jurisdictions.

During the Reduction Plan update process, the local jurisdiction planning departments were engaged through the Planning Director's Technical Forum (PDTF) of SBCOG. Periodic workshop/presentations were provided to the PDTF with one-on-one follow-up discussions with individual cities to coordinate input. The individual cities then worked at the city level to vet the technical information and developed input related to reduction measures. Following the local jurisdiction vetting process, the Draft Reduction Plan was then made publicly available in early 2021 for public input. We have received a copy of a comment letter from the Building Industry Association – Baldy View Chapter (BIABV) directed to the County of San Bernardino Board of Supervisors, focused on the SBCOG GHG Reduction Plan (Attachment A). Staff would like to recognize BIABV for their comments and would like to include an excerpt from the letter. *“BIABV recognizes that the County and the cities within it are compelled to look circumspectly for ways to reduce GHG emissions throughout society. Given this, the Draft GHG Plan seems to constitute a reasonably thoughtful approach to the challenge, given that it permits meaningful flexibility and optionality. Once again, staff should be commended for the approach that was taken.”*

GHG Emission Summary

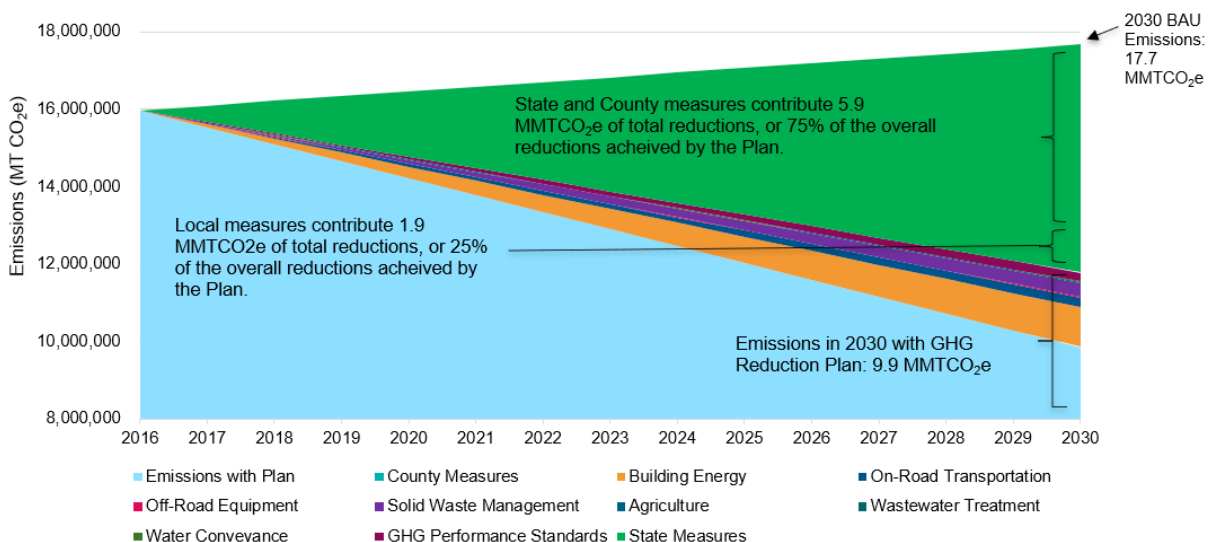
Total GHG emissions, excluding stationary sources, for all Partnership jurisdictions in 2016 amounted to 15,972,244 metric tons of carbon dioxide equivalent (MTCO_{2e}). The Business as Usual (BAU) of GHG emissions for all Partnership jurisdictions in 2030 projects total emissions will be 17,674,452 MTCO_{2e}. Below shows the total GHG emissions in 2016 and projected GHG emissions in 2030 for each of the Partnership jurisdictions, excluding stationary sources. With a few exceptions, in 2016 and in 2030, the largest sources of regional GHG emissions are combustion of transportation fuels and electricity and natural gas used by residential and commercial buildings. Consequently, the on-road transportation and building energy sectors will figure prominently in jurisdiction GHG reduction plans. Including stationary sources, the emissions in 2016 were 21,567,392 MTCO_{2e} and 2030 BAU emissions are estimated as 24,736,167 MTCO_{2e}. Stationary sources is the third largest source of emissions after transportation and building energy.

2016 Baseline GHG Emissions and 2030 BAU GHG Emissions Forecast for the Partnership Jurisdictions (MTCO₂e)



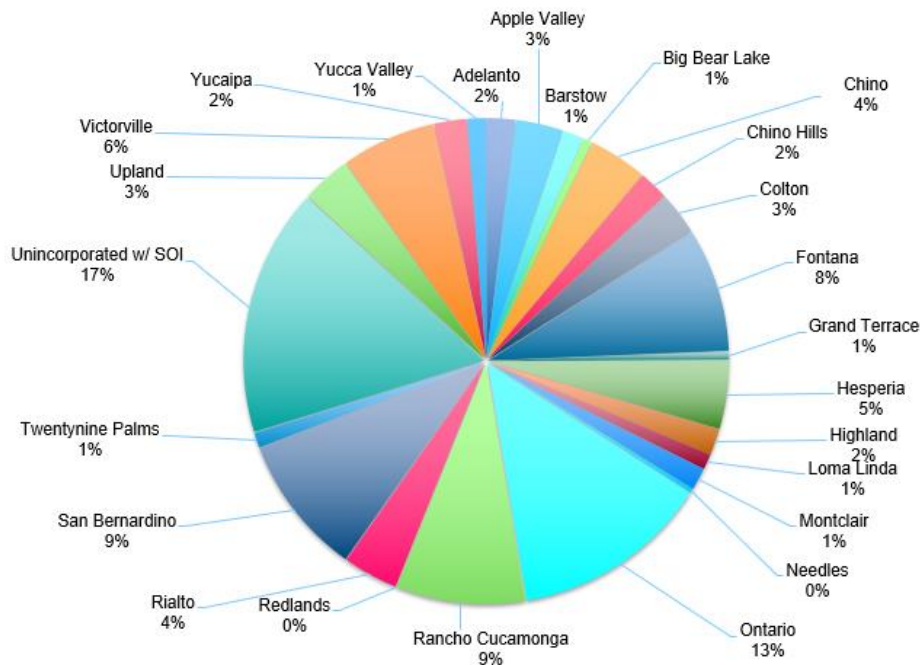
Some GHG reduction actions are best suited to regional planning and cooperation and the benefits are best monitored at the regional level, as opposed to the jurisdiction level. The results presented in this document can be used to support both jurisdiction-level and regional-level planning. The below figure shows the amount of GHG reductions achieved in the region within each GHG emission sector (i.e., the sum of all actions taken by all jurisdictions within that sector, including state level programs). Additionally, the figure conveys that there is a potential for nearly 8 million MTCO₂e in GHG reductions due to the combined effect of state, regional, and local actions detailed in this report. State level programs will contribute to 75% of the region's reductions and local measure will contribute 25%.

Total Identified GHG Reductions in 2030 for the 25 Partnership Jurisdictions (MTCO₂e)



The figure below shows the contribution of each jurisdiction to the overall GHG reductions in the region. These contributions generally parallel the distribution of population and employment in the region.

Distribution of Identified GHG Emissions Reductions in 2030 for all Partnership Jurisdictions (MTCO₂e)



Next Steps

This Reduction Plan identifies state measures applicable to every Partnership jurisdiction, as well as local measures selected by each jurisdiction that could reduce future GHG emissions within jurisdictional boundaries. Through the development of this Reduction Plan, each Partnership jurisdiction individually selected GHG reduction measures, tailored the level of commitment for reduction measures, and set unique GHG reduction goals for the year 2030. The Reduction Plan describes the projected GHG reductions that can be achieved for the region through the combined efforts of all Partnership jurisdictions if they were to fully implement the reduction measures identified in this Reduction Plan.

The Reduction Plan is intended to serve as a foundation upon which the Partnership jurisdictions can develop individual jurisdiction-specific CAPs to be adopted and enacted according to their own internal procedures. The next steps for Partnership jurisdictions that choose to move forward with this process and ultimately develop their own local climate action planning are listed below.

1. Plan Adoption: Partnership jurisdictions may adopt (but are not required to do so) CAPs based upon this Reduction Plan or their respective portions of the regional reduction plan presented herein. Each Partnership jurisdiction would undertake steps needed to formally adopt

the CAP in their jurisdiction, such as gathering input from stakeholders; conducting public meetings; review by jurisdiction council, planning commission, or board of supervisors; California Environmental Quality Act (CEQA) analysis as needed; and/or vote by a governing body.

2. CEQA Compliance on the Regional Reduction Plan: SBCOG will be completing CEQA compliance to assess the potential environmental impacts associated with implementation of this Reduction Plan as an update to the prior Regional Reduction Plan from 2015. A comprehensive Environmental Impact Report was certified by SANBAG in 2015. It is expected that CEQA compliance for the updated regional plan will likely be an addendum or supplement to the prior EIR. The CEQA document will rely on the assumption that all jurisdictions will implement the measures selected in this Reduction Plan prior to 2030, but does not require that all Partnership jurisdictions formally adopt this Reduction Plan. After adoption of the CEQA document for the Regional Reduction Plan by SBCOG, additional CEQA analyses will only be required at the jurisdiction level if Partnership jurisdictions choose to change their GHG reduction measures from those identified in this Reduction Plan, and if those measures have potentially significant secondary impacts on the environment.

3. Implementation and Tracking of the Reduction Plan(s): Properly tracking the progress of the Reduction Plan, monitoring the real benefits, and reporting these results are crucial to the success of implementing the Reduction Plan and to adaptive management of GHG reductions measures going forward.

4. Tiering of CEQA Analysis of Greenhouse Gas Emissions: Those Partnership jurisdictions choosing to complete and adopt local CAPs that are consistent with this GHG Reduction Plan and with the prior Regional Plan Program EIR and the addendum or supplemental CEQA document prepared by SBCOG, will be able to tier their future project-level CEQA analyses of GHG.

Financial Impact:

This item has no impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was received by the General Policy Committee on April 14, 2021. The GHG Reduction Plan has been a regularly scheduled item at the Planning Directors Technical Forum since the start of the project in 2018.

Responsible Staff:

Josh Lee, Chief of Planning

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:



March 10, 2021

Hon. Chairman Hagman and Hon. Supervisors of San Bernardino County
c/o Lynna Monell, Clerk of the Board of Supervisors

Re: Comments from the Building Industry Association of Southern California, Baldy View Chapter Concerning the Draft San Bernardino County Regional Greenhouse Gases Reduction Plan, Public Review Document, Agendized for Discussion before the Board of Supervisors at its March 18, 2021 Meeting.

Hon. Chair Hagman and fellow Board of Supervisors:

The Building Industry Association of Southern California, Baldy View Chapter (“BIABV”) is grateful for the opportunity to comment on the Draft San Bernardino County Regional Greenhouse Gases Reduction Plan, Public Review Document (the “Draft GHG Plan”), which is agendized for discussion before the Board of Supervisors at its March 18, 2021 meeting.

For decades, BIABV has been an active stakeholder and advocate, engaging with the municipal, county, regional and state governments and agencies which affect the efforts of BIABV’s member companies to build new homes in San Bernardino County. For the last 15 years, BIABV – along with its regional parent corporation and its peers across the state – has been very attentive to the evolving governmental efforts to address the anthropogenic emissions of greenhouse gases, including carbon dioxide, methane, and other gases (“GHG”).

Below, BIABV respectfully provides its brief comments concerning the Draft GHG Plan:

First, we thank the County’s able staff and the County’s outside consultants who took time to explain the Draft GHG Plan to BIABV’s staff. Specifically, Messrs. Steve Smith and Josh Lee, both of the San Bernardino County Transportation Authority, as well as the County’s outside consultants, Messrs. Michael Hendrix and Rich Walter, added generously to our understanding of the Draft GHG Plan’s many details and their implications. The insights that we garnered via our remote discussions with these gentlemen was crucial to our appreciation of the draft plan.

Second, BIABV applauds the fact that the Draft GHG Plan reflects a conscious effort to allow jurisdictions, homebuilders and developers to choose from a range of options by which to reduce GHG. Specifically, to the extent that the Draft GHG Plan may be wisely adopted and implemented by the various jurisdictions within the county, BIABV’s members should be able to enjoy the ability to choose from among options as to how best to reduce GHG below “business as unusual” trends and practices. Such flexibility and optionality can be very helpful in terms of allowing GHG reductions to be gained by means which are both affordable and appropriately

Chairman Hagman and Supervisors
of San Bernardino County
March 10, 2021
Page 2 of 3

tailored to individual communities and projects. In short, we welcome and applaud the elements of flexibility and optionality which are reflected in the draft plan.

Third, we understand that the Draft GHG Plan is not self-actuating. Instead, it constitutes an informational document in which, following iteration undertaken with the many jurisdictions involved (e.g., the cities), data are analyzed to show the jurisdiction's the ability to meet their 2030 GHG emissions goals and various potential "police power" means by which to do so. As such, the Draft GHG Plan is more informational and evidentiary in nature unless and until it is later actuated through further acts. To become actuated, the plan will require additional process undertaken within the individual jurisdictions concerning options provided in the plan.

We therefore anticipate that the interested jurisdictions will in due course consider more potential adoption of particular elements of the Draft GHG Plan (or additional alternatives thereto). In doing so, they may refine, adjust, further study, and adopt aspects of the plan while undertaking additional public processes. Therefore, BIABV respectfully reserves the right to comment upon and potentially oppose elements of the Draft GHG Plan if and when jurisdictions undertake such adoption processes. In other words, given the breadth of the Draft GHG Plan and its foreseeable usefulness, BIABV intends to take a harder look at the analyses and recommendations included in the Draft GHG Plan as they relate to jurisdictions located within the county – if and when they take additional steps in light of the Draft GHG Plan.

Lastly, BIABV would be remiss if it did not point out that the homes built in recent years throughout San Bernardino County conformed to regulatory standards which make them amongst the most energy-efficient and GHG-reductive homes being built anywhere in the world. Specifically, because of California's increasingly exacting Title 24 building standards, it is already the case that BIABV's member homebuilding companies build homes that substantially reduce anthropogenic GHG emissions on a per capita basis. Simply put, families that move into and live in such modern homes will emit less GHG than do nearby families who live in the older homes that were built to less exacting standards.

Therefore, when considering how best to reduce GHG emissions throughout our society, ***the best thing that the governmental jurisdictions and agencies can do is to foster much more additional new home construction, so that more families can live in homes that are built to the modern, more exacting regulatory standards.*** BIABV will continue to look for opportunities to work with the County, the cities, and all agencies involved to find ways to accelerate homebuilding wherever appropriate within the county.


Moreover, because newly-built homes are far more energy-efficient and GHG-friendly than are the older homes, policy-makers should recognize the need to "keep perfection from becoming the enemy of the good" when it comes to reducing GHG with respect to new homebuilding. Of course, there are limits to the extent to which policy-makers can keep foisting new, costly regulatory requirements on homebuilders – however well-intentioned such impositions may be. An important part of our overall housing challenge is to build more new

Chairman Hagman and Supervisors
of San Bernardino County
March 10, 2021
Page 3 of 3

housing that is affordable to our workforce. Therefore, the imperative to make new homes even more GHG-reductive must be balanced against the potentially prohibitive costs of trying to do so. BIABV will continue to advocate on behalf of its member homebuilders about such cost-benefit considerations.

BIABV recognizes that the County and the cities within it are compelled to look circumspectly for ways to reduce GHG emissions throughout society. Given this, the Draft GHG Plan seems to constitute a reasonably thoughtful approach to the challenge, given that it permits meaningful flexibility and optionality. Once again, staff should be commended for the approach that was taken. Concerning GHG emissions and more generally, BIABV will continue to join in the analyses and discussions needed to improve our county; and we look forward to participating in future discussions.

Sincerely,



Carlos Rodriguez,
Executive Officer

San Bernardino County Regional Greenhouse Gas Inventory and Reduction Plan

SBCOG General Policy Committee
April 14, 2021



AGENDA

1. Climate Action Plan Background
2. What is the Regional Plan?
3. How can local jurisdictions use the Regional Plan?
4. What is the Regional Plan approval process?
5. Discussion/Q & A



Climate Action Planning Background



- AB-32
 - State law to reduce GHG emissions to 1990 levels by 2020
- SB-32
 - State law to reduce GHG emissions to 40 % below 1990 levels by 2030
- CARB 2017 Scoping Plan
 - State plan to implement AB-32
 - Recommends cities reduce GHG emissions
- CEQA Lawsuits, Lawsuits, Lawsuits
 - Numerous CEQA documents challenged!



Why Prepare a Climate Action Plan?



California
Environmental
Quality
Act



- Assess all GHG emission sources comprehensively and consistently.
- Streamline project approvals and CEQA.
- Identify feasible means to reduce GHG emissions including some that can save the city/community money.
- Identify the local "role" in reducing GHG emissions in light of larger state efforts.
- Take "credit" for prior and ongoing city actions.



What are the goals of the Regional Plan?



Regional Plan

- Develop technical information for cities in San Bernardino County that can be used for development of local climate action plans.
- Provide consistent methodologies and approaches.
- Follow local direction in identifying targets and choosing actions.
- Promote cost efficiency by doing all cities in one combined effort.



Regional Plan - 24 Participating Cities and the County



What is in the Regional Plan?

- Background on climate action planning and legislation
- For each jurisdiction:
 - an inventory of GHG emissions for each jurisdiction;
 - a forecast of future GHG emissions;
 - an identified GHG reduction goal;
 - measures to reduce GHG emissions under the control of the jurisdiction;
- implementation actions to ensure that the measures result in actual reductions;
- Technical documentation of methodologies used in the study




Summary of Plan Outcomes – Total Reductions

Source	Local Reductions	% of Total
State Measures		75%
Local Measures		25%
Total Reductions		100%
2016 Emissions	15.9 million	
2030 BAU Emissions	17.7 million	
2030 Emissions with Plan	9.9 million	
Plan % below 2016 Emissions	38%	
Plan % below 2030 BAU Emissions	44%	

NOTE: Data Excludes Stationary Sources




Summary of Plan Outcomes – Local Reductions



Sectors	% of Total
Building Energy	49%
OnRoad Transportation	13%
OffRoad Transportation	1%
Solid Waste Management	18%
Water Conservation/Conveyance	5%
Wastewater	0%
Agriculture	2%
GHG Performance Standard	12%
Total Local Measures	100%



How do local jurisdictions use the Regional Plan?

- 
- Regional Plan contains technical information:
 - Background Info Inventory
 - Reduction Targets – Selected by each city
 - Reduction Measures – Selected by each city
 - Generic Implementation Process
 - Local City:
 - Uses technical information from Regional Plan
 - Uses City chapter and background info
 - Refine/adapt/elaborate measures (if desired)
 - Define local implementation steps
 - Compiles local CAP using the above information
 - Processes through local approval



What is the Regional Plan Approval Process?

- Q: Who “approves” the Regional Plan?
 - A: SBCOG will adopt its part of the Plan and recommend plan to cities. SBCOG approval does not commit the cities to action. SBCOG will consider approval after preparation of CEQA document (planned to be an addendum to the prior EIR)
 - A: Each city will decide:
 - Whether to use the regional plan reduction measures
 - Whether to adopt a local climate action plan



San Bernardino County Regional Greenhouse Gas Inventory and Reduction Plan

Q & A / Discussion



Minute Action

AGENDA ITEM: 14

Date: May 5, 2021

Subject:

Development Mitigation Annual Report for Fiscal Year Ending June 30, 2020

Recommendation:

Receive information on the Development Mitigation Annual Report for Fiscal Year ending June 30, 2020.

Background:

Preparation of the Development Mitigation Annual Report (DMAR) is an ongoing requirement of the San Bernardino County Transportation Authority (SBCTA) Congestion Management Program (CMP). The Valley and Victor Valley jurisdictions are required to provide information on development activity and the expenditure of development mitigation funds on projects contained in the Development Mitigation Nexus Study for Fiscal Year 2019/2020. The development fees collected are used by the jurisdictions as the local share of arterial, interchange, and railroad grade separation projects for which SBCTA provides the “public share.”

This agenda item provides a summary of the Valley and Victor Valley jurisdictions’ DMAR. Table 1 represents development mitigation data for each Valley and Victor Valley jurisdiction and Figure 1 presents a historical reference of development mitigation fees collected and dwelling units permitted. City data is provided in Table 1 and County data is provided in Table 2, organized by sphere of influence.

Implementation and maintenance of a development mitigation program is required of each local jurisdiction in the Valley and Victor Valley to maintain conformance with the SBCTA Land Use/Transportation Analysis Program of the CMP. Failure to submit the annual DMAR would result in non-compliance with the provisions of the Development Mitigation Program and other provisions in the CMP.

Based on the information provided to SBCTA by the jurisdictions submitting reports, \$48,772,014 in development mitigation fees for transportation projects was collected and \$12,754,672 of development mitigation fees was expended on Nexus Study projects during Fiscal Year ending June 30, 2020. Of the approximately \$48.8 million of transportation related development impact fees collected by local jurisdictions, a portion of the fees are associated with local projects that were not included in the Nexus Study, which addresses only regional projects. Therefore, not all of the fees will be expended on Nexus Study projects. The \$48,772,014 of development mitigation represents a decrease of 18.4% in development mitigation revenue from the \$59,733,855 collected in Fiscal Year 2018/2019, which was an increase of 16.6% from the \$51,248,029 collected in Fiscal Year 2017/2018.

Since the implementation of the SBCTA Development Mitigation Program began in Fiscal Year 2006/2007, a total of \$471,513,664 has been collected and a total of \$238,163,731 in development mitigation has been expended on projects contained in the SBCTA Development Mitigation Nexus Study. It should be noted that some of the data on quantities of development

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

May 5, 2021

Page 2

(units and square footage) could not be included in the table because it did not fit standard development type categories. However, all the fees for these developments were included.

The DMAR is an attempt to secure information on development fees collected and expended on Nexus Study projects in a manner that is less formal than a full audit. Overall, the annual reporting has been informative and provides the mechanism for SBCTA staff to monitor the level of development contributions being generated by local jurisdictions for projects included in the Nexus Study. Accurate and reliable information is imperative for implementation of the Measure I Valley Freeway Interchange, the Valley Major Street, Victor Valley Major Local Highway and Victor Valley Local Street Programs as outlined in the Measure I 2010-2040 Strategic Plan.

Table 1
City/Town Development Mitigation Summary Table
For the Year Ending June 30, 2020

City/Town	# of SF Units Permitted	# of MF Units Permitted	Sq Ft of Commercial Permitted	Sq Ft of Office Permitted	Sq Ft of Industrial Permitted	Fees Collected in FY 19/20*	Fees Expended on Nexus Projects in FY 19/20	Cumulative Dev. Mit. Revenue**	Cumulative Dev. Mit. Expenditures On Nexus Projects***
Adelanto	66	0	2,371	0	0	\$333,944	\$434,624	\$4,608,834	\$434,624
Apple Valley	101	3	12,680	0	1,304	\$789,678	\$0	\$11,714,189	\$8,981,193
Chino	459	109	31,766	0	1,670,485	\$11,502,159	\$357,684	\$62,011,756	\$2,798,982
Chino Hills	20	2	0	0	0	\$5,386	\$0	\$598,500	\$4,992,658
Colton	81	0	16,000	61,000	250,000	\$181,856	\$9,580	\$7,847,290	\$290,988
Fontana	436	60	52,764	24,115	1,114,740	\$4,441,420	\$1,153,957	\$71,224,143	\$48,620,235
Grand Terrace	8	0	0	0	0	\$32,507	\$0	\$2,024,796	\$292,790
Hesperia	182	122	113	26,128	37	\$3,644,273	\$17,752	\$25,240,930	\$28,142,717
Highland	643	0	2,573	75	19,762	\$163,240	\$0	\$6,976,957	\$0
Loma Linda	179	0	17	0	0	\$524,759	\$0	\$8,973,790	\$2,660,076
Montclair		0	0	29,902	159,822	\$202,785	\$0	\$3,738,919	\$234,305
Ontario	886	337	340,189	52,281	3,386,953	\$6,479,381	\$3,029,200	\$51,171,834	\$38,168,777
Rancho Cucamonga	43	174	22,552	31,746	418,626	\$5,664,811	\$0	\$51,983,739	\$7,901,709
Redlands	97	2	55,535	20,499	20,499	\$600,423	\$354,187	\$15,328,432	\$4,898,376
Rialto	67	59	97,061	0	1,925,192	\$6,244,366	\$3,037,769	\$41,150,116	\$17,993,740
San Bernardino	44	5	100	22,201	388,214	\$919,296	\$472,954	\$19,325,268	\$9,027,903
Upland	180	80	2,360	0	0	\$482,981	\$0	\$15,742,928	\$2,374,363
Victorville	372	40	9,400	0	0	\$1,828,824	\$2,288,832	\$27,223,149	\$47,318,753
Yucaipa	9	1	39,476	0	0	\$269,315	\$1,596,897	\$6,758,699	\$9,985,827
Total	3,873	994	684,957	267,947	9,355,634	\$44,311,405	\$12,753,437	\$433,644,270	\$235,118,016

Notes:

1. May include fees from other sources not listed in the summary table
2. Only includes revenue collected beginning FY06/07
3. Only includes expenditure of development mitigation fees
4. Adelanto only tracks "residential" and "non-residential" development

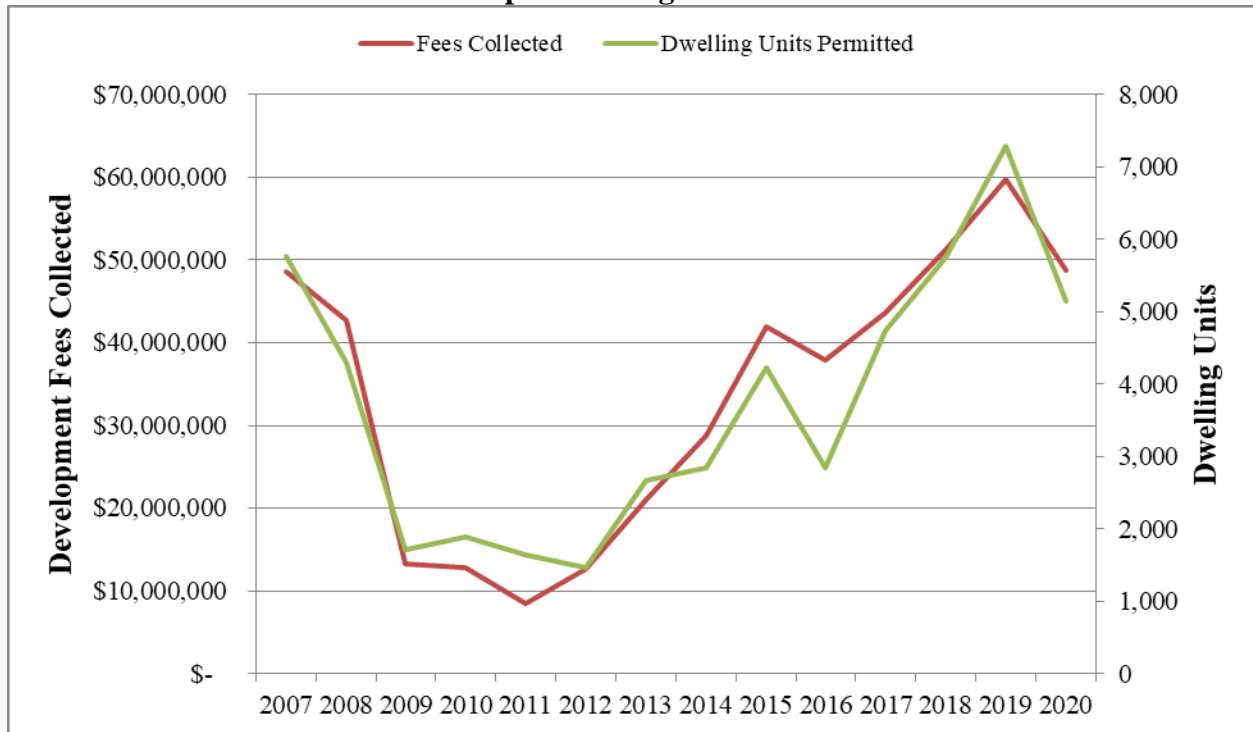
Table 2
San Bernardino County Development Mitigation Summary Table
For the Year Ending June 30, 2020

County Sphere/ Subarea	# of SF Units Permitted	# of MF Units Permitted	Sq Ft of Commercial Permitted	Sq Ft of Office Permitted	Sq Ft of Industrial Permitted	Fees Collected in FY 19/20*	Fees Expended on Nexus Projects in FY 19/20	Cumulative Dev. Mit. Revenue**	Cumulative Dev. Mit. Expenditures On Nexus Projects***
Adelanto Sphere	0	0	0	0	0	\$0	\$0	\$0	\$0
Apple Valley Sphere	20	0	0	0	0	\$55,400	\$0	\$800,522	\$0
Chino Sphere	1	0	0	0	0	\$7,022	\$0	\$458,680	\$388
Colton Sphere	2	0	0	0	0	\$8,818	\$0	\$32,535	\$0
Devore/Glen Helen	2	0	0	0	0	\$12,826	\$0	\$154,389	\$148,337
Fontana Sphere	1	0	6,946	3,000	21,444	\$245,004	\$0	\$5,258,338	\$514,777
Hesperia Sphere	28	0	0	0	0	\$281,680	\$0	\$2,612,898	\$622,315
Loma Linda Sphere	0	0	0	0	0	\$0	\$0	\$188,925	\$0
Montclair Sphere	1	0	0	0	2,200	\$9,806	\$0	\$61,101	\$0
Redlands Sphere	66	0	0	0	0	\$466,158	\$0	\$1,027,928	\$0
Redlands Donut Hole	0	0	45,930	0	1,079,236	\$1,281,856	\$1,235	\$10,778,559	\$124,601
Rialto Sphere	16	98	551	0	344,360	\$1,293,993	\$0	\$9,698,786	\$1,635,297
San Bernardino Sphere	6	0	3,200	0	321,496	\$639,745	\$0	\$1,163,714	\$0
Upland Sphere	3	0	0	0	0	\$3,465	\$0	\$182,374	\$0
Victorville Sphere	34	0	0	0	0	\$154,836	\$0	\$972,352	\$0
Yucaipa Sphere	0	0	0	0	0	\$0	\$0	\$0	\$0
Total County Sphere/Subarea	180	98	56,627	3,000	1,768,736	\$4,460,609	\$1,235	\$33,391,102	\$3,045,715
GRAND TOTAL	4,053	1,092	741,584	270,947	11,124,370	\$48,772,014	\$12,754,672	\$467,035,372	\$238,163,731

Notes:

1. May include fees from other sources not listed in the summary table
2. Only includes revenue collected beginning FY06/07
3. Only includes expenditure of development mitigation fees

Figure 1
Development Mitigation Trends



Financial Impact:

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

Reviewed By:

This item was received by the General Policy Committee on April 14, 2021. The tables contained in this item were distributed to the Transportation Technical Advisory Committee on March 25, 2021, with a request for comment and an opportunity for questions and corrections.

Responsible Staff:

Steve Smith, Director of Planning

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

Minute Action

AGENDA ITEM: 15

Date: May 5, 2021

Subject:

West Valley Connector Project- Amendment No. 3 to Contract No. 18-1001870 with Parsons Transportation Group, Inc.

Recommendation:

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

A. Approve Amendment No. 3 to Contract No. 18-1001870 with Parsons Transportation Group, Inc., for environmental, architectural, engineering, and final design services for the West Valley Connector Project, increasing the contract amount by \$1,894,812 for an amended not-to-exceed amount of \$14,830,113.11.

B. Approve an increase of contingency for a not-to-exceed amount of \$190,000 for Contract No. 18-1001870 and authorize the Executive Director, or his designee, to release contingency as necessary for the project.

Background:

In May 2020, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program (MMRP), adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) for the West Valley Connector (WVC) Project in compliance with the California Environmental Quality Act (CEQA). Subsequently, on May 12, 2020, the Federal Transit Administration (FTA) rendered its approval of the Findings of No Significant Impact (FONSI), which concluded the Environmental Clearance of the WVC Project.

In September 2020, the Board approved deferring the construction of a new operations and maintenance facility and implementing 40-foot battery electric buses for the new Bus Rapid Transit (BRT) route. The existing West Valley maintenance facility located in Montclair has the capacity to maintain the eighteen (18) buses needed to operate the new BRT route. The additional capacity at the existing facility is a result of Omnitrans' implementation of the Connect Forward service reduction plan, which reduces the number of fixed route buses in service and thus frees up capacity at the existing maintenance facility. The introduction of battery electric buses (BEB) was based on the successful Transit and Intercity Rail Capital Program (TIRCP) grant award of \$15 million towards the cost of BEBs for the project. The use of 40-foot BEBs instead of the 60-foot compressed natural gas (CNG) buses as originally proposed in the environmental document requires incorporating en-route chargers as well as retrofitting the existing maintenance facility with charging infrastructure. Furthermore, staff continued to coordinate with FTA environmental staff to determine the scope of additional environmental clearance work needed as a result of the proposed changes. The additional environmental clearance work requires preparing a CEQA EIR addendum and a National Environmental Policy Act Environmental Assessment FONSI reevaluation. The additional environmental clearance work is additional contract work and is further described in the attached scope of work. Furthermore, the design team also needs to complete preliminary engineering for the en-route chargers and charging infrastructure at the existing West Valley maintenance

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

May 5, 2021

Page 2

facility. Preliminary engineering work, including supplemental topographic surveys for the existing maintenance facility, is also additional out-of-scope work and is included with this amendment. The results of the additional environmental work and preliminary engineering will inform the final design scope of work for the charging infrastructure. Once the charging infrastructure final design scope of work is defined, staff will need to bring an additional amendment for the final design of the charging infrastructure back to the Board for approval.

The final MMRP for the project approved in September 2020 identified a total of 32 mitigation measures for operations and 51 mitigation measures for construction, all of which are required to be undertaken to mitigate the potentially significant impacts and unavoidable adverse effects associated with this project. The various mitigation measures require additional work by the environmental and design staff during the final design and construction phase. Such additional work is further described in the attached scope of work and includes the various pre-construction surveys such as tree surveys, burrowing owl surveys, and nesting surveys. The mitigation measures also include additional out-of-scope work that needs to be conducted during the construction phase, such as archeological monitoring.

In addition to the MMRP item, the final environmental clearance technical studies and refinements to the locally preferred alternative resulted in additional or modified final design scope of work. The more significant changes to the scope include additional field and office survey work associated with property acquisitions. The original scope included a budget to prepare 110 plat/legal descriptions for property acquisitions if needed, but the alternative selected now requires preparing 350 plat/legal descriptions. Furthermore, the final design scope of services was scheduled to be completed in 2017 and is now scheduled to be completed in late 2021. This has resulted in additional project management costs due to the revised project duration and additional escalation costs associated with the revised project duration. Other additional items identified as a result of the adopted project alternative are further described in the attached scope of work.

Staff recommends approval of Amendment No. 3 to Contract No. 18-1001870 with Parsons Transportation Group, Inc., for work needed to complete the final design of the mainline corridor, environmental revalidation, and additional environmental support associated with the MMRP during final design and construction. Staff also recommends increasing the contract contingency by 10% of the current amendment to efficiently address other minor out-of-scope items that might arise during project development.

Financial Impact:

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

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on April 15, 2021. SBCTA General Counsel, Procurement Manager and Risk Management have reviewed this item and the draft amendment.

Responsible Staff:

Victor Lopez, Director of Capital Delivery

Board of Directors Agenda Item
May 5, 2021
Page 3

Approved
Board of Directors
Date: May 5, 2021
Witnessed By:

San Bernardino County Transportation Authority

General Contract Information

Contract No: 18-1001870 Amendment No.: _____

Contract Class: Payable Department: Transit

Vendor No.: 01600 Vendor Name: Parsons Transportation Group, Inc.

Description: Services Agreement for Architectural, Engineering, and Final Design Services for the West valley Connector Project

List Any Related Contract Nos.: 17-1001636

Dollar Amount							
Original Contract		\$	6,495,780.54	Original Contingency		\$	-
Prior Amendments		\$	2,320,000.00	Prior Amendments		\$	900,000.00
Current Amendment		\$	1,894,812.00	Current Amendment		\$	190,000.00
Total/Revised Contract Value		\$	10,710,592.54	Total Contingency Value		\$	1,090,000.00
	Total Dollar Authority (Contract Value and Contingency)					\$	11,800,592.54

Contract Authorization

Board of Directors Date: 05/05/2021 Board Item # 7640

Contract Management (Internal Purposes Only)

Other Contracts Sole Source? No No Budget Adjustment

Federal/State/Local Environmental Design

Accounts Payable

Estimated Start Date:		07/01/2021		Expiration Date:		12/31/2023		Revised Expiration Date:			
NHS:		N/A		QMP/QAP:		N/A		Prevailing Wage:		N/A	
								Total Contract Funding:		Total Contingency:	
Fund		Prog		Sub-Task		Object		Revenue		PA Level	
Revenue										Revenue Code Name	

Victor Lopez

Carrie Schindler

Project Manager (Print Name)

Task Manager (Print Name)

Original contract between Omnitrans and Vender was \$9,837,512.11; however, SBCTA assumed only \$6,495,780.54 of original agreement as Omnitrans already expended \$3,341,731.57 with vendor. Current contract authority is to include original contract amount, all amendments, and all contingency releases. Therefore, full contract authority to vendor is as follows: Original contract amount (\$9,837,512.11) + Amendment 1 (\$1,275,000) + Amendment 2 (\$1,045,000) + Amendment 3 (\$1,894,812) + Contingency Releases 1 thru 7 (\$777,789) = \$14,830,113.11. Contract was assumed by SBCTA under Assignment, Assumption and Amendment Agreement No. 17-1001636.

Attachment: 18-1001870_Amendment 3 CSS for WVC_ (7640 : West Valley Connector Project- Amendment No. 3 to Parsons Contract)

**AMENDMENT NO. 3 TO CONTRACT NO. 18-1001870, SERVICES AGREEMENT
WITH PARSONS TRANSPORTATION GROUP, INC.,
FOR
ENVIRONMENTAL, ARCHITECTURAL, ENGINEERING AND FINAL DESIGN
SERVICES FOR THE WEST VALLEY CONNECTOR CORRIDOR**

This Amendment No. 3 to the SERVICES AGREEMENT ("Amendment") is made by and between the San Bernardino County Transportation Authority ("SBCTA") and Parsons Transportation Group, Inc. ("CONSULTANT"). SBCTA and CONSULTANT are each a "Party" and are collectively the "Parties" herein.

RECITALS:

- A. Omnitrans ("OMNITRANS") and CONSULTANT entered into an Agreement for Architectural, Engineering and Final Design Services ("SERVICES AGREEMENT") for the West Valley Connector Corridor ("PROJECT"), effective November 17, 2015 (OMNITRANS Ref No. MKP15-37).
- B. Under Contract No. 17-1001636, Assignment, Assumption, and Amendment Agreement ("AAA AGREEMENT"), OMNITRANS assigned, and SBCTA assumed, OMNITRANS' rights, duties and obligations under the SERVICES AGREEMENT (with the exception of the Active Transportation Program (ATP)).
- C. On December 15, 2017, the CONSULTANT and SBCTA entered into Amendment 1 to increase the contract price by \$1,275,000 for additional support required and procurement of project-specific insurance as required by SBCTA.
- D. On May 2, 2018, the CONSULTANT and SBCTA entered into Amendment 2 to increase the contract price by \$1,045,000 for Federal Transit Administration (FTA)-directed inclusion of the operations and maintenance facility required for the PROJECT.
- E. Between March 3, 2019, and March 16, 2021, SBCTA approved seven (7) Contingency Releases to the CONSULTANT, increasing the contract price by \$777,789, to complete PROJECT requirements imposed by SBCTA and FTA.
- F. CONSULTANT and SBCTA desire to amend the aforesaid SERVICES AGREEMENT to increase the contract price by \$1,894,812 for additional project management services, environmental re-evaluation and mitigation, and other engineering, right of way, modeling and permitting work, as detailed in Exhibits A.3 and B.3.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, SBCTA and CONSULTANT agree as follows:

- 1. The Scope of Work for the SERVICES AGREEMENT shall be amended to reflect the changes and additions described in Exhibit B.3 to this Amendment No. 3, all to be performed to SBCTA's satisfaction. Except as specifically provided in Exhibit B.3, the current provisions of the Scope of Work, as previously amended, shall remain in force and effect.

2. Article 3-COMPENSATION of the SERVICES AGREEMENT shall be deleted and replaced in its entirety with the following:

"3. COMPENSATION

For CONSULTANT's full and complete performance of its obligations under this Agreement, SBCTA shall pay CONSULTANT on a LUMP SUM basis as shown in Exhibit A.3 and subject to the maximum cumulative payment obligation.

SBCTA's maximum payment obligation to CONSULTANT under the SERVICES AGREEMENT shall be Fourteen Million Eight Hundred-Thirty Thousand One Hundred Thirteen Dollars and eleven cents (\$14,830,113.11), excluding any amounts for such task already paid to CONSULTANT by Omnitrans prior to the Effective Date of the AGREEMENT."

3. Except as otherwise specified herein or in Exhibit B.3, the modified and additional services set forth in Exhibit B.3 shall be compensated in the same manner and under the same procedures as provided in the SERVICES AGREEMENT and are subject to the amended maximum payment obligation figure set forth in paragraph 2 above. Exhibit A.3 to this Amendment No. 3 contains the projected budget for the cost components of the price increase negotiated by the parties for the completion of the modified and additional services set forth in Exhibit B.3.
4. The Recitals set forth above are incorporated herein by this reference.
5. Except as amended by this Amendment No. 3, all provisions of the SERVICES AGREEMENT, as amended, shall remain in full force and effect and are incorporated herein by this reference.
6. Exhibits A.3 and B.3 are attached to and incorporated into this Amendment No. 3.
7. This Amendment No. 3 is effective on the date executed by SBCTA.

-----SIGNATURES ARE ON THE FOLLOWING PAGE-----

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

**PARSONS TRANSPORTATION
GROUP, INC.**

By: _____
Chris A. Johnson, P.E.
Vice President

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Frank J. Navarro
President, Board of Directors

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist
General Counsel

CONCURRENCE:

By: _____
Jeffrey Hill
Procurement Manager

EXHIBIT A.3
Contract No. 18-1001870 - AMENDMENT No. 3
TASK SUMMARY

TASK	WEST VALLEY CONNECTOR TASKS (Assumed by SBCTA)	AMENDMENT 3	TOTAL
Task 1.0 Project Management	\$460,302.00	\$799,497.00	\$1,259,799.00
Task 2.0 Public Relations	\$442,725.00	\$0.00	\$442,725.00
Task 3.0 Refinement of Routing & Station Locations	\$240,718	\$0.00	\$240,718.00
Task 4.0 Pedestrian & Bicycle Locations	\$0.00	\$0.00	\$0.00
Task 5.0 Phasing & Financing Plan	\$199,985.00	\$0.00	\$199,985.00
Task 6.0 Small Starts Process	\$236,560.00	\$0.00	\$236,560.00
Task 7.0 Environmental Clearance	\$1,434,095.00	\$551,405.00	\$1,985,500.00
Task 8.0 Preliminary Engineering	\$1,977,569.00	-\$503,056.00	\$1,474,513.00
Task 9.0 Final Design of Phase 1	\$1,093,860.00	\$1,076,966.00	\$2,170,826.00
Task 10.0 Final Design of Phase 2	\$2,111,857.00	\$0.00	\$2,111,857.00
Task 11.0 Bid Period Services	\$46,031.00	\$0.00	\$46,031.00
Task 12.0 Design Services During Construction	\$848,123.00	\$0.00	\$848,123.00
Task 13.0 Transit Planning Support	\$234,788.00	\$0.00	\$234,788.00
Task 14.0 Miscellaneous Services	\$2,347,899.11	-\$30,000.00	\$2,317,899.11
Other Direct Cost - Project Specific Insurance	\$483,000.00	\$0.00	\$483,000.00
Contingency Releases (3/28/19-3/16/21)	\$777,789.00	N/A	\$777,789.00
TOTAL AMOUNT	\$12,935,301.11	\$1,894,812.00	\$14,830,113.11

Exhibit A.3

Task #	Scope Deliverable	Reasons for Amendment	Amendment 3 Totals
Project Management			
Task 1.19	Contract, subcontracts, design change notices, meetings, minutes, action items, schedule	Since project management was originally bid based on managing the project for a certain amount of time (3 years total: 2016, 2017, and 2018), this amendment provide project management budget for 4 additional years: 2019, 2020, 2021, and 2022.	\$ 799,497.00
SUBTOTAL TASKS			\$ 799,497.00
Environmental Clearance			
Task 7.56	Environmental Reevaluation: Technical Evaluation	Parsons will assess impacts to environmental resources analyzed in the EIR/FONSI as a result of the proposed project changes.	\$ 149,761.00
Task 7.57	CEQA Addendum	Based on the results of the technical studies prepared under Task 7.56, Parsons will prepare an EIR Addendum describing the changes in project description, project objectives, and construction schedule since the Final EIR was certified, and the impacts to various environmental resources associated with the changes in project description.	\$ 14,609.00
Task 7.58	NEPA Revalidation Document	Based on the results of the technical studies prepared under Task 7.56, Parsons will prepare a NEPA Revalidation document describing the changes in project description, purpose and need, cost estimate, funding strategy, construction schedule, since the FONSI was issued, and the impacts to various environmental resources associated with the changes in project description.	\$ 20,130.00
Task 7.59	Mitigation Monitoring and Reporting Program (MMRP)	The Final MMRP for the project identified a total of 32 mitigation measures for operations and 51 mitigation measures for construction. Those that are out of scope are included in this task item.	\$ 347,475.00
Task 7.60	Survey for Maintenance Facility	Aerial and topographic ground mapping at the current Omnitrans West Valley Facility.	\$ 19,430.00
SUBTOTAL TASKS			\$ 551,405.00
Preliminary Engineering			
Task 8.1	TASK REMOVAL - Aerial Mapping	Additional mapping for O&M Facility site.	\$ (18,980.00)
Task 8.2	TASK REMOVAL - Site Visit	Field visit with SBCTA and Omnitrans to review sites, document existing conditions and review opportunities.	\$ (4,260.00)
Task 8.3	TASK REMOVAL - Industrial Engineering/Equipment Selection	Develop and update room program and equipment list for O&M Facility.	\$ (36,070.00)
Task 8.4	TASK REMOVAL - Geotechnical Analysis	Research existing geotechnical data for development of O&M Facility geotechnical baseline report (GBR).	\$ (57,870.00)
Task 8.5	TASK REMOVAL - Demolition and Site Cleanup	Identify required demolition and site cleanup associated with O&M Facility.	\$ (12,700.00)
Task 8.6	TASK REMOVAL - Site Work	Develop grading and drainage plans for selected site.	\$ (45,570.00)
Task 8.7	TASK REMOVAL - Civil Design	Develop layout for access and roadway access throughout site. Utilize AutoTurn to evaluate circulation.	\$ (57,640.00)
Task 8.8	TASK REMOVAL - Utilities Design	Identify existing utilities at selected site.	\$ (39,870.00)
Task 8.9	TASK REMOVAL - Personnel and Storage Facility Design	Develop design drawings for Personnel and Storage Facility at selected site.	\$ (195,820.00)
Task 8.10	TASK REMOVAL - System Safety Program Plan	Develop System Safety Program Plan (SSPP) for selected site.	\$ (14,240.00)
Task 8.11	TASK REMOVAL - Landscape and Hardscape Design	Develop typical designs for landscape and hardscape areas at selected site.	\$ (36,170.00)
Task 8.12	TASK REMOVAL - Omnitrans Stakeholder Coordination	Coordinate with Omnitrans departments and obtain approval from Omnitrans staff and CEO.	\$ (35,030.00)
Task 8.13	TASK REMOVAL - Performance Specifications	Develop Performance Specifications including Buy-America requirements.	\$ (23,720.00)
Task 8.14	TASK REMOVAL - Cost Estimate	Develop a draft and final cost estimate for facility.	\$ (32,570.00)
Task 8.24	Preliminary Engineering Support of Environmental Document Changes	Consultant will provide the preliminary engineering design of two (2) en-route chargers for BEB's at Pomona Transit Center Station and up to nine charging stations for the existing WV facility. Consultant will obtain supplementary survey consisting of survey shots as needed for these designs.	\$ 59,915.00
Task 8.25	FTA CIG Support Relative to Design	Consultant to attend 16 monthly CIG meetings with FTA and prepare meeting minutes for the first 13 of these meetings. Consultant will also attend two (2) risk workshops and prepare and distribute meeting minutes and action items for these workshops.	\$ 41,023.00
Task 8.26	Right of Way Savings Additional Exhibits	Exhibits per City of Ontario request showing where parkway reduction would eliminate full right of way acquisitions.	\$ 6,516.00
SUBTOTAL TASKS			\$ (503,056.00)

Exhibit A.3

Final Design			
Task 9.2	Re-Modeling roadway based on R/W Savings Design Changes	Consultant to update the roadway model at all five (5) R/W savings locations.	\$ 15,766.00
Task 9.3	2nd Pylon Design & Center Station Redesign with Bike Ramps	Incorporation of 2nd pylon design and bike ramps into center station design.	\$ 56,833.00
Task 9.4	Geotechnical Boring Encroachment Permits and Traffic Control Permits	(4) Encroachment and Traffic Control permits for geotechnical boring work and additional coordination with City of Ontario to successfully obtain permit.	\$ 18,912.00
Task 9.5	Additional Legal Descriptions	Consultant to provide updated right of way base mapping and 240 additional Legal Descriptions.	\$ 411,394.00
Task 9.6	Escalation	Since the project has gone approximately 4 years longer than anticipated, an escalation factor is being applied from the year in which tasks were projected to be completed to the currently projected completion years.	\$ 611,119.00
Task 9.7	Southern California Edison - Application for New Electric Meters	Parsons will perform the requirements to submit five (5) complete applications to SCE for a new electric meter at each station location within the current Phase 1 project.	\$ 38,920.00
Task 9.8	Scope Change	Removal of the stations in Fontana which came after the Victoria Gardens station.	\$ (90,252.00)
Task 9.9	Final Caltrans Encroachment Permit for Euclid Ave Improvements	The consultant shall submit a final encroachment permit application to Caltrans District 8 for the improvements within Caltrans right of way, at State Route 83 (Euclid Avenue) and Holt Boulevard.	\$ 14,274.00
SUBTOTAL TASKS			\$ 1,076,966.00
Miscellaneous Services			
Task 14K	TASK REMOVAL - Design-Build Procurement	The proposed improvements for the new O&M Facility are no longer required and this task shall be removed.	\$ (30,000.00)
SUBTOTAL TASKS			\$ (30,000.00)
GRAND TOTAL			\$ 1,894,812.00

EXHIBIT B.3

SERVICES AGREEMENT - AMENDMENT No. 3

ADDITIONAL SCOPE OF WORK TO THE SERVICES AGREEMENT

BACKGROUND

This amendment contains additional services for pertinent tasks performed at the request of SBCTA and other stakeholders. Parsons' original scope and budget did not cover these items.

TASK 1.0 PROJECT MANAGEMENT

Task 1.19 – Project Management

Parsons previously requested additional project management due to the project delay between September 2018 and June 2019. This, however, did not consider that project management was originally bid based on managing the project for a certain amount of time (3 years total: 2016, 2017, and 2018). Since the project has now gone past that amount of time, the budget for project management has been expended. Parsons is now requesting additional budget to manage the project for 4 more years (2019, 2020, 2021, and 2022). Subtracting out the previous amendment which provided 10 months of budget, this leaves 3 years and 2 months in which budget is needed. This will provide project management through the expected right of way completion date of October 2022. Project management during construction is covered under Design Services during Construction (Task 12), Item N, of the original scope.”

The original scope covered PDT meetings for the duration of the project through the original project schedule. The requested budget accounts for PDT meetings through the current Final design schedule.

TASK 7.0 ENVIRONMENTAL CLEARANCE

The West Valley Connector (WVC) Project, as evaluated in the Final EIR/FONSI (March 2020), proposed the use of 60-foot-long articulated compressed natural gas (CNG) propulsion buses as part of the project operation. Under the original plan, the bus fleet would be parked and maintained at the proposed new Operations & Maintenance (O&M) facility to be located at 1333 S. Bon View Avenue in Ontario. The project is currently in the final design stage.

The following changes to the WVC Project are proposed, as stated in a letter from Omnitrans CEO/General Manager, Erin Rogers, to SBCTA Executive Director, Raymond Wolfe, dated July 27, 2020:

1. Change in Bus Type from 60-foot-long articulated CNG propulsion buses to 40-foot zero-emission battery electric buses (BEBs).
2. Change the use of O&M Facility from the proposed location at 1333 S. Bon View Avenue in Ontario to the existing West Valley (WV) maintenance facility located at 4748 E Arrow Hwy, within the City of Montclair, owned and operated by Omnitrans. In order to use the existing WV facility, some retrofits would be required including the electrical

infrastructure upgrades and the installation of up to nine charging stations within the facility's premises. Excavation for trenching within the existing WV facility to install the chargers would be needed. The BRT bus route going to and from the WV maintenance facility will likely following the same routes currently used by Omnitrans local buses.

3. The use of 40-foot BEBs would also require the installation of one on-route charger at the Pomona Metrolink Station. This station is located at the western end of the Phase 1 route.

The environmental clearance associated with the changes in project description outlined above includes the preparation of environmental reevaluation of both CEQA (EIR) and NEPA (FONSI) documents.

Task 7.56 – Environmental Reevaluation: Technical Evaluation

Parsons will assess impacts to environmental resources analyzed in the EIR/FONSI as a result of the proposed project changes. Preparation of a Supplementary Historic Preservation Study Report (HPSR) will be prepared separately. However, the results of the HPSR analysis and the additional analysis below will be presented in the NEPA Reevaluation and CEQA Addendum. Each of the technical studies below require the following:

- Review of project changes and existing conditions of the new O&M facility pertaining to the topics covered under this report.
- Coordination with project engineers to obtain necessary information about the new bus operations, the existing WV maintenance facility operations, and the future WV maintenance facility operations.
- Coordination with FTA to clarify and finalize the work product.

Technical evaluation scope of work is outlined in the following table:

Technical Study Prepared in support of the EIR/EA	Re-evaluation Scope/Deliverable
STOPS Travel Forecast	<ul style="list-style-type: none"> • Verify bus capacity still meets ridership demand • Prepare a technical memo documenting the changes to project description and the impacts associated with the changes.
Traffic Operations Analysis	<ul style="list-style-type: none"> • Qualitatively describe no change in traffic operation impacts along the main alignment. • Analyze traffic impacts in the vicinity of the new O&M facility location as a result of the additional bus fleet going to and from the WV maintenance facility and the additional workers at the WV maintenance facility. Up to 3 intersection analysis near the new O&M facility are proposed. • The scope does not include the operation analysis of the existing bus routes used by Omnitrans buses from and to the WV maintenance facility. • Prepare a technical memo documenting the changes to project description and the impacts associated with the changes.
Visual Impact Assessment	<ul style="list-style-type: none"> • Qualitatively discuss changes in public views of WV facility and Pomona station based on conceptual site plans. • Up to one photo simulation is proposed, if needed. • Prepare a technical memo documenting the changes to project description and the impacts associated with the changes.
Air Quality Study	<ul style="list-style-type: none"> • Qualitatively substantiate that less AQ impacts from BEB operation would result from project change #1 • Quantitatively assess the construction and operation impacts from the new O&M facility and on-route charger • Prepare a technical memo documenting the changes to project description and the impacts associated with the changes.
Greenhouse Gas Study	<ul style="list-style-type: none"> • Qualitatively substantiate that less GHG impacts from BEB operation would result from project change #1 • Quantitatively assess the construction and operation impacts from the new O&M facility and on-route charger • Prepare a technical memo documenting the changes to project description and the impacts associated with the changes.
Biological Study Report	<ul style="list-style-type: none"> • Update biological resources database covering the existing Biological Study Area (BSA) and the existing WV facility area. • Conduct a biological survey of the existing WV facility BSA to verify vegetation/landscaping • Prepare a technical memo documenting the changes to project description and boundary and qualitatively discuss biological impacts associated with the changes, with updated species lists. • No jurisdictional delineation will be conducted for the adjacent flood control channel.

Technical Study Prepared in support of the EIR/EA	Re-evaluation Scope/Deliverable
Energy Study	<ul style="list-style-type: none"> • Qualitatively substantiate that less energy consumption from BEB operation would result from project change #1 • Quantitatively assess the construction and operation impacts from the new O&M facility and on-route charger • Prepare a technical memo documenting the changes to project description and the impacts associated with the changes.
Paleontological ER/PIR	<ul style="list-style-type: none"> • Substantiate the no impact conclusion by confirming that the geologic substructure at the WV maintenance facility is the same as the WVC project alignment. • Prepare a technical memo documenting the changes to project description and qualitatively discuss the paleontological impacts associated with the changes.
Geology, Soils, and Seismicity	<ul style="list-style-type: none"> • Qualitatively assess geologic and soil conditions at the new O&M facility. • Prepare a technical memo documenting the changes to project description and qualitatively discuss the geologic impacts associated with the changes.
Phase I ISA	<ul style="list-style-type: none"> • Obtain database and government records for Recognized Environmental Conditions (RECs) on and near WV facility. • Conduct site visit and existing WV facility survey. • Prepare Phase I ISA for the WV facility in accordance with ASTM 1527-13
Water Quality Report	<ul style="list-style-type: none"> • Based on the conceptual site plan and operation plan, assess impacts related to stormwater and drainage at the new O&M facility • Prepare a technical memo documenting the changes to project description and qualitatively discuss the hydrologic and water quality impacts associated with the changes.
Floodplains Evaluation Report	<ul style="list-style-type: none"> • Impacts to adjacent flood channel are not anticipated and no FEMA/USACE/Flood Control District coordination will be required. • Prepare a technical memo documenting the changes to project description and qualitatively discuss the floodplain impacts associated with the changes. • This technical memo can be combined with the Water Quality Report memo
Community Impact Report <ul style="list-style-type: none"> • Land Use and Planning • Parks and Recreation • Demographics and Neighborhoods • Acquisitions and Displacements 	<ul style="list-style-type: none"> • Review Community Impact Report related public comments received during the Draft EIR and EA circulation to ensure the public concerns are addressed. • Assess impacts on various community impact indicators associated with construction and operations at the new O&M facility. • Prepare a technical memo documenting the changes to project description and boundary and qualitatively discuss the changes in the level of impacts of the overall project.

Technical Study Prepared in support of the EIR/EA	Re-evaluation Scope/Deliverable
<ul style="list-style-type: none"> • Public Services and Utilities • Safety and Security 	
Draft Relocation Impact Report	<ul style="list-style-type: none"> • No land acquisition is required at the O&M facility. • Prepare a statement of no impact as part of the Relocation Impact Report.
Noise and Vibration	<ul style="list-style-type: none"> • Review Noise and Vibration related public comments received during the Draft EIR and EA circulation to ensure the public concerns are addressed. • Reanalyze noise levels generated by the project using the noise level to be generated by the BEB buses, which will be obtained from the manufacturer's specifications. • Identify sensitive receptors along routes near the new O&M facility • Reanalyze noise impacts along the main alignment and route to and from the new O&M facility using the recalculated noise levels. Ambient noise measurements along the new routes to and from the new O&M facility would be conducted where sensitive receptors are identified. • Assess noise impact from the construction and operation of the new O&M facility at the existing WV maintenance facility. Ambient noise measurements at nearby sensitive receptors will be conducted. • Assess construction vibration impacts from the construction of charging stations, as well as modification of existing WV maintenance facility • Prepare Technical Noise and Vibration Technical Memorandum documenting the changes to project description and the operational and construction impacts associated with the use of BEB, WV facility, and routes to and from WV facility.
Section 4(f) Evaluation	<ul style="list-style-type: none"> • Prepare a technical memo documenting the changes to project description and boundary and qualitatively discuss nearby public parks and recreational facilities and historic resources that may be affected by the changes.

Deliverables:

- *Draft and final technical memorandum of each study outlined above with up to one round of comments from SBCTA, Omnitrans, and FTA.*

Notes:

Includes preparing the project description and data needs list necessary to conduct the analysis of each resource under consideration. Includes coordination with agencies to resolve on-going technical issues that might arise during the course of the study.

Task 7.57 – CEQA Addendum

Based on the results of the technical studies prepared under Task 7.56, Parsons will prepare an EIR Addendum describing the changes in project description, project objectives, and construction schedule since the Final EIR was certified, and the impacts to various environmental resources associated with the changes in project description. Parsons will submit the Draft and Final EIR Addendum to SBCTA/Omnitrans for review. Parsons will also assist SBCTA in preparing a staff report summarizing the findings of the EIR Addendum at SBCTA's request.

For cost estimate purposes, Parsons assumes one round of review by SBCTA/Omnitrans staff and one round of review by SBCTA legal per each submittal. It is also assumed that no public circulation is required for the EIR Addendum.

Deliverables:

- *Draft and final EIR Addendum if no new significant impacts beyond that disclosed in the original EIR are identified.*
- *Assist in preparing a staff report summarizing the findings of the EIR Addendum*

Task 7.58 NEPA Revalidation Document

Based on the results of the technical studies prepared under Task 7.56, Parsons will prepare a NEPA Revalidation document describing the changes in project description, purpose and need, cost estimate, funding strategy, construction schedule, since the FONSI was issued, and the impacts to various environmental resources associated with the changes in project description.

The NEPA Reevaluation will summarize the results of impact analysis of each resource analyzed in the EA/FONSI and provide a conclusion if the previously approved FONSI is still valid. No new mitigation measures in addition to those approved as part of the FONSI are anticipated. Parsons will also provide assistance in drafting the Amended FONSI, as maybe directed by FTA.

For cost estimate purposes, it is assumed that no public outreach activities and public circulation of the NEPA Reevaluation is required. NEPA deliverables will be reviewed one round by SBCTA/Omnitrans, up to two rounds by FTA staff, and one round of legal review before being finalized. The cost estimates also include the project management and coordination times with all parties involved during the course of the revalidation process.

Deliverables:

- *Draft and final Revalidation Document*
- *Mitigation Monitoring Plan*
- *Assist in preparing an Amended FONSI as maybe requested by FTA*

Task 7.59 – Mitigation Monitoring and Reporting Program (MMRP)

The Final Mitigation Monitoring and Reporting Program (MMRP) for the project identified a total of 32 mitigation measures for operations and 51 mitigation measures for construction, all of which are required to be undertaken to mitigate the potentially significant impacts and unavoidable adverse effects associated with this project. Of these, those that require out of scope work include:

EIR/EA Mitigation Measure No.	Avoidance, Minimization, and/or Mitigation Measures	Implementation Tasks	Scope of work and assumption used in preparing cost estimate
<p align="center"><u>AV-1</u></p> <p align="center"><u>TREE SURVEY</u></p>	<p>Conduct a final tree survey for all trees that will be impacted by the project. Complete survey prior to final design efforts and minimize tree removal to the greatest extent possible.</p>	<ol style="list-style-type: none"> 1. Implement as part of final design. 2. Include in bid and specification package. 3. Monitor to ensure the contractor complies with tree removal plan. 4. Implement tree removal plan. 	<p>Parsons biologist to conduct tree survey during final design. It is estimated that approximately 600 trees would need to be surveyed to identify the species; measure trunk size, height, and canopy size, and document the health of each tree. A stand-alone tree survey report will be prepared and the tree location will be plotted on the GIS map per the City of Ontario's request.</p>
<p align="center">BR-1</p> <p align="center">*Pre-Construction Burrowing Owl Surveys</p>	<p>Burrowing Owl (BUOW) Protection. To ensure that any BUOW that may occupy the site in the future are not affected by the construction activities, pre-construction BUOW surveys will be required within 7 to 10 days prior to any ground-disturbing activities in the areas identified as potential BUOW habitat.</p> <p>If any of the preconstruction surveys determine that BUOW are present, one or more of the following mitigation measures may be required: (1) avoidance of active nests and surrounding buffer areas during construction activities; (2) passive relocation of individual owls; (3) active relocation of individual owls; and (4)</p>	<ol style="list-style-type: none"> 1. Include the requirements in bid and specification package. 2. Monitor to ensure the contractor complies with the requirements. 3. Follow mitigation measure requirement. 	<p>Parsons biologist or its subcontractor will conduct BUOW survey 7-10 days prior to ground-disturbing activities in areas identified as potential BUOW habitat. Parsons will implement agreed-upon mitigation, as it applies, and coordinate with CDFW if BUOW are present.</p>

	preservation of on-site habitat with long-term conservation value for the owl.		
BR-2 CI-BR-5 *Pre-Construction Survey by Wildlife Biologist of all potential nesting habitat within 500' of construction activities	<p>Nesting Birds Protection. Avoid disturbance of any nests protected by the Migratory Bird Treaty Act (MBTA). If tree and shrub removal activities are scheduled to occur during the breeding season (February 1 through August 31), then SBCTA will implement the following measures to avoid potential adverse effects on birds covered by the MBTA:</p> <ul style="list-style-type: none"> • No more than 1 week prior to construction, a qualified wildlife biologist will conduct preconstruction survey of all potential nesting habitat within 500 feet of construction activities where access is available. • If active nests are found during preconstruction surveys, then the project proponent will create a no-disturbance buffer (acceptable in size to the California Department of Fish and Wildlife [CDFW]) around active raptor nests and nests of other special-status birds during the breeding season, or until it is determined that all young have fledged. Typical 	<ol style="list-style-type: none"> 1. Include the requirements in bid and specification package. 2. Monitor to ensure the contractor complies with the requirements. 3. Follow mitigation measure requirement. 	<p>Parsons biologist or its subcontractor will conduct pre-construction nesting survey no more than 1 week prior to tree and shrub removal activities in areas within sensitive seasonal timeframe. Parsons will implement agreed-upon mitigation, as applicable, and coordinate with CDFW, as appropriate.</p>

	<p>buffers include 500 feet for raptors and 250 feet for other nesting birds. The size of these buffer zones and types of construction activities restricted in these areas may be further modified during coordination and in consultation with CDFW, and it will be based on existing noise and human disturbance levels at the project site. Nests initiated during construction are presumed to be unaffected, and no buffer would be necessary; however, the “take” (e.g., mortality, severe disturbance to) of any individual birds will be prohibited.</p> <p>If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, then no further mitigation is required. Trees and shrubs within the construction footprint that have been determined to be unoccupied by birds covered by the MBTA or that are located outside the no-disturbance buffer for active nests may be removed.</p>		
BR-3 & CI-BR-1	Coastal Sage Scrub Protection. During final design, the Project	1. Include the requirements in bid and specification package.	Since ESAs are not identified as temporarily or permanently impacted

<p>*Biologist to Delineate all Environmentally Sensitive Areas (ESAs)</p>	<p>Engineer will coordinate with a qualified biologist to delineate all environmentally sensitive areas (ESAs) within the project footprint and immediately surrounding areas. ESAs are not identified as temporarily or permanently impacted in the environmental document.</p> <p>Prior to clearing vegetation or <u>construction</u> within or adjacent to ESAs, the Contractor will install highly visible barriers (e.g., orange construction fencing) adjacent to the project impact area to designate ESAs to be preserved in place. No grading or fill activity of any type will be permitted within these ESAs. In addition, no construction activities, materials, or equipment will be allowed within the ESAs. All construction equipment will be operated in a manner to prevent accidental damage to nearby ESAs. No structure of any kind, or incidental storage of equipment or supplies, will be allowed within the ESAs. Silt fence barriers will be installed at the ESA boundaries to prevent accidental deposition of fill material in areas where vegetation is adjacent to planned grading activities. A qualified</p>	<p>2. Monitor to ensure the contractor complies with the requirements.</p> <p>3. Follow mitigation measure requirement.</p>	<p>in the environmental document, this CI-BR-1 will not be required.</p> <p>No task will be performed.</p>
--	---	---	--

	biologist will supervise the placement of ESA fencing.		
CI-BR-3 *Biologist to Prepare List of Native Plants to be Hydroseeded	Prior to the completion of construction, the Contractor will hydroseed temporarily impacted vegetation communities with appropriate native plant species. Plant species used in the seeding shall be determined in coordination with a qualified biologist.	<ol style="list-style-type: none"> 1. Coordinate with Biologist to include planting list with native plants in landscape /streetscape plans. 2. Include the requirements in bid and specification package. 3. Monitor to ensure the contractor complies with the requirements for hydroseeding per landscape /streetscape plans. 4. Implement requirements for hydroseeding per landscape /streetscape plans. 	Parsons landscape architect or biologist will prepare a planting list with native plants in landscape /streetscape plans and include the requirements in bid specification package. CM manager will monitor to ensure the contractor complies with the requirements for hydroseeding per landscape /streetscape plans.
CI-CR-1 *Archaeological & Tribal Monitor(s) During Construction	Archaeological and Native American monitoring shall be limited to any project-related, ground-disturbing construction activities (e.g., grading, excavation, drilling) that may affect previously undisturbed sediments anticipated within the Holt Boulevard Corridor to be between 3 feet and 5 feet below the existing ground surface where electrical and communication utilities have been placed, and up to 20 feet below ground surface in areas in which the sewer main is located. Project activities involving utility relocation and establishment of storm drain laterals along Holt Boulevard may involve	<ol style="list-style-type: none"> 1. SBCTA shall hire both an Archaeologist and Native American Monitor. 2. Archaeologist and Native American Monitor shall coordinate with SBCTA Construction Manager to identify areas that require monitoring. 3. An Updated/Final CRMMP shall be developed in accordance with this mitigation measure. 4. Archaeologist and Native American Monitor shall monitor during ground-disturbance activities to implement the CRMMP. 	In advance of construction, during final design, Parsons will identify subcontractor to provide archaeological monitoring, and also engage Native American tribal monitors and serve as liaison with Construction Manager. Parsons will oversee revision of CRMMP during final design by same archaeological subcontractor firm to include specific areas for monitoring during final design in consultation with Native American tribe(s). Should buried sites or human remains be discovered during construction, measures identified in the CRMMP shall be adhered to.

	<p>previously undisturbed sentiments.</p> <p>Archaeological monitoring, when applicable, shall be conducted by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology. Tribal monitor(s) shall be retained and compensated and are required to be approved by the consulting Tribal Government(s) and are listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. That list of individuals, however, would need to be provided to SBCTA for review and final selection. A Cultural Resources Monitoring and Mitigation Plan (CRMMP) shall be finalized prior to the start of ground-disturbing activities outlining the roles and responsibilities of the monitors, describing the protocols and procedures for monitoring, identifying locations or construction activities requiring monitoring, and defining the procedures for the recordation and treatment of new finds. No information regarding the discovery of human remains shall be publicized.</p>		<p>Due to the uncertainty of the number of days subject to monitoring at this time, for cost estimate purpose, it is assumed up to 60 days would be required for archeological and Native American monitoring at the rate of \$850 per 8-hr working day inclusive of administration, traveling, per diem, and daily reporting. The cost estimate does not include premium overtime in the event the monitoring work is extended beyond the 8-hr workday.</p>
--	---	--	--

<p>CI-CR-4</p> <p>Historic Property Buffers</p>	<p>SBCTA will include an environmentally sensitive buffer in the plans and specifications to alert contractors to avoid character-defining features of each built environment historic property. Should any proposed project activities change in a manner that would be expected to cause an impact to character-defining features of the resource, SBCTA will be responsible for consulting with FTA and the State Historic Preservation Officer (SHPO) to develop and apply appropriate treatment measures under the Secretary of the Interior's Standards for the Treatment of Historic Properties, as determined by a qualified Architectural Historian (as defined at 36 CFR 61). No project construction work will occur within 50 feet of any of the character-defining features of the specific historic building in question until agreement has been reached among consulting parties under Section 106.</p>	<ol style="list-style-type: none"> 1. Implement as part of final design. 2. Include in bid and specification package. 3. Monitor to ensure the contractor complies with project plans. 4. Implement project plans. 5. Consult with FTA and SHPO and develop treatment measures. 	<p>Parsons SOI-qualified professional architectural historian or its subcontractor will review final plans and prepare memo for SBCTA to submit to FTA/SHPO.</p>
<p>CI-CR-5</p> <p>Protective Measures for Historic Features</p>	<p>Alterations to each of the historic properties will adhere to the Secretary of the Interior's Standards (SOIS) for the Treatment of Historic Properties (36 CFR 68). The Standards provide</p>	<p>SBCTA to hire Certified Arborist to propose protective measures for historic date palms at the Jacob Lerch House (541 E. Holt Boulevard). A historic low rock wall and two columns located near front sidewalk are to</p>	<p>Since no date palm removal is planned, no certified arborist is warranted. Parsons will review final plans by SOI-qualified professional and prepare memo for SBCTA to submit to FTA on</p>

	<p>guidance for making alterations to historic resources, including related landscape features and the building's site and environment. The historic character of each property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a historic property will be avoided. The new work will protect the historic integrity of each historic property and its environment. BMPs will be incorporated to minimize short-term, temporary noise and vibration impacts to the following historic property. This includes provisions for vibration monitoring by the contractor and having a plan in place before construction begins for the use of alternative equipment and techniques when established thresholds may be exceeded. More specifically:</p> <p><u>Jacob Lerch House (541 E. Holt Boulevard, Ontario)</u></p> <p>The affected area of the historic property consists of a sliver portion, which is currently lawn. Turf grass will be replaced in areas to match pre-project conditions in consultation with the</p>	<p>be reconstructed at same property.</p> <p>The contractor will be required to relocate, temporarily protect, and finally reestablish the historic neon sign on The Grinder Haven parcel (724 W. Holt Boulevard, Ontario)</p> <ol style="list-style-type: none"> 1. Implement as part of final design. 2. Include in bid and specification package. 3. Project plans related to historic elements need approval from SOI-qualified historic architect/architectural historian. Plans must also be submitted to FTA 4. Monitor to ensure the contractor complies with project plans. 5. Implement project plans. 	<p>adjacent historic wall and columns on the Jacob Lerch House and also the historic commercial sign at The Grinder Haven parcels. Parsons work will include specification development/review and coordination with FTA on behalf of SBCTA. The historic sign on The Grinder Haven parcel requires special protection and treatment. The requirement will include development of a standard special in the specification and bid package. The contractor is required to develop a plan for the historic sign for approval by FTA prior to work commencing. Parsons' SOI-qualified Historic Architect and Architectural Historian may approve plans and submit to SBCTA/FTA.</p>
--	--	---	---

	<p>property owner during and at the completion of construction. Two historic Canary Island date palms would be relocated within 8 to 10 feet of their existing location, in parallel fashion. If the certified Arborist determines that their condition would not allow for successful survival, two replacement Canary Island date palms, 17 feet in height, would be installed.</p> <p>In addition, a curb-wall and columns adjacent to the front sidewalk will be reconstructed. The new work will protect the historic integrity of the property and its environment, and will be reviewed and approved by a California-licensed Historic Architect. Project features will not be close to the historic residential building, and they will not damage or destroy character-defining materials or any features associated with the historic property, or substantially alter or destroy any primary views of the historic property.</p> <p><u>The Grinder Haven parcel (724 W. Holt Boulevard, Ontario)</u></p> <p>A historic neon sign near the edge of the property, between the two driveways, will be retained as required by FTA and SHPO. The</p>		
--	---	--	--

	sign is to be carefully removed and properly stored by the contractor to prevent accidental damage or vandalism between removal prior to construction and placement back on the parcel after completion and placed in close proximity and with same street orientation as present. The contractor shall institute appropriate protective measures. A plan identifying the protective measures for the sign are required to have FTA approval		
<p>CI-CR-6</p> <p>Paleontologist to Prepare PMP, WEAP, and PMR</p> <p>*Paleontologist to Conduct Field Checks during Ground Disturbance</p>	<p>Prepare and implement a Paleontological Monitoring Plan (PMP), which will include the following:</p> <ul style="list-style-type: none"> Workers Environmental Awareness Program (WEAP). The WEAP shall be presented to all construction personnel prior to the start of ground-disturbing activities. Periodic paleontological spot checks shall be conducted by a qualified paleontologist in any location along the alignment where excavation exceeds depths of 5 feet into the younger Quaternary deposits to check for the presence of older, more paleontologically 	<ol style="list-style-type: none"> 1. SBCTA to hire Paleontologist. 2. Paleontologist to prepare PMP and WEAP, and submit to SBCTA for approval. 3. Include information in bid and specification package. 4. Paleontologist to monitor and conduct field checks during ground-disturbance activities per PMP. 5. Paleontologist to stop work if paleontological resources are found and evaluate the discovery. 6. Prepare PMR; submit to SBCTA and FTA. 	<p>Parsons to contract and manage paleontological subcontractor to prepare PMP during final design, which will include development and delivery of WEAP training, and identify spot monitoring of 5' or deeper excavations in a review of the final plans.</p> <p>Paleontologist to coordinate with Construction Contractor on delivery of WEAP to construction personnel and identify prospective locations for monitoring.</p> <p>If fossils are identified during construction, nearby work stopped until evaluated by paleontologist.</p> <p>Paleontologist to prepare PMR for SBCTA and</p>

	<p>sensitive geologic units (including older Quaternary alluvium). The specific locations where excavation will exceed the 5-foot threshold will be determined once final construction plans are available and will be included in the PMP. If paleontologically sensitive geologic units are observed during spot checking, full-time monitoring shall be implemented during excavations into the sensitive sediments. The 5-foot depth at which spot checking shall be triggered will initially be implemented, but it shall be modified as needed by the qualified paleontologists, in consultation with SBCTA and FTA, based on the sediment types, depths, and distributions observed during monitoring during the life of the project.</p> <ul style="list-style-type: none"> • If unanticipated paleontological resources are discovered during project-related activities, work must be halted within 100 feet of the discovery until it can be evaluated by a qualified paleontologist. <p>Upon completion of ground-disturbing activities, a</p>		<p>FTA upon completion of ground-disturbing activities.</p> <p>Due to the uncertainty of the number of days subject to monitoring at this time, for cost estimate purpose, it is assumed up to 30 days would be required for paleontological monitoring at the rate of \$850 per 8-hr working day inclusive of administration, traveling, per diem, and daily reporting. The cost estimate does not include premium overtime in the event the monitoring work is extended beyond the 8-hr workday.</p>
--	---	--	--

	Paleontological Monitoring Report (PMR) shall be prepared and submitted to SBCTA, FTA, and the fossil repository.		
CI-CR-7 Document Historic Resources *Pay Fees, Obtain Certificate, and Salvage Historic Artifacts prior to Demolition Permit	<p>In compliance with the City of Ontario's Historic Preservation regulations, and CEQA, the following measures will be implemented to mitigate impacts on the City's locally designated historical resources:</p> <ol style="list-style-type: none"> 1. Each historic resource shall be fully documented and cataloged pursuant to Historic American Building Survey/Historic American Engineering Record (HABS/HAER) standards, to provide a record of the resource, including but not limited to: (i) preparation of site plans, floor plans, exterior and interior elevations, and detailed drawings of character-defining features (e.g., moldings, stairs); and (ii) photographs of the resource, including interior and exterior character-defining features (e.g., moldings, light fixtures, trim patterns). 2. A mitigation fee established pursuant to Ontario Development Code 	<ol style="list-style-type: none"> 1. Prepare HABS/HAER. 2. Pay mitigation fee. 3. Obtain Certificate of Appropriateness. 4. Salvage historic items. 	<p>Parsons' senior cultural resources specialist has discussed with the City of Ontario senior planner (Diane Ayala) on December 3, 2020 on the requirement to complete this mitigation measure. The scope of work proposed herewith is based on this discussion.</p> <p>During final design and before demolition of buildings, Parsons architectural historian will prepare written component as part of HABS documentation and hire and work with professional HABS photographer subcontractor to prepare the special record for each impacted City historical resource.</p> <p>Parsons architectural historian will measure site plan drawings, floor plans, etc., on each of the five buildings per the City's requirement.</p> <p>Parsons will coordinate with City of Ontario to identify which building features and artifacts shall be preserved prior to building demolition permit issuance. Parsons will also coordinate the effort to collect, store, and donate to institutions</p>

	<p>Section 7.01.030 (Historic Preservation Mitigation Fee) shall be paid to the City prior to the issuance of a demolition permit for Tier III historic resources. Fees for Tier I and II historic resources shall be determined during the EIR process. The fees established for Tier III will be used as a reference point for establishing fees for Tier I and II historic resources.</p> <p>3. A Certificate of Appropriateness shall not be issued for the demolition of a historic resource, either in whole or in part, until such time that a demolition permit application and a replacement structure have been approved by the City, and appropriate permits have been issued for its construction, unless (i) a waiver is granted pursuant to Subsection H (Replacement Structure Waiver for Historic Resources Located within Industrial Zoning Districts) of Section 4.02.050 of the Ontario Development Code; (ii) a deferral of the replacement structure</p>	<p>interested in collecting the selected artifacts.</p> <p>For cost estimate purpose, the cost to shoot required photographs by the experienced HABS photographer is estimated at \$25,000 for five properties. This cost is included as an ODC to this estimate.</p> <p>Note that this scope of work and cost estimate does not include the payment of mitigation fee for the five historic properties subject to demolition set forth by the City of Ontario.</p>
--	---	---

	<p>requirement is granted pursuant to Subsection G (Replacement Structure Deferral) of Section 4.02.050 of the Ontario Development Code; or (iii) demolition is required pursuant to Ontario Development Code Section 7.01.055 (Unsafe or Dangerous Conditions).</p> <p>To preserve features and artifacts from historic resources, a determination of the items within or on the resource that should be salvaged must be made by the Planning Department and may include the local historical society prior to the issuance of the demolition permit. The applicant shall be responsible for the removal, relocation, storage, and donation of such items selected for salvaging. The applicant shall provide an inventory of salvaged items to the Planning Department, and shall include a list of each item name, description, dimension (as necessary), and location of each item on the floor plan.</p>		
CI-NC-2	The Contractor shall implement the following control measures, as applicable, to minimize the potential impacts	<ol style="list-style-type: none"> 1. Include the requirements in bid and specification package. 2. Monitor to ensure the contractor implements the 	<ul style="list-style-type: none"> • Parsons will identify the buildings subject to preconstruction inspection (i.e. buildings located

	<p>from construction vibration:</p> <ul style="list-style-type: none"> • Hours of vibration-intensive activities, such as vibratory rollers, shall be restricted to minimize adverse impacts to the residents (e.g., weekdays during daytime hours only). • When possible, the use of construction equipment that creates high vibration levels, such as vibratory rollers operating within 20 feet of commercial buildings, within 26 feet of residential buildings, and within 36 feet of sensitive land uses, such as historic properties, shall be limited. • Contractors will be required to have a plan in place to use alternative procedures of construction, selecting the proper combination of equipment and techniques to generate the least overall vibration, in those cases where vibration from construction activities would exceed the established thresholds for buildings susceptible to vibration damage. • Conduct a preconstruction building inspection/survey to document the preconstruction 	<p>vibration control measures.</p> <p>3. Follow mitigation measure requirements.</p>	<p>within 30 feet from the roadway construction zone)</p> <ul style="list-style-type: none"> • Parsons will include the number of buildings and locations subject to preconstruction inspection in the construction specifications. • Parsons will estimate the cost of pre and post construction inspections for SBCTA use in reviewing contractor's cost estimate.
--	---	--	--

	<p>condition of building structures that are located within approximately 30 feet of planned construction activities that could generate high vibration levels (e.g., activities associated with vibratory rollers).</p> <ul style="list-style-type: none"> • Conduct vibration monitoring at nearest buildings (within approximately 30 feet of activity) during vibration-intensive construction activities. • To the extent practicable, construction activities near the school would be scheduled outside of school hours. 		
Specifications for meeting Environmental Compliance Measures	<p>To comply with mitigation measures AV-1; BR-1; BR-2 and CI-BR-5; BR-3 and CI-BR-1; CI-BR-3, CI-CR-4, CI-CR-5, and CI-CR-6, standard special provisions will need to be included in the bid and specification package to ensure project complies with NEPA and CEQA requirements.</p>	<ol style="list-style-type: none"> 1. Prepare draft specifications for bid package for review by SBCTA. 2. Prepare final specifications for bid package. 	<p>Parsons engineering design and environmental specialists will coordinate to develop the necessary language for the specifications and bid package.</p>

*Note: Items marked above are scheduled to take place during or near the time of project construction and costs for these items have been escalated as such.

Task 7.60 Survey for Maintenance Facility

Project Limits

This scope covers the aerial and ground mapping to be performed at the current Omnitrans West

Valley Facility located at 4748 E Arrow Highway, Montclair, Ca. The aerial mapping will extend beyond the current yard limits of the facility, but the supplemental ground survey will be limited to features inside the facility only.

Aerial Mapping

Aerial mapping and imagery will be obtained for the limits shown in the photo above. 40 scale mapping with 1ft contours will be prepared with DTM and planimetrics of the area highlighted above. Mapping will be delivered in Microstation DGN format. Targets will be set to control the aerial mapping and imagery.

Survey control will be set to control the aerial targets and for use in the supplemental ground surveys. This control will be based on NAD83 coordinate system and NAV88 elevation values. This survey control will be set for use in later phases of the project.

Supplemental Topographic Surveys

Topographic field surveys will be performed to collect more detailed ground surveys in the yard area.

The field survey crew will collect the following features:

- Surface visible utilities including fire hydrants, pull boxes and poles;
- Location of electrical transformers and other power boxes;
- Manholes (includes dips if possible);
- Drainage improvements;
- Visible grade breaks in the existing ground;
- Limits of building structure/corners;
- Outline all existing visible concrete pads and pull boxes (corners);

The topographic survey data will be processed and plotted in a Microstation DGN format 40 scale.

Deliverables:

- *Topographic Survey Mapping at a 40-scale in Microstation DGN format*
- *XYZ description point list of all shots processed*
- *Hard Copies of survey field notes*

TASK 8.0 – PRELIMINARY ENGINEERING

Due to the change in scope stated in Task 7.0 above, the proposed improvements for the new O&M Facility are no longer required. These tasks are listed below and can be removed from the scope of work for this project.

REMOVAL of Task 8.1 – Aerial Mapping

REMOVAL of Task 8.2 – Site Visit

REMOVAL of Task 8.3 – Industrial Engineering / Equipment Selection

REMOVAL of Task 8.4 – Geotechnical Analysis

REMOVAL of Task 8.5 – Demolition and Site Cleanup
REMOVAL of Task 8.6 – Site Work
REMOVAL of Task 8.7 – Civil Conceptual Design
REMOVAL of Task 8.8 – Utilities Design
REMOVAL of Task 8.9 – Personnel and Storage Facility Design
REMOVAL of Task 8.10 – System Safety Program Plan
REMOVAL of Task 8.11 – Landscape and Hardscape Design
REMOVAL of Task 8.12 – Omnitrans Stakeholder Coordination
REMOVAL of Task 8.13 – Performance Specifications
REMOVAL of Task 8.14 – Cost Estimate

Task 8.24 – Preliminary Engineering Support of Environmental Document Changes

Assumptions:

- Public circulation for reevaluation of the Environmental Document will not be required.
- Layouts and mapping not needed for Traffic analysis.
- Layouts and mapping not needed for Noise analysis.
- Floodway or floodplain analysis not needed.
- Coordination with FEMA, Army Corps of Engineers, and San Bernardino Flood Control District will not be needed.
- SBCTA survey mapping provided at the West Valley Maintenance Facility covers areas potentially needing improvements and includes right of way mapping necessary for design.
- Final design of the West Valley Maintenance Facility and en-route chargers at the Pomona Transit Center will be included via a separate Contingency Release or Amendment.

Consultant will provide the preliminary engineering design of two (2) en-route chargers for BEB's at Pomona Transit Center Station. Consultant will also provide the preliminary engineering design of up to nine charging stations within the existing WV facility. Consultant will obtain supplementary survey consisting of survey shots will be added for the en-route station and the West Valley Maintenance Facility to support preliminary engineering efforts.

Deliverables:

- Supplemental field survey of the en-route station, consisting of survey shots.*
- 30% plan sheets of preliminary engineering of two (2) en-route BEB chargers at Pomona Transit Center Station (assumes 2 sheets)*
- 30% plan sheets of preliminary design of up to nine BEB charging stations within the existing WV facility (assumes 2 sheets)*

Task 8.25 – FTA CIG Support Relative to Design

Consultant will attend and provide support to CIG meetings monthly for the first 12 months, then quarterly thereafter for the following 2 years. Consultant prepared and distributed meeting minutes and action items for the first thirteen (13) meetings. Consultant will also attend two (2) risk workshops and prepare and distribute meeting minutes and action items for these workshops. This task includes updating the Risk Register per FTA format and provide the supporting documentation required by FTA.

Deliverables:

- *Attend 16 monthly meetings followed by quarterly meetings for 2 years*
- *Prepare and Distribute Minutes and Action Items for each of the thirteen (13) monthly CIG meetings done to date*

- Attend up to two (2) Risk Workshops
- Prepare and distribute minutes and action items for two (2) Risk Workshop meetings
- Updated Risk Register and Supporting Documentation

Task 8.26 – Right of Way Savings Additional Exhibits

The Consultant identified full-take parcels which could be reduced to partial take if parkway width were reduced at spot locations. Consultant prepared a strip plot exhibit identifying these particular parcels and met with SBCTA to present what exactly was required to switch each parcel to a partial take. SBCTA presented these strip plots to the City of Ontario, who then requested (5) individual exhibits that showed shapes within the parkway areas for each location. Parsons prepared these exhibits, which were then sent to the city for review. After review, the city approved of the parkway reduction at all five locations.

Deliverables:

- (5) Exhibits of R/W Savings Locations

TASK 9.0 – FINAL DESIGN

Task 9.2 – Re-Modeling roadway based on R/W Savings Design Changes

The City of Ontario responded with their approval to move forward with the SBCTA requested design changes after the dedicated lanes segment in Ontario had already been designed and modeled by Parsons' team. This meant going back to the profiles at each of the locations and modifying the top of curb elevations so that the back of sidewalk would match the survey shots along the buildings which were now to be protected in place. Then, to maintain as close to a 2% cross-slope as possible, the median profiles had to be modified wherever the top of curbs changed. The changes had to be coordinated with drainage to adjust for low points and flows. This design change added time and effort to the preparation of the 65% submittal.

Deliverables:

- Updated Roadway Model at all five (5) R/W Savings Locations

Task 9.3 – 2nd Pylon Design & Center Station Redesign with Bike Ramps

The scope of work for this project included the design of a single pylon to be used at all station locations. This pylon included a variable message sign, downlighting, PA speaker, and a security camera. Omnitrans provided comments requesting a new pylon design which would include an integrated dynamic screen, E-paper, emergency call button, and visually impaired/braille information, as well as the same other amenities previously proposed. The Consultant responded to the comment by providing an integrated design. This new pylon design requires coordination with fabricators to confirm feasibility of adding the requested features. The architect is now proceeding with the design of a second pylon which will include these features, to be used specifically at side station locations. The pylon with integrated screens will replace the separate kiosk previously planned to accompany the pylon at the side stations. The original pylon design, minus the circular message sign, will be used at only the center station locations. This is because the placement of the pylons for the center stations is close to the intersections and not within the space where passengers will be standing and reading the information.

At the request of SBCTA, bike ramps to street level are being added within the center station design. The detailed layout of the center stations created by the architect during the preliminary engineering phase will therefore need to be redone to include these bike ramps, and additional construction details will be added to the civil drawings.

Deliverables:

- *Incorporation of 2nd Pylon Design into PS&E*
- *Incorporation of Bike Ramps into Center Station Design*

Task 9.4 Geotechnical Boring Encroachment Permits and Traffic Control Permits

The project Scope of Work does not include preparing and obtaining Encroachment and Traffic Control permits for drilling the geotechnical borings within each city. To obtain these permits, a customized work plan report and city-specific forms had to be submitted. Additionally, each city required customized traffic control plans. The scope of work states that ‘a standard plan for an exterior temporary lane closure’ would be used. However, standard plans pulled from the MUTCD was not acceptable to any of the four cities. Each required a detailed plan showing at least one of the locations within their city. The Traffic Control plans submitted for these permits will be provided to SBCTA for informational purposes.

The City of Ontario also had the following requirements to obtain an Encroachment Permit:

- Contractor must have a Class A General Engineering Contractor’s License, OR
- Contractor must have all of the following Class C Contractor’s Licenses: C-57 (Drilling license), C-31 (Construction Zone Traffic Control license), and C-12 (Paving and Earthwork license).

For geotechnical borings, it is typical for the driller to have a C-57 license, and the traffic control subconsultant to have a C-31 license. Since no paving is needed when drilling geotechnical borings, a contractor with a C-12 license should not be required. To meet the city’s requirement, Parsons had to bring in a Paving contractor with a C-12 license. This paving contractor then needed to obtain a City of Ontario Business License as well as Liability Insurance with the city named as additionally insured before the city would grant Parsons the Encroachment permit. In the end, the city inspector did not require a paving contractor to patch the bore holes, so this paving contractor was not actually needed or used. However, there was significant additional effort required in obtaining this permit due to the city’s unusual requirements.

Deliverables:

- *(4) Encroachment and Traffic Control Permits for Geotechnical Boring Work*
- *Additional Coordination with City of Ontario to Successfully obtain Permit*

Task 9.5 Additional Legal Descriptions

The current estimated number of partial acquisitions plus TCE’s is 350. The project’s original scope of work included 200 legal descriptions. However, due to the time that has passed, the original budget now covers a total of 110 legal descriptions. Therefore, budget is now needed to cover 240 legal descriptions. A legal description is required for both temporary construction easements (TCE’s) and partial acquisitions, counted separately. No escalation is being requested

for this work.

Deliverables:

- R/W Base Mapping
- 240 Additional Legal Descriptions

Task 9.6 Escalation

Since the project has gone approximately 4 years longer than anticipated, an escalation factor of 4% per year is requested from the year in which tasks were projected to be completed to the currently projected completion years, outlined below.

-Final Design (Tasks 9 and 10) was originally scheduled to end in 2017. It is now scheduled to end 2021. This is 4 years of escalation.

-Bid Period Services (Task 11) was originally scheduled to take place in 2017. It is now scheduled to take place in 2021. This is 4 years of escalation.

-Design Services during Construction (Task 12) was originally scheduled to take place from 2017 to 2019 and is now scheduled to take place 2022 to 2024. This is 5 years of escalation.

-The following tasks under Miscellaneous Services (Task 14) require escalation for their changes in schedule:

- C. Additional Signal Modifications - was originally scheduled to take place September 2016 to April 2017 and is now scheduled to take place March 2020 to August 2021. This is 4 years of escalation.
- D. Flood Channel Impact Requirements - was originally scheduled to take place at the end of 2015 and is now scheduled to take place at the end of 2020. This is 5 years of escalation.
- E. Major Sewer/Water Utility Relocation – was originally scheduled to take place December 2016 to January 2017 and is now scheduled to take place December 2020 to January 2021. This is 4 years of escalation.
- I. Survey/Engineering support of R/W Acquisition – Parsons' portion of this task was originally scheduled to take place in the beginning of 2017 and is now scheduled to take place beginning of 2021. This is 4 years of escalation. No escalation is being requested for the Psomas portion of this task.

Task 9.7 Southern California Edison – Applications for New Electric Meters

The project scope of work does not include Southern California Edison (SCE) applications for new electric meters. Parsons will perform the requirements to submit five (5) complete applications to SCE for a new electric meter at each station location within the current Phase 1 project. Parsons has already reached out to SCE regarding these applications and SCE has supplied Parsons with the names of the five (5) SCE planners in which applications are to be submitted. Each SCE planner is responsible for certain territories, and the proposed locations within West Valley Connector cover five different planners' territories. Parsons will prepare all five (5) application packages, including the applicable forms, which are to be signed by Omnitrans. Each package will include the appropriate forms, signed by Omnitrans and Parsons, a PDF of the meter locations being requested, and CAD files showing the proposed meter locations in SCE's specified format.

In total, Parsons will apply for 33 meters for 33 station locations.

Task 9.8 Scope Change

The original scope of work had two phases related to design:

- Phase 1: encompasses the Rapid line of all side stations on the entire 25-mile corridor from Pomona Transit Station in Pomona, CA, to Kaiser Permanente in Fontana, CA, with the exception of the 3.5 miles of dedicated lanes in Ontario.
- Phase 2: encompasses the 3.5 miles of dedicated lanes in Ontario from Benson Ave to Vineyard Ave and related streetscape improvements.

Removal of the stations in Fontana which came after the Victoria Gardens station from Phase 1 of the contract does not simply equal removal of the equivalent percentage of side stations within that phase from the total of Phase 1. Since the original scope was for one design package, items which would still need to be completed with or without these stations include:

- Mobilization for geotechnical borings
- Preparation and review of the Final Geotechnical Report
- Preparation and review of drainage and water quality reports
- Structural design (typically one or two designs are applicable to all side stations)
- Survey control
- Construction details (details apply to all stations)
- Traffic control (typically one or two designs can be applied to all side stations)
- TSP analysis and updated memorandum
- Electrical streetlighting design (no street lighting proposed at Phase 2 stations)
- Communications design (typically applicable to all or most side stations)
- Architectural design (same shelter and station designs used at all or most side stations)
- Station signs (applicable to all side stations)
- Artwork coordination
- Technical Specifications
- Quantities
- Cost estimates

Since most of the design work needs to be completed whether these stations are included in the project or not, the largest cost savings comes from the sheet production of these stations. A breakdown of costs which can be taken from the current contract and used for other items within this amendment are listed below. The number of sheets considered as “removed” from the project were estimated based on the currently proposed plans and how many stations are shown on each plan sheet:

Note:

Original Scope had 27 locations and 48 stations

Phase 1 has 21 locations and 33 stations

Difference of 6 locations and 15 stations

Scope Item	Removed from Project (Phase 2):
*Geotechnical Borings	12 borings
Roadway Typical Section Sheets	3 sheets
Roadway Layout Sheets	6 sheets
Removal Sheets	6 sheets
Utilities Sheets	6 sheets
**Architectural Sheets	13 sheets
TSP Analysis	25 Intersections

*Note: Removal of 12 borings from the original scope and fee created in 2015 does not equal today's cost of performing 12 borings. Due to the increase in construction costs, the amount used for drilling 30 borings equaled the budgeted amount for the original 42 borings. Therefore, no cost savings can be given back to the project for this work. However, no escalation is being requested for this work.

**Note: Although the architectural plan set will be reduced by 13 sheets, the architect has requested no reduction in fee for the following reasons:

- The 13 site plans are in locations that would have taken the least amount of time to prepare, so the reduction would be in the 7% range or less.
- Since the 30% drawings were developed, there have been items that must be redesigned based on changing conditions including sun shading shelter-related requirements and preferences stated by Omnitrans.

Task 9.9 Final Caltrans Encroachment Permit for Euclid Ave Improvements

Assumptions:

- Project improvements within Caltrans right of way (R/W) will be under \$1 million and non-complex, which means the Caltrans Encroachment Permit (EP) process will be followed. This will not be a Caltrans Oversight Project (OP).
- Coordination for cooperative agreements or highway improvement agreements is not anticipated.
- Signal warrant study will not be required.
- Task includes 2 Caltrans reviews, and 3 submittals.
- Proposed improvements include replacement of one (1) signal pole and mast arm with addition of a bus queue jump/TSP, and new striping. Improvements do not include replacement of signal controllers, pedestrian curb ramps, or other roadway improvements.
- The following items will be updated in the Final Encroachment Permit Application:
 - Letter of Authorization and Letter of Concurrence (provided by SBCTA and City of Ontario)
 - Cost Estimate of items within State R/W
 - One (1) Design Standard Decision Document (DSDD), if required, will be updated and submitted. The DSDD will eliminate the need to design new curb ramps and roadway improvements.

The original scope included submittal of a Draft Encroachment Permit. The Final Encroachment Permit was not included. The consultant shall submit a final encroachment permit application to Caltrans District 8 for the improvements within Caltrans right of way, at State Route 83 (Euclid Avenue) and Holt Boulevard. Comments received from Caltrans will be addressed and incorporated into the project plans, specifications, and estimate.

Deliverables:

- *Final Encroachment Permit submittal to Caltrans District 8; includes initial submittal plus 2 rounds of submittals and comment incorporation*
- *Updates to project plan sheets, specifications, and estimate to match approved Encroachment Permit*

TASK 14.0 – MISCELLANEOUS SERVICES

Task 14.0K – Optional Technical Support Services for Design-Build Procurement

The proposed improvements for the new O&M Facility are no longer required and this task shall be removed.

Minute Action

AGENDA ITEM: 16

Date: May 5, 2021

Subject:

Southern California Regional Rail Authority Lead Rancho Cucamonga Siding Project: Right-of-Way Acquisitions

Recommendation:

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

- A. Receive a report on parcels impacted by the Rancho Cucamonga Siding Project.
- B. Authorize the Director of Transit and Rail Programs, or her designee, at their discretion, to approve the addition or deletion of such parcels as are necessary for the Rancho Cucamonga Siding Project.

Background:

In November 2020, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved Memorandum of Understanding (MOU) No. 21-1002454 between SBCTA and the Southern California Regional Rail Authority (SCRRA) for the Development of the Rancho Cucamonga Siding Project (Project). SCRRA is the lead agency for delivery of the Project, which is part of the Southern California Optimized Rail Expansion (SCORE) Program. As the lead agency, SCRRA will be responsible for right-of-way acquisition for the Project, including preparation of reports, negotiation of voluntary acquisitions and payment of compensation. SBCTA will support SCRRA's right-of-way acquisition by providing legal review of documents, reviewing and approving just compensation determinations, and retaining legal counsel to pursue the eminent domain process for acquisitions should negotiations reach an impasse. The MOU provides the mechanism for SCRRA to pay for SBCTA's costs in providing support for the Project right-of-way acquisitions.

SCRRA has environmentally cleared the Project with the February 10, 2021 posting of SCRRA's Notice of Exemption (NOE) for the Project and subsequent expiration of the statutory time limit to file a challenge to the NOE. SCRRA's NOE claims the Project to be exempt, pursuant to California Code of Regulations § 15275, as a mass transit project which would increase commuter and passenger service by extending existing track siding on an existing rail line. With environmental clearance for the project complete, SCRRA is proceeding with right-of-way acquisitions.

Based upon the 30% design documents for the Project, SCRRA has identified nine parcels anticipated to be affected, as further described in Attachment A. No business relocations nor residential relocations will be required. All acquisitions identified at this time are temporary construction easements. It should be noted that SBCTA owns two parcels, which are part of the existing right-of-way and will require relocation of fencing which conflicts with the Project; however, these parcels will not require any acquisition efforts. SCRRA's capital right-of-way expenditure for the Project is estimated at \$518,000, the cost of which will be borne by SCRRA. This estimate takes into account a zero-dollar cost for the SBCTA-owned parcels.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

May 5, 2021

Page 2

This report is provided to the Board to provide information on the needed acquisitions, since some acquisitions may return to the Board in a Resolution of Necessity action, should voluntary acquisition efforts fail. Staff recommends delegating authority to the Director of Transit and Rail Programs, or her designee, to approve the addition or deletion of parcels as needed, to more efficiently acquire the property rights needed to complete the Rancho Cucamonga Siding Project.

Financial Impact:

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

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on April 15, 2021. SBCTA General Counsel has reviewed this item.

Responsible Staff:

Ryan Aschenbrenner, Right of Way Manager

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

San Bernardino County Transportation Authority

ATTACHMENT A

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY SCORE PROGRAM - RIGHT OF WAY RANCHO CUCAMONGA SIDING PROJECT - POTENTIAL PROPERTY IMPACT LIST

Parcel No.	APN	Property Owner	Address	Zoning/Use
1	0209-013-85-0000	City of Rancho Cucamonga	9153 9th Street, Rancho Cucamonga CA	Government
2	0209-013-87-0000	City of Rancho Cucamonga	9153 9th Street, Rancho Cucamonga CA	Industrial, Vacant Land
3	0209-032-13-0000	Zarp Properties LLC	8881 Hellman Avenue, Rancho Cucamonga CA	Auto Repair, Garage/ Commercial
4	0209-032-63-0000	Kinsman, Craig Trust	9349 Feron Boulevard, Rancho Cucamonga CA	Mini warehouse, Self storage/ Commercial
5	0209-032-11-0000	Wilkinson Family Trust	9359 Feron Boulevard, Rancho Cucamonga CA	Mini warehouse, Self storage/ Commercial
6	0209-032-17-0000	Wong, Robert K & May L Family Limited Partnership	9375 Feron Boulevard, Rancho Cucamonga CA	Mini warehouse, Self storage/ Commercial
7	0209-032-29-0000	JNS Investments LLC	9509 Feron Boulevard, Rancho Cucamonga CA	Mini warehouse, Self storage/ Commercial
8	0209-062-04-0000	SBCTA	9798 8th Street, Rancho Cucamonga CA	Government
9	0209-013-22-0000	SBCTA	8892 Hellman Avenue, Rancho Cucamonga CA	General Use, Vacant Land

2/25/2021

1 of 1

Minute Action

AGENDA ITEM: 17

Date: May 5, 2021

Subject:

Zero Emission Multiple Unit Update

Recommendation:

Receive and file an update on the Zero Emission Multiple Unit and the infrastructure needed to maintain and operate it.

Background:

The San Bernardino County Transportation Authority (SBCTA) is expanding the public transit network in the San Bernardino Valley with implementation of the Redlands Passenger Rail Project (RPRP), which facilitates the introduction of the Arrow service using 2-car Diesel Multiple Unit (DMU) rail vehicles. In conjunction with public transit expansion and providing options for our traveling public, SBCTA seeks to reduce greenhouse gas emissions (GHG) and improve air quality. The DMUs purchased for the Arrow service are powered via a diesel engine “generator” providing power to electric motors at the wheels. SBCTA recognized an opportunity to convert the power generator to an alternative propulsion technology in an effort to produce a low or zero emission multiple unit (ZEMU) that could run on existing heavy rail infrastructure, thus reducing air quality impacts while furthering the use of our existing rail infrastructure.

As part of this effort, SBCTA secured a \$30 million Transit and Intercity Rail Capital Program (TIRCP) grant to conduct the research and development (R&D) efforts necessary to purchase a vehicle, convert the vehicle to a ZEMU vehicle, construct the necessary infrastructure to support the alternative propulsion technology, and test the vehicle on the Arrow service corridor. In addition, the State of California wants the first three DMUs converted in the future, to operate the entire Arrow corridor as a low or zero emission revenue operation. The 2018 TIRCP grant award provides sufficient funding to develop and manufacture the ZEMU and provide fueling infrastructure to support delivery of hydrogen fuel to the maintenance facility. Currently, the estimated cost for the vehicle, fueling infrastructure, Arrow Maintenance Facility (AMF) modifications, and Southern California Regional Rail Authority support and positive train control is approximately \$37 million, creating a funding shortfall of approximately \$7 million. Staff is working to secure additional funding such as Mobile Source Air Pollution Reduction Review Committee grant funding, and other opportunities through Caltrans, to close the gap. However, as previously noted, additional funding will also be required to convert the first three DMUs, and if desired, an on-site hydrogen fuel production facility when the demand increases beyond the demand of the proto-type vehicle.

As staff is preparing to circulate the proposed AMF Hydrogen Fuel Upgrade Project focused Environmental Impact Report for public comment, we wanted to provide an update on the overall ZEMU effort. The following details staff undertakings since the SBCTA Board of Directors approved the recommendation to proceed with the hybrid hydrogen fuel cell-battery propulsion option in July 2019, and up-coming activities.

Entity: San Bernardino County Transportation Authority

ZEMU Vehicle Design and Federal Railroad Administration Coordination

- September 2019 - A two-day workshop with the Federal Railroad Administration (FRA) and Stadler US Inc. (Stadler) was held to initiate discussion with both parties necessary to support development and testing of the vehicle.
- November 2019 - The contract with Stadler for production of the ZEMU was executed using the Arrow DMU as the basis for negotiations and development of the technical specification for the hybrid hydrogen fuel cell-battery ZEMU.
- July 2020 - Staff met with FRA to present the ZEMU conceptual design and the safety hazard assessment process to be completed as design progresses.
- August/September 2020 - Conceptual design of the ZEMU commenced shortly after contract execution and a 5-day workshop was held in late August 2020. FRA was briefed, including changes to the overall vehicle configuration which would allow for a 50% increase in the hydrogen fuel capacity.
- Preliminary design is currently underway and the second preliminary design review workshop is scheduled the week of April 19, 2021, with completion of final design anticipated in October 2021.
- Upon final design approval, Stadler will begin procurement and anticipated completion of ZEMU assembly in April 2022 with testing in Europe to follow.
- Regular Quarterly Updates are being held with the FRA and a site visit is scheduled for the Redlands Corridor in late May 2021.

Hydrogen Fueling and Arrow Maintenance Facility (AMF) Modifications

- April 2019 - Conceptual plans for modular hydrogen fueling at the AMF were developed and needed modifications to the AMF building were identified in coordination with the ongoing AMF construction currently underway.
- April 2020 - Staff commenced environmental clearance of the Hydrogen Fueling and AMF Modifications anticipating the improvements qualifying as a Categorical Exemption of the California Environmental Quality Act (CEQA) either as under the traditional regulations or with the passage of Senate Bill (SB) 288. Upon completion of relative technical studies and consultation with General Counsel, staff determined that CEQA Categorical Exemption requirements, both prior to SB 288 and subsequent to it, do not provide for an exception. Consequently, a focused Environmental Impact Report (EIR) is being prepared.
- March 2021 - The Notice of Preparation was filed with the State Clearing House and the County of San Bernardino. Subsequently, residences and businesses within a quarter mile radius from the proposed hydrogen fueling facility were provided project information.
- The 45-day circulation for public review of the EIR is scheduled to begin on May 7, 2021 and end on June 21, 2021. Depending on comments received during the public review period, staff plans to present adoption of the EIR to the SBCTA Board of Directors for consideration on October 6, 2021.
- To bridge the funding shortfall and qualify for upcoming federal zero-emission funding programs, staff is concurrently clearing the project with Categorical Exclusion under the National Environmental Protection Act (NEPA).
- December 2020 - A request for information was released to seek input from the hydrogen fuel suppliers and station builders. Eight (8) responses were received and the information

provided will be used to inform development of a future request for proposal (RFP). The RFP will be released after the adoption of the EIR and completion of the NEPA clearance.

Staff continues to coordinate with the Southern California Regional Rail Authority (SCRRA), the eventual operator of the DMU and the ZEMU, to ensure seamless integration of the ZEMU train into the fleet. Additionally, staff will begin emergency responder engagement to help develop an emergency response plan and help inform the community on the safety of hydrogen fuel and hydrogen fuel cell in trains. Further, Sandia National Laboratories has been a great partner, offering technical support and input via work they are doing for the FRA related to the use of hydrogen fuel and other heavy duty transportation related hydrogen research efforts. Lastly, staff anticipates processing a purchasing order with the Center for Hydrogen Safety for use of their Hydrogen Safety Panel (HSP). The HSP is a multidisciplinary team of engineers, scientist, code officials, safety professionals, equipment providers, and testing and certification experts, available for consultation and to confirm scoping for hydrogen safety plan and hazard and operability study (commonly known as HAZOP) is sufficient. Additionally, the HSP may provide input to the project team's development of emergency procedures within AMF (i.e. what shutdowns, procedures occur depending on hydrogen detection or fire detection), review design plans for maintenance facility retrofit, and provide summary report to help ensure that hydrogen safety considerations are adequately addressed.

Financial Impact:

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

Reviewed By:

This item was received by the Transit Committee on April 15, 2021. SBCTA General Counsel has reviewed this item and a draft of the proposed Environmental Impact Report.

Responsible Staff:

Carrie Schindler, Director of Transit and Rail Programs

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

Minute Action

AGENDA ITEM: 18

Date: May 5, 2021

Subject:

Amendment No. 2 to Work Order No. 8 for Cooperative Agreement No. 15-1001125 with Southern California Regional Rail Authority

Recommendation:

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

A. Approve Amendment No. 2 to Work Order No. 8, issued under Cooperative Agreement No. 15-1001125 with the Southern California Regional Rail Authority, to provide rail related support services related to a light pole defect for lighting at the San Bernardino Santa Fe Depot and the Downtown San Bernardino Metrolink station, extending the term to June 30, 2021 and increasing the amount by \$200,000, for a new total not-to-exceed amount of \$450,000, to be funded with Rail Asset Funds.

B. Approve a budget amendment to the Fiscal Year 2020/2021 Budget, Task No. 0314 Transit Operations, to increase Sub-Task No. 0377 by \$200,000 in Rail Asset Funds.

C. Approve increasing the original allocation of \$500,000 by \$200,000, for a new total amount of \$700,000, in Rail Asset Funds to address issues related to a light pole defect for lighting at the San Bernardino Santa Fe Depot and the Downtown San Bernardino Metrolink station.

Background:

After the failure of a light stand on a platform at the San Bernardino Santa Fe Depot Metrolink Station (Depot) on October 29, 2020, the San Bernardino County Transportation Authority (SBCTA) completed a structural review of the failed post and the associated construction contract documents. The review indicated a broader issue with how the light poles were installed at both the Depot and the Downtown San Bernardino Metrolink station (Downtown Station), as part of the Downtown San Bernardino Passenger Rail Project. Coordination efforts ensued with Southern California Regional Rail Authority (SCRRA) on how to best maintain Metrolink service to San Bernardino while isolating the public from any potential risk. This included limiting the location of where riders access trains and, ultimately, the shutdown of service to the Downtown Station.

Work Order No. 8 was issued under Cooperative Agreement No. 15-1001125, to provide \$100,000 to SCRRA to respond to the needs related to this effort, including the removal of customer information signs attached to some of the poles, the shuttling and alternative transportation service between the Depot and Downtown Station from October 29, 2020 to November 2, 2020, roadway worker qualified support services for the removal and inspection of posts within the foul zone of the rail, and various other related services. Based on the initial cost received, the Work Order was increased to \$250,000 to cover all related work efforts, which included the removal and replacement of all customer information signs and installing temporary lights at the Depot. As the work progressed, the level of effort needed to remove and re-install all customer information signs was more complex than originally anticipated due to the various fiber optic cables connecting the customer information signs. The various work needed to resume operations at the Depot and Downtown Station is complete. However, as part of the detailed inspection of all poles, the inspection resulted in additional work needed to repair 8 light

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

May 5, 2021

Page 2

pole foundations. The foundation repair details and procedures are complete, and the contractor is in the process of procuring the additional materials needed to repair the light pole foundations. Although most of the repair work is being done by SBCTA, Metrolink previously re-installed most of the passenger information signs but will need to re-install 4 more passenger information signs once the foundations are repaired and light poles replaced. The work to repair the light pole foundations and re-install the passenger information signs are not anticipated to impact Metrolink operations. Furthermore, the cost to re-install the pending passenger information signs are included in the revised cost estimate provided by SCRRA.

Staff recommends approval of Amendment No. 2 to Work Order No. 8 issued under Cooperative Agreement No. 15-1001125, including extending the term to June 30, 2021, and increasing the amount by \$200,000 for a new total not-to-exceed amount of \$450,000, including adjusting the Fiscal Year budget and total allocation by the same Work Order amendment amount as noted under Recommendation B. Previously, the Board also authorized allocating \$500,000 of Rail Assets Funds to cover the expenditures needed to address the issues. Under Recommendation C, staff is recommending to increase the total allocation for this effort from \$500,000 to \$700,000. The Work Order is set up to capture direct costs from SCRRA, and the reimbursement of such costs, related to responding to the incident. Any issues warranting substantive costs will be approved by SBCTA prior to commencement.

Financial Impact:

This item is not consistent with the Fiscal Year 2020/2021 Budget. Recommendation B identifies the requested budget amendment by task, fund and amount.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on April 15, 2021. SBCTA General Counsel and Risk Management have reviewed this item and the draft Work Order.

Responsible Staff:

Victor Lopez, Director of Capital Delivery

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

Contract No.: 15-1001125 Amendment No.: 2 (Work Order No. 8)

Contract Class: Payable Department: Transit

Vendor No.: 02003 Vendor Name: Southern California Regional Rail Authority

Description: Cooperative Agreement for Rail Related Support Service - **Work Order No. 8**

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	100,000.00	Original Contingency		\$	-
Prior Amendments		\$	150,000.00	Prior Amendments		\$	-
Current Amendment		\$	200,000.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	450,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	450,000.00

Board of Directors	Date: 05/05/2021	Board	Item # 7643
--------------------	------------------	-------	-------------

Local	Other Contracts	Sole Source?	N/A	N/A
	Services			

Estimated Start Date: 07/01/2020 Expiration Date: 01/31/2021 Revised Expiration Date: 06/30/2021

[illegible]

Task Manager (Print Name)

Additional Notes:

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
AND
SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY
COOPERATIVE AGREEMENT NO. 15-1001125
WORK ORDER NO. 8-AMENDMENT NO. 2

PROJECT NAME: Defective Light Poles Response Services

LOCATION: San Gabriel Subdivision - San Bernardino Depot & Downtown San Bernardino

PROJECT DESCRIPTION/SCOPE OF WORK:

After failure of a light stand on a platform at the San Bernardino Depot Station, a structural review of the failed post and associated construction contract documents was completed on October 29, 2020. The review indicated a broader issue with how the light poles were installed at both the San Bernardino Depot and Downtown San Bernardino Stations as part of the Downtown San Bernardino Passenger Rail Project. This Work Order is being set up to capture direct costs from the Southern California Regional Rail Authority (SCRRA) related to responding to this incident.

SCRRA to provide shuttle and alternative transportation service between the San Bernardino Depot and Downtown San Bernardino Station from October 29, 2020 and November 2, 2020. On an as needed basis SCRRA to provide roadway worker qualified support services, and various other related services, at the two stations noted above. Any issues warranting substantive costs to be approved by SBCTA prior to commencement.

Amendment No.2 to Work Order No. 8 extends the term to June 30, 2021 and increases the amount by \$200,000, for a new total not-to-exceed amount of \$450,000.

Reference Documents

- Work Order No. 8 Cost Estimate & Cooperative Agreement No. 15-1001125

Estimated Start Date: October 29, 2020

Estimated End Date: June 30, 2021

SBCTA Designated Project Manager: Victor Lopez

SCRRA Designated Project Manager: Luis Zarza

Original Work Order Amount: \$100,000

Revised Work Order Amount: \$450,000

Cash Flow Plan: Multiple payments up to a total of \$450,000 upon receipt of invoice and appropriate back-up documentation.

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

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY SIGN OFF:_____
Date: _____

Frank J. Navarro
Board President

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY SIGN OFF:_____
Date: _____

Stephanie Wiggins
Chief Executive Officer

DRAFT

Attachment: Work Order No. 08 Amendment 2 (7643 : Amendment No. 2 to WO No. 8 to Coop No. 15-1001125 with SCRRA)

Minute Action

AGENDA ITEM: 19

Date: May 5, 2021

Subject:

Amendment No. 1 to Contract No. 16-1001329 with Nossaman, LLP for Legal Services for the Redlands Passenger Rail Project

Recommendation:

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

Approve Amendment No. 1 to Contract No. 16-1001329 with Nossaman, LLP for Right-of-Way Legal Services on the Redlands Passenger Rail Project to extend the contract term through June 30, 2023; this increases the total contract term to just over seven years. Amendment No. 1 also increases the amount of professional liability coverage required.

Background:

In March 2016, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) awarded Contract No. 16-1001329 to Nossaman, LLP (Nossaman), for Legal Services for the Redlands Passenger Rail Project (RPRP) Right-of-Way Acquisitions with an expiration date of June 30, 2021. The scope of work for the Nossaman contract consists of legal services for the right-of-way acquisitions including all customary, necessary, and/or desirable services related to negotiated purchases and/or eminent domain proceedings.

Currently, SBCTA has obtained possession of all necessary right-of-way for the RPRP, allowing mainline construction to progress; however, five proceedings still require legal services to close out the right-of-way process. In order to prevent the contract from expiring, staff is requesting SBCTA Board of Director approval for a total contract term greater than five years, extending the contract expiration date through June 30, 2023. At this time, an increase in contract amount is not anticipated. Finally, the amendment increases the required amounts of professional liability coverage, to align with the guidance of SBCTA's insurance advisor.

Financial Impact:

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

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on April 15, 2021. SBCTA General Counsel, Procurement Manager and Risk Management have reviewed this item and the draft amendment.

Responsible Staff:

Victor Lopez, Director of Capital Delivery

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

Entity: San Bernardino County Transportation Authority

General Contract Information

Contract No: 16-1001329 Amendment No.: 1

Contract Class: Payable Department: Transit

Vendor No.: 01519 Vendor Name: Nossaman, LLP

Description: Right-of-Way Legal Services for the Redlands Passenger Rail Project

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	3,000,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	3,000,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	3,000,000.00

Contract Authorization

Board of Directors Date: 05/05/2021 Board Item # 7645

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? No No Budget Adjustment _____

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

Accounts Payable

Estimated Start Date:		03/02/2016		Expiration Date:		06/30/2021		Revised Expiration Date:		06/30/2023	
NHS:		No		QMP/QAP:		No		Prevailing Wage:		No	
								Total Contract Funding:		Total Contingency:	
Fund		Prog		Task		Sub-Task		Object		Revenue	
PA Level		Revenue Code Name									
		\$		3,000,000.00				\$		-	
GL: 6250		30		0315		0324		52200		49053505	
GL: 4150		30		0315		0324		52200		41100000	

Victor Lopez

Carrie Schindler

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: CSS - Revised - 08-31-2020 1.21pm (7645 : Amendment 1 to Contract No. 16-1001329 with Nossaman, LLP for the Redlands

AMENDMENT NO. 1 TO CONTRACT NO. 16-1001329

FOR

**LEGAL SERVICES FOR THE REDLANDS PASSENGER RAIL PROJECT RIGHT-OFWAY
ACQUISITIONS**

(NOSSAMAN, LLP)

This AMENDMENT No. 1 to Contract No. 16-1001329 is made by and between Nossaman, LLP ("ATTORNEY") and the San Bernardino County Transportation Authority ("SBCTA"). ATTORNEY and SBCTA are each a "Party" and are collectively "Parties".

RECITALS

- A. SBCTA, under Contract No. 16-1001329, engaged the services of ATTORNEY to provide right-of-way legal services for the Redlands Passenger Rail Project ("Contract");
- B. The Parties desire to amend the Contract to extend the contract expiration date through June 30, 2023; and
- C. The Parties desire to amend the Contract to increase the requisite professional liability coverage.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, ATTORNEY and SBCTA agree as follows:

- 1. All references to "SANBAG" in the Contract shall mean the San Bernardino County Transportation Authority ("SBCTA").
- 2. Article 2 "PERIOD OF PERFORMANCE," is deleted and replaced in its entirety to read as follows:

"The Period of Performance by ATTORNEY under this Contract shall commence upon issuance of a written Notice to Proceed issued by SBCTA, unless agreed otherwise, and shall continue in full force and effect through June 30, 2023."
- 3. Article 19 "INSURANCE" is amended as follows:
 - a. The per claim and aggregate amounts of professional liability coverage required in Section 19.1 shall be **\$2 million** and **\$4 million**, respectively.
- 4. The Recitals set forth above are incorporated herein by this reference.
- 5. Except as amended by this Amendment No. 1, all other provisions of the Contract shall remain in full force and effect.
- 6. This Amendment No. 1 is effective upon execution by SBCTA.

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

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No.1 below.

NOSSAMAN, LLP

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Rick E. Rayl
Partner

By: _____
Frank J. Navarro
Board President

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist
General Counsel

CONCURRENCE:

By: _____
Jeffery Hill
Procurement Manager

Minute Action

AGENDA ITEM: 20

Date: May 5, 2021

Subject:

West Valley Connector- Affordable Housing and Sustainable Communities Program Grant Application

Recommendation:

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

Adopt Resolution No. 21-036 authorizing the Executive Director, or his designee, to apply for the Affordable Housing and Sustainable Communities Grant Program as a joint applicant with the City of Pomona and the Cesar Chavez Foundation, through which the San Bernardino County Transportation Authority (SBCTA) would request \$8,175,000 to be used towards the West Valley Connector Project, and to execute the Standard Agreement and associated documents, including indemnity agreements with joint applicants, upon General Counsel's approval as to legal form, should SBCTA be awarded the grant.

Background:

The San Bernardino County Transportation Authority (SBCTA), in cooperation with Omnitrans and the cities of Pomona, Montclair, Ontario and Rancho Cucamonga, have proposed construction of the Phase I of the West Valley Connector (WVC) Bus Rapid Transit (BRT) Project. Phase I includes construction of the 19-mile Milliken Alignment, from the eastern boundary limit in Pomona to Victoria Gardens in Rancho Cucamonga. In Pomona, the alignment starts at the Pomona Regional Transit Center which includes the Downtown Pomona Metrolink Station on the Riverside Line, and traverses along Holt Avenue and into Montclair.

The City of Pomona has identified pedestrian, sidewalk, and bike improvements to improve access to the WVC BRT Project, as well as an affordable housing development project, to increase transit ridership (collectively, the Activities). The WVC BRT Project and the Activities, are complementary by improving regional multi-modal access and connectivity to the WVC.

The Cesar Chavez Foundation is a nonprofit organization that builds and manages affordable housing for working families and seniors across the Southwest, among other activities. The Cesar Chavez Foundation will be responsible for the affordable housing development project identified as part of the Activities.

The Affordable Housing and Sustainable Communities (AHSC) Program, established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200, furthers the purposes of Assembly Bill (AB) 32 (Chapter 488, Statutes of 2006), Senate Bill (SB) 375 (Chapter 728, Statutes of 2008), and SB 32 (Chapter 249, Statutes of 2016) by investing in projects that reduce greenhouse gas (GHG) emissions by supporting more compact, infill development patterns, encouraging active transportation and transit usage, and protecting agricultural land from sprawl development.

The AHSC Program is administered by the California Strategic Growth Council (SGC). The SGC is authorized to approve funding allocations for the AHSC Program, subject to the

Entity: San Bernardino County Transportation Authority

terms and conditions of the Notice of Funding Availability (NOFA), Program Guidelines, Application Package, and Standard Agreement. The Department of Housing and Community Development (Department) is authorized to administer the approved funding allocations of the AHSC Program. The Department will implement the transportation, housing and infrastructure components of the AHSC Program.

The AHSC Program provides grants and/or loans to projects that achieve GHG emission reductions and benefit Disadvantaged Communities, Low-Income Communities, and Low-Income Households through increasing accessibility of affordable housing, employment centers and Key Destinations via low-carbon transportation resulting in fewer vehicle miles traveled (VMT) through shortened or reduced vehicle trip length or mode shift to transit, bicycling or walking.

SCG has issued a NOFA dated February 26, 2021 for Round 6 in a total amount not-to-exceed \$405,000,000, under the AHSC Program. Three Project Area types have been identified to implement the AHSC Program strategy: 1) Transit-Oriented Development (TOD) Project Areas, 2) Integrated Connectivity Project (ICP) Project Areas, or 3) Rural Innovation Project Areas (RIPA).

To fund the Activities described herein, SBCTA, City of Pomona and the Cesar Chavez Foundation intend to submit a joint application to the AHSC Program. SBCTA's component of the application is not-to-exceed \$6,675,000 for Sustainable Transportation Infrastructure (STI), and \$1,500,000 in Transit-Related Amenities (TRA) for a combined total of \$8,175,000 to be used toward the WVC improvements within the City of Pomona, including the modifications to the Pomona Regional Transit Center and the construction of new side running stations along the West Valley Connector Bus Rapid Transit (BRT) route. The Cesar Chavez Foundation plans on requesting a \$20,000,000 AHSC Program Loan for an Affordable Housing Development (AHD) and the City of Pomona will be requesting \$615,655 for Sustainable Transportation Infrastructure (STI) activities, as defined in the AHSC Program Round 6 Fiscal Year 2019/2020 Program Guidelines adopted by SGC on February 24, 2021.

The AHD project is located at 1321 E. Holt Avenue and is a 125-unit project, of which 100% will be affordable housing for families and special needs households. The AHD project consists of 48 one-bedroom/one-bathroom units, 39 two-bedroom/one-bathroom units, and 38 three-bedroom/one-bathroom units. All units will have a full bathroom, a full kitchen, a clothing closet, storage space, a living room, and a balcony. There will be 6 units for homeless veterans subsidized by the Pomona Housing Authority. The AHD project will have 2 levels of parking, common areas that include a community center, tot lot, laundry facilities, and management offices and a total of 167 enclosed parking spaces. Additionally, the AHD project includes a pocket park that will be open to the public.

One of the requirements for the application is a board-approved resolution and a draft resolution is included with the staff report. The AHSC staff is currently in the process of completing the Standard Agreements which are not available at this time. Staff recommends approving the resolution authorizing the Executive Director, or designee, to apply for the AHSC Grant Program as joint applicants with the City of Pomona and the Cesar Chavez Foundation for the AHD project, for which the grant funds will be applied towards the WVC within the City of Pomona.

Board of Directors Agenda Item

May 5, 2021

Page 3

Financial Impact:

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

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on April 15, 2021. SBCTA General Counsel has reviewed this item and the draft Resolution.

Responsible Staff:

Victor Lopez, Director of Capital Delivery

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

San Bernardino County Transportation Authority

RESOLUTION NO. 21-036

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR HIS DESIGNEE TO FILE AN APPLICATION AND EXECUTE RELATED DOCUMENTS UNDER THE STATE OF CALIFORNIA'S AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM ("AHSC PROGRAM") AS A JOINT APPLICANT AND JOINT GRANTEE WITH THE CITY OF POMONA ("CITY") AND THE CESAR CHAVEZ FOUNDATION

WHEREAS, the State of California, the Strategic Growth Council (SGC) and the Department of Housing and Community Development (Department) have issued a Notice of Funding Availability (NOFA) dated February 26, 2021, under the Affordable Housing and Sustainable Communities (AHSC) Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200; and

WHEREAS, the San Bernardino County Transportation Authority (SBCTA or Applicant) desires to apply for AHSC Program funds and submit the Application Package released by the Department for the AHSC Program as a joint applicant; and

WHEREAS, the SGC is authorized to approve funding allocations for the AHSC Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement. The Department is authorized to administer the approved funding allocations of the AHSC Program.

NOW, THEREFORE, BE IT RESOLVED by the San Bernardino County Transportation Authority, as follows:

Section 1. The Executive Director of SBCTA, or his designee, is hereby authorized and directed to apply for and submit as joint applicant to the Department the AHSC Program Application as detailed in the AHSC Round 6 NOFA dated February 26, 2021, for Round 6 on behalf of SBCTA. The total amount of the Applicant's component of the application as joint applicant is not to exceed \$6,675,000 for Sustainable Transportation Infrastructure (STI), and \$1,500,000 in Transit-Related Amenities (TRA) for a combined total of \$8,175,000, as defined in the AHSC Program Round 6 Guidelines adopted by SGC on February 24, 2021. If the application is approved, Applicant's Executive Director or designee is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement), for the entire amount of the joint application, and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds from the Department, and all amendments thereto (collectively, the "AHSC Documents"), including indemnity agreements between the joint applicants, upon approval as to form by Applicant's General Counsel.

Section 2. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby

agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.

Section 3. Applicant's Executive Director, or designee, is authorized to execute in the name of Applicant the AHSC Program Application Package and the AHSC Documents as required by the Department for participation in the AHSC Program.

Section 4. This resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED at a meeting of the San Bernardino County Transportation Authority held on May 5, 2021.

By: _____
 Frank J. Navarro, Board President
 San Bernardino County Transportation Authority

ATTEST:

By: _____
 Marleana Roman, Clerk of the Board
 San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 21

Date: May 5, 2021

Subject:

State Legislative Update

Recommendation:

Receive and file the April 2021 State Legislative Update.

Background:

STATE UPDATE

San Bernardino County Transportation Authority (SBCTA) Legislative Affairs staff, along with representatives from state advocates California Advisors, reported to the Legislative Policy Committee on April 14th regarding the number of bills this legislative session, on-going committee process and state's financial status.

On March 24th, Governor Gavin Newsom announced he submitted to the State Legislature the nomination of Assembly member Rob Bonta (D-Alameda) as the next California State Attorney General. Bonta will fill the seat vacated by Xavier Becerra, who was sworn in as Secretary of the U.S. Department of Health and Human Services. The Assembly and the Senate now have 90 days to confirm him as Attorney General. The expectation is that Bonta will be easily confirmed by the Legislature.

If Bonta is confirmed by the Legislature, his 18th Assembly District seat will be vacated. This will start the process on the fourth scheduled special election since November 2020. Governor Newsom announced that the special election in the 54th Assembly District, which was most recently held by now-Senator Sydney Kamlager, will take place on May 18, 2021.

On the state budget front, the Governor announced that California continues its strong economic recovery. General Fund revenues are running \$14.34 billion above January's \$111.518 billion revenue forecast, with receipts for February exceeding the month's projection by \$3.8 billion.

The bulk of these revenue gains can be attributed to lower refunds caused by the later enactment of the \$600 one-time Golden State Stimulus than expected in the budget, as well as fewer-than-expected state tax refunds due to the delayed federal state to that tax filing season.

The State Legislature returned from their Spring Recess on April 5, 2021. Upcoming legislative deadlines for the 2021 legislative session include:

- | | |
|---------|--|
| April 7 | Last day for policy committees to hear and report to Fiscal Committees fiscal bills introduced in their house. |
| May 7 | Last day for policy committees to hear and report to the Floor non-fiscal bills introduced in their house. |
| May 14 | Last day for policy committees to meet prior to June 7 th . |
| May 21 | Last day for fiscal committees to hear and report to the Floor bills introduced in their house. Last day for fiscal committees to meet prior to June 7 th . |

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

Board of Directors Agenda Item

May 5, 2021

Page 2

Attachment A contains a list of legislative bills that the San Bernardino County Transportation Authority (SBCTA) / San Bernardino Associated Governments (SBCOG) have taken a position on. Attachment B reflects bills of interest to SBCTA and SBCOG.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was received by the Legislative Policy Committee on April 14, 2021.

Responsible Staff:

Louis Vidaure, Management Analyst II

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - April 2021

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
AB 1260 (Chen)	Exempt from the requirements of the California Environmental Quality Act (CEQA) projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains.	Referred to the Assembly Committee on Natural Resources. (3/04/21)	Support / Sponsor	03/10/2021
SB 9 (Atkins)	Would require a local government to ministerially approve a housing development containing two residential units in single-family residential zones. Would also require local governments to ministerially approve urban lot splits.	Referred to the Senate Committee on Housing. (1/28/21)	Oppose	03/10/2021
AB 1296 (Kamlager)	Would increase the number of members of the board of the South Coast Air Quality Management District to 15 members by adding 2 environmental justice appointees, one appointed by the Senate Committee on Rules and one appointed by the Speaker of the Assembly.	Referred to the Assembly Committee on Natural Resources. (3/04/21)	Oppose	03/10/2021

Attachment: Bill position matrix 4-21 (7614 : State Legislative Update)

SBCTA Bill Report

4/01/2021

[AB 5](#)**(Fong R) Greenhouse Gas Reduction Fund: High-Speed Rail Authority: K-12 education: transfer.****Current Text:** Amended: 3/17/2021 [html](#) [pdf](#)**Introduced:** 12/7/2020**Status:** 3/18/2021-Re-referred to Com. on TRANS.

Summary: The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. Existing law continuously appropriates 25% of the annual proceeds of the fund to the High-Speed Rail Authority for certain purposes. This bill would suspend the appropriation to the High-Speed Rail Authority for the 2023-24 and 2024-25 fiscal years and would require the transfer of those amounts from moneys collected by the state board to the General Fund.

[AB 43](#)**(Friedman D) Traffic safety.****Current Text:** Amended: 3/22/2021 [html](#) [pdf](#)**Introduced:** 12/7/2020**Status:** 3/23/2021-Re-referred to Com. on TRANS.

Summary: Current law establishes various default speed limits for vehicles upon highways, as specified. Current law authorizes state and local authorities to adjust these default speed limits, as specified, based upon certain findings determined by an engineering and traffic survey. Current law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions. This bill would require local authorities to consider other factors, including pedestrian and bicycle safety, that are allowed but not required to be considered under existing law. The bill would also allow local authorities to consider additional factors, including the current or immediately prior speed limit, as specified.

[AB 261](#)**(Seyarto R) Authorized emergency vehicles.****Current Text:** Introduced: 1/15/2021 [html](#) [pdf](#)**Introduced:** 1/15/2021**Status:** 1/28/2021-Referred to Com. on TRANS.

Summary: Would permit an authorized emergency vehicle to operate on an HOV lane if specified conditions are met, including, among others, that the vehicle is being driven while responding to, or returning from, an urgent or emergency call and the driver of the vehicle determines that the use of the HOV lane will likely improve the arrival time of the authorized emergency vehicle and its delivery of essential public safety services.

[AB 339](#)**(Lee D) State and local government: open meetings.****Current Text:** Introduced: 1/28/2021 [html](#) [pdf](#)**Introduced:** 1/28/2021**Status:** 1/29/2021-From printer. May be heard in committee February 28.

Summary: Current law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified. This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public.

[AB 346](#)**(Seyarto R) Privacy: breach.****Current Text:** Introduced: 1/28/2021 [html](#) [pdf](#)**Introduced:** 1/28/2021**Status:** 2/12/2021-Referred to Com. on P. & C.P.

Summary: The Information Practices Act of 1977 requires an agency, which includes a local agency, that owns or licenses computerized data that includes personal information, as defined, to disclose expeditiously and without unreasonable delay a breach in the security of the data to a resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person, or whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person, and the encryption key or security credential was, or is reasonably believed to have been, acquired by an unauthorized person, and the agency that owns or licenses the encrypted information has a reasonable belief that the encryption key or security credential could render that personal information readable or useable. Current law also requires an agency that maintains computerized data that includes personal information that the agency does not own to notify the owner or licensee of the information of any breach of the security o

the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person. This bill would make the above-described requirements applicable if the information is accessed by an unauthorized person.

AB 361 (Rivas, Robert D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/1/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Status: 2/12/2021-Referred to Com. on L. GOV.

Summary: Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

AB 387 (Lee D) Social Housing Act of 2021.

Current Text: Amended: 3/25/2021 [html](#) [pdf](#)

Introduced: 2/2/2021

Status: 3/25/2021-Referred to Com. on H. & C.D. From committee chair, with author's amendments: Amend, and re-refer to Com. on H. & C.D. Read second time and amended.

Summary: Would require the council to report to the Legislature by January 1, 2024, on the council's recommended policy proposals and all input received. The bill would make related findings and declarations.

AB 464 (Mullin D) Enhanced Infrastructure Financing Districts: allowable facilities and projects.

Current Text: Amended: 3/25/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 3/25/2021-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.

Summary: Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community, including, but not limited to, the acquisition, construction, or repair of industrial structures for private use. Current law authorizes a district to finance the ongoing or capitalized costs to maintain facilities financed in whole or in part by the district, but prohibits the use of proceeds of bonds issued to finance maintenance of any kind. This bill would remove the prohibition on the use of proceeds of bonds issued to finance maintenance of any kind. The bill would remove, from the list of facilities and projects the district may fund, the acquisition, construction, or repair of industrial structures for private use.

AB 473 (Chau D) California Public Records Act.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 3/24/2021-Read second time. Ordered to Consent Calendar.

Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

AB 474 (Chau D) California Public Records Act: conforming revisions.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 3/24/2021-Read second time. Ordered to Consent Calendar.

Summary: Would enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

AB 482 (Ward D) Housing authorities: City of San Diego, County of San Bernardino, and County of Santa Clara: middle-income housing projects pilot program.

Current Text: Amended: 3/17/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 3/25/2021-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com

on RLS. for assignment.

Summary: The Housing Authorities Law authorizes a housing authority of a city or county to, among other things, prepare, carry out, acquire, lease, and operate housing projects and housing developments for persons of low income, as provided. Current law, until January 1, 2022, authorizes a housing authority located in the City of San Diego, the County of San Bernardino, or the County of Santa Clara to implement a pilot program to develop and finance a middle-income housing project, as defined, if the project receives gap financing, as defined. Current law requires any gap financing to be approved by the housing authority's legislative body, as provided. Current law requires the housing authority to provide a report to the Legislature, as specified, on and before January 1, 2020, and on or before January 1, 2022. This bill would extend the authority of a housing authority located in the City of San Diego, the County of San Bernardino, or the County of Santa Clara to implement the above-described pilot program from January 1, 2022, to January 1, 2026.

AB 550 (Chiu D) Vehicles: speed safety system pilot program.

Current Text: Amended: 3/22/2021 [html](#) [pdf](#)

Introduced: 2/10/2021

Status: 3/23/2021-Re-referred to Com. on TRANS.

Summary: Would require the Secretary of Transportation to, on or before July 1, 2022, develop and adopt guidelines for the implementation of pilot programs that, in the judgment of the secretary, are designed to promote the safe operation of vehicles and the reduction of speed-related fatalities and injuries by authorizing the limited use of speed safety systems, as defined. In developing the guidelines, the bill would require the secretary to, among other things, consult with certain entities, including the Department of Transportation and local governments, and work collaboratively with privacy stakeholders to consider and adopt guidelines regarding privacy and use of data, as specified. The bill would require the secretary to post the final adopted guidelines on the Transportation Agency's internet website and submit the guidelines to the appropriate policy committees of the Legislature.

AB 564 (Gonzalez, Lorena D) Biodiversity Protection and Restoration Act.

Current Text: Introduced: 2/11/2021 [html](#) [pdf](#)

Introduced: 2/11/2021

Status: 2/18/2021-Referred to Coms. on A. & A.R. and W.,P., & W.

Summary: Would establish the Biodiversity Protection and Restoration Act and would provide that it is the policy of the state that all state agencies, boards, and commissions shall utilize their authorities in furtherance of the biodiversity conservation purposes and goals of certain executive orders. The bill would require all state agencies, boards, and commissions to consider and prioritize the protection of biodiversity in carrying out their statutory mandates. The bill would require strategies related to the goal of the state to conserve at least 30% of California's land and coastal waters by 2030 to be made available to the public and provided to certain legislative committees by no later than June 30, 2022.

AB 571 (Mayes I) Planning and zoning: density bonuses: affordable housing.

Current Text: Amended: 3/24/2021 [html](#) [pdf](#)

Introduced: 2/11/2021

Status: 3/25/2021-Re-referred to Com. on H. & C.D.

Summary: The Density Bonus Law requires a city or county to provide a developer that proposes a housing development in the city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to, among other things, construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents, including lower income students. Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. This bill would prohibit affordable housing impact fees, including inclusionary zoning fees, in-lieu fees, and public benefit fees, from being imposed on a housing development's affordable units.

AB 604 (Daly D) Road Maintenance and Rehabilitation Account: apportionment of funds: accrued interest

Current Text: Introduced: 2/11/2021 [html](#) [pdf](#)

Introduced: 2/11/2021

Status: 2/18/2021-Referred to Com. on TRANS.

Summary: Would continuously appropriate interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account to the Department of Transportation for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program.

AB 605 (Villapudua D) Department of Housing and Community Development: program administration: bonus points: housing element.

Current Text: Amended: 3/11/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Status: 3/15/2021-Re-referred to Com. on H. & C.D.

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. Current law requires that the housing element include, among other things, an inventory of land suitable and available for residential development that identifies sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels, as specified. This bill would require the Department of Housing and Community Development to develop and implement a bonus point system for competitive grant and loan programs that are administered by the department and that facilitate the development of housing.

AB 617 (Davies R) Planning and zoning: regional housing needs: exchange of allocation.

Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Status: 2/25/2021-Referred to Coms. on H. & C.D. and L. GOV.

Summary: Would authorize a city or county, by agreement, to transfer all or a portion of its allocation of regional housing need to another city or county. The bill would allow the transferring city to pay the transferee city or county an amount determined by that agreement, as well as a surcharge to offset the impacts and associated costs of the additional housing on the transferee city. The bill would also require the transferring city or county and the transferee city or county to report to the council of governments and the department specified information about the transfer, as provided.

AB 634 (Carrillo D) Housing zones: restrictions: timelines.

Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Status: 2/25/2021-Referred to Coms. on H. & C.D. and L. GOV.

Summary: Current law generally requires a local government to approve a development that satisfies certain criteria. Under current law, after adoption of the zone, a lead agency is not required to prepare an environmental impact report or negative environmental declaration for a housing development located on land within that zone that satisfies all of specified criteria, including, among others, that (A) at least 5% of the total units constructed or substantially rehabilitated in the zone will be restricted for a term of 55 years for very low income households, as defined, and (B) the developer provides sufficient legal commitments to ensure continued availability of units for very low, low-, moderate-, or middle-income households for 55 years for rental units. This bill would revise the above-described requirements of "55 years" in these provisions to instead specify that they apply for "at least 55 years."

AB 637 (Lackey R) Enabling Youth to Access Workforce Training Grant Program.

Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Status: 2/25/2021-Referred to Com. on L. & E.

Summary: Would create the Enabling Youth to Access Workforce Training Grant Program. Upon appropriation by the Legislature, the bill would require the California Workforce Development Board to create the program, which would fund supportive services, as specified, that are necessary for homeless youth and current or former foster youth to enable their participation in the workforce development program, as defined. Under the bill, grants would be awarded on a competitive basis. The bill would require the board to conduct outreach activities and to provide technical assistance to eligible applicants to ensure that grants are awarded to qualified applicants providing a broad spectrum of supportive services.

AB 703 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 2/25/2021-Referred to Com. on L. GOV.

Summary: Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

AB 712 (Calderon D) Local Agency Public Construction Act: change orders.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 2/25/2021-Referred to Com. on L. GOV.

Summary: The Local Agency Public Construction Act regulates contracting by local agencies, including counties and special districts. The act, for a county, imposes a \$5,000 cap when the total amount of the original contract does not exceed \$50,000. For any original contract that exceeds \$50,000, but does not exceed \$250,000, the cap is 10% of the amount of the original contract. For contracts whose original cost exceeds \$250,000, the cap is \$25,000 plus 5% of the amount of the original contract cost in excess of \$250,000, and prohibits a change or alteration cost from exceeding \$210,000. This bill would require that the existing caps be adjusted annually to reflect the percentage change in the California Consumer Price Index. The bill would modify the cap applicable to contracts exceeding \$250,000 to apply only to contracts exceeding that amount but not exceeding \$25,000,000. The bill would add a new change order cap of \$500,000 for contracts whose original cost exceeds \$25,000,000 and of \$1,000,000 for contracts whose original cost exceeds \$50,000,000, both of which would be adjusted annually to reflect the percentage change in the California Consumer Price Index.

AB 713 (Garcia, Cristina D) Health analysis: transportation policies, programs, and funding allocations: greenhouse gas emissions scoping plan.

Current Text: Amended: 3/22/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 3/23/2021-Re-referred to Com. on TRANS.

Summary: Would require the Transportation Agency, in collaboration with specified state agencies, to develop an action plan no later than January 1, 2023, to better integrate health analysis broadly into the design and implementation of the state's transportation policies, programs, and funding allocation with the goal of maximizing health and health equity benefits. The bill would require the California Transportation Commission and the Department of Transportation to incorporate the action plan into the design and implementation of the transportation policies and programs under their jurisdiction.

AB 721 (Bloom D) Covenants and restrictions: affordable housing.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 2/25/2021-Referred to Coms. on H. & C.D. and JUD.

Summary: Would make any private recorded covenants, conditions, restrictions, or private limits on the use of private or publicly owned land contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale that restricts the number or size of the residences that may be built on the property, or that restricts the number of persons who may reside on the property unenforceable against the owner of an affordable housing development, as defined.

AB 744 (Rodriguez D) State highways: State Route 83: reduction.

Current Text: Amended: 3/8/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 3/9/2021-Re-referred to Com. on TRANS.

Summary: Current law establishes the state highway system throughout the state and designates State Route 83 from Route 71 to Route 10 near the City of Upland. This bill would delete from the state highway system a portion of State Route 83, as specified.

AB 773 (Nazarian D) Street closures and designations.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 2/25/2021-Referred to Com. on L. GOV.

Summary: Would authorize a local authority to adopt a rule or regulation to close a portion of a street under its jurisdiction to through vehicular traffic if it determines closure is necessary for the safety and protection of persons who are to use that portion of the street during the closure. The bill would also authorize a local authority to adopt a rule or regulation to designate a local street within its jurisdiction as a slow street.

AB 786 (Cervantes D) California Transportation Commission: executive director.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 2/25/2021-Referred to Com. on TRANS.

Summary: Current law establishes within the Transportation Agency the California Transportation Commission. Current law requires the commission to appoint an executive director for the commission who serves at the pleasure of the commission. This bill would instead require the executive director of the commission to be appointed by the Governor, subject to confirmation by the Senate, and subject to removal at the discretion of the Governor.

AB 811 (Rivas, Luz D) Los Angeles County Metropolitan Transportation Authority: contracting.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 2/25/2021-Referred to Coms. on L. GOV. and TRANS.

Summary: Current law authorizes the Los Angeles County Metropolitan Transportation Authority to enter into contracts with private entities that combine into a single contract all or some of the planning, design, permitting, development, joint development, construction, construction management acquisition, leasing, installation, and warranty of some or all components of transit systems and certain facilities. Current law authorizes the authority to award a contract under these provisions after a finding, by a 2/3 vote of the members of the authority, that awarding the contract will achieve for the authority, among other things, certain private sector efficiencies in the integration of design, project work, and components. This bill would eliminate the requirement to make the above-described finding by a 2/3 vote of the members of the authority in order to award contracts under these provisions.

AB 819 (Levine D) California Environmental Quality Act: notices and documents: electronic filing and posting.

Current Text: Amended: 3/16/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 3/24/2021-VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. The act requires the lead agency to mail certain notices to persons who have filed a written request for notices. This bill would require a lead agency to submit to the State Clearinghouse, in an electronic form, the above-described environmental review documents for all projects and would require the lead agency to post those documents on its internet website.

AB 821 (Cooper D) Sexually violent predators: placement outside county of domicile: notice and hearing

Current Text: Amended: 3/18/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 3/22/2021-Re-referred to Com. on PUB. S.

Summary: Current law requires a sexually violent predator who is conditionally released to be placed in the county that was the person's county of domicile prior to the person's incarceration, unless extraordinary circumstances exist requiring placement outside the county, as specified. This bill would require advance notice, as specified, if a sexually violent predator is to be released to a county other than their county of domicile. The bill would require the local jurisdiction to give public notice of the intended release and allow for public comment, as specified. The bill would require the court to hold an evidentiary hearing to determine if extraordinary circumstances exist.

AB 823 (Gray D) High-Speed Rail Authority: trains powered by fossil fuel combustion engines.

Current Text: Introduced: 2/16/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Status: 2/25/2021-Referred to Com. on TRANS.

Summary: Would prohibit the High-Speed Rail Authority from directly or indirectly using local, state, federal, or any other public or private funding to purchase, lease, operate, or maintain a passenger or freight train powered by a diesel engine or other type of fossil fuel combustion engine, and from enabling such a train to operate on authority-owned rail infrastructure designed for speeds in excess of 125 miles per hour, except as specified.

AB 833 (Quirk-Silva D) State government: grants: administrative costs.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/25/2021-Referred to Com. on A. & A.R.

Summary: Would require any state grants to a local government to include a maximum allocation of funds that may be expended for administrative costs, as defined, and would prohibit a local government, as defined, from expending more than 5% of grant funds for administrative costs, except as provided. The bill would specify that it is not intended to affect federal funding.

AB 840 (Holden D) County transportation commissions: regional transit service: airports.

Current Text: Amended: 3/15/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 3/16/2021-Re-referred to Com. on TRANS.

Summary: Would require the county transportation commissions in the Counties of Los Angeles and

San Bernardino to jointly develop, in consultation with certain governmental agencies, a funding implementation program for regional transit services to include service to international airports within the multicounty region, as provided. The bill would require the initial regional transit services draft program under these provisions to be completed on or before December 1, 2022. The bill would require the county transportation commissions in the Counties of Los Angeles and San Bernardino to hold a joint public hearing in each county in their jurisdiction on the draft program no earlier than 30 days after the draft has been completed.

AB 897 (Mullin D) Office of Planning and Research: regional climate networks: climate adaptation action plans.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/25/2021-Referred to Com. on NAT. RES.

Summary: Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office to encourage the inclusion of agencies with land use planning authority into regional climate networks.

AB 950 (Ward D) Department of Transportation: sales of excess real property: affordable housing.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/25/2021-Referred to Com. on H. & C.D.

Summary: Would authorize the Department of Transportation to sell its excess real property to the city, county, or city and county where the real property is located if the city, county, or city and county agrees to use the real property for the sole purpose of implementing affordable housing, as specified. The bill would exempt these transfers and sales from the California Environmental Quality Act.

AB 955 (Quirk D) Highways: encroachment permits: broadband facilities.

Current Text: Amended: 3/22/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 3/23/2021-Re-referred to Com. on TRANS.

Summary: Would establish additional procedures for the Department of Transportation's review of an application for an encroachment permit for a broadband facility. Under the bill, these procedures would require the department, among other things, to notify an applicant in writing whether the application is complete within 30 days of receiving an application, to take certain actions if it deems an application incomplete, and to approve or deny an application that requires supplemental information within 30 days after receiving that information. If the department fails to notify the applicant that the application is incomplete or denied, as applicable, within those 30-day time periods, the bill would deem the department's failure to notify to constitute approval of the permit.

AB 976 (Rivas, Luz D) Resilient Economies and Community Health Pilot Program.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (March 24). Re-referred to Com. on APPR.

Summary: Would establish the Resilient Economies and Community Health Pilot Program, which would be administered by the Strategic Growth Council from January 1, 2022, through December 31, 2026, a grant pilot program for eligible community-based organizations, as defined, to provide a comprehensive suite of coordinated incentives and services to disadvantaged communities, as defined at the resident household level to provide economic savings, reduce greenhouse gas emissions and air pollution, and improve resiliency to the impacts of climate change. The bill would require the council to evaluate the program and submit specified reports to the Legislature on the program no later than January 1, 2026. The bill would repeal these provisions as of January 1, 2027.

AB 1035 (Salas D) Transportation: Road Maintenance and Rehabilitation Program: recycled material standards.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/4/2021-Referred to Com. on TRANS.

Summary: Current law creates the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. Current law requires the Department of Transportation and cities and counties receiving funds under the program, to the extent possible and cost effective, and where feasible, to use advanced technologies and material

recycling techniques that reduce the cost of maintaining and rehabilitating the streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method. This bill would delete the condition in that requirement imposed on the department and those cities and counties to use advanced technologies and material recycling techniques to the extent possible.

AB 1037 (Grayson D) Infrastructure construction: digital construction technologies.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/4/2021-Referred to Com. on J., E.D., & E.

Summary: Would require an infrastructure project that receives any state funding to deploy digital construction technologies, as defined, to reduce waste, inefficiency, rework, cost overruns, and embodied carbon, and to improve delivery times and project quality.

AB 1047 (Daly D) Road Repair and Accountability Act of 2017: reporting internet website.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/4/2021-Referred to Com. on TRANS.

Summary: Would require the Transportation Agency to oversee the development and implementation of a comprehensive one-stop reporting interface available to the public through an internet website maintained by the agency. The bill would require the interface to provide timely fiscal information regarding the development and implementation status of each transportation program or project funded, at least in part, by revenues from the Road Repair and Accountability Act of 2017.

AB 1049 (Davies R) Public Transportation Account: loan repayment.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/4/2021-Referred to Com. on TRANS.

Summary: Current law requires the transfer of a specified portion of the sales tax on diesel fuel to the Public Transportation Account, a trust fund in the State Transportation Fund. Current law requires funds in the account to be allocated to various public transportation and transportation planning purposes, with specified revenues in the account to be allocated by the Controller to specified local transportation agencies for public transportation purposes, pursuant to the State Transit Assistance (STA) Program. Current law provides for each STA-eligible operator within the jurisdiction of the allocating local transportation agency to receive a proportional share of the revenue-based program funds based on the qualifying revenues of that operator, as defined. The Budget Act of 2013 and the Budget Act of 2014 require the Controller, upon the order of the Director of Finance, to transfer specified amounts totaling up to \$55,515,000 as loans from the Public Transportation Account to the High-Speed Passenger Train Bond Fund. This bill would require \$54,000,000 from these loans to be repaid to the Public Transportation Account and would provide that these repaid funds are available, upon appropriation by the Legislature, to help offset the loss of revenues incurred by transit operator during the COVID-19 pandemic.

AB 1099 (Rivas, Robert D) Environmental equity: principles: bond and fund expenditures.

Current Text: Amended: 3/25/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/25/2021-Referred to Com. on NAT. RES. From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.

Summary: The State General Obligation Bond Law contains procedures for use in authorizing the issuance, sale, and providing for the repayment of, state general obligation bonds. Current law establishes various funds in the State Treasury for purposes of providing financial incentives to eligible entities for specified purposes. This bill would require the administration of proceeds from the sales of bonds issued under a bond act that is enacted by the Legislature and is approved by the voters on or after January 1, 2022, pursuant to the State General Obligation Bond Law and that addresses environmental issues, and the administration of certain funds established on or after January 1, 2022, that provide financial assistance to eligible entities to incorporate certain principles of environmental equity.

AB 1116 (Friedman D) High-Speed Rail Authority: oversight: Legislative Analyst's Office.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/4/2021-Referred to Com. on TRANS.

Summary: Would require the Legislative Analyst's Office, for the purpose of reviewing the planning, financing, expenditures, and other elements of the statewide high-speed rail system, to review any materials submitted to the authority and documents the authority requests from contractors, consultants, or external parties, as specified, and to provide recommendations to the policy and budget committees of the Legislature regarding the statewide high-speed rail system and the development of shared mobility systems statewide. The bill would require the authority, and any entity

contracting with the authority, to provide to the Legislative Analyst's Office any information that the authority requests and to permit representatives of the Legislative Analyst's Office to attend the authority's internal meetings. The bill would repeal these requirements on January 1, 2031.

AB 1147 (Friedman D) Regional transportation plan: Active Transportation Program.

Current Text: Amended: 3/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/22/2021-Re-referred to Com. on TRANS.

Summary: Current law requires the Strategic Growth Council, by January 31, 2022, to complete an overview of the California Transportation Plan and all sustainable communities strategies and alternative planning strategies, an assessment of how implementation of the California Transportation Plan, sustainable communities strategies, and alternative planning strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs. This bill would require the council to convene key state agencies, metropolitan planning agencies, and local governments to assist the council in completing the report.

AB 1154 (Patterson R) California Environmental Quality Act: exemption: egress route projects: fire safety.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/4/2021-Referred to Com. on NAT. RES.

Summary: Would, until January 1, 2029, exempt from CEQA egress route projects undertaken by a public agency that are specifically recommended by the State Board of Forestry and Fire Protection to improve the fire safety of an existing subdivision if certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project is exempt. The bill would require the lead agency, if it determines that a project is not subject to CEQA and approves or carries out that project, to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project will be located.

AB 1157 (Lee D) Controller: transportation funds: distribution and reporting requirements.

Current Text: Amended: 3/15/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/16/2021-Re-referred to Com. on TRANS.

Summary: Current law, for purposes of the State Transit Assistance Program, requires local transportation agencies to report to the Controller by June 15 of each year the public transportation operators within its jurisdiction that are eligible to claim specified local transportation funds. This bill would instead require local transportation agencies to report this information within 7 months after the end of each fiscal year.

AB 1180 (Mathis R) Local governments: surplus land: tribes.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/4/2021-Referred to Com. on L. GOV.

Summary: Current law prescribes requirements for the disposal of surplus land by a local agency, as defined. Current law defines "exempt surplus land" for which a local agency is not required to follow the requirements for disposal of surplus land, except as provided. Current law categorizes as "exempt surplus land," surplus land that a local agency is transferring to another local, state, or federal agency for the agency's use. This bill would add to the definition of "exempt surplus land," land transferred by a local agency to a tribe, as defined.

AB 1183 (Ramos D) California Desert Conservation Program.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/4/2021-Referred to Com. on W., P., & W.

Summary: Would establish the California Desert Conservation Program under the administration of the Wildlife Conservation Board to protect, preserve, and restore desert lands, water, and wildlife by the acquisition of interests and rights in real property and waters, as specified.

AB 1189 (Bloom D) Transportation: indirect cost recovery: wildlife crossing projects.

Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Status: 3/4/2021-Referred to Com. on TRANS.

Summary: Would, on and before June 30, 2024, prohibit the Department of Transportation from charging for administration indirect cost recovery, as outlined in the department's Indirect Cost Recovery Proposal, for any wildlife crossing project that receives private funding for more than 50% of

the project cost, and would require the department to charge these projects for functional over. The bill would require the department to report, on or before July 1, 2024, to the Legislature on the amount of private funding invested in wildlife crossing projects for the 2020–21, 2021–22, 2022–23, and 2023–24 fiscal years.

- AB 1190 (Mayes I) Parks and recreation: County of San Bernardino: Big Morongo Canyon Preserve.**
Current Text: Introduced: 2/18/2021 [html](#) [pdf](#)
Introduced: 2/18/2021
Status: 3/4/2021-Referred to Com. on W.,P., & W.
Summary: Would authorize the County of San Bernardino to convey fee title in lands within the Big Morongo Canyon Preserve acquired with grant moneys from The Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, the Z'berg-Collier Park Bond Act and the The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000, as provided, to the United States Bureau of Land Management, as specified.
- AB 1235 (Patterson R) High-speed rail: legislative oversight.**
Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)
Introduced: 2/19/2021
Status: 3/11/2021-Referred to Com. on TRANS.
Summary: Would create the Joint Legislative High-Speed Rail Oversight Committee consisting of 3 Members of the Senate and 3 Members of the Assembly to provide ongoing and independent oversight of the high-speed rail project by performing specified duties, and would require the committee to make recommendations to the appropriate standing policy and budget committees of both houses of the Legislature to guide decisions concerning the state's programs, policies, and investments related to high-speed rail. The bill would require the authority to provide the committee with certain documents and information within prescribed timelines, and would require the authority to permit the chairperson of the committee, or the chairperson's designee, to attend meetings of any internal governance committees related to project oversight, as provided.
- AB 1238 (Ting D) Pedestrian access.**
Current Text: Amended: 3/25/2021 [html](#) [pdf](#)
Introduced: 2/19/2021
Status: 3/25/2021-Referred to Com. on TRANS. From committee chair, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.
Summary: Current law prohibits a pedestrian from entering the roadway if the pedestrian is facing a steady circular yellow or yellow arrow warning signal unless otherwise directed by a pedestrian control signal, as specified. This bill would delete that prohibition.
- AB 1258 (Nguyen R) Housing element: regional housing need plan: judicial review.**
Current Text: Amended: 3/22/2021 [html](#) [pdf](#)
Introduced: 2/19/2021
Status: 3/23/2021-Re-referred to Com. on H. & C.D.
Summary: Under current law the Department of Housing and Community Development, in consultation with each council of governments, determines each region's existing and projected housing needs. Under existing law, upon making that determination, the council of governments may object to the determination, and the department is required to respond to an objection by making a final written determination. Current law requires that, based on the determination of the department, a council of governments, or for cities and counties without a council of governments, the department, adopts a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. This bill would subject the department's final written determination of a region's housing needs to judicial review in an action brought by the council of governments. The bill would also subject the final regional housing need plan adopted by the council of governments or the department, as the case may be, to judicial review.
- AB 1260 (Chen R) California Environmental Quality Act: exemptions: transportation-related projects.**
Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)
Introduced: 2/19/2021
Status: 3/4/2021-Referred to Com. on NAT. RES.
Summary: CEQA includes exemptions from its environmental review requirements for numerous categories of projects, including, among others, projects for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use and projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission transit buses. This will would further exempt from the requirements of CEQA projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains.
- AB 1291 (Frazier D) State bodies: open meetings.**
Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)
Introduced: 2/19/2021

Status: 3/4/2021-Referred to Com. on G.O.

Summary: Current law provides that, subject to certain exceptions and reasonable regulations, the state body shall provide members of the public an opportunity to directly address the state body on agenda items. Current law authorizes the state body to limit the amount of time allotted for each member of the public to speak, but specifies that members of the public who use translators shall be given twice that allotted amount of time. This bill would also require a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology to address the state body. The bill would additionally make technical, nonsubstantive changes.

AB 1297 (Holden D) California Infrastructure and Economic Development Bank: public and economic development facilities: housing.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/4/2021-Referred to Coms. on J., E.D., & E. and H. & C.D.

Summary: The Bergeson-Peace Infrastructure and Economic Development Bank Act defines "public development facilities" for specified purposes to mean real and personal property, structures, conveyances, equipment, thoroughfares, buildings, and supporting components thereof, excluding any housing, that are directly related to providing, among other things, housing-related infrastructure, as specified. The act defines "economic development facilities" for these purposes to mean real and personal property, structures, buildings, equipment, and supporting components thereof that are used to provide industrial, recreational, research, commercial, utility, goods movement, or service enterprise facilities, community, educational, cultural, or social welfare facilities and any parts or combinations thereof, and all necessary facilities or infrastructure, excluding any housing. This bill would specify that public development and economic development facilities do not include housing that is financed by any tax-exempt bonds issued by the California Infrastructure and Economic Development Bank and subject to a state allocation of private activity bond volume.

AB 1312 (Rodriguez D) Vehicular fuels: renewable and clean hydrogen: income tax: credit.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/4/2021-Referred to Coms. on NAT. RES. and REV. & TAX.

Summary: Would allow a green hydrogen, as defined, production facility and distribution credit against the personal income and corporate income taxes for each taxable year beginning on or after January 1, 2023, and before January 1, 2033, to a qualified taxpayer for qualified building or qualified distribution costs, or both, as defined. The bill would also allow a hydrogen infrastructure credit against those taxes for each taxable year beginning on or after January 1, 2023, and before January 1, 2033, to a qualified taxpayer for qualified building costs, as defined. The bill would decrease the green hydrogen production facility and distribution credit as the amount of green hydrogen produced on average per day in the state increases and would decrease the hydrogen infrastructure credit as the number of public hydrogen fueling stations in operation in the state increases.

AB 1337 (Lee D) Transportation: transit district policing responsibilities.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/4/2021-Referred to Coms. on PUB. S. and TRANS.

Summary: Under current law, a person who enters or remains upon any land, facilities, or vehicles owned, leased, or possessed by specified transit entities that are used to provide public transportation by rail or passenger bus, or are directly related to that use, without permission, or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility, is guilty of a misdemeanor. This bill would specify that a person who enters or remains upon any property, facilities, or vehicles upon which the applicable transit entity owes policing responsibilities to a local government pursuant to an operations and maintenance agreement or similar interagency agreement without permission, or whose entry, presence, or conduct upon that property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility, is guilty of a misdemeanor.

AB 1384 (Gabriel D) Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/11/2021-Referred to Com. on NAT. RES.

Summary: Would require the Strategic Growth Council to develop and coordinate a strategic resiliency framework that makes recommendations and identifies actions that are necessary to prepare the state for the most significant climate change impacts modeled for 2025, 2050, and beyond, among other goals. The bill would require state agencies identified in the strategic resiliency framework to collaboratively engage with regional entities to enhance policy and funding coordination and promote regional solutions and implementation and to proactively engage vulnerable communities whose planning and project development efforts have been disproportionately impacted by climate change,

as provided. The bill would authorize the Treasurer, and the financing authorities that the Treasurer chairs, to assist state agencies by leveraging public and private capital investment to help with loans and other incentives to attain the goals identified in the strategic resiliency framework.

AB 1445 (Levine D) Planning and zoning: regional housing need allocation: climate change impacts.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/11/2021-Referred to Coms. on H. & C.D. and L. GOV.

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes, among other mandatory elements, a housing element. For the 4th and subsequent revisions of the housing element, current law requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region. Current law requires the appropriate council of governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county, as provided. Current law requires that the final regional housing plan adopted by a council of governments, or a delegate subregion, as applicable, be based on a methodology that includes specified factors, and similarly requires that the department take into consideration specified factors in distributing regional housing need, as provided. This bill would require that a council of governments, a delegate subregion, or the department, as applicable, additionally consider among these factors emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change.

AB 1499 (Daly D) Transportation: design-build: highways.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/11/2021-Referred to Com. on TRANS.

Summary: Current law authorizes regional transportation agencies, as defined, to utilize design-build procurement for projects on or adjacent to the state highway system. Current law also authorizes those regional transportation agencies to utilize design-build procurement for projects on expressways that are not on the state highway system, as specified. Current law repeals these provisions on January 1, 2024, or one year from the date that the Department of Transportation posts on its internet website that the provisions described below related to construction inspection services for these projects have been held by a court to be invalid. This bill would delete the January 1, 2024, repeal date, thus extending the above provisions indefinitely.

AB 1519 (Gallagher R) Forestry: fuels transportation program: biomass energy facility: grant program.

Current Text: Amended: 3/11/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/15/2021-Re-referred to Com. on NAT. RES.

Summary: Would require the Natural Resources Agency to develop and implement a fuels transportation program that provides competitive grants or other financial incentives for projects in eligible communities to offset the costs of transporting fuels to a biomass energy facility, as specified. The bill would authorize the agency to allocate moneys from the Greenhouse Gas Reduction Fund consistent with the purposes of the fund. The bill would exempt these provisions from the Administrative Procedure Act.

AB 1544 (Nazarian D) Cultural heritage: protection of items and places of cultural and historical interest.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 2/22/2021-Read first time.

Summary: Would express the intent of the Legislature to later enact legislation to protect precious and irreplaceable items and places of cultural and historical interest by prohibiting public entities from, and urging private entities to refrain from, engaging with individuals and entities who have destroyed, vandalized, scavenged, stolen from, or otherwise despoiled, artifacts, items, or structures in any place of cultural and historical interest anywhere in the world.

AB 1547 (Reyes D) Air pollution: warehouse facilities.

Current Text: Amended: 3/25/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/25/2021-Referred to Coms. on NAT. RES. and L. GOV. From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.

Summary: Current law regulates the emissions of air pollution. Current law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources, subject to the powers and duties of the State Air Resources Board. Existing law designates the state board as having the primary responsibility for the control of air pollution from vehicular sources. This bill would authorize the State Air Resources Board to regulate indirect sources, as defined.

[ACA 1](#)**(Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.****Current Text:** Introduced: 12/7/2020 [html](#) [pdf](#)**Introduced:** 12/7/2020**Status:** 12/8/2020-From printer. May be heard in committee January 7.**Summary:** The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.[ACA 5](#)**(Voepel R) Motor vehicles: fuel taxes, sales and use taxes, and fees: expenditure restrictions.****Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)**Introduced:** 2/19/2021**Status:** 2/22/2021-Read first time.**Summary:** The California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. These restrictions do not apply to revenues from taxes or fees imposed under the Sales and Use Tax Law or the Vehicle License Fee Law. This measure would explicitly restrict the expenditure of all interest earned and other increment derived from the investment of those tax revenues and any proceeds from the lease or sale of real property acquired using those tax revenues only for the purposes described above.[SB 5](#)**(Atkins D) Affordable Housing Bond Act of 2022.****Current Text:** Amended: 3/10/2021 [html](#) [pdf](#)**Introduced:** 12/7/2020**Status:** 3/18/2021-Re-referred to Coms. on HOUSING and GOV. & F.**Summary:** Would enact the Affordable Housing Bond Act of 2022, which, if adopted, would authorize the issuance of bonds in the amount of \$6,500,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to fund affordable rental housing and homeownership programs. The bill would state the intent of the Legislature to determine the allocation of those funds to specific programs. This bill would provide for submission of the bond act to the voters at the November 8, 2022, statewide general election in accordance with specified law.[SB 7](#)**(Atkins D) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.****Current Text:** Amended: 2/18/2021 [html](#) [pdf](#)**Introduced:** 12/7/2020**Status:** 3/1/2021-Read third time. Urgency clause adopted. Passed. (Ayes 34. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.**Summary:** Would enact the Jobs and Economic Improvement Through Environmental Leadership Act of 2021, which would reenact the former leadership act, with certain changes, and would authorize the Governor, until January 1, 2024, to certify projects that meet specified requirements for streamlining benefits related to CEQA. The bill would additionally include housing development projects, as defined, meeting certain conditions as projects eligible for certification. The bill would, except for those housing development projects, require the quantification and mitigation of the impacts of a project from the emissions of greenhouse gases, as provided. The bill would revise and recast the labor-related requirements for projects undertaken by both public agencies and private entities. The bill would provide that the Governor is authorized to certify a project before the lead agency certifies the final EIR for the project.[SB 44](#)**(Allen D) California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects.****Current Text:** Amended: 3/1/2021 [html](#) [pdf](#)**Introduced:** 12/7/2020**Status:** 3/25/2021-Set for hearing April 13.**Summary:** Would establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for an environmental leadership transit project, as defined, proposed by a public or private entity or its affiliates. The bill would require the Judicial Council, on or before April 1, 2022, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit

SB 66

(Allen D) California Council on the Future of Transportation: advisory committee: autonomous vehicle technology.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

Status: 2/25/2021-Re-referred to Com. on TRANS.

Summary: Would require the Secretary of Transportation to establish an advisory committee, the California Council on the Future of Transportation, to provide the Governor and the Legislature with recommendations for changes in state policy to ensure that as autonomous vehicles are deployed, they enhance the state's efforts to increase road safety, promote equity, and meet public health and environmental objectives. The bill would require the council to be chaired by the secretary and consist of at least 22 additional members, selected by the chair or designated, as specified, who represent, among others, transportation workers, various state and local agencies, and a disability rights organization.

SB 95

(Skinner D) Employment: COVID-19: supplemental paid sick leave.

Current Text: Chaptered: 3/19/2021 [html](#) [pdf](#)

Introduced: 12/16/2020

Status: 3/19/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 13, Statutes of 2021.

Summary: Would provide for COVID-19 supplemental paid sick leave for covered employees, as defined, who are unable to work or telework due to certain reasons related to COVID-19, including that the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. The bill would entitle a covered employee to 80 hours of COVID-19 supplemental paid sick leave if that employee either works full time or was scheduled to work, on average, at least 40 hours per week for the employer in the 2 weeks preceding the date the covered employee took COVID-19 supplemental paid sick leave. The bill would provide a different calculation for supplemental paid sick leave for a covered employee who is a firefighter subject to certain work schedule requirements and for a covered employee working fewer or variable hours, as specified.

SB 210

(Wiener D) Automated license plate recognition systems: use of data.

Current Text: Amended: 3/15/2021 [html](#) [pdf](#)

Introduced: 1/12/2021

Status: 3/25/2021-Set for hearing April 5.

Summary: Current law authorizes the Department of the California Highway Patrol to retain license plate data captured by license plate reader technology, also referred to as an automated license plate recognition (ALPR) system, for not more than 60 days unless the data is being used as evidence or for the investigation of felonies. Current law authorizes the department to share that data with law enforcement agencies for specified purposes and requires both an ALPR operator and an ALPR end-user, as those terms are defined, to implement a usage and privacy policy regarding that ALPR information, as specified. Current law requires that the usage and privacy policy implemented by an ALPR operator or an ALPR end-user include the length of time ALPR information will be retained and the process the ALPR operator and ALPR end-user will utilize to determine if and when to destroy retained ALPR information. This bill would include in those usage and privacy policies a requirement that, if the ALPR operator or ALPR end-user is a public agency and not an airport authority, ALPR data that does not match a hot list be destroyed within 24 hours.

SB 261

(Allen D) Regional transportation plans: sustainable communities strategies.

Current Text: Introduced: 1/27/2021 [html](#) [pdf](#)

Introduced: 1/27/2021

Status: 3/16/2021-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 5. Noes 2.) (March 15). Re-referred to Com. on TRANS.

Summary: current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

SB 274

(Wieckowski D) Local government meetings: agenda and documents.

Current Text: Introduced: 1/29/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Status: 3/25/2021-From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (March 25).

Summary: The Ralph M. Brown Act, requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by mail or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of a other documents constituting the agenda packet, as specified.

SB 290

(Skinner D) Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.

Current Text: Introduced: 2/1/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Status: 3/18/2021-From committee: Do pass and re-refer to Com. on GOV. & F. (Ayes 6. Noes 1.) (March 18). Re-referred to Com. on GOV. & F.

Summary: Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. This bill would require a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based. The bill would require a city or county to grant one incentive or concession for a student housing development project that will include at least 20% of the total units for lower income students.

SB 339

(Wiener D) Vehicles: road usage charge pilot program.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 3/10/2021-Set for hearing April 13.

Summary: Current law requires the Chair of the California Transportation Commission to create a Road Usage Charge (RUC) Technical Advisory Committee in consultation with the Secretary of Transportation. Under existing law, the purpose of the technical advisory committee is to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system. Current law requires the technical advisory committee to study RUC alternatives to the gas tax, gather public comment on issues and concerns related to the pilot program, and make recommendations to the Secretary of Transportation on the design of a pilot program, as specified. Existing law repeals these provisions on January 1, 2023. This bill would extend the operation of these provisions until January 1, 2027.

SB 342

(Gonzalez D) South Coast Air Quality Management District: board membership.

Current Text: Amended: 3/10/2021 [html](#) [pdf](#)

Introduced: 2/9/2021

Status: 3/18/2021-Re-referred to Coms. on E.Q. and GOV. & F. Set for hearing April 12.

Summary: Current law establishes the South Coast Air Quality Management District vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board, consisting of 13 members. This bill would add 2 members to the district board, appointed by the Senate Committee on Rules and the Speaker of the Assembly. The bill would require the 2 additional members to reside in and work directly with communities in the South Coast Air Basin that are disproportionately burdened by and vulnerable to high levels of pollution and issues of environmental justice.

SB 415

(Melendez R) Transportation finance: motor vehicle fuel tax.

Current Text: Introduced: 2/12/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Status: 2/25/2021-Referred to Com. on TRANS.

Summary: Article XIX of the California Constitution restricts the expenditure of revenues from the motor vehicle fuel tax and other taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. Current law requires a portion of the net revenues from that tax on motor vehicle fuel to be apportioned monthly among counties and cities pursuant to a specified formula, which includes a requirement that the base sum be computed using a specified metric. This bill would require the base sum to be calculated, rather than computed, using that metric and that the calculation of the apportionment be disclosed and made available to the public.

SB 439**(Archuleta D) Green hydrogen.****Current Text:** Amended: 3/5/2021 [html](#) [pdf](#)**Introduced:** 2/16/2021**Status:** 3/5/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E., U. & C.**Summary:** Would authorize a gas corporation that serves an area that will host the 2028 Olympics to identify and propose a green hydrogen project, as defined, or multiple projects, in cooperation with the United States Olympic Paralympic Committee, the City of Los Angeles, or the County of Los Angeles to achieve described purposes. If a green hydrogen project is identified and proposed, the bill would authorize the gas corporation to file an application with the PUC for approval to undertake the project or projects. The bill would require the PUC to approve, or modify and approve, a project or projects and associated investments in green hydrogen and hydrogen-related infrastructure, and to authorize recovery of those expenses incurred through a reasonable cost recovery mechanism.**SB 475****(Cortese D) Transportation planning: sustainable communities strategies.****Current Text:** Amended: 3/10/2021 [html](#) [pdf](#)**Introduced:** 2/17/2021**Status:** 3/18/2021-Re-referred to Coms. on E.Q., TRANS., and HOUSING. Referral to Com. on HOUSING rescinded because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus.**Summary:** Would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan's consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity.**SB 499****(Leyva D) General plan: land use element: uses adversely impacting health outcomes.****Current Text:** Introduced: 2/17/2021 [html](#) [pdf](#)**Introduced:** 2/17/2021**Status:** 3/25/2021-April 8 set for first hearing canceled at the request of author.**Summary:** Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.**SB 527****(Melendez R) Greenhouse Gas Reduction Fund: high-speed rail: Salton Sea restoration.****Current Text:** Introduced: 2/17/2021 [html](#) [pdf](#)**Introduced:** 2/17/2021**Status:** 3/18/2021-Set for hearing April 12.**Summary:** Would eliminate the continuous appropriation of 25% of the annual proceeds of Greenhouse Gas Reduction Fund to the High-Speed Rail Authority on June 30, 2022. The bill, beginning with the 2022-23 fiscal year, would annually transfer 25% of the annual proceeds of the Greenhouse Gas Reduction Fund to the Salton Sea Restoration Fund. This bill contains other existing laws.**SB 542****(Limón D) Vehicle license fees for zero-emission vehicles: sales and use taxes on medium- or heavy-duty zero-emission trucks.****Current Text:** Amended: 3/25/2021 [html](#) [pdf](#)**Introduced:** 2/18/2021**Status:** 3/25/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.**Summary:** Current sales and use tax laws impose taxes on retailers measured by gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state, measured by sales price. The Sales and Use Tax Law defines the terms "gross receipts" and "sales price." This bill would exclude from the terms "gross receipts" and "sales price" for purposes of the Sales and Use Tax Law the amount charged for the purchase of a new on-road medium- or heavy-duty zero-emission truck that is in excess of the amount that would be charged for an equivalent new medium- or heavy-duty diesel or gasoline truck, as determined by the

SB 563**(Allen D) Second Neighborhood Infill Finance and Transit Improvements Act: housing developments: homelessness prevention programs: enhanced infrastructure financing plan adoption process.****Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)**Introduced:** 2/18/2021**Status:** 3/24/2021-Set for hearing April 8.

Summary: Current law authorizes the legislative body of a city or county to propose the establishment of an enhanced infrastructure financing district, with a governing body referred to as a public financing authority, to finance public capital facilities or other specified projects of communitywide significance. Current law requires the proceedings for the establishment of the district to be instituted by the adoption of a specified resolution and requires an infrastructure financing plan to be prepared, as specified. Current law requires a copy of the resolution and the plan to be sent to each landowner within the district. Current law requires the public financing authority to consider the adoption of the plan at 3 public hearings and, at the 3rd hearing, terminate the proceedings, adopt the plan, or call an election depending on the percentage of the combined number of landowners and residents in the area who are at least 18 years of age who file a protest. If an election is called, existing law makes adoption of the plan dependent on the vote of that population. This bill, instead, would make the above-described plan adoption process dependent on the percentage of the combined number of registered voters in the area and landowners who file a protest and on the vote of that population.

SB 580**(Hueso D) Department of Transportation: highways and roads: recycled plastics study and specifications.****Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)**Introduced:** 2/18/2021**Status:** 3/10/2021-Set for hearing April 13.

Summary: Would authorize the department to conduct a study to assess the feasibility, cost effectiveness, and life-cycle environmental benefits of including recycled plastics in asphalt used as a paving material in the construction, maintenance, or rehabilitation of a highway or road. If the department determines that this use of recycled plastics is feasible and that recycled plastics can be included in asphalt in a manner that is cost effective and provides life-cycle environmental benefits, the bill would authorize the department to establish specifications for including recycled plastics in asphalt used as a paving material in the construction, maintenance, and rehabilitation of a highway or road. The bill would require the department to prepare and submit, on or before January 1 of each year, commencing January 1, 2023, an analysis to the Assembly Committee on Transportation and the Senate Committee on Transportation on its progress studying recycled plastics and its progress toward establishing specifications for including recycled plastics in asphalt, as described above.

SB 606**(Gonzalez D) Workplace safety: violations of statutes: enterprise-wide violations: employer retaliation.****Current Text:** Amended: 3/25/2021 [html](#) [pdf](#)**Introduced:** 2/18/2021**Status:** 3/25/2021-Set for hearing April 6. From committee with author's amendments. Read second time and amended. Re-referred to Com. on JUD.

Summary: Current law requires the Division of Occupational Safety and Health to issue a citation for a violation of provisions relating to the spraying of asbestos, or any standard, rule, order, or regulation established pursuant to specified provisions of the California Occupational Safety and Health Act of 1973 if, upon inspection or investigation, the division believes that an employer has committed a violation. This bill, instead, would require the division to issue a citation for a violation of provisions relating to the spraying of asbestos, certain employment safety related provisions of the Labor Code, or any standard, rule, order or regulation established pursuant to specified provisions of the California Safety and Health Act of 1973 or other safety related provisions of the Labor Code if, upon inspection or investigation, or upon evidence or documents obtained by the division in lieu of or in addition to an on-site inspection, the division believes that an employer has committed a violation.

SB 623**(Newman D) Electronic toll and transit fare collection systems.****Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)**Introduced:** 2/18/2021**Status:** 3/10/2021-Set for hearing April 13.

Summary: Current law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system in compliance with specified objectives, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. Current law authorizes operators of toll facilities on federal-aid highway engaged in an interoperability program to provide only specified information regarding a vehicle's use of the toll facility. This bill would authorize those operators to provide instead only the information

SB 640 (Becker D) Transportation financing: jointly proposed projects.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/19/2021-Set for hearing April 13.

Summary: Current law provides for the deposit of various funds, including revenues from certain increases in fuel taxes and vehicle fees, for the program into the Road Maintenance and Rehabilitation Account. After certain allocations for the program are made, existing law requires the remaining funds available for the program to be continuously appropriated 50% for allocation to the department for maintenance of the state highway system or for the State Highway Operation and Protection Program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Current law requires a city or county to submit to the California Transportation Commission a list of proposed projects, as specified, to be eligible for an apportionment of those funds. This bill would authorize cities and counties to jointly submit to the commission a list of proposed projects to be funded by the cities and counties' apportionments of those funds, as specified.

SB 643 (Archuleta D) Fuel cell electric vehicle fueling infrastructure and fuel production: working group: statewide assessment.

Current Text: Amended: 3/22/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/24/2021-Re-referred to Coms. on E.Q., TRANS., and E., U. & C.

Summary: Would, until January 1, 2030, require the State Air Resources Board, in consultation with the Energy Commission and the Public Utilities Commission, to create a working group to prepare a statewide assessment of the fuel cell electric vehicle fueling infrastructure and fuel production needed to support the adoption of zero-emission trucks, buses, and off-road vehicles at levels necessary for the state to meet specified goals and requirements relating to vehicular air pollution. The bill would require the assessment to be completed on or before December 31, 2023, and the working group to update the assessment at least once every 2 years.

SB 657 (Ochoa Bogh R) Employment: electronic documents.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/23/2021-Set for hearing April 5.

Summary: Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except as specified. The bill would also authorize an employee working from home to receive legally required notices and postings electronically and sign or acknowledge certain documents electronically.

SB 662 (Archuleta D) Energy: transportation sector: hydrogen.

Current Text: Amended: 3/25/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/25/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E., U. & C.

Summary: Current law, enacted as part of the Clean Energy and Pollution Reduction Act of 2015, requires the Public Utilities Commission (PUC), in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission) and the State Air Resources Board (state board), to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification, as defined, to achieve specified results. The PUC is required to approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, through a reasonable cost recovery mechanism, if they meet specified requirements. This bill would revise the definition of "transportation electrification" for this purpose to include the use of hydrogen when used as a transportation fuel in fuel cell electric vehicles.

SB 671 (Gonzalez D) Transportation: Clean Freight Corridor Efficiency Program.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 3/10/2021-Set for hearing April 13.

Summary: Would establish the Clean Freight Corridor Efficiency Program, to be jointly administered by the California Transportation Commission and State Air Resources Board, in coordination with other state entities. The bill would require the program to establish criteria for identifying qualifying freight corridors and define minimum requirements for clean truck corridors, surrounding local streets and roads, and associated facilities. The bill would require the program to identify California's 5 most-used freight corridors and objectives for improving the corridors, as specified, and identify projects and funding opportunities in these corridors.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)**Introduced:** 2/19/2021**Status:** 3/23/2021-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 4. Noes 1.) (March 22). Re-referred to Com. on TRANS.**Summary:** Would require relevant public agencies, as defined, to develop a program, known as the California Jobs Plan Program, to meet specified objectives, including, as a component of applications for covered public contracts, as defined, creation of a form that states the minimum numbers of proposed jobs that are projected to be retained and created if the applicant wins the covered public contract, and proposed wages, benefits, and investment in training. That component of the application would be known as the California Jobs Plan, as defined. Other objectives of the program, pursuant to the bill, would include supporting the hiring of displaced workers and individuals facing barriers to employment as defined; encouraging the development of the state's long-term green transportation and related infrastructure and manufacturing sector; and protecting public health by supporting the adoption of specific protections for worker health and safety.**(Hertzberg D) Density Bonus Law: purchase of density bonus units by nonprofit housing organizations.****Current Text:** Amended: 3/10/2021 [html](#) [pdf](#)**Introduced:** 2/19/2021**Status:** 3/18/2021-Re-referred to Com. on HOUSING.**Summary:** Current law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income or, lower, or very low income households and meets other requirements. Current law requires the developer and the city or county to ensure that the initial occupant of a for-sale unit that qualified the developer for the award of the density bonus is a person or family of very low, low, or moderate income. This bill, as an alternative to ensuring that the initial occupant of a for-sale unit is a person or family of the required income, would authorize the developer and the city or county to ensure that a qualified nonprofit housing organization, as defined, purchases the unit pursuant to a specified recorded contract that includes an affordability restriction, an equity sharing agreement, and a repurchase option that requires a subsequent purchaser that desires to sell or convey the property to first offer the nonprofit corporation the opportunity to repurchase the property.**(Stern D) Wildlife connectivity mitigation credits: Advance Mitigation Program.****Current Text:** Amended: 3/22/2021 [html](#) [pdf](#)**Introduced:** 2/19/2021**Status:** 3/22/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.**Summary:** Current law vests the Department of Fish and Wildlife (DFW) with jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. Existing law vests the Department of Transportation (Caltrans) with full possession and control of the state highway system. This bill would require DFW, in consultation with Caltrans, to provide compensatory mitigation credits to support modifications and planning of projects on the state highway system that improve local and regional habitat connectivity and result in fish passage, wildlife connectivity, and other environmental improvements.**(Wieckowski D) Trade Corridor Enhancement Account.****Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)**Introduced:** 2/19/2021**Status:** 3/3/2021-Referred to Com. on RLS.**Summary:** Current law creates the Trade Corridor Enhancement Account to receive revenues attributable to 50% of a \$0.20 per gallon increase in the diesel fuel excise tax imposed by the Road Repair and Accountability Act of 2017 for corridor-based freight projects nominated by local agencies and the state. Current law makes these funds and certain federal funds apportioned to the state available upon appropriation for allocation by the California Transportation Commission for trade infrastructure improvement projects that meet specified requirements. This bill would make nonsubstantive changes to this provision.**(Allen D) Multijurisdictional regional agreements: housing element.****Current Text:** Amended: 3/10/2021 [html](#) [pdf](#)**Introduced:** 2/19/2021**Status:** 3/18/2021-Re-referred to Coms. on HOUSING and GOV. & F.**Summary:** Would authorize a city or county to satisfy part of its requirement to identify zones suitable for residential development by adopting and implementing a multijurisdictional regional agreement. The bill would require the multijurisdictional regional agreement to clearly establish the jurisdiction that

is contributing suitable land for residential development and the jurisdiction or jurisdictions that are contributing funding for that development. The bill would require that a multijurisdictional regional agreement be between 2 or more cities or counties that are located within the same county or within adjacent counties. This bill would require a jurisdiction that is a party to a multijurisdictional regional agreement under these provisions to provide specified information in its housing element, including how the multijurisdictional regional agreement will satisfy the jurisdiction's housing need for a designated income level.

SCA 2

(Allen D) Public housing projects.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

Status: 12/8/2020-From printer. May be acted upon on or after January 7.

Summary: The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, as defined, in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election, as specified. This measure would repeal these provisions.

SCA 4

(Wilk R) Legislature: 2-year budget.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 2/18/2021-From printer. May be acted upon on or after March 20.

Summary: Would limit the Legislature, in the first year of the regular session, to considering or acting upon only the Budget Bill and related bills, and up to 5 bills introduced by each of the standing committees of the Legislature, as specified. The measure would require the Governor to submit to the Legislature a budget for the ensuing 2 fiscal years within the first 10 days of the first calendar year of the biennium of the legislative session, and would require the Legislature to adopt by June 15 of the first calendar year of the biennium of the legislative session a Budget Bill that appropriates funds to support state government for the next 2-year fiscal period commencing on July 1. The measure, in the second year of the regular session, would limit the Legislature to considering or acting upon only legislation other than the Budget Bill and related bills. The Legislature, by a 2/3 vote of each house, would be authorized, however, to amend an enacted Budget Bill and related bills in both calendar years of the biennium.

Total Measures: 98

Total Tracking Forms: 98

Minute Action

AGENDA ITEM: 22

Date: May 5, 2021

Subject:

Federal Legislative Update

Recommendation:

Receive and file the April 2021 Federal Legislative Update.

Background:

San Bernardino County Transportation Authority Legislative Affairs staff, along with representatives from federal advocates Potomac Partners DC, LLC reported to the Legislative Policy Committee on April 14th regarding The Biden Administration's COVID-19 stimulus legislation, proposed infrastructure plan and the on-going Fiscal Year 2022 appropriations process.

1. Recap and Implementation of the American Rescue Plan Act (ARPA) of 2021
 - a. Public Transit Funding, including \$30 billion for Transit Agencies to assist with operating costs, payroll, and the purchase of Personal Protective Equipment (PPE).
2. Fiscal Year (FY) 2022 Appropriations Process update. The President's budget is still expected in May with the skinny budget expected soon.
 - a. Guidance on Community Project Funding (CPF), i.e. earmarks, is as follows:
 1. Total CPF Funding will not exceed 1% of topline discretionary spending.
 - i. At FY 2020 Spending Levels, total CPF Funding would have been roughly \$13 billion.
 2. Total number of requests is capped at 10 CPF requests per Member.
 - i. San Bernardino County Transportation Authority (SBCTA) made CPF requests for \$5 million to Representatives Pete Aguilar and Norma Torres to support Zero-emission fleet charging infrastructure for the West Valley Connector Bus Rapid Transit Project.
 3. Requests will be handled by Appropriations Committee leaders (Chair, Democratic requests & Ranking Member, Republican requests)
 4. Member Priorities for Evaluating Requests
 - i. How does this benefit my district?
 - ii. How does this benefit my region?
 - iii. Is this good policy for the Country?
 - iv. Due to limited funding availability, Members are seeking CPF projects not exceeding \$1-2 million.
 5. Eligible Requests/Projects - Local Transportation Priorities
 - i. Projects Eligible under 23 United States Code (USC) 133(b)

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

- ii. Capital projects or project-specific planning/design for a capital project.
 - iii. Supported by the state or local government that would administer the project. Inclusion on a Statewide Transportation Improvement Plan (STIP) or Transportation Improvement Plan (TIP) would satisfy this requirement.
 - iv. Administered by public entities.
 - v. Administrative activities are not eligible.
 - vi. Can the project obligate all appropriated funds 12 months after enactment?
- 6. Senate Republicans still weighing CPF process
 - i. Some Republicans in favor, but many (if not most) are staunchly opposed to participating in earmarks.
- 3. Biden proposes infrastructure package, “American Jobs Plan”
 - a. Funding for Highways and Transit in Biden proposal include the following:
 - 1. \$571 billion in infrastructure spending
 - i. \$115 billion to modernize bridges, highways, roads and main streets in critical need of repair
 - ii. \$20 billion to improve road safety
 - iii. \$85 billion for Transit
 - iv. \$80 billion for Amtrak’s repair backlog
 - v. \$175 billion for investments in domestic Electric Vehicle companies and grants/tax credits for electric vehicle charging station construction
 - vi. \$25 billion for airports
 - vii. \$17 billion for inland waterways
 - viii. \$20 billion for a new program to reconnect neighborhoods and improve racial equity
 - ix. \$50 billion in dedicated investments to improve infrastructure resiliency
 - x. Investments in protection against wildfires, sea level rise, and other climate change effects
 - 2. \$100 billion to expand broadband access, among other investments
 - 3. \$100 billion to build a more resilient electrical grid
 - 4. Would raise the corporate tax rate from 21% to 28% and seek to capture additional corporate tax revenue by taxing offshore tax havens
- 4. Senator Padilla incorporated language, per SBCTA’s request, regarding streamlining the Transportation Infrastructure Finance and Innovation Act (TIFIA) process and increasing highway bridge funding into his submissions to the Committee on Environment and Public Works. As the process moves forward, staff and SBCTA’s federal advocates will be in close contact with Senator Padilla’s office to ensure inclusion in the final Surface Transportation Reauthorization legislation.

5. Guidance on Congressional Initiatives for the Highway Bill
 - a. “Member Designated Projects” Guidelines
 1. Authorizing and funding projects through Surface Transportation Reauthorization
 2. Eligible Projects – Included in State Transportation Improvement Program (STIP)
 - i. Capital Projects
 - ii. Federal Transit Administration (FTA) Projects
 3. Committee is discussing \$15-20 million total cap for each district
 - i. Example: Twenty \$1 million projects, or one \$20 million project
 - ii. Multi-District/Regional projects, process to be determined
 4. Obligation of funds will be available for the term of the legislation (~4 years) and will come directly from the Highway Trust Fund
6. U.S. Department of Transportation (USDOT) Updates
 - a. USDOT Secretary Pete Buttigieg’s testimony during House Transportation & Infrastructure Committee hearing.
7. Recent Federal Legislation Introduced
 - a. ***Public Transit Capital Investment Relief Act of 2021***. The legislation would provide relief for public transportation agencies through the Capital Investment Grants (CIG) Program by increasing the federal cost share of the total project cost for qualifying projects that are under construction or near completion. Durbin and Murray were joined by U.S. Senators Maria Cantwell (D-WA), Dianne Feinstein (D-CA), Alex Padilla (D-CA), Amy Klobuchar (D-MN), and Tina Smith (D-MN) in introducing the legislation.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was received by the Legislative Policy Committee on April 14, 2021.

Responsible Staff:

Louis Vidaure, Management Analyst II

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

Minute Action

AGENDA ITEM: 23

Date: May 5, 2021

Subject:

Senate Bill 278

Recommendation:

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

Approve the action of the Legislative Policy Committee on April 14, 2021, adopting a Work with Author position on Senate Bill 278 Senator Connie Leyva at this time and direct staff to provide an update to the Legislative Policy Committee on the status of legislation at a later date for reconsideration of a position by SBCOG.

Background:

At the April 14, 2021 Legislative Policy Committee, San Bernardino County Transportation Authority (SBCTA) Legislative Affairs staff made a recommendation to take no position on Senate Bill 278 at this time. The members of the Legislative Policy Committee voted to take a WORK WITH AUTHOR position in lieu of no position. Staff will work with the author's office to address concerns conveyed by local governments in San Bernardino County and report back to the Committee at a later date.

Senate Bill (SB) 278 (Leyva) – Public Employees' Retirement System: disallowed compensation: benefit adjustments.

Bill status: Passed by the Senate Committee on Labor, Public Employment and Retirement (Yes 5 – No 0)
Scheduled for hearing by Senate Committee on Judiciary (4/06/21)

Summary:

Existing law:

- 1) Establishes the California Public Employees' Retirement System (Cal-PERS) and sets the purpose of the System as effecting the economy and efficiency of public service by providing a path for employees who are incapacitated or superannuated to leave state service, without hardship or prejudice, and be replaced by more capable employees.
- 2) Establishes the Cal-PERS Board of Administration (Board) and vests the Board with the authority to administer the Cal-PERS defined benefit pension system, including determining who is an eligible employee to receive benefits and what assets can be purchased by Cal-PERS.
- 3) Provides that, in its discretion and upon any terms it deems just, the Board may correct errors or omissions of any active or retired member, or any beneficiary of an active or retired member, as specified.
- 4) Requires that, in the event of an erroneous payment to a Cal-PERS member or beneficiary, Cal-PERS has three years from the date of payment to collect the erroneous payment from the member or beneficiary. In the case of fraud, however, Cal-PERS has 10 years from the discovery of the erroneous payment to collect.

Entity: San Bernardino Council of Governments

- 5) Creates the California Public Employees' Pension Reform Act (PEPRA) of 2013, which limited what types of compensation can be counted in the calculation of pension benefits for new members.
- 6) States the intent of the Legislature, in implementing PEPRA, that the Board has all powers reasonably necessary to invest the assets associated with, and to administer and implement the provisions of PEPRA, to the extent and with the same effect as if the provisions of the act are contained in the Public Employees' Retirement Law.

This bill would:

Establish new procedures and requirements for employees covered by the California Public Employee Retirement System (CalPERS) in cases where their pensionable benefits are erroneously calculated and reported to CalPERS by their employer. SB 278:

- Requires that, if CalPERS determines that the compensation reported for a CalPERS member by a public employer is in conflict with existing law or regulations, CalPERS must prohibit the public employer from continuing to report the disallowed compensation. This requirement also applies to determinations made on or after January 1, 2017, if the appeal rights of the CalPERS member have not been exhausted.
- Requires that, in the case of an active CalPERS member, all contributions on disallowed compensation must be credited against future contributions to the benefit of the public employer by CalPERS and the public employer must return the member's contributions that were paid on the disallowed compensation.
- Requires, in the case of a retired CalPERS member or survivor or beneficiary whose final compensation at the time of retirement was based on disallowed compensation, the contributions made on the disallowed compensation must be credited against future contributions to the benefit of the public employer.
- States that CalPERS must also provide a notice to the public employer and affected retired CalPERS member or survivor or beneficiary that includes, at a minimum:
 - The amount overpayment resulting from the disallowed compensation made by the public employer;
 - The actuarial equivalent present amount owed to the retired CalPERS member, survivor, or beneficiary; and
 - Written disclosures by the public employer's obligations to the retired member under this bill.

The author states, "Existing law provides that California's public employers can contract with CalPERS to provide retirement benefits for their public employees, including state and local government firefighters, law enforcement personnel, and school employees. In doing so, CalPERS' contracting employers have a legal and actuarial obligation to correctly report collectively bargained pension-eligible compensation to CalPERS. In some cases, employers have reported retired employee information to CalPERS that is disallowed under the CalPERS plan.... Even though this pay item was bargained and paid for by the employer and employee, if it is subsequently disallowed, the retired employee is ultimately required to pay back the overpaid amount and suffer a permanent reduction in future payments. Many retirees, including firefighters, do not have access to Social Security, meaning that their retirement security is completely reliant on their CalPERS pension.

"SB 278 would protect the retirement security of CalPERS members by ensuring that any collectively bargained compensation agreed to by their employer and paid for by the employer San Bernardino Council of Governments

and retiree cannot be subsequently and retroactively deducted from the retired member's pension allowance because of a disallowed pay item. To prevent similar retroactive action against retired employees in the future, SB 278 allows CalPERS contracting agencies to submit a compensation proposal for a pension calculation to determine compliance with the CalPERS regulations. Finally, if a disallowed pay item is identified, employees who are still working will go back to the bargaining table so the employee organization and an employer can work through the issue."

Opponents state, "Under current law, once a benefit is determined to be disallowed, both the employer and the employee cease making future payments on that benefit, past contributions from the employee are returned to the employee, while past contributions from the employer are applied towards future payment. "Unfortunately, in the case of a retiree that received the disallowed benefit, the pension system must recoup the overpaid benefit from the retiree. The pension system must recoup that overpayment from the retiree because it is unlawful to pay out a benefit that is not legally allowable or earned.

"Public agencies cannot continue to make payments to retirees as proposed for the same legal basis that requires pension systems to recoup their disallowed retirement benefit payments to retirees. Continued payment of a disallowed benefit to a retiree would constitute a gift of public funds, in violation of Section 6, Article 16 of the California Constitution. Again, it is unfortunate that after an agency and their bargaining unit came to an agreement on benefits and those benefits had been paid for any amount of time for the benefit to be taken from the retiree. Although public agencies may feel morally or ethically compelled to do so, public agencies simply cannot continue to make payments directly to a retiree for an unlawful benefit."

Staff Recommendation: No Position

Legislative Affairs staff recommends that SBCTA take no position on SB 278 at this time. Given that SBCTA is not a participant in CalPERS and that Senator Leyva is a member of the San Bernardino County state delegation, staff recommends having further discussions with the Senator to contemplate possible amendments that focus on preventing the errors and erroneous payments in the first place. Efforts should be explored to avoid any policy which would establish a retiree's permanent right to incorrectly calculated pension benefits in cases where an error resulted in paying the retiree higher pension benefits than allowed by law and thereby increasing obligations on local governments and taxpayers. Following further conversations with Senator Leyva, staff will provide an update on status of discussions at a future committee meeting where committee members can reconsider a position on the legislation.

Text of Senate Bill 278 (Leyva) can be found in Attachment A.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was reviewed and recommended for approval (5-1-0: Opposed: Wapner) by the Legislative Policy Committee on April 14, 2021.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

Board of Directors Agenda Item
May 5, 2021
Page 4

Approved
Board of Directors
Date: May 5, 2021
Witnessed By:

AMENDED IN SENATE MARCH 23, 2021

SENATE BILL

No. 278

Introduced by Senator Leyva

January 29, 2021

An act to add Section 20164.5 to the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 278, as amended, Leyva. Public Employees' Retirement System: disallowed compensation: benefit adjustments.

(1) Existing law, the Public Employees' Retirement Law (PERL), establishes the Public Employees' Retirement System (PERS), which provides a defined benefit to members of the system, based on final compensation, credited service, and age at retirement, subject to certain variations. PERL authorizes a public agency to contract to make its employees members of PERS and prescribes a process for this. PERS is administered by its board of administration, which is responsible for correcting errors and omissions in the administration of the system and the payment of benefits. Existing law requires the board to correct all actions taken as a result of errors or omissions of the state or a contracting agency, in accordance with certain procedures.

The California Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system, as defined, to modify its plan or plans to comply with the act. PEPRA, among other things, establishes new defined benefit formulas and caps on pensionable compensation.

This bill would establish new procedures under PERL for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on disallowed compensation that conflicts with

Attachment: Senate Bill 278 - Leyva (7615 : Senate Bill 278)

PEPRA and other specified laws and thus impermissible under PERL. The bill would also apply these procedures retroactively to determinations made on or after January 1, 2017, if an appeal has been filed and the employee member, survivor, or beneficiary has not exhausted their administrative or legal remedies. At the threshold, after determining that compensation for an employee member reported by the state, school employer, or a contracting agency is disallowed, the bill would require the applicable employer to discontinue the reporting of the disallowed compensation. The bill would require that contributions made on the disallowed compensation, for active members, be credited against future contributions on behalf of the state, school employer, or contracting agency that reported the disallowed compensation and would require that the state, school employer, or contracting agency return to the member any contributions paid by the member or on the member's behalf.

With respect to retired members, survivors, or beneficiaries whose benefits are based on disallowed final compensation, the bill would require PERS to adjust the benefit to reflect the exclusion of the ~~disallowed compensation~~, *compensation* and provide that contributions made on the disallowed compensation be credited against future contributions on behalf of the employer entity that reported the disallowed compensation. Additionally, if specified conditions are met, the bill would require the employing entity to refund overpayment costs to the system and to pay retired members, survivors, and beneficiaries whose benefits have been reduced an annuity, or a lump sum, as prescribed, that reflects the difference between the monthly allowance that was based on the disallowed compensation and the adjusted monthly allowance calculated without the disallowed compensation, as provided. The bill would require the system to provide certain notices in this regard. This bill would require the system to provide confidential contact information of retired members, and their survivors and beneficiaries, who are affected by these provisions to the relevant employing entities, the confidentiality of which the entities would be required to maintain.

The bill would authorize the state, a school employer, as specified, or a contracting agency, as applicable, to submit to the system an additional compensation item proposed to be included or contained in a memorandum of understanding or collective bargaining agreement on and after January 1, 2022, that is intended to form the basis of a pension benefit calculation in order for PERS to review its consistency with PEPRA and other laws, as specified, and would require PERS to

provide guidance regarding the review within 90 days, as specified. The bill would require PERS to publish notices regarding proposed compensation language submitted to the system for review and the guidance given by the system that is connected with it. For educational entities that participate in the system, the final responsibility for funding payments to the system and to retired members, survivors, and beneficiaries would belong to the educational entity that is the actual employer of the employee. The bill would make related legislative findings and declarations.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The California Public Employees' Retirement
- 2 System (CalPERS) is the largest public pension fund in the United
- 3 States, administering defined benefit retirement plans for
- 4 California's public employees, including state and local
- 5 government firefighters, law enforcement personnel, and school
- 6 employees.
- 7 (b) Of the numerous positions maintained by the state, schools,
- 8 and local governments, each is unique and each is vital to ensuring
- 9 quality public services that help keep our state strong, a critical
- 10 component to promoting our state's continued economic recovery
- 11 and future growth.
- 12 (c) Fire service, law enforcement, school personnel, and other
- 13 public employees exhibit varying demographic features and career
- 14 patterns. Each requires a different skill set and knowledge base,
- 15 as well as unique requirements for recruitment, training, retention,
- 16 and compensation.
- 17 (d) Generations of hard-working members of California's middle
- 18 class have dedicated their careers to public service, often earning
- 19 less over the course of their careers when compared to their private

1 industry counterparts, to earn and pay for the promise of a secure
2 retirement.

3 (e) A public employee's pension is based on collectively
4 bargained compensation that takes the form of base pay and special
5 compensation for additional skills, extraordinary assignments, or
6 education.

7 (f) For CalPERS, it is the employer's responsibility to ensure
8 that employee information is reported to CalPERS accurately and
9 on a timely basis in order to correctly calculate an employee's
10 service credit and final compensation for retirement purposes.

11 (g) In 2012, after serving the public for nearly 30 years, a
12 firefighter employed by a CalPERS contracting agency, which
13 provided an official projection of retirement benefits based on the
14 firefighter's estimated retirement date, made the decision to retire
15 based on that projection.

16 (h) In 2017, five years after officially retiring, CalPERS notified
17 the firefighter retiree that the retiree's former employer had
18 erroneously reported and remitted contributions on certain
19 compensation, which CalPERS later determined in an audit was
20 not pensionable compensation. CalPERS sought repayment of the
21 purported overpayment directly from the retired firefighter totaling
22 thousands of dollars, as well as imposed a substantial future
23 reduction to the retiree's monthly allowance. Unfortunately, this
24 scenario is not isolated to just this one retiree. A handful of other
25 firefighter, law enforcement, and school retirees have reported
26 similar stories across multiple CalPERS employers.

27 (i) For over eight decades, CalPERS has proven its ability to
28 fairly administer the retirement system to uphold the promises
29 made by its employers for those members who invest their life's
30 work in public service. However, this kind of clawback has the
31 potential to take a major toll on the finances of retirees, including
32 firefighters and law enforcement officers who, unlike private sector
33 employees, do not receive social security benefits and instead rely
34 on their fixed monthly pension as their sole source of retirement
35 income.

36 (j) In enacting this bill, it is the intent of the Legislature to ensure
37 that a retired CalPERS member is protected when alleged
38 misapplication or calculation of compensation occurs as a result
39 of an employer's error, and that this protection be provided to
40 retirees whose appeal of CalPERS' determination, and subsequent

1 reduction of the retiree's allowance, is not final. It is further the
2 intent of the Legislature that errors made on the part of the
3 employer, with respect to a promise to a retiree, be borne by the
4 employer rather than through a retroactive clawback and permanent
5 reduction in the retired member's pension. *It is finally the intent*
6 *of the Legislature that protecting the retirement security of public*
7 *servants who have appropriately bargained and paid for the*
8 *promise of a secure retirement serves a public purpose.*

9 SEC. 2. Section 20164.5 is added to the Government Code, to
10 read:

11 20164.5. (a) For purposes of this section, "disallowed
12 compensation" means compensation reported for a member by the
13 state, school employer, or a contracting agency that the system
14 subsequently determines is not in compliance with the California
15 Public Employees' Pension Reform Act of 2013 (Article 4
16 (commencing with Section 7522) of Chapter 21 of Division 7 of
17 Title 1), Section 20636 or 20636.1, or the administrative regulations
18 of the system.

19 (b) If the system determines that the compensation reported for
20 a member by the state, school employer, or a contracting agency
21 is disallowed compensation, the system shall require the state,
22 school employer, or contracting agency to discontinue reporting
23 the disallowed compensation. This section shall also apply to
24 determinations made on or after January 1, 2017, if an appeal has
25 been filed and the member, the retired member, survivor, or
26 beneficiary has not exhausted their administrative or legal
27 remedies.

28 (1) In the case of an active member, all contributions made on
29 the disallowed compensation shall be credited against future
30 contributions to the benefit of the state, school employer, or
31 contracting agency that reported the disallowed compensation, and
32 any contribution paid by, or on behalf of, the member, including
33 contributions under Section 20691, shall be returned to the member
34 by the state, school employer, or contracting agency that reported
35 the disallowed compensation.

36 (2) In the case of a retired member, survivor, or beneficiary
37 whose final compensation at the time of retirement was predicated
38 upon the disallowed compensation, the contributions made on the
39 disallowed compensation shall be credited against future
40 contributions, to the benefit of the state, school employer, or

1 contracting agency that reported the disallowed compensation and
2 the system shall permanently adjust the benefit of the affected
3 retired member, survivor, or beneficiary to reflect the exclusion
4 of the disallowed compensation.

5 (3) (A) In the case of a retired member, survivor, or beneficiary
6 whose final compensation at the time of retirement was predicated
7 upon the disallowed compensation as described in paragraph (2),
8 the repayment and notice requirements described in this paragraph
9 and paragraph (4) shall apply only if all of the following conditions
10 are met:

11 (i) The compensation was reported to the system and
12 contributions were made on that compensation while the member
13 was actively employed.

14 (ii) The compensation was ~~provided for~~ *agreed to* in a
15 memorandum of understanding or collective bargaining agreement
16 *between the employer and the recognized employee organization*
17 as compensation for pension purposes.

18 (iii) The determination by the system that compensation was
19 disallowed was made after the date of retirement.

20 (iv) The member was not aware that the compensation was
21 disallowed at the time it was reported.

22 (B) If the conditions of subparagraph (A) are met, the state,
23 school employer, or contracting agency that reported contributions
24 on the disallowed compensation shall do both of the following:

25 (i) Pay to the system, as a direct payment, the full cost of any
26 overpayment of the prior paid benefit made to an affected retired
27 member, survivor, or beneficiary resulting from the disallowed
28 compensation.

29 (ii) Pay to the retired member, survivor, or beneficiary, as a
30 lump sum or as an annuity based on that amount, the actuarial
31 equivalent present value representing the difference between the
32 monthly allowance that was based on the disallowed compensation
33 and the adjusted monthly allowance calculated pursuant to
34 paragraph (2) for the duration that allowance is projected to be
35 paid by the system to the retired member, survivor, or beneficiary.
36 The payment, or payments, shall be made by the state, school
37 employer, or contracting agency that reported contributions on the
38 disallowed compensation as an annuity unless the retired member,
39 survivor, or beneficiary and the state, school employer, or

1 contracting agency, as may be applicable, mutually agree to a lump
2 sum payment or payments.

3 (4) The system shall provide a notice to the state, school
4 employer, or contracting agency that reported contributions on the
5 disallowed compensation and to the affected retired member,
6 survivor, or beneficiary, including, at a minimum, all of the
7 following:

8 (A) The amount of the overpayment to be paid by the state,
9 school employer, or contracting agency to the system as described
10 in subparagraph (B) of paragraph (3).

11 (B) The actuarial equivalent present value owed to the retired
12 member, survivor, or beneficiary as described in subparagraph (B)
13 of paragraph (3), if applicable.

14 (C) Written disclosure of the state, school employer, or
15 contracting agency's obligations to the retired member, survivor,
16 or beneficiary pursuant to this section.

17 (5) The system shall, upon request, provide the state, a school
18 employer, or a contracting agency with contact information data
19 in its possession of a relevant retired member, survivor, or
20 beneficiary in order for the state, a school employer, or a
21 contracting agency to fulfill their obligations to that retired
22 member, survivor, or beneficiary pursuant to this section. The
23 recipient of this contact information data shall keep it confidential.

24 (c) (1) The state, a school employer, including a county
25 superintendent of schools, school district, community college
26 district, charter school, regional occupational center, or other local
27 educational agency, or a contracting agency, as applicable, may
28 submit to the system for review an additional compensation item
29 that is proposed to be included, or is contained, in a memorandum
30 of understanding adopted, or a collective bargaining agreement
31 entered into, on and after January 1, 2022, that is intended to form
32 the basis of a pension benefit calculation, in order for the system
33 to review consistency of the proposal with the California Public
34 Employees' Pension Reform Act of 2013 (Article 4 (commencing
35 with Section 7522) of Chapter 21 of Division 7 of Title 1), Section
36 20636 or 20636.1, and the administrative regulations of the system.

37 (2) A submission to the system for review under paragraph (1)
38 shall include only the compensation item language and a
39 description of how it meets the criteria listed in subdivision (a) of
40 Section 571 or subdivision (b) of Section 571.1 of Title 2 of the

1 California Code of Regulations, along with any other supporting
2 documents or requirements the system deems necessary to complete
3 its review.

4 (3) The system shall provide guidance regarding the submission
5 within 90 days of the receipt of all information required to make
6 a review.

7 (d) The system shall periodically publish a notice of the
8 proposed compensation language submitted to the system pursuant
9 to paragraph (c) for review and the guidance provided by the
10 system.

11 (e) This section does not alter or abrogate any responsibility of
12 the state, a school employer, or a contracting agency to meet and
13 confer in good faith with the employee organization regarding the
14 impact of the disallowed compensation or the effect of any
15 disallowed compensation on the rights of the employees and the
16 obligations of the employer to its employees, including any
17 employees who, due to the passage of time and promotion, may
18 have become exempt from inclusion in a bargaining unit, but whose
19 benefit was the product of collective bargaining.

20 (f) For educational entities participating in the system, the final
21 responsibility for funding payments under subparagraph (B) of
22 paragraph (3) of subdivision (b) is that of the educational entity
23 that is the actual employer of the employee. A county
24 superintendent of schools shall have final responsibility for funding
25 payments for its own employees and not for those employees of
26 other educational entities that participate in the system under the
27 auspices of a county superintendent of schools pursuant to contract.

28 (g) This section does not ~~effect~~ *affect* or otherwise alter a party's
29 right to appeal any determination regarding disallowed
30 compensation made by the system.

31 SEC. 3. The Legislature finds and declares that Section 2 of
32 this act, which adds Section 20164.5 to the Government Code,
33 imposes a limitation on the public's right of access to the meetings
34 of public bodies or the writings of public officials and agencies
35 within the meaning of Section 3 of Article I of the California
36 Constitution. Pursuant to that constitutional provision, the
37 Legislature makes the following findings to demonstrate the interest
38 protected by this limitation and the need for protecting that interest:

39 In order to appropriately maintain the current confidentiality of
40 personal contact information held by the Public Employees'

- 1 Retirement System regarding retired members of the system, and
- 2 their survivors and beneficiaries, it is necessary to limit access to
- 3 this information if it is provided to other public entities for purposes
- 4 of Section 20164.5 of the Government Code.

Minute Action

AGENDA ITEM: 24

Date: May 5, 2021

Subject:

Assembly Bill 840

Recommendation:

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

Approve the action of Legislative Policy Committee on April 14, 2021, adopting an OPPOSE position on Assembly Bill 840 by Assemblyman Chris Holden.

Background:

Assembly Bill (AB) 840 (Holden) – County transportation commissions: regional transit service: airports.

Bill status: Referred to the Assembly Transportation Committee

Summary:

The County Transportation Commissions Act provides for the creation of county transportation commissions in the Counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura, with various powers and duties relative to transportation planning and funding, as specified. Existing law requires the county transportation commissions for the Counties of Los Angeles, Orange, Riverside, and San Bernardino, upon the adoption of a resolution by each of those commissions, to jointly develop, in consultation with certain governmental agencies, a program for regional transit services, as defined, within the multicounty region.

In 2018, the Southern California Association of Governments (SCAG), in cooperation with the San Bernardino County Transportation Authority (SBCTA) and the Los Angeles County Metropolitan Transportation Authority (LA Metro), conducted the Inter-County Transit and Rail Connectivity Study to develop a multimodal corridor improvement plan to evaluate transit and rail service for this inter-county corridor connecting the Eastern San Gabriel Valley in Los Angeles County with the Western San Bernardino Valley in San Bernardino County, as well as connections to Ontario International Airport (ONT).

A number of alternatives were studied including Bus Rapid Transit via the West Valley Connector Project, light rail via the extension of the Metro Gold Line, enhancements to increase service along the Metrolink San Bernardino Line, Hybrid-Rail using Diesel Multiple Units, such as those planned on the future Arrow Service on the Redlands Passenger Rail Project, as well Express Bus service from transit centers to connect rail to ONT.

In the conclusion of the study, it states, “It is not the intent of this study to recommend a preferred transit/rail alternative, nor is there sufficient information in this planning-level effort to do so. The recommended path forward is to transmit the study findings to the county transportation commissions for Los Angeles and San Bernardino Counties: the LA Metro and SBCTA to determine next steps.

“It is intended that the information from this report will be useful in narrowing down the alternatives for more detailed studies in the future. As the implementing agency in their respective county, Metro and SBCTA have the discretion to conduct further studies to determine a financially feasible alternative and to consider additional factors such as county-level funding

Entity: San Bernardino County Transportation Authority

constraints and benefits of the expanded service to county constituents, among others. Statements about funding and project delivery expectations should be directed to Metro and SBCTA.”

In March of 2020, the SBCTA Board of Directors (Board) approved conducting a new alternatives analysis (AA) of transit connections to ONT that would examine three surface rail alignments and a subsurface alternative utilizing emerging technology, such as The Boring Company’s (TBC) Loop concept. Subsequent to the decision to move forward with the AA, SBCTA received an unsolicited proposal from TBC which outlined a subsurface tunnel connection from ONT to a location near the existing Rancho Cucamonga Metrolink station. The proposal’s estimated cost for construction of the tunnel and autonomous passenger vehicles was approximately \$85 million. Given that preliminary estimates of the surface rail connections were between \$1 – \$1.5 billion, the SBCTA Board placed the AA on hold to examine the subsurface proposal more closely. SBCTA staff determined that the subsurface concept could provide the connection between ONT and the Metrolink San Bernardino Line in the most cost efficient manner. In September 2020, the SBCTA Board approved the release of a Request for Qualifications (RFQ) in an effort to shortlist qualified firms for the potential Tunnel to ONT Infrastructure Developer. TBC was the only company to respond to the RFQ and, in February of 2021, the SBCTA Board authorized negotiations to begin with TBC.

This bill would:

Require the county transportation commissions in the Counties of Los Angeles and San Bernardino to jointly develop, in consultation with certain governmental agencies, a funding and implementation program for regional transit services to include service to international airports within the multicounty region, as provided. The bill would require the initial regional transit services draft program under these provisions to be completed on or before December 1, 2022. The bill would require the county transportation commissions in the Counties of Los Angeles and San Bernardino to hold a joint public hearing in each county in their jurisdiction on the draft program no earlier than 30 days after the draft has been completed. Following the public hearings, the bill would require the county transportation commissions in the Counties of Los Angeles and San Bernardino to adopt the regional transit services program.

Further, the bill would require SBCTA and LA Metro to jointly develop a funding and implementation program for regional transit services to include service to international airports. In developing the program, the agencies shall consult with the SCAG, California Transportation Commission, Ontario International Airport Authority, Metro Gold Line Foothill Extension Construction Authority, and Counties of Los Angeles and San Bernardino.

The author states, “Rail to airport connectivity has been a topic of discussion for decades. Debates between transit agencies, lack of funding, and inaction by transportation authorities has hindered any attempt to build rail to the airport.

“One of the proposed transit options that has been planned, legislated, and partially funded is the Metro Gold Line. The Gold Line runs along the I-210 freeway creating a viable alternative to driving in this region and could be extended to the airport. The Metro Gold Line is currently being extended into Montclair, within 7 miles of the airport, but currently there are no plans to connect to the airport. There are also three Metrolink stops within five miles of the airport with no coordinated way to get between them and the airport.

“There are a number of alternatives outlined in the SCAG study but none are being actively pursued by the Metro or the SBCTA, including the Gold Line. Funding and planning energy are now diverted to other projects that continue to leave this corridor at a mobility disadvantage that is only going to get worse.”

San Bernardino County Transportation Authority

Staff Recommendation: OPPOSE

Legislative Affairs staff recommends that SBCTA take an oppose position on Assembly Bill (AB) 840. Although promoting regional cooperation between transportation planning agencies to increase regional connectivity and transit options is a laudable goal, the bill fails to recognize the cooperative working relationship SBCTA already enjoys with LA Metro, as well as our other partner transportation planning agencies in the region and our partner transit operators. The bill would add unnecessary bureaucratic requirements that could hinder collaborative planning efforts.

In reasoning the need for the legislation, the author points to the 2018 SCAG study as justification to require that SBCTA and LA Metro pursue specific alternatives outlined in the study. The study's own conclusion states, "As the implementing agency in their respective county, Metro and SBCTA have the discretion to conduct further studies to determine a financially feasible alternative and to consider additional factors such as county-level funding constraints and benefits of the expanded service to county constituents, among others." As the agencies with the statutory responsibility for transportation planning in San Bernardino and Los Angeles Counties, SBCTA and LA Metro, respectively, must weigh local priorities set by their Board, as well as finite resources, in making decisions on which transportation projects to pursue. Any effort by the state to mandate a project not consistent with local priorities erodes the faith voters and taxpayers have placed in the agencies to deliver projects that benefit county residents and maximize taxpayer dollars.

The 2021/2022 SBCTA State Legislative Platform, approved by the SBCTA Board, states that SBCTA will support efforts to "Ensure SBCTA's decision-making authority over transportation projects that are constructed and operated in San Bernardino County." AB 840 appears to be counter to that position.

Text of Assembly Bill 840 (Holden) can be found in Attachment A.

On Monday, April 19, 2021, SBCTA staff received notification from Assemblyman Holden's office that AB 840 would not move forward.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Legislative Policy Committee on April 14, 2021.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

AMENDED IN ASSEMBLY MARCH 15, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 840

Introduced by Assembly Member Holden

February 17, 2021

An act to add Article 11 (commencing with Section 130460) to Chapter 4 of Division 12 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 840, as amended, Holden. ~~Transportation: interregional connectivity.~~ County transportation commissions: regional transit service: airports.

The County Transportation Commissions Act provides for the creation of county transportation commissions in the Counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura, with various powers and duties relative to transportation planning and funding, as specified. Existing law requires the county transportation commissions for the Counties of Los Angeles, Orange, Riverside, and San Bernardino, upon the adoption of a resolution by each of those commissions, to jointly develop, in consultation with certain governmental agencies, a program for regional transit services, as defined, within the multicounty region.

This bill would require the county transportation commissions in the Counties of Los Angeles and San Bernardino to jointly develop, in consultation with certain governmental agencies, a funding and implementation program for regional transit services to include service to international airports within the multicounty region, as provided. The bill would require the initial regional transit services draft program under these provisions to be completed on or before December 1, 2022.

Attachment: Assembly Bill 840 - Holden (7616 : Assembly Bill 840)

The bill would require the county transportation commissions in the Counties of Los Angeles and San Bernardino to hold a joint public hearing in each county in their jurisdiction on the draft program no earlier than 30 days after the draft has been completed. Following the public hearings, the bill would require the county transportation commissions in the Counties of Los Angeles and San Bernardino to adopt the regional transit services program. By imposing additional duties on county transportation commissions, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law establishes the Transportation Agency, which consists of various departments and state entities, including the California Transportation Commission and the Department of Transportation. Existing law provides various sources of revenue for transportation projects undertaken by state and local agencies.~~

~~This bill would express the intent of the Legislature to later enact legislation that would increase interregional connectivity for Californians across counties and improve interconnectivity across modes of transit, and pursue opportunities to meet the state's environmental goals through evidence-based public planning that prioritizes diverse public transit options and active transportation infrastructure.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 11 (commencing with Section 130460) is
- 2 added to Chapter 4 of Division 12 of the Public Utilities Code, to
- 3 read:

1
2 *Article 11. Regional Transit Services to Airports*

3
4 *130460. For purposes of this article, the following definitions*
5 *apply:*

6 *(a) "Agencies" means the county transportation commissions*
7 *of the Counties of Los Angeles and San Bernardino.*

8 *(b) "Region" means the multicounty region within the collective*
9 *jurisdiction of the two agencies.*

10 *(c) "Regional transit service" means each existing and planned*
11 *public transit service, including those that are privately owned*
12 *and that either receive public funds or are operated under an*
13 *agreement pursuant to Section 143 of the Streets and Highways*
14 *Code, whether provided by rail or bus, which operates or is*
15 *planned for operation between the two counties in the region.*

16 *130461. (a) The agencies shall jointly develop a funding and*
17 *implementation program for regional transit services to include*
18 *service to international airports. In developing the program, the*
19 *agencies shall consult with the Southern California Association*
20 *of Governments, California Transportation Commission, Ontario*
21 *International Airport Authority, Metro Gold Line Foothill*
22 *Extension Construction Authority, and Counties of Los Angeles*
23 *and San Bernardino.*

24 *(b) The program shall include, at a minimum, all of the*
25 *following:*

26 *(1) A system plan and map of all regional transit services.*

27 *(2) An implementation plan and schedule to establish each*
28 *regional transit service not already in existence to Ontario*
29 *International Airport and other airports if appropriate.*

30 *(3) A policy and implementation plan for the coordination of*
31 *technologies, fares, and schedules to maximize the ability and*
32 *convenience of passengers to transfer among regional transit*
33 *services and to and from other publicly owned or privately owned*
34 *mass transit services in each county connecting to the regional*
35 *transit services.*

36 *(4) A plan to fund current and future construction, including*
37 *from federal and state funds.*

38 *(c) The program shall consider the specialized transportation*
39 *needs of elderly and handicapped persons.*

1 (d) The program shall be consistent with and implement the
2 adopted regional transportation plan for the region.

3 130462. The initial regional transit services draft program
4 under this article shall be completed on or before December 1,
5 2022. The initial program need not reflect intercounty bus services.

6 130463. The agencies shall hold a joint public hearing in each
7 county in their jurisdiction on the draft program no earlier than
8 30 days after the draft has been completed. Following the public
9 hearings, each agency shall adopt the regional transit services
10 program under this article.

11 SEC. 2. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.

16 ~~SECTION 1. It is the intent of the Legislature to later enact~~
17 ~~legislation that would increase interregional connectivity for~~
18 ~~Californians across counties and improve interconnectivity across~~
19 ~~modes of transit, and pursue opportunities to meet the state's~~
20 ~~environmental goals through evidence-based public planning that~~
21 ~~prioritizes diverse public transit options and active transportation~~
22 ~~infrastructure.~~

Minute Action

AGENDA ITEM: 25

Date: May 5, 2021

Subject:

Bill Positions - Support

Recommendation:

That Board, acting as the San Bernardino County Transportation Authority / San Bernardino Associated Governments (SBCOG):

Approve the action of the Legislative Policy Committee on April 14, 2021 to Support the following state legislation:

- A. Senate Bill 266 by Senator Josh Newman
- B. Senate Bill 623 by Senator Josh Newman
- C. Assembly Bill 703 by Assembly member Blanca Rubio
- D. Assembly Bill 744 by Assembly member Freddie Rodriguez

Background:

- A. Senate Bill (SB) 266 (Newman) – State park system: Chino Hills State Park: expansion.

Bill status: Passed by Senate Committee on Natural Resources and Water
(Yes 9 – No 0)
Scheduled for hearing by Senate Committee on Appropriations (4/05/21)

Summary:

Chino Hills State Park (CHSP) is located near the intersection of Orange, Riverside, and San Bernardino Counties. Its 14,107 acres encompass stands of oaks, sycamores and rolling, grassy hills that stretch from the Santa Ana Mountains to the Whittier Hills. The park is a refuge to many species of California native plants, and is a link between natural habitat areas essential to the survival of many animal species.

There are three properties (14 parcels) that are the subject of this bill that have been priority acquisitions for this park's supporters since it was initially created in the late 1970s. The parcels would add approximately 1,500 acres to the park. All three properties have willing sellers or donors.

This bill would:

- 1) Provide assistance acquiring and accepting land immediately adjacent to, and that expands, CHSP, by transferring three properties into the state park system. The three properties, consisting of 14 parcels, include the First National Investment Properties, Eastbridge, and Beattie.
- 2) Manage the properties with funds held for that purpose or obtained through the Metropolitan Water District of Southern California settlement agreement. The bill further directs California Department of Parks and Recreation (DPR) to manage 131 acres, including the

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

Beattie property and the northernmost 120-acre parcel of the First National Investment Properties, as mitigation lands compliant with the settlement agreement. The bill directs DPR to manage the remaining parcels of the First National Investment Properties and the Eastbridge property as additional parklands.

According to the author, “This legislation will direct the California Department of Parks and Recreation to acquire and preserve three parcels of land adjacent to Chino Hills State Park and incorporate those parcels into the park’s boundaries. Incorporating and protecting open space in this region, which boasts the highest amount of biodiversity of any other area in the lower 48 states, will help in the state’s larger and very admirable recently stated goal of preserving 30% of California’s land and coastal waters for conservation by the year 2030.”

According to supporters, “The vision for the State Park has always been to protect the ridgelines to enhance the water quality for wildlife and maintain the secluded visitor experience. The eastern ridgeline remains in private ownership. Were it to be developed, the investment the State has already made in the Park would be damaged beyond repair. Further, these acquisition priorities are called out in both the Feasibility Study for the Park from 1979, and the Park’s General Plan from 1999.”

Staff Recommendation: SUPPORT

The San Bernardino County Transportation Authority (SBCTA) supported SB 404 (Chang) in the 2019-2020 legislative session. Unfortunately, SB 404 was not heard on the Senate floor by its legislative deadline and was not pursued further in 2020. SB 266 was introduced to pursue the same effort as contained in SB 404. Legislative Affairs staff recommends that SBCTA take a support position on SB 266. Per the SBCTA 2020-2021 State Legislative Platform approved by the Board of Directors, SBCTA supports efforts to “Collaborate with public and private sector stakeholders on policy and funding matters that enhance economic development and quality of life in the Inland Empire.” This bill is firmly in line with this goal.

B. SB 623 (Newman) – Electronic toll and transit fare collection systems.

Bill status: Set for hearing by Senate Committee on Transportation (4/13/21)

Summary:

Current state law provides guidance for how toll facility operators process toll violations and communicate information with other toll operators and customers. Many of these provisions were first enacted in 1996 with the passage of Assembly Bill (AB) 1223 (Chapter 739, Statutes of 1995), and amended as recently as 2018 with the passage of AB 2535 (Chapter 435, Statutes of 2018).

To ensure that information about vehicle owners and drivers acquired by toll agencies in the course of operating toll facilities was not sold to third parties or used for inappropriate purposes, SB 1268 (Chapter 489, Statutes of 2010) was passed in 2010, and revised again in 2013 with the passage of AB 179 (Chapter 375, Statutes of 2013) to protect the personally identifiable information (PII) of customers who use electronic transit fare payment cards, such as the Bay Area’s Clipper card and the Los Angeles (LA) Metro’s TAP card. Members of the California Toll Operators Committee (CTOC), a collaborative organization composed of California’s toll facility operators/owners, maintain that they have been abiding by the law and have never sold customer information to third parties.

San Bernardino Council of Governments

San Bernardino County Transportation Authority

Board of Directors Agenda Item

May 5, 2021

Page 3

Toll agencies across the state are currently involved in various lawsuits alleging that toll agencies are violating restrictions in current law related to sharing PII even though usage of such PII occurs in the normal course of doing business when operating a toll facility, including when:

- Communication with the Department of Motor Vehicles (DMV) to find appropriate contact, information to process toll violations and toll invoices.
- Sending toll notices through the United States Postal Service.
- Communication with other toll agencies in California to ensure they're properly billing customers for intrastate interoperability transactions.
- Communication with the Franchise Tax Board to collect unpaid tolls or penalties.
- Use of contractors or sub-contractors to enforce toll policies, provide statutorily required dispute resolution procedures, and manage toll collection systems.
- Provide information about subscribing to a toll system in a notice related to a toll evasion, toll invoice or toll receipt.

This bill would:

Update SB 1268 to be consistent with the Legislature's intent to protect toll road users' information from being used inappropriately while also ensuring toll agencies can operate their business without litigation. For example, the bill removes any ambiguity about toll agencies' ability to use customer's personally identifiable information to:

- Notify accountholders about emergency alerts and road closures.
- Communicate with the DMV to obtain contact information to process toll violations and toll invoices.
- Communicate with each other to properly bill customers who hold an account with a different toll agency since the state's electronic toll system is interoperable.
- Communicate with account holders about toll facility related information, while providing an opt out option.

Staff Recommendation: SUPPORT

SBCTA supported SB 664 (Allen) in the 2019-2020 legislative session. The bill was passed by the State Senate but failed the deadline to be heard on the Assembly floor by the end of the 2019 session. The bill was not pursued in 2020 due to the limiting of legislation after the onset of the COVID-19 pandemic. SB 623 addresses the same issue as SB 664 and provides clarification on instances PII can be shared, which will aide in avoiding possible privacy lawsuits when the Interstate (I)-10 Express Lanes begin operations. The bill also provides greater specificity on exactly what types of information can be shared as part of the intrastate/interstate interoperability process among toll agencies. Legislative Affairs staff recommends that SBCTA take a support position on SB 623. The bill is consistent with the Board approved 2021/2022 State Legislative Platform which states SBCTA supports efforts to "Establish legislation to protect toll operating agencies from lawsuits associated with the use of personal information for collecting toll fees and citations."

C. AB 703 (Rubio) – Open meetings: local agencies: teleconferences.

Bill status: Referred to the Senate Committee on Local Government

Board of Directors Agenda Item

May 5, 2021

Page 4

Summary:

Current state law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction.

Governor Gavin Newsome issued Executive Order N-29-20, which suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill would:

Remove the requirements of the Ralph M. Brown Act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order N-29-20, to improve and enhance public access to local agency meetings into the future, and considering the digital age, by allowing broader access through teleconferencing options.

Staff Recommendation: SUPPORT

Legislative Affairs staff recommends that SBCTA take a support position on AB 703. Per the SBCTA 2020-2021 State Legislative Platform, SBCTA supports efforts to "Preserve local flexibility in the administration of programs and services." AB 703 is firmly in line with this goal.

D. AB 744 (Rodriguez) – State highways: State Route (SR) 83: reduction.

Bill status: Referred to the Assembly Transportation Committee

Summary:

Current state law establishes the state highway system throughout the state and designates SR 83 from SR 71 to I-10 near the City of Upland.

San Bernardino Council of Governments
San Bernardino County Transportation Authority

SR 83, also known as Euclid Avenue, is a major north-south arterial through the City of Ontario and a key commercial, retail and residential corridor.

This bill would:

Allow the California Department of Transportation to relinquish approximately eight miles of SR 83 to the City of Ontario. It would amend section 383 of the Streets and Highways Code to read:

(a) SR 83 is from SR 71 to *Merrill Avenue and includes the southbound portion between Merrill Avenue and Riverside Drive within the City of Chino.*

(b) The *relinquishment of the former portions* of SR 83 within the City of *Upland and the City of Ontario* are not state *highways* and are not eligible for adoption under Section 81. For the relinquished former *portions* of SR 83, the City of *Upland and the City of Ontario* shall ensure the continuity of traffic flow, including any traffic signal progression, and maintain signs directing motorists to the continuation of SR 83.

Mayor Paul Leon from the City of Ontario stated, “Allowing for the relinquishment of SR 83 will provide the City the opportunity to fully access the potential of the downtown corridor in a strategic and efficient manner. Not only is downtown home to our City Hall and municipal services, but it also offers historical aspects to the community. Local control over future urban planning along this corridor will help streamline the City Council's vision for our economic development and housing opportunities for our City's future.”

Staff Recommendation: SUPPORT

Legislative Affairs staff recommends that SBCTA take a support position on AB 744. Per the SBCTA 2020-2021 State Legislative Platform, SBCTA supports efforts to “Collaborate with public and private sector stakeholders on policy and funding matters that enhance economic development and quality of life in the Inland Empire.” This bill is firmly in line with this goal.

Text for SB 266, SB 623, AB 703 and AB 744 can be found in Attachments A, B, C and D, respectively.

Note action taken by the Legislative Policy Committee on April 14, 2021, on behalf of the SBCTA and San Bernardino Associated Governments (SBCOG), a support position on Senate Bill 266 (Newman), Senate Bill 623 (Newman), Assembly Bill 703 (Rubio) and Assembly Bill 744 (Rodriguez). This is consistent with the SBCTA/SBCOG 2020/2021 State Legislative Platform.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Legislative Policy Committee on April 14, 2021.

Responsible Staff:

Louis Vidaure, Management Analyst II

Board of Directors Agenda Item
May 5, 2021
Page 6

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

AMENDED IN SENATE MARCH 23, 2021

SENATE BILL

No. 266

Introduced by Senator Newman
(Principal coauthors: Senators Allen, Leyva, Min, and Roth)
(Coauthor: Assembly Member Chen)

January 28, 2021

An act to add Section 5015.8 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 266, as amended, Newman. State park system: Chino Hills State Park: expansion.

Existing law designates all parks, public campgrounds, monument sites, landmark sites, and sites of historical interest established or acquired by the state, or that are under its control, as the state park system, except as specified. Under existing law, the Department of Parks and Recreation controls the state park system, which is made up of units, one of which is the Chino Hills State Park.

This bill would require the department to provide assistance acquiring and accepting land immediately adjacent to, and that expands, Chino Hills State Park, by transferring 3 specified properties into the state park system. The bill would require the department to manage the acquired properties and parcels with specified funds as part of the Chino Hills State Park, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5015.8 is added to the Public Resources
2 Code, to read:

3 5015.8. (a) The department shall provide assistance acquiring
4 and accepting land immediately adjacent to, and that expands,
5 Chino Hills State Park, by transferring three properties into the
6 state park system. The properties are known as First National
7 Investment Properties, which consists of nine parcels, Eastbridge,
8 which consists of four parcels, and Beattie, which is one parcel.
9 The department shall agree to accept and manage each of these
10 properties as a part of the Chino Hills State Park. *All acquisitions*
11 *shall come from willing landowners.*

12 (b) The department shall manage the properties and parcels
13 acquired pursuant to subdivision (a) with funds held for that
14 purpose or obtained through the Metropolitan Water District of
15 Southern California settlement agreement. Only 131 acres, which
16 shall consist of the Beattie property and the northern most 120-acre
17 parcel of the First National Investment Properties, shall be managed
18 as mitigation lands compliant with the settlement agreement. The
19 remaining parcels of the First National Investment Properties and
20 the Eastbridge parcels shall be managed simply as additional
21 parklands.

SENATE BILL**No. 623**

Introduced by Senator Newman
(Coauthors: Senators Cortese and Dodd)
(Coauthor: Assembly Member Mullin)

February 18, 2021

An act to amend Sections 27565 and 31490 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 623, as introduced, Newman. Electronic toll and transit fare collection systems.

Existing law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system in compliance with specified objectives, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. Existing law authorizes operators of toll facilities on federal-aid highways engaged in an interoperability program to provide only specified information regarding a vehicle's use of the toll facility.

This bill would authorize those operators to provide instead only the information specified in functional specifications and standards adopted by the department and operators of toll facilities in this state on federal-aid highways for purposes of interstate interoperability.

Existing law prohibits a transportation agency from selling or providing to any other person or entity personally identifiable information, as defined, of a person who subscribes to an electronic toll or electronic transit fare collection system or who uses a toll facility that employs an electronic toll collection system, except as specified.

Attachment: Senate Bill 623 - Newman (7617 : Bill Positions - Support)

Existing law requires a transportation agency that employs an electronic toll collection or an electronic transit fare collection system to establish a privacy policy regarding the collection and use of personally identifiable information and provide to subscribers of that system a copy of the privacy policy.

This bill would specify that the transportation agency is required to provide a hard copy of, or internet link to, the privacy policy, as specified. The bill would require that the privacy policy include the process by which a subscriber provides opt-in consent to the use of their personally identifiable information for a specified purpose and the process for revoking that consent.

Existing law requires a transportation agency to make every effort to purge the personal account information of an account that is closed or terminated. Under existing law, that requirement does not prohibit a transportation agency, or its designee, from performing financial and accounting functions.

This bill would instead specify that the requirement does not prohibit a transportation agency from using or providing personally identifiable information for specified purposes, which the bill would assert is declarative of existing law.

Existing law prohibits a transportation agency from using a nonsubscriber's personally identifiable information obtained using an electronic toll collection or electronic transit fare collection system to market products or services to that nonsubscriber, except marketing toll-related products or services in a notice of toll evasion.

This bill would delete that exception and instead expressly authorize a transportation agency to include marketing for toll-related products or services in a notice related to a toll evasion or an invoice or receipt for pay-by-plate toll payment sent to a subscriber or nonsubscriber, which the bill would assert is declarative of existing law.

This bill would make various technical changes, some of which the bill would assert are declarative of existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 27565 of the Streets and Highways Code
- 2 is amended to read:

1 27565. (a) The department, in cooperation with the district
2 and all known entities planning to implement a toll facility in this
3 state, shall develop and adopt functional specifications and
4 standards for an automatic vehicle identification ~~system~~, *system*
5 *for intrastate interoperability*, in compliance with all of the
6 following objectives:

7 (1) In order to be detected, the driver shall not be required to
8 reduce speed below the applicable speed for the type of facility
9 being used.

10 (2) ~~The~~ A vehicle owner shall not be required to purchase or
11 install more than one device to use on all toll facilities, but may
12 be required to have a separate account or financial arrangement
13 for the use of these facilities.

14 (3) The facility operators shall have the ability to select from
15 different manufacturers and vendors. The specifications and
16 standards shall encourage multiple bidders, and shall not have the
17 effect of limiting the facility operators to choosing a system that
18 is able to be supplied by only one manufacturer or vendor.

19 (b) Except as provided in subdivision (c), ~~any~~ *an* automatic
20 vehicle identification system purchased or installed after January
21 1, 1991, shall comply with the specifications and standards adopted
22 pursuant to subdivision (a).

23 (c) Subdivision (b) does not apply to an interim automatic
24 vehicle identification system for which a contract is entered into
25 between an entity planning to implement a toll facility and the
26 supplier of the interim system ~~prior to~~ *before* January 1, 1994, if
27 both of the following requirements are met:

28 (1) The department has made a written determination that the
29 installation and operation of the interim system will expedite the
30 completion of the toll facility and its opening to public use.

31 (2) The entity planning to implement the toll facility has entered
32 into an agreement with the department to install, within five years
33 after any portion of the toll facility is opened for public use, an
34 automatic vehicle identification system meeting the specifications
35 and standards adopted pursuant to subdivision (a).

36 (d) The automated vehicle identification system developed by
37 the department pursuant to subdivision (a) shall be capable of
38 identifying various types of vehicles, including, but not limited to,
39 commercial vehicles.

(e) On and after the date specified in the federal Moving Ahead for Progress in the 21st Century Act for implementation of interoperability of electronic toll collection on federal-aid highways, operators of toll facilities on federal-aid highways may fully implement technologies or business practices that provide for the *interstate* interoperability of electronic toll collection programs consistent with federal law. Operators of toll facilities on federal-aid highways engaged in an *interstate* interoperability program may provide only the following information regarding a vehicle's use of the toll facility, *specified in functional specifications and standards adopted by the department and operators of toll facilities in this state on federal-aid highways for purposes of interstate interoperability* and shall otherwise comply with all federal and state privacy protection laws, including, but not limited to, Section ~~31490~~: 31490.

~~(1) License plate number.~~

~~(2) Transponder identification number.~~

~~(3) Date and time of transaction.~~

~~(4) Identity of the agency operating the toll facility.~~

SEC. 2. Section 31490 of the Streets and Highways Code is amended to read:

31490. (a) Except as otherwise provided in this section, a transportation agency may not sell or otherwise provide to any other ~~person~~ *individual* or entity personally identifiable information of any person who subscribes to an electronic toll or electronic transit fare collection system or who uses a toll bridge, toll lane, or toll highway that employs an electronic toll collection system.

(b) A transportation agency that employs an electronic toll collection or an electronic transit fare collection system shall establish a privacy policy regarding the collection and use of personally identifiable information and provide to subscribers of that system a *hard* copy of the privacy ~~policy~~ *policy, or internet link to the privacy policy*, in a manner that is conspicuous and meaningful, such as by providing a copy ~~to of, or link to, the subscriber privacy policy~~ with the transponder, electronic transit pass, or other device used as an electronic toll or transit fare collection mechanism, ~~or, if the system does not use a mechanism, in an email acknowledging that the subscription process was successfully completed, or with the application materials.~~ A transportation agency shall conspicuously post its privacy policy

1 on its ~~Internet Web site~~ *internet website*. For purposes of this
2 subdivision, “conspicuously post” has the same meaning as that
3 term is defined in paragraphs (1) to (4), inclusive, of subdivision
4 (b) of Section 22577 of the Business and Professions Code. The
5 *privacy* policy shall include, but need not be limited to, a
6 description of the following:

7 (1) The types of personally identifiable information that is
8 collected by the agency.

9 (2) The categories of third-party ~~persons~~ *individuals* or entities
10 with whom the agency may share personally identifiable
11 information.

12 (3) The process by which a transportation agency notifies
13 subscribers of material changes to its privacy policy.

14 (4) The effective date of the privacy policy.

15 (5) The process by which a subscriber may review and request
16 changes to any of ~~his or her~~ *their* personally identifiable
17 information.

18 (6) *The process by which a subscriber provides opt-in consent*
19 *to the use of their personally identifiable information pursuant to*
20 *subdivision (j) and the process for revoking that consent. This*
21 *process shall be described in a clear manner.*

22 (c) A transportation agency may, within practical business and
23 cost constraints, store only personally identifiable information of
24 a person such as, to the extent applicable, the account name, credit
25 card number, billing address, vehicle information, and other basic
26 ~~account~~ information required to perform ~~account~~ functions such
27 as billing, account settlement, or enforcement activities. All other
28 information shall be discarded no more than four years and six
29 months after the billing cycle has concluded, the bill has been paid,
30 and all toll or fare violations, if applicable, have been ~~resolved~~.
31 *resolved, except as required to comply with the requirements of a*
32 *litigation hold.*

33 (d) A transportation agency shall make every effort, within
34 practical business and cost constraints, to purge the personal
35 account information of an account that is closed or terminated. ~~In~~
36 ~~no case shall a~~ A transportation agency *shall not* maintain personal
37 information more than four years and six months after the date an
38 account is closed or ~~terminated~~. *terminated, except as required to*
39 *comply with the requirements of a litigation hold.*

(e) (1) A transportation agency may make personally identifiable information of a person available to a law enforcement agency only pursuant to a search warrant. Absent a provision in the search warrant to the contrary, the law enforcement agency shall immediately, but in any event within no more than five days, notify the person that ~~his or her~~ *their* records have been obtained and shall provide the person with a copy of the search warrant and the identity of the law enforcement agency or peace officer to whom the records were provided.

(2) This section does not prohibit a peace officer, as defined in Section 830.1 or 830.2 of the Penal Code, when conducting a criminal or traffic collision investigation, from obtaining personally identifiable information of a person if the officer has good cause to believe that a delay in obtaining this information by seeking a search warrant would cause an adverse result, as defined in subparagraphs (A) to (E), inclusive, of paragraph (2) of subdivision (a) of Section 1524.2 of the Penal Code.

(f) This section does not prohibit a transportation agency in subdivision (a) from providing aggregated traveler information derived from collective data that relates to a group or category of persons from which personally identifiable information has been removed.

(g) This section does not prohibit a transportation agency, with respect to an electronic toll collection system, from providing the license plate number of an intermodal chassis to the owner of the chassis for purposes of locating the driver of the chassis in the event the driver fails to pay a toll.

(h) This section, with respect to an electronic toll collection system, does not prohibit a transportation agency from sharing data with another transportation agency solely to comply with interoperability specifications and standards adopted pursuant to *subdivision (a) or (e) of Section 27565* regarding electronic toll collection devices and technologies. A third-party vendor may not use personally identifiable information obtained under this subdivision for a purpose other than described in this subdivision.

~~(i) Subdivision (d) This section shall not prohibit a transportation agency, or its designee, agency from performing financial and accounting functions such as using or providing personally identifiable information for purposes of billing, account settlement, account maintenance, collection, enforcement, system optimization,~~

1 *device distribution, auditing, issuing public safety or travel alerts,*
 2 *conducting customer satisfaction surveys, or other—financial*
 3 *activities required to operate and manage the electronic toll*
 4 *collection system or transit fare collection system. This section,*
 5 *with respect to electronic transit fare collection systems, does not*
 6 *prohibit the sharing of data between transportation agencies for*
 7 *the purpose of interoperability between those agencies. A*
 8 *third-party vendor—may shall not use personally identifiable*
 9 *information obtained under this subdivision for a purpose other*
 10 *than as described in this subdivision.*

11 (j) This section does not prohibit a transportation agency from
 12 communicating, either directly or through a contracted third-party
 13 vendor, to subscribers of an electronic toll collection system or an
 14 electronic transit fare collection system about products and services
 15 offered by, the agency, a business partner, or the entity with which
 16 it contracts for the system, using personally identifiable information
 17 limited to the subscriber's name, address, and electronic mail
 18 address, provided that the transportation agency has received the
 19 subscriber's—~~express-written~~ *opt-in* consent to receive the
 20 communications.

21 (k) (1) A transportation agency—~~may~~ *shall* not use a
 22 nonsubscriber's personally identifiable information obtained using
 23 an electronic toll collection or electronic transit fare collection
 24 system to market products or services to that nonsubscriber. ~~This~~
 25 ~~subdivision shall not apply to~~

26 (2) *Notwithstanding subdivision (j) and paragraph (1), a*
 27 *transportation agency may include marketing for toll-related*
 28 *products or services—contained in a notice—of related to a toll*
 29 *evasion issued pursuant to Section 23302 of the Vehicle Code; or*
 30 *an invoice or receipt for pay-by-plate toll payment sent to a*
 31 *subscriber or nonsubscriber.*

32 (l) For purposes of this section, “transportation agency” means
 33 the Department of Transportation, the Bay Area Toll Authority,
 34 any entity operating a toll bridge, toll lane, or toll highway within
 35 the state, any entity administering an electronic transit fare
 36 collection system and any transit operator participating in that
 37 system, or any entity under contract *at any level* with any of the
 38 ~~above entities; entities for purposes of an activity specified in~~
 39 *subdivision (e), (g), (h), (i), (j), or (k).*

1 (m) For purposes of this section, “electronic toll collection
2 system” is a system ~~where~~ *in which* a transponder, camera-based
3 vehicle identification system, or other electronic medium is used
4 to deduct payment of a toll from a subscriber’s account or to
5 establish an obligation to pay a toll, and “electronic transit fare
6 collection system” means a system for issuing an electronic transit
7 pass that enables a transit passenger subscriber to use the transit
8 systems of one or more participating transit operators without
9 having to pay individual fares, where fares are instead deducted
10 from the subscriber’s account as loaded onto the electronic transit
11 pass.

12 (n) For purposes of this section, “person” means any person
13 who subscribes to an electronic toll collection or electronic transit
14 fare collection system or any person who uses a toll bridge, toll
15 lane, or toll road that employs an electronic toll collection system.

16 (o) For purposes of this section, “personally identifiable
17 information” means any information that identifies or describes a
18 person including, but not limited to, travel pattern data, address,
19 telephone number, email address, license plate number, photograph,
20 bank account information, or credit card number. For purposes of
21 this section, with respect to electronic transit fare collection
22 systems, “personally identifiable information” does not include
23 photographic or video footage.

24 (p) For purposes of this section, “interoperability” means the
25 sharing of data, including personally identifiable information,
26 across multiple transportation agencies for the sole purpose of
27 creating *and operating* an integrated transit fare payment system,
28 integrated toll payment system, or both.

29 (q) (1) In addition to any other remedies provided by law, a
30 person whose personally identifiable information has been
31 knowingly sold or otherwise provided in violation of this section
32 may bring an action to recover either actual damages or two
33 thousand five hundred dollars (\$2,500) for each individual
34 violation, whichever is greater, and may also recover reasonable
35 costs and attorney’s fees.

36 (2) A person whose personally identifiable information has been
37 knowingly sold or otherwise provided three or more times in
38 violation of this section may bring an action to recover either actual
39 damages or four thousand dollars (\$4,000) for each individual

1 violation, whichever is greater, and may also recover reasonable
2 costs and attorney's fees.

3 (r) Nothing in subdivisions (c) and (d) shall preclude compliance
4 with a court order or settlement agreement that has been approved
5 on or before April 25, 2010.

6 (s) A transportation agency that employs an electronic toll
7 collection or electronic transit fare collection system may impose
8 an administrative fee on persons who use those systems in an
9 amount sufficient to cover the cost of implementing this section.

10 SEC. 3. (a) Except for the amendment of subdivision (e), but
11 including both additions of "interstate" in that subdivision, the
12 amendments of Section 27565 of the Streets and Highways Code
13 made by this act do not constitute a change in, but are declaratory
14 of, existing law.

15 (b) Except for the amendments of subdivisions (b), (c), and (j),
16 the amendments of Section 31490 of the Streets and Highways
17 Code made by this act do not constitute a change in, but are
18 declaratory of, existing law.

ASSEMBLY BILL**No. 703****Introduced by Assembly Member Blanca Rubio**

February 16, 2021

An act to amend Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 703, as introduced, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the

public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order N-29-20, to improve and enhance public access to local agency meetings into the future, and considering the digital age, by allowing broader access through teleconferencing options.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 54953 of the Government Code is
- 2 amended to read:
- 3 54953. (a) All meetings of the legislative body of a local
- 4 agency shall be open and public, and all persons shall be permitted
- 5 to attend any meeting of the legislative body of a local agency,
- 6 except as otherwise provided in this chapter.
- 7 (b) (1) Notwithstanding any other provision of law, the
- 8 legislative body of a local agency may use teleconferencing for

1 the benefit of the public and the legislative body of a local agency
2 in connection with any meeting or proceeding authorized by law.
3 The teleconferenced meeting or proceeding shall comply with all
4 *otherwise applicable* requirements of this chapter and all otherwise
5 applicable provisions of law relating to a specific type of meeting
6 or proceeding.

7 (2) Teleconferencing, as authorized by this section, may be used
8 for all purposes in connection with any meeting within the subject
9 matter jurisdiction of the legislative body. All votes taken during
10 a teleconferenced meeting shall be by rollcall.

11 (3) If the legislative body of a local agency elects to use
12 teleconferencing, it shall ~~post agendas at all teleconference~~
13 ~~locations and allow members of the public to observe the meeting~~
14 ~~and address the legislative body, and it shall give notice of the~~
15 ~~meeting and post agendas as otherwise required by this chapter.~~
16 *The agenda shall provide an opportunity for members of the public*
17 *to address the legislative body directly pursuant to Section 54954.3.*
18 *In each instance in which notice of the time of the teleconferenced*
19 *meeting is otherwise given or the agenda for the meeting is*
20 *otherwise posted, the local agency must also give notice of the*
21 *means by which members of the public may observe the meeting*
22 *and offer public comment. The legislative body shall conduct*
23 *teleconference meetings in a manner that protects the statutory*
24 *and constitutional rights of the parties or the public appearing*
25 *before the legislative body of a local agency. Each teleconference*
26 *location shall be identified in the notice and agenda of the meeting*
27 *or proceeding, and each teleconference location shall be accessible*
28 *to the public. During the teleconference, at least a quorum of the*
29 *members of the legislative body shall participate from locations*
30 *within the boundaries of the territory over which the local agency*
31 *exercises jurisdiction, except as provided in subdivision (d). The*
32 *agenda shall provide an opportunity for members of the public to*
33 *address the legislative body directly pursuant to Section 54954.3*
34 *at each teleconference location. If the legislative body uses*
35 *teleconferencing to hold a meeting, the legislative body must have*
36 *and implement a procedure for receiving and swiftly resolving*
37 *requests for reasonable accommodation for individuals with*
38 *disabilities, consistent with the federal Americans with Disabilities*
39 *Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in*
40 *favor of accessibility. The procedure for receiving and resolving*

1 *requests for accommodation must be noticed each time notice of*
 2 *the means by which members of the public may observe the*
 3 *teleconference meeting and offer public comment is made.*

4 (4) For the purposes of this section, “teleconference” means a
 5 meeting of a legislative body, the members of which are in different
 6 locations, connected by electronic means, through either audio or
 7 video, or both. Nothing in this section shall prohibit a local agency
 8 from providing the public with additional teleconference locations.

9 (c) (1) No legislative body shall take action by secret ballot,
 10 whether preliminary or final.

11 (2) The legislative body of a local agency shall publicly report
 12 any action taken and the vote or abstention on that action of each
 13 member present for the action.

14 (3) Prior to taking final action, the legislative body shall orally
 15 report a summary of a recommendation for a final action on the
 16 salaries, salary schedules, or compensation paid in the form of
 17 fringe benefits of a local agency executive, as defined in
 18 subdivision (d) of Section 3511.1, during the open meeting in
 19 which the final action is to be taken. This paragraph shall not affect
 20 the public’s right under the California Public Records Act (Chapter
 21 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
 22 inspect or copy records created or received in the process of
 23 developing the recommendation.

24 ~~(d) (1) Notwithstanding the provisions relating to a quorum in~~
 25 ~~paragraph (3) of subdivision (b), if a health authority conducts a~~
 26 ~~teleconference meeting, members who are outside the jurisdiction~~
 27 ~~of the authority may be counted toward the establishment of a~~
 28 ~~quorum when participating in the teleconference if at least 50~~
 29 ~~percent of the number of members that would establish a quorum~~
 30 ~~are present within the boundaries of the territory over which the~~
 31 ~~authority exercises jurisdiction, and the health authority provides~~
 32 ~~a teleconference number, and associated access codes, if any, that~~
 33 ~~allows any person to call in to participate in the meeting and the~~
 34 ~~number and access codes are identified in the notice and agenda~~
 35 ~~of the meeting. (2) Nothing in this subdivision shall be construed~~
 36 ~~as discouraging health authority members of a legislative body~~
 37 ~~from regularly meeting at a common physical site within the~~
 38 ~~jurisdiction of the authority local agency or from using~~
 39 ~~teleconference locations within or near the jurisdiction of the~~
 40 ~~authority. A teleconference meeting for which a quorum is~~

1 established pursuant to this subdivision shall be subject to all other
2 requirements of this section: *local agency*.

3 ~~(3) For purposes of this subdivision, a health authority means~~
4 ~~any entity created pursuant to Sections 14018.7, 14087.31,~~
5 ~~14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare~~
6 ~~and Institutions Code, any joint powers authority created pursuant~~
7 ~~to Article 1 (commencing with Section 6500) of Chapter 5 of~~
8 ~~Division 7 for the purpose of contracting pursuant to Section~~
9 ~~14087.3 of the Welfare and Institutions Code, and any advisory~~
10 ~~committee to a county sponsored health plan licensed pursuant to~~
11 ~~Chapter 2.2 (commencing with Section 1340) of Division 2 of the~~
12 ~~Health and Safety Code if the advisory committee has 12 or more~~
13 ~~members.~~

14 SEC. 2. It is the intent of the Legislature in enacting this
15 measure to improve and enhance public access to local agency
16 meetings into the future, and considering the digital age, by
17 allowing broader access through teleconferencing options
18 consistent with the Governor's Executive Order 29-20 dated March
19 17, 2020, permitting expanded use of teleconferencing during the
20 COVID-19 pandemic.

21 SEC. 3. The Legislature finds and declares that Section 1 of
22 this act, which amends Section 54953 of the Government Code,
23 furthers, within the meaning of paragraph (7) of subdivision (b)
24 of Section 3 of Article I of the California Constitution, the purposes
25 of that constitutional section as it relates to the right of public
26 access to the meetings of local public bodies or the writings of
27 local public officials and local agencies. Pursuant to paragraph (7)
28 of subdivision (b) of Section 3 of Article I of the California
29 Constitution, the Legislature makes the following findings:

30 This act is necessary to ensure minimum standards for public
31 participation and notice requirements allowing for greater public
32 participation in teleconference meetings.

AMENDED IN ASSEMBLY MARCH 8, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 744

Introduced by Assembly Member Rodriguez

February 16, 2021

An act to amend Section ~~18030~~ 383 of the Streets and Highways Code, relating to ~~street lighting~~: *state highways*.

LEGISLATIVE COUNSEL'S DIGEST

AB 744, as amended, Rodriguez. ~~Street Lighting Act of 1919. State highways: State Route 83: reduction.~~

Existing law establishes the state highway system throughout the state and designates State Route 83 from Route 71 to Route 10 near the City of Upland.

This bill would delete from the state highway system a portion of State Route 83, as specified.

~~The Street Lighting Act of 1919 authorizes the city council of any city, when in its opinion the public interest or convenience requires it, to order any street lighting system to be maintained in or along the whole or any part of any one or more of the streets in the city, and to order electricity or energy, gas, or another illuminating agent to be furnished for the street lighting system.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 383 of the Streets and Highways Code is~~
2 ~~amended to read:~~

3 ~~383. (a) Route 83 is from Route 71 to Route 10 near Upland.~~
4 ~~Merrill Avenue and includes the southbound portion between~~
5 ~~Merrill Avenue and Riverside Drive within the City of Chino.~~

6 ~~(b) The relinquished relinquishment of the former portion~~
7 ~~portions of Route 83 within the City of Upland is Upland and the~~
8 ~~City of Ontario are not a state highway highways and is are not~~
9 ~~eligible for adoption under Section 81. For the relinquished former~~
10 ~~portion portions of Route 83, the City of Upland Upland and the~~
11 ~~City of Ontario shall ensure the continuity of traffic flow, including~~
12 ~~any traffic signal progression, and maintain signs directing~~
13 ~~motorists to the continuation of Route 83.~~

14 ~~SECTION 1. Section 18030 of the Streets and Highways Code~~
15 ~~is amended to read:~~

16 ~~18030. (a) When, in the opinion of a city council of a city, the~~
17 ~~public interest or convenience requires it to do so, that body may~~
18 ~~do one or both of the following:~~

19 ~~(1) Order a street lighting system to be maintained in or along~~
20 ~~the whole or any part of one or more of the streets in the city.~~

21 ~~(2) Order electricity or energy, gas, or another illuminating~~
22 ~~agent to be furnished for a street lighting system.~~

23 ~~(b) For any of the purposes expressed in paragraph (1) or (2) of~~
24 ~~subdivision (a), the city council may determine and declare the~~
25 ~~district to be benefited by the improvement and fix the exterior~~
26 ~~boundaries thereof, and may assess, either partly or wholly, the~~
27 ~~costs and expenses, including all incidental expenses, of the~~
28 ~~improvement, or of any one or more of the items thereof, upon the~~
29 ~~lands in the district.~~

Minute Action

AGENDA ITEM: 26

Date: May 5, 2021

Subject:

Board Member Appointment

Recommendation:

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

Approve the appointment of Vice Mayor Ray Marquez, City of Chino Hills, to the Gold Line Phase II Joint Powers Authority, to serve as the alternate member for a term expiring on December 31, 2022.

Background:

The Gold Line Phase II Joint Powers Authority (JPA) is formed by the 14 cities along the Gold Line route and San Bernardino County Transportation Authority (SBCTA). It is the forum for the review, consideration, study, development and recommendation of policies and plans for the extension of the Gold Line from Pasadena to Montclair. Members of the Gold Line Phase II JPA receive a stipend of \$100.00 paid by the Gold Line Phase II JPA.

Vice Mayor Ray Marquez, City of Chino Hills, has submitted his interest in filling the vacancy to serve as the SBCTA appointed alternate member on the Gold Line Phase II JPA. Staff recommends the appointment of Vice Mayor Marquez to serve as the alternate member for a term expiring on December 31, 2022. A listing of SBCTA Appointments to External Agencies is included in the appendix of the SBCTA Board of Directors agenda.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

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

Responsible Staff:

Marleana Roman, Clerk of the Board

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

Entity: San Bernardino County Transportation Authority



City of Chino Hills

14000 City Center Drive
Chino Hills, CA 91709
(909) 364-2600
www.chinohills.org

April 8, 2021

San Bernardino County Transportation Authority
Attn: Board of Directors
1170 West Third Street, Second Floor
San Bernardino, CA 92410

Dear Board of Directors:

Please accept this letter as my official statement of interest to fill the vacancy to serve as the Alternate member on the Gold Line Phase II Joint Powers Authority.

If you have any questions, please contact me at rmarquez@chinohills.org. Thank you for your time and consideration.

Sincerely,

Ray Marquez
Vice Mayor

Attachment: Letter of Interest_Ray Marquez (7623 : Board Member Appointment)

Minute Action

AGENDA ITEM: 27

Date: May 5, 2021

Subject:

Fiscal Year 2021/2022 Proposed SBCTA and SBCOG Budget Workshop and Adoption of SBCOG Budget

Recommendation:

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

- A. Receive the Fiscal Year 2021/2022 Initiatives and Action Plan; and
- B. Receive a presentation of the Fiscal Year 2021/2022 Proposed Budget; and
- C. Conduct a Board of Directors Workshop for SBCTA's Fiscal Year 2021/2022 Proposed Budget.

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

- D. Adopt the Fiscal Year 2021/2022 SBCOG Budget with appropriations of \$1,281,956, transfers out of \$109,759, and estimated revenues of \$560,006.

Background:

San Bernardino County Transportation Authority's (SBCTA) Fiscal Year 2021/2022 Initiatives and Action Plan establishes the Board of Directors' (Board) priorities for the upcoming fiscal year. The Executive Director uses this as a tool with the Executive Management Team to evaluate SBCTA's progress in achieving the Board's priorities. The SBCTA Fiscal Year 2021/2022 Initiatives and Action Plan will be provided as an attachment and is included in the proposed budget document (pages 16-18).

The Fiscal Year 2021/2022 Proposed Budget for SBCTA and San Bernardino Associated Governments (SBCOG) is complete. For purposes of preparing an annual budget, SBCOG is a blended component unit of SBCTA. Therefore, SBCOG's estimated revenues and appropriations are included in the SBCTA budget. SBCTA develops a program-based budget which is adopted with funding source detail. The modified accrual basis (where revenues are recognized when received and available to meet current year obligations) is the basis for the Fiscal Year 2021/2022 Budget.

SBCTA's budget process includes a review of the Board's direction as it relates to short-term goals and how it integrates with the agency's long-term goals and objectives. As part of this review, staff analyzes the resources available to help meet the short-term goals as set forth in the fiscal year budget.

The budget process is structured to provide the maximum level of input from Board members. There are four (4) phases of the budget process:

1. A general overview of major programs was presented at the Board of Directors Metro Valley Study Session and the Mountain/Desert Policy Committee meetings in February 2021. The general overview identified activities for each program in the current fiscal year and goals for the next fiscal year. This information is posted on SBCTA's website at <https://www.gosbcta.com/financial/>.

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

2. During the month of March 2021, SBCTA policy committees reviewed the task descriptions and budgets under their purview. This included the General Policy Committee, Transit Committee, Mountain/Desert Policy Committee, and the Board of Directors Metro Valley Study Session. Task information included purpose, accomplishments, work elements, product, contract information, detailed local funding, expenditure detail and funding sources.
3. During the month of May 2021, the SBCTA Fiscal Year 2021/2022 Proposed Budget is presented, in conjunction with a budget workshop to Board members to provide input and direction. The proposed budget document provides an introduction, budget overview, revenue detail, program expenditure detail and supplemental information (including indirect cost detail information). The proposed budget is posted on our website at: <https://www.gosbcta.com/financial/>.
4. A public hearing will be conducted, followed by consideration of the Fiscal Year 2021/2022 Budget for adoption by the Board, at the June 2, 2021 Board of Directors Meeting.

SBCTA is required to publish notice of the time and place of the public hearing for adoption of the annual budget (Public Utilities Code Sec. 130106/Government Code Sec 6061). The budget schedule also sets the date for the public hearing at the June 2, 2021, Board of Directors Meeting at 10:00 AM.

A resolution to establish the Appropriations Limitation will be presented with the Budget adoption item since information is unavailable until mid-May, when the State Department of Finance releases price and population information.

The San Bernardino Associated Governments Joint Exercise of Powers Agreement and Bylaws require adoption of the annual SBCOG Budget before May 15th of each fiscal year; therefore, Recommendation D is to adopt the SBCOG Fiscal Year 2021/2022 Proposed Budget.

Changes/Updates to Budget Document

Budget summaries for all governmental funds, changes in fund balances, fund type, and major object expenditures are included in the Budget Overview Section. The Revenue Detail Section provides detailed revenue information for each major fund, non-major funds, and enterprise fund.

The following new items are incorporated and updated in the Fiscal Year 2021/2022 Proposed Budget:

1. Indirect costs and revenues are recorded in a general fund. Revenue sources are allocated from various Measure I funds, Local Transportation Fund (LTF) administration and planning, Council of Governments (COG), and Service Authority for Freeway Emergencies (SAFE).
2. Measure I reserves of \$31,266,750 consist of \$24,266,750, based on the sales tax projection for Fiscal Year 2021/2022 and \$7 million to pay off the net pension liability. Reserves are also established for LTF at \$23,181,333, State Transit Assistance Fund (STA) at \$1,505,465, and Indirect Fund at \$2,163,045.

3. Budgeted transfers consist of the following: to fund various rail projects; to fund indirect costs and establish reserves for the Depot, information systems, and emergencies; to record loan proceeds from the United States Department of Transportation under the Transportation Infrastructure Finance and Innovation Act program; to fund expenditures pending reimbursement from Federal and State agencies; and to fund debt service obligations. Detailed explanations for operating transfers are provided on page 42 of the proposed budget document.
4. Short-term borrowing for the West Valley Connector of \$15 million for Measure I Valley-BRT fund from Measure I Freeway fund is included in the budget. The borrowing may not be required since SBCTA was awarded a Federal Transit Administration (FTA) grant of \$86 million which certain requirements must be fulfilled to receive reimbursement.

The proposed regular full-time equivalent positions is 77, an increase of one position from the current fiscal year. The number of positions includes new positions approved by Board in January 2021 for the reorganization of the Project Delivery and Toll Operations and Transit and Rail Departments. A new position, Management Analyst I, is requested for the Management Services Department. The new position includes performing administrative support and confidential duties related to property management, human resources, and information technology functions. The budget includes \$434,975 to allow the Executive Director to grant merit increases of up to 3.5% and a \$500/year increase to the medical premium subsidy.

Estimated revenues for Fiscal Year 2021/2022 are \$722,706,103. The following is a summary of major revenue sources:

<u>Funding Source</u>	<u>SBCTA</u>	<u>SBCOG</u>	<u>Total</u>
Measure I Sales Tax	\$ 196,000,000	\$ -	\$ 196,000,000
Local Transportation Fund	114,783,337	-	114,783,337
Intergovernmental	366,752,081	-	366,752,081
Charges for Services	665,730	-	665,730
Special Assessments	-	260,691	260,691
Investment earnings and Miscellaneous	43,944,949	299,315	44,244,264
Total Revenues	<u>\$ 722,146,097</u>	<u>\$ 560,006</u>	<u>\$ 722,706,103</u>

Measure I sales tax revenue is projected to increase by \$52.1 million or 36.2% from the previous year's budget. The increase is attributed to the conservative estimate for Fiscal Year 2020/2021 based on the unknown impact of the COVID-19 pandemic and the continuing increase of on-line shopping.

The Fiscal Year 2021/2022 Proposed Budget includes the largest appropriations proposed of \$1,018,596,972 and transfers of \$163,497,800. The following is a summary of proposed program expenditures:

Board of Directors Agenda Item
May 5, 2021
Page 4

<u>Program</u>	<u>SBCTA</u>	<u>SBCOG</u>	<u>Total</u>
General Government	\$ 12,783,468	\$ 907,575	\$ 13,691,043
Environment and Energy Conservation	4,255,478	353,793	4,609,271
Commuter and Motorist Assistance	6,601,486	-	6,601,486
Regional and Subregional Planning	5,437,690	20,588	5,458,278
Transit	318,321,461	-	318,321,461
Project Delivery	527,833,259	-	527,833,259
Fund Administration	128,906,919	-	128,906,919
Debt Service	13,175,255	-	13,175,255
Total Expenditures	<u>\$ 1,017,315,016</u>	<u>\$ 1,281,956</u>	<u>\$ 1,018,596,972</u>
Other Funding Sources			
Transfers in	\$ 163,497,800	\$ -	\$ 163,497,800
Transfers out	(163,388,041)	(109,759)	(163,497,800)
Total Other Financing Sources	<u>\$ 109,759</u>	<u>\$ (109,759)</u>	<u>\$ -</u>

Project Delivery, Transit, and Fund Administration represent 96% of appropriations. These three programs include a substantial investment in highway and arterial construction, commuter rail projects, and pass-through funds for local transit and street improvements. The total proposed expenditures have increased by \$49.9 million compared to the previous fiscal year. The increase is attributed to a number of large projects commencing or already under construction.

SBCTA continues to strive for delivery of projects using innovative technology while optimizing use of Federal, State, and local funds. The proposed budget reflects a balanced budget with new revenues, use of fund balance or carryover balances from prior years, and short-term cash borrowing covering appropriations. This results in a strong cash position with projected ending fund balances of \$475.6 million including establishing reserves of \$58.1 million from various funds.

Financial Impact:

The Fiscal Year 2021/2022 Budget establishes the financial, staffing and work product authority for activities during the coming fiscal year. Estimated revenues for Fiscal Year 2021/2022 are \$722,706,103, appropriations are \$1,018,596,972, the difference of \$295,890,869 is funded with fund balances and short-term borrowing of \$15,000,000, and transfers are \$163,497,800.

Reviewed By:

The Board of Directors, during the Metro Valley Study Session on February 11, 2021 and the Mountain/Desert Policy Committee on February 19, 2021, reviewed the Budget Overview for each program. All SBCTA policy committees have reviewed task descriptions and budget for activities under their purview.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Board of Directors Agenda Item
May 5, 2021
Page 5

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

**San Bernardino County Transportation Authority
Fiscal Year 2021/2022 Initiatives and Action Plan**

Action Plan		Responsibility
Initiative #1: Transparent and Accountable Allocation Strategies		
Division Strategy: Complete timely audits of Measure I and Transportation Development Act recipients		
1A	Manage and communicate with Audit firm to plan and complete annual audits.	Finance
	Monitor progress of audits.	
	Inform Committees and Board of status of audits.	
	Manage Transportation Development Act (TDA) triennial performance audits of SBCTA and transit operators.	Fund Administration, Transit
Division Strategy: Update construction in progress and conduct annual inventory of capital assets		
1B	Conduct annual inventory of capital and inventorial assets, including updates to construction in progress (CIP).	Finance
Division Strategy: Use strategic programming to ensure that no funds are lost		
1C	Manage projects closely with California Department of Transportation (Caltrans) to ensure adequate resources are available when projects are ready.	Fund Administration, Project Delivery
	Manage projects to ensure funds are not lost.	Fund Administration
	Monitor approval of 2022 State Transportation Improvement Program (STIP) and possible impacts of reduced programming capacity from COVID-19 impacts on gas tax revenue.	
Division Strategy: Protect San Bernardino County's equitable share of available state and federal funds		
1D	Develop funding strategies that maximize resources available and result in opportunities to seize additional state and federal funds.	Fund Administration, Project Delivery, Transit
Division Strategy: Develop long-term bonding needs to help leverage other funds and deliver projects		
1E	Establish plan for 2022 sales tax revenue bond program through development of the 2021 Update to the 10-Year Delivery Plan.	Fund Administration (Finance, Project Delivery, Transit, Planning)
Division Strategy: Manage geographic equity in fund distribution across the county		
1F	Manage long-term strategy for ensuring geographic equity in fund distribution over the life of the Measure.	Fund Administration
Division Strategy: Manage SBCTA railroad right of way in an efficient and comprehensive fashion		
1G	Manage SBCTA railroad right of way in an efficient and comprehensive fashion.	Transit
Division Strategy: Conduct consolidation study between SBCTA and Omnitrans and an Innovative Transit Review of Metro-Valley area		
1H	Manage consultant, coordinate work and results with Omnitrans Executive team, and communicate results to SBCTA and Omnitrans committees and Board.	Special Projects and Strategic Initiatives
Initiative #2: Engender Public Trust		
Division Strategy: Secure an unmodified opinion of Comprehensive Annual Financial Report (Annual Report)		
2A	Plan meeting at interim field work with Executive Board officers and Certified Public Accountant (CPA) firm.	Finance
Division Strategy: Obtain Certificate of Achievement for Excellence in Financial Reporting		
2B	Apply for Government Finance Officers Association (GFOA) award for the Comprehensive Annual Financial Report (Annual Report).	Finance
Division Strategy: Complete Measure I Biennial Agreed Upon Procedures		
2C	Complete agreed upon procedures for Measure I programs.	Finance
Division Strategy: Obtain Distinguished Budget Presentation Award		
2C	Apply for GFOA award for annual budget.	Finance
Division Strategy: Complete internal control self-assessment to identify areas of improvement.		
2D	Complete review of annual internal control self-assessment.	Finance
Division Strategy: Deploy an Enterprise Resource Planning System		
2E	Deploy an Enterprise Resource Planning (ERP) system.	Special Projects and Strategic Initiatives
Initiative #3: Focus on Creating and Strengthening Collaborative Partnerships with Governmental and Business Entities		
Division Strategy: Work with other governments and business groups to leverage resources for our region's benefit		
3A	Create a Strategic plan for Housing Policy in San Bernardino County and collaborate with neighboring government entities and stakeholders.	COG
	Move forward a workforce development toolkit.	
	Complete Priority Dispatch Optimization Plan which will provide recommendations and cost benefit analysis for options to help alleviate undue burden on the 9-1-1 Emergency Medical Services System.	
Division Strategy: Enhance COG role		
3B	Work with the Board to make sure the Council of Governments (COG) is responsive to the needs of our members.	COG
	Collaborate with Member Agencies through the COG Advisory Group during the decision-making process on items related to the COG work plan and any items related to the Countywide Vision.	
Division Strategy: Enhance SBCOG's and the region's ability to compete for grant funding		
3C	Host grant writing workshop for our members and other local government partners.	COG
	Better communicate grant opportunities to member agencies.	

**San Bernardino County Transportation Authority
Fiscal Year 2021/2022 Initiatives and Action Plan**

Action Plan		Responsibility
Division Strategy: Assist local governments with environmental and efficiency initiatives		
3D	Provide leadership and assistance to our members in implementing energy conservation projects	Air Quality/Mobility
	Assist local agencies and the region with tools and funding to encourage pollution reductions through alternative fueled vehicles and new advanced technologies.	
Initiative #4: Accelerate Delivery of Capital Projects		
Division Strategy: Deliver the Redlands Passenger Rail Project & Implement Arrow Service		
4A	Ensure construction of the mainline is progressing, substantially complete the maintenance facility, and complete final assembly of Diesel Multiple Unit (DMU) vehicles. Assist Southern California Regional Rail Authority (SCRRA) with rail activation planning and inclusion of Arrow in their new operation contract procurement.	Transit
	Notes	
	Staff is working with SCRRA and Riverside County Transportation Commission to accept delivery of the vehicles at the South Perris Valley Line layover facility and start testing and commissioning activities of the DMUs. Overall, this is beneficial to the project as the vehicles can be tested on existing infrastructure isolating issues that might arise with the newly built infrastructure.	
Division Strategy: Support Delivery of Gold Line Phase 2B		
4B	Close the funding shortfall in San Bernardino County if Los Angeles County Metropolitan Transportation Authority (LACMTA) commits to building to the county line.	Transit
	Notes	
	The construction bids exceeded the engineer’s estimate by \$550 million. The Gold Line Construction Authority (GLCA) re-scoped the project to include Pomona as the initial terminus, with an option to build to Claremont, and then another option from Claremont to Montclair based on funding availability. Funding in Los Angeles County to get it from Pomona to the county line has not been identified. The portion of work in San Bernardino County has increased from \$80 million to \$97 million. The draft construction agreement was prepared by San Bernardino County Transportation Authority (SBCTA) and issued to GLCA for review and comment. Negotiations on hold at the request of the GLCA. Draft operating agreement provided by LACMTA for review. On-hold pending re-scoping of the Project.	
Division Strategy: Support Delivery the West Valley Connector		
4C	Begin final design of the West Valley Connector Phase 1 Project and initiate right of way acquisition activities.	Transit
	Notes	
	Federal Transit Administration (FTA) has allocated the full funding request of \$86.75 million from their Small Starts Program. Staff will continue to work with the FTA on requirements for the Small Starts Grant Agreement. 90% design is complete and final design is scheduled to be completed in late quarter 4. Initial right of way acquisition activities are ongoing with acquisition offers being presented to owners in summer 2021.	
Division Strategy: Produce Zero or Low Emission Multiple Unit		
4D	Proceed with final design of the zero or low emission multiple unit (ZEMU) in close coordination with Southern California Regional Rail Authority (SCRRA) and continued consultation with the Federal Railroad Administration (FRA). Finalize fueling plan.	Transit
	Notes	
	Per consultation with General Counsel, staff is proceeding with a focused Environmental Impact Report (EIR) for the fueling infrastructure project.	
Division Strategy: Delivery of Capital Projects		
4E	Project Study Report (PSR) and Project Approval and Environmental Document (PA/ED) Milestones.	Project Delivery
Division Strategy: Delivery of Capital Projects		
4F	Plans, Specifications and Estimate (PS&E) Milestones.	Project Delivery
Division Strategy: Delivery of Capital Projects		
4G	Construction Milestones.	Project Delivery
Initiative #5: Maximize Funding Opportunities and Cost-Effectiveness of Investments		
Division Strategy: Conduct regional forums to discuss issues of importance across our region		
5A	Advocate for policies and funding formulas at the state and federal levels that are favorable for SBCTA to construct and deliver transportation projects.	Legislative/Public Affairs
Initiative #6: Awareness of SBCTA Programs, Services, and Transit Options		
Division Strategy: Build awareness of SBCTA programs and services		
6A	Highlight Measure I’s contributions to the region’s transportation system.	Legislative/Public Affairs, Fund Administration
	Market SBCTA identity, promote awareness of programs and services.	Legislative/Public Affairs
Division Strategy: Leverage and grow public outreach and communication services		
6B	Continue to enhance traditional and social media presence.	Legislative/Public Affairs
	Utilize On-Call Public Outreach Contracts, On-Call Graphic Design Services Contracts, Marketing & Branding Services Contract, and Redlands Passenger Rail Project Outreach Contract to utilize new tools and capitalize on communication opportunities throughout the region.	Legislative/Public Affairs, Transit
	Utilize On-Call Graphic Design Services Contracts & Marketing and Branding Services Contract to support each department in their efforts to communicate internally and externally.	Legislative/Public Affairs, Fund Administration
Division Strategy: Highlight transit options in San Bernardino County		
6C	In partnership with transit operators, highlight transit connectivity options in the region.	Legislative/Public Affairs, Transit

**San Bernardino County Transportation Authority
Fiscal Year 2021/2022 Initiatives and Action Plan**

Action Plan		Responsibility
Initiative #7: Long Range Strategic Planning		
Division Strategy: Analyze long range transportation strategy in a financially constrained framework		
7A	Update Long Range Transit Plan (LTRP).	Planning, Transit, Fund Administration
	Update Countywide Transportation Plan (CTP).	Planning, Fund Administration
	Complete Zero-emission Bus Analysis for San Bernardino County.	Transit, Planning
Division Strategy: Conduct strategic planning of Measure I projects and update policies to be consistent with practice		
7B	Update Development Mitigation Nexus Study.	Planning, Fund Administration
	Prepare updated priority list of Valley Interchange Projects.	Planning
Division Strategy: Provide current, quality planning data		
7C	Support other departments with data analysis and mapping/Geographic Information System (GIS).	Planning
	Provide planning/modeling data to support Senate Bill 743 (SB743) implementation and various development projects.	
Division Strategy: Conduct subarea and modal studies		
7D	Prepare Comprehensive Multimodal Corridor Plans (CMPC) with Riverside County Transportation Commission (RCTC) and Caltrans, to address Senate Bill (SB1) Solutions for Congested Corridors requirements.	Planning
	Conduct SR-18/138 Corridor Study with Metro and Caltrans.	
Initiative #8: Environmental Stewardship, Sustainability, and Grant Applications		
Division Strategy: Monitor and Provide Input to State, Federal, and Regional Plans and Guidelines		
8A	Provide technical comments on draft reports, plans, and guidelines from Caltrans, California Transportation Commission (CTC), Office of Planning and Research (OPR), California Air Resources Board (CARB), California State Transportation Agency (CalSTA), and other state agencies.	Planning, COG
	Prepare and Submit Grant Applications for SB1 and other funding.	Planning, Fund Administration
Division Strategy: Assist jurisdictions, developers, and other stakeholders with area-wide sustainability studies		
8B	SB743 Countywide Implementation Study.	Planning
	Prepare Climate Adaptation Plan with Western Riverside Council of Governments (WRCOG).	
	Prepare Countywide Green House Gas (GHG) Reduction Plan.	
Division Strategy: Prepare effective active transportation plans		
8C	Conduct Active Transportation Plans (ATP): Redlands Rail Accessibility Study, Safe Routes to School (SRTS) Program (with county), and Countywide Sidewalk Inventory.	Planning
	Create Digital Active Transportation Plan.	
Division Strategy: Implement components of ATP Metrolink Station Accessibility Grant		
8D	Construction of Phase 2 of the Bicycle and Pedestrian improvements around the six Metrolink Stations as identified in the Transit Access Plan.	Planning, Project Delivery
Division Strategy: Develop and administer programs to improve the efficient use of our existing freeway network		
8E	Administer programs to reduce congestion and traffic delays.	Air Quality/Mobility
Division Strategy: Support access to jobs, healthcare, and education while reducing roadway congestion.		
8F	Administer multi-modal programs to reduce congestion and improve quality of life including coordination with transit providers and Consolidated Transportation Service Agencies serving San Bernardino County.	Transit, Fund Administration, Legislative/Public Affairs
	Notes	
	The Inland Empire (IE) Commuter rideshare program has been implemented and available for use in quarter 1. The merged regional database is still pending. Mountain Transit SRTP will not be completed until quarter 2 in Fiscal Year 2021/2022. Mountain Transit had a late start due to a number of issues (New General Manager, emergency at maintenance facility and acquisition of consultant). Omnitrans Short Range Transit Plan (SRTP) is still on time.	
Division Strategy: Support transit-oriented development		
8G	Continue to work closely with the City of Rancho Cucamonga on implementation of the transit-oriented development effort at the Rancho Cucamonga Metrolink Station.	Transit
	Notes	
	Staff is working with the City on incorporation of the planned Brightline West improvements and service at the Rancho Cucamonga Station in accordance with the Memorandum of Understanding (MOU) with XpressWest, now called Brightline West, approved by the Board on July 1, 2020. The exclusive negotiations agreement and associated cooperative agreement with the City were terminated per Board action on 12/10/2020.	
Division Strategy: Advance transit connectivity to Ontario International Airport		
8H	Tunnel to ONT.	Transit
	Notes	
	In accordance with Board direction on September 2, 2020, the Alternative Analysis was cancelled, and staff is progressing with delivery of the Tunnel to ONT project. This section will be updated to reflect the action plan and milestones for the Tunnel to ONT project going forward.	



Fiscal Year 2021/2022 Budget



BOARD WORKSHOP

New Revenues & Use of Carry Over From Prior Years

	<u>SBCTA</u>	<u>SBCOG</u>	<u>Total</u>	Percent of <u>New Revenues</u>
Measure I Sales Tax	\$ 196,000,000	\$ -	\$ 196,000,000	27.12%
Local Transportation Fund	114,783,337	-	114,783,337	15.88%
Intergovernmental	366,752,081	-	366,752,081	50.75%
Charges for Services	665,730	-	665,730	0.09%
Special Assessments	-	260,691	260,691	0.04%
Investment earnings and Miscellaneous	43,944,949	299,315	44,244,264	6.12%
Total New Revenues	<u>\$ 722,146,097</u>	<u>\$ 560,006</u>	<u>\$ 722,706,103</u>	
Balance Carry Over From Prior Years	295,059,160	831,709	295,890,869	
Total New Revenues and Carry Over	<u>\$ 1,017,205,257</u>	<u>\$ 1,391,715</u>	<u>\$ 1,018,596,972</u>	



2

Proposed Appropriations

<u>Program</u>	<u>SBCTA</u>	<u>SBCOG</u>	<u>Total</u>	<u>Perent of total Expenditures</u>
General Government	\$ 12,783,468	\$ 907,575	\$ 13,691,043	1.34%
Environment and Energy Conservation	4,255,478	353,793	4,609,271	0.45%
Commuter and Motorist Assistance	6,601,486	-	6,601,486	0.65%
Regional and Subregional Planning	5,437,690	20,588	5,458,278	0.54%
Transit	318,321,461	-	318,321,461	31.25%
Project Delivery	527,833,259	-	527,833,259	51.82%
Fund Administration	128,906,919	-	128,906,919	12.66%
Debt Service	13,175,255	-	13,175,255	1.29%
Total Expenditures	<u>\$1,017,315,016</u>	<u>\$ 1,281,956</u>	<u>\$ 1,018,596,972</u>	
Other Funding Sources				
Transfers in	\$ 163,497,800	\$ -	\$ 163,497,800	
Transfers out	(163,388,041)	(109,759)	(163,497,800)	
Total Other Financing Sources (OFS)	109,759	(109,759)	-	
Total Expenditures and OFS	<u>\$1,017,205,257</u>	<u>\$ 1,391,715</u>	<u>\$ 1,018,596,972</u>	



3

Major Construction Projects

- Project Delivery and Toll Operations
 - I-10 Corridor - Contract 1 Project – Construction
 - Gap Closure SR 210 through Highland and Redlands – Construction
 - Mount Vernon Viaduct – Construction
 - Archibald and Central Avenue Interchanges - Construction
- Transit
 - Redlands Passenger Rail Project (RPRP) - Substantial Completion
 - Zero-Emission Vehicles for RPRP - Construction
 - West Valley Connector - ROW phase
 - ONT Loop Project – Issue 1st NTP



4

Transfers Out

- Fund various rail projects and support transit administrative activities
- Fund indirect costs including information systems and building improvements. Also establish reserves for capital projects and emergencies
- Record loan proceeds from the United States Department of Transportation under the Transportation Infrastructure Finance and Innovation Act program
- Fund expenditures pending reimbursement from Federal and State agencies
- Fund debt service obligations



5

Indirect Fund

Local Transportation Fund – Administration	\$ 1,047,225
Local Transportation Fund – Planning	90,297
Service Authority for Freeway Emergencies Fund	204,990
Sales Tax MSI – Valley Freeway	3,503,212
Sales Tax MSI –Valley Interchange	2,044,626
Sales Tax MSI – Valley Grade Separation	357,393
Sales Tax MSI –Valley Arterial	(351,469)
Sales Tax MSI – Valley Rail	(198,682)
Sales Tax MSI –Valley Bus Rapid Transit	180,219
Sales Tax MSI – Victor Valley Major Local Highway	91,531
Sales Tax MSI – North Desert Major Local Highway	158,067
Sales Tax MSI – Colorado River Major Local Highway	725
Sales Tax MSI – Morongo Basin Major Local Highway	18,297
Sales Tax MSI – Mountain Major Local Highway	3,299
Council of Governments	109,759
Santa Fe Depot Rental Income	404,230
Total Revenues for Indirect	<u>\$ 7,663,719</u>
Add: Beginning Estimated Fund Balance for Indirect Fund	3,163,045
Reduce: Indirect Expenditures	<u>8,663,719</u>
Estimated Ending Fund Balance for Indirect Fund	<u>\$ 2,163,045</u>



6

Staffing Overview

- Proposed budget includes 77 regular full-time positions
 - Includes reorganization changes approved by Board in January 2021 for Project Delivery and Toll Operations and Transit Departments
 - New position Management Analyst I for Management Services Department
- Proposed budget includes the following increases:
 - Budget of \$434,975 to allow Executive Director to grant merit increases of up to 3.5% based on Merit
 - Increase medical premium subsidy by \$500 to \$5,557/year



7

Reserves for Measure I Funds

Valley:	Per Policy 40021	Payoff NPL	
Freeway	\$ 9,158,160	\$ 3,400,000	\$ 12,558,160
Interchange	3,473,780	1,250,000	4,723,780
Major Street - Grade Separation	1,073,720	550,000	1,623,720
Major Street - Arterials	4,294,860	-	4,294,860
Metrolink/Rail	2,526,400	200,000	2,726,400
Express Bus/Bus Rapid Transit	1,579,000	-	1,579,000
Traffic Management	631,600	1,600,000	2,231,600
Total Valley	\$ 22,737,520	\$ 7,000,000	\$ 29,737,520
Mountain/Desert - Major Local Highway:			
Victor Valley	\$ 1,086,600	\$ -	\$ 1,086,600
North Desert	152,700	-	152,700
Colorado River	22,380	-	22,380
Morongo Basin	140,500	-	140,500
Mountain	127,050	-	127,050
Total Mountain/Desert	\$ 1,529,230	\$ -	\$ 1,529,230
Total Reserve for Measure I Funds	\$ 24,266,750	\$ 7,000,000	\$ 31,266,750



8

Reserves for TDA and Indirect Fund

Transportation Development Act (TDA) Funds:

Local Transportation Fund	\$ 23,181,333
State Transit Assistance Fund	1,505,465
Total Reserves for TDA	<u>\$ 24,686,798</u>

Indirect Fund:

Emergencies	\$ 500,000
Capital Projects	1,663,045
Total Reserve for Indirect Fund	<u>\$ 2,163,045</u>

Total Reserves	<u>\$ 58,116,593</u>
-----------------------	-----------------------------



9

Recommendations

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

- A. Receive the Fiscal Year 2021/2022 Initiatives and Action Plan
- B. Receive a presentation of the Fiscal Year 2021/2022 Proposed Budget
- C. Conduct a Board of Directors Workshop for SBCTA's Fiscal Year 2021/2022 Proposed Budget.

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

- D. Adopt the Fiscal Year 2021/2022 SBCOG Budget with appropriations of \$1,281,956, transfers out of \$109,759, and estimated revenues of \$560,006.



10

Minute Action

AGENDA ITEM: 28

Date: May 5, 2021

Subject:

Adoption of Regional Equity Resolution No. 21-037 and an Update on Work of the Equity Ad Hoc Committee

Recommendation:

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

- A. Receive report on activity of the Equity Ad Hoc Committee.
- B. Adopt the Regional Equity Resolution No. 21-037.
- C. Approve project outline for completion of the Regional Equity Study and authorize staff to move forward in completing the study through a partnership with the University of California Riverside.

Background:

The Equity Ad Hoc Committee is a subcommittee of the Board of Directors, established October 7, 2020. The committee membership is representative of every sub-region in the county, with two representatives from the West Valley, two representatives from the East Valley, two representatives from the Mountain/Desert communities, and one County Supervisor.

The Equity Ad Hoc Committee is committed to leading the effort to work toward equity among its residents. Since its establishment and recruitment of members, the Equity Ad Hoc Committee has met three times and has provided staff with direction in addressing issues of equity both internally and on a regional basis. The Equity Ad Hoc Committee proposes a resolution by the San Bernardino Associated Governments (SBCOG), the Council of Governments of the County of San Bernardino, which identifies the overarching principles that are to be the basis of actions taken by San Bernardino County Transportation Authority (SBCTA) / SBCOG in an effort to ensure equity throughout the region in San Bernardino. The proposed Resolution is attached to this item, and staff recommends its adoption.

Staff is working on a two-pronged approach to address the issue of equity. SBCTA/SBCOG is looking both internally and regionally to identify and address issues of structural inequality within the purview of SBCTA/SBCOG.

Regarding an internal approach, staff from multiple departments are working together to explore opportunities that allow for greater participation in the procurement process by smaller firms. This includes:

- Analyzing and potentially revising procurement and contract policies in an effort to increase accessibility by smaller firms.
- Potentially scoping out smaller projects and phasing projects where it makes sense.
- Expanding the SBCTA/SBCOG communication plan.

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

Board of Directors Agenda Item

May 5, 2021

Page 2

The regional approach is to complete a Regional Equity Study. SBCOG envisions the region-wide study as a starting point for identifying communities within jurisdictions that are affected by barriers to equity that exist within the built environment. By drilling down to the Census Tract Level and identifying disadvantaged communities demographically and geospatially, SBCOG can provide a tool to help our member agencies better understand the specific challenges faced by the specific disadvantaged communities. In understanding the challenges, this tool can help local jurisdictions develop options regarding policy intervention to address the challenges. The attached Regional Equity Study Outline identifies areas to be studied, as well as steps to take within the study.

Staff is currently working with the University of California, Riverside (UCR) on approaches to complete this work and is working with the University on applying for a grant to fund it. Staff requests authorization to work with UCR on the study and on the grant application. If we are unsuccessful in obtaining the grant, staff will bring a budget amendment to the Board to fund the work from the Council of Governments (COG) fund balance.

Financial Impact:

This item has no financial impact on the Fiscal Year 2020/2021 Budget.

Reviewed By:

A draft of the Equity Resolution was reviewed by the City/County Manager's Technical Advisory Committee on April 1, 2021. SBCTA General Counsel has reviewed this item and the proposed resolution.

Responsible Staff:

Monique Reza-Arellano, Council of Governments Administrator

Approved
Board of Directors
Date: May 5, 2021

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

RESOLUTION NO. 21-037

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY AND SAN BERNARDINO ASSOCIATED GOVERNMENTS ON REGIONAL EQUITY

WHEREAS, the County of San Bernardino is the largest geographic county in the United States which encompasses 20,105 square miles, and 24 incorporated cities and towns, and 5 County Supervisorial Districts; and

WHEREAS, the County of San Bernardino is home to 2,180,537 people and is expected to grow 16% to 2,529,423 through 2045; and

WHEREAS, equity is defined as all populations having access to community conditions and opportunities needed to reach their full potential and to experience optimal well-being; and

WHEREAS, the leaders of the region seek to ensure a thriving, diverse community but recognize that inequalities still exist; and

WHEREAS, San Bernardino Associated Governments (SBCOG) believes resiliency is a key equity issue, whether it's climate or disaster resiliency or otherwise; and

WHEREAS, achieving equity is integral to the success of San Bernardino's Countywide Vision which includes elements that touch upon education, economic health, community health, public safety, housing, recreation, arts and culture, and infrastructure; and

WHEREAS, it is essential to identify and address institutional and systemic barriers to participation that exist and understand that these barriers may impede access to opportunities for achieving the visions and goals set forth by agency leaders; and

WHEREAS, to truly create opportunity, we need to view all of the Countywide Vision through the lens of equity to help us better understand the needs of the entire community with a focus toward sustainable structural change; and

WHEREAS, the incorporated and unincorporated agencies across the region of San Bernardino County seek to implement the goals of the Countywide Vision; and

WHEREAS, the Countywide Vision goals capitalizes on the diversity of its people, its geography, and its economy to create a broad range of choices for its residents in how they live, work, and play; and

WHEREAS, San Bernardino Council of Governments recognizes its unique position to address issues of inequity within the built environment region-wide.

NOW THEREFORE BE IT RESOLVED, that the San Bernardino County Transportation Authority (SBCTA) and SBCOG are committed to programs and practices that provide services and opportunities equitably and will further this commitment by:

1. Examining the practices that SBCTA uses in planning, evaluating, procuring and building transportation projects.
2. Creating tools that can be used by all of our members to better understand how issues of equity impact the built environment.
3. Providing the regional forum where efforts that work toward promoting a fair and just region; eliminating barriers that reduce opportunities for residents; and meaningfully advancing justice, equity, diversity, and inclusion can be discussed.

APPROVED AND ADOPTED by the San Bernardino County Transportation Authority and the San Bernardino Associated Governments at its meeting on May 5, 2021.

Frank J. Navarro, President
San Bernardino County Transportation Authority

ATTEST:

Marleana Roman, Clerk of the Board
San Bernardino County Transportation Authority

Regional Equity Study Outline

The San Bernardino Associated Governments (SBCOG), has the unique opportunity to engage all twenty-four city and town jurisdictions and the five county supervisorial districts, as there is no other official forum in this area which affords the opportunity.

STUDY PURPOSE

SBCOG envisions the Region-wide study as the starting point for determining communities within jurisdictions that are affected by inequities. By drilling down to the Census Tract level and identifying disadvantaged communities demographically and geospatially, SBCOG can better understand the specific challenges faced by the specific disadvantaged communities. In understanding the challenges, SBCOG can better provide recommendations and options regarding policy intervention to address the challenges.

DEFINITIONS

Disadvantaged Community: Disadvantaged communities refers to the areas throughout California which most suffer from a combination of economic, health, and environmental burdens. These burdens include poverty, high unemployment, air and water pollution, presence of hazardous wastes, as well as high incidence of asthma and heart disease. One way that the state identifies these areas is by collecting and analyzing information from communities all over the state. [CalEnviroScreen](#), an analytical tool created by the California Environmental Protection Agency (CalEPA), combines different types of census tract-specific information into a score to determine which communities are the most burdened or "disadvantaged."

Other indicators used by federal, state, and local agencies:

- Population on free lunch program
- Poverty rate
- Population composition (race, marital status, age, and ability to speak English)
- Personal Disruption (unemployment status, educational attainment, poverty and marital status)

Senate Bill (SB) 1000: In an effort to address the inequitable distribution of pollution and associated health effects in low-income communities and communities of color, the Legislature passed and Governor Brown signed [SB 1000](#) in 2016, requiring local governments to identify environmental justice communities (called “disadvantaged communities”) in their jurisdictions and address environmental justice in their general plans. This new law has several purposes, including: facilitate transparency and public engagement in local governments’ planning and decision making processes, reduce harmful pollutants and the associated health risks in environmental justice communities, and promote equitable access to health-inducing benefits, such as healthy food options, housing, public facilities, and recreation.

STUDY MILESTONES AND DELIVERABLES

We are proposing a region-wide study with several milestones and deliverables:

Step 1 (San Bernardino County Transportation Authority (SBCTA) has undertaken much of this, and it will essentially be compiled):

- Geospatial study and mapping of Disadvantaged Communities (DAC) County-wide
- Demographics study by jurisdiction and by DAC to allow for comparison
- Data Gathering

Step 2 (New Work):

- Identify Specific issues those areas are dealing with in the built environment which the local agencies have jurisdiction over Focusing on the Built Environment Issues **per community (census tract)**. Through a geospatial study, SBCOG is looking to map out items such as grocery stores, transit lines, transit stops, and broadband availability.
 - Potential Built environment issues to be geospatially studied (mapped):
 - Transportation –SBCTA, Omnitrans, Victor Valley Transit (VVTA)
 - Health Equity
 - Public Safety Response Times
 - Housing
 - Water
 - Sewer
 - Food Deserts
 - Internet Access
 - Open Space
 - Sidewalks – Inventory Exists
 - Community/Recreation Centers
 - Child Care
 - Facilities
 - After School Programming
 - Access to Higher Education
 - Access to Health Care/Telehealth included
 - Library Services
 - Parent Teacher Associations (PTAs)/School District Facilities
 - Healthy Communities

The above list is broad and would require refining through discussions with stakeholders in the fields. Stakeholders would include:

- Local Agencies: City-County Manager's Technical Advisory Committee (CCMTAC), SBCOG Advisory Group, Planning Development Transportation Forum (PDTF)
- Local Agencies' Stakeholders
- Census Count Committee – hard to reach stakeholders
- San Bernardino County Public Health; Community Vital Signs
- SBCTA/Omnitrans/Public Transit Providers
- Building Industry Association (BIA), Developers
- Water Agencies
- Broadband Group of San Bernardino County

And others would be identified as we move forward. Deliverables for this section:

- Report of Equity Issues and Geographic Information System (GIS) Layer – of each community and equity issue.

Step 3:

- Create usable data layers on the web with above information for local agency use and public consumption.

Next Steps: (to be completed outside of this Regional Equity Study)

- Study to be done preceding and in concert with SB 1000 Toolkit. The study results will provide the basis for policy recommendations in the SB 1000 Toolkit.
 - SB 1000 requires local jurisdictions to address environmental justice in general plans.
 - The Toolkit would provide model policies which can be used by local agencies to address inequities identified in the study.
- Regional Equity Dashboard

ADDITIONAL INFORMATION

BOARD OF DIRECTORS ATTENDANCE RECORD – 2021

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Paul Cook Board of Supervisors	X	X	X	X								
Janice Rutherford Board of Supervisors	X	X	X	X								
Dawn Rowe Board of Supervisors	X	X	X	X								
Curt Hagman Board of Supervisors	X	X	X	X								
Joe Baca, Jr. Board of Supervisors	X	X	X	X								
Gerardo Hernandez City of Adelanto												
Art Bishop Town of Apple Valley	X	X	X	X								
Paul Courtney City of Barstow		X										
Rick Herrick City of Big Bear Lake	X	X	X	X								
Eunice Ulloa City of Chino	X	X	X	X								
Ray Marquez City of Chino Hills	X	X	X	X								
Frank Navarro City of Colton	X	X	X	X								
Acquanetta Warren City of Fontana	X	X	X	X								
Darcy McNaboe City of Grand Terrace	X	X	X	X								
Cameron Gregg City of Hesperia	X	X	X	X								
Larry McCallon City of Highland	X	X	X	X								

X = member attended meeting. * = alternate member attended meeting. Empty box = did not attend meeting Crossed out box = not a Board Member at the time. Shaded box=no meeting

BOARD OF DIRECTORS ATTENDANCE RECORD – 2021

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Rhodes ‘Dusty’ Rigsby City of Loma Linda	X	X	X	X								
John Dutrey City of Montclair	X	X	X	X								
Edward Paget City of Needles		X	X									
Alan Wapner City of Ontario	X	X	X	X								
L. Dennis Michael City of Rancho Cucamonga	X	X	X	X								
Paul Barich City of Redlands	*			X								
Deborah Robertson City of Rialto	X	X	X	X								
John Valdivia City of San Bernardino	X	X	X	X								
Joel Klink City of Twentynine Palms	X	X	X	X								
Carlos A. Garcia City of Upland				X								
Bill Velto City of Upland	X	*										
Debra Jones City of Victorville	X	X	X	X								
David Avila City of Yucaipa	X	X	X	X								
Rick Denison Town of Yucca Valley	X	X	X	X								
Michael Beauchamp Ex-Official Member	Rebecca Guirado	X	X	Diane Morales								

Communication: Attendance (Additional Information)

X = member attended meeting. * = alternate member attended meeting. Empty box = did not attend meeting. Crossed out box = not a Board Member at the time. Shaded box=no meeting

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

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

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

AGENCY REPORTS



REPORT: Mobile Source Air Pollution Reduction Review Committee

FROM: Larry McCallon, SBCTA Representative to the MSRC

SYNOPSIS: The Mobile Source Air Pollution Reduction Review Committee held a meeting remotely on Thursday, March 18, 2021. The following is a summary of the meeting.

FYs 2016-18 Work Program

Hydrogen Infrastructure Partnership Program

As an element of their FYs 2016-18 Work Program, the MSRC allocated \$3,000,000 for the implementation of hydrogen refueling stations within South Coast AQMD's jurisdiction. A Program Opportunity Notice was released on April 6, 2018, which has a closing date of April 9, 2021. The PON encourages partnerships with regulatory agencies such as the California Energy Commission, South Coast AQMD and CARB, but also allows participation by other public and private stakeholders. A geographic funding minimum of \$500,000 per county has been established, and \$1,000,000 has been awarded to date. Project concepts have been received from California State University Los Angeles Auxiliary Services (CSULA) and San Bernardino County Transportation Authority (SBCTA). The MSRC considered the recommendations of its MSRC-TAC and seeks the submission of full proposals from CSULA and SBCTA for further consideration.

FYs 2018-21 Work Programs

Voucher Incentive Program (VIP) Plus Up Incentive Program

Using funds provided by CARB, South Coast AQMD implements the VIP to encourage the replacement of older, higher-polluting vehicles with newer, lower-emission vehicles which meet the 0.20 g/bhp-hr NO_x standard. The program features a rapid response time and is limited to small fleets of 10 or fewer vehicles. In April 2020, the MSRC approved an allocation of \$5,000,000 to partner with South Coast AQMD to offer an increased incentive to fleets procuring technologies certified at 0.02 g/bhp-hr NO_x or cleaner. Maximum incentive amounts inclusive of the original vouchers are currently \$60,000 for Class 5 vehicles, \$80,000 for Class 6 vehicles, and \$100,000 for Class 7 and 8 vehicles.

There was slow uptake for the VIP Plus Up during 2020. There was later than usual release of CARB VIP Guidelines, and fleets may have been cautious about embracing new fuel types during the uncertain times of the pandemic. For Class 8 vehicles, particularly, with the average cost of a qualifying new vehicle in the \$180,000 range, it seemed that the incentive amount might not be sufficient to overcome the cost differential

and fleet concerns. It was considered that increasing the maximum combined incentive amount for Class 8 vehicles from \$100,000 to \$125,000 would revive interest in the Program. Simultaneously, a portion of the previously allocated funding could be redeployed to address immediate MSRC funding needs. The MSRC approved increasing the maximum incentive amount for Class 8 vehicles to \$125,000 and reallocating \$2,500,000 from the VIP Plus Up Program to the unallocated AB 2766 Discretionary Fund balance.

Inland Ports Zero and Near-Zero Emission Cargo Handling and Trucking

In November 2020, the MSRC approved RFPs for on- and off-road goods movement projects associated with the “Inland Ports” - warehouse and distribution facilities located in Riverside and San Bernardino Counties.

Released in December 2020, RFP #P2021-08 sought proposals to reduce emissions from cargo handling equipment. The MSRC set a targeted funding amount of \$6,000,000 for this RFP, which established competitive scoring based on cost effectiveness and project readiness. The deadline for proposal submission was 11:59 p.m. on January 15, 2021. Six proposals were received prior to the submission deadline. The MSRC approved five awards totaling \$8,537,775, using \$6,000,000 of funds previously allocated and \$2,537,775 of funds previously unallocated, as part of approval of the FYs 2018-21 Work Program, as follows:

- a. A contract with Penske Truck Leasing Co., L.P. in an amount not to exceed \$1,160,000 to procure and deploy up to five zero-emission electric yard tractors and associated charging infrastructure;
- b. A contract with CMA CGM (America), LLC in an amount not to exceed \$3,000,000 to procure and deploy up to two zero-emission electric rubber tire gantry cranes, up to two zero-emission electric empty container handlers, and up to 10 zero-emission electric yard trucks;
- c. A contract with ITS Technologies & Logistics, LLC d/b/a ITS ConGlobal, in an amount not to exceed \$3,000,000 to procure and deploy up to 12 zero-emission electric yard tractors and associated charging infrastructure;
- d. A contract with MHX, LLC in an amount not to exceed \$569,275 to procure and deploy one zero-emission electric overhead crane; and
- e. A contract with RDS Logistics Group in an amount not to exceed \$808,500 to procure and deploy up to three zero-emission electric yard tractors and associated charging infrastructure.

Released in December 2020, RFP #P2021-07 sought proposals to reduce emissions through the implementation of zero and near-zero emission technologies on heavy-duty trucks which transport containerized or bulk goods. The MSRC set a targeted funding amount of \$14,000,000 for this RFP, which established competitive scoring based on cost effectiveness, project readiness, and percentage of truck trips that serve the Inland Empire. The deadline for proposal submission was 11:59 p.m. on January 15, 2021.

Eleven proposals were received prior to the submission deadline, and 10 were found to meet the requirements of the RFP. The MSRC approved 10 awards totaling \$28,704,189, using \$14,000,000 of funds previously allocated and \$14,704,189 of funds previously unallocated, as part of approval of the FYs 2018-21 Work Program, as follows:

- f. A contract with Amazon Logistics, Inc. in an amount not to exceed \$4,157,710 to procure and deploy up to 10 zero-emission electric and up to 100 near-zero emission natural gas Class 8 semi-tractors;
- g. A contract with 4 Gen Logistics, Inc. in an amount not to exceed \$7,000,000 to procure and deploy up to 40 zero emission electric Class 8 semi-tractors and associated charging infrastructure;
- h. A contract with Green Fleet Systems, LLC in an amount not to exceed \$500,000 to procure and deploy up to five near-zero emission natural gas Class 8 semi-tractors;
- i. A contract with Premium Transportation Services, Inc. in an amount not to exceed \$1,500,000 to procure and deploy up to 15 near-zero emission natural gas Class 8 semi-tractors;
- j. A contract with Ryder Systems, Inc. in an amount not to exceed \$3,169,746 to purchase and install up to two integrated power centers and up to four mega chargers;
- k. A contract with MHX, LLC in an amount not to exceed \$1,900,000 to procure and deploy up to 10 zero emission electric Class 8 semi-tractors and associated charging infrastructure;
- l. A contract with Pac Anchor Transportation, Inc. in an amount not to exceed \$2,300,000 to procure and deploy up to 23 near-zero emission natural gas Class 8 semi-tractors;
- m. A contract with Volvo Financial Services in an amount not to exceed \$3,930,270 to lease up to 14 zero emission electric Class 8 semi-tractors and provide associated charging infrastructure to host fleet Quality Custom Distribution;
- n. A contract with Sea Logix, LLC in an amount not to exceed \$2,300,000 to procure and deploy up to 23 near-zero emission natural gas Class 8 semi-tractors; and
- o. A contract with CMA CGM (America) in an amount not to exceed \$1,946,463 to procure and deploy up to 13 near-zero emission natural gas Class 8 semi-tractors.

2021-TBD Work Program

Consideration of Partnership Opportunities to Participate in California Energy Commission Program

The MSRC received two unsolicited proposals seeking to establish a partnership in pursuit of funding from the California Energy Commission (CEC) under the Research Hub for Electric Technologies in Truck Applications (RHETTA) Program. The Los Angeles Cleantech Incubator (LACI), with project partner the Transportation Electrification Partnership (TEP), requested \$2.0M in MSRC co-funding for a project focused on building a regional network of advanced technology chargers along the I-710 and major freight arteries into the Inland Empire. The University of California Riverside (UCR) requested \$1.5M in MSRC co-funding for a project focused on demonstrating improved charging efficiency and cost-effectiveness, as well as developing a new high-

power charger prototype. The MSRC considered various options and elected to defer any action at this time, but revisit a potential partnership once the CEC award is known.

Contracts Administrator's Report

The MSRC AB 2766 Contracts Administrator's report provides a written status report on all open contracts from FY 2007-08 to the present.

COMMITTEE MEMBERSHIP

San Bernardino County Transportation Authority (SBCTA)
Representatives on SCAG Committees

APPOINTING/ELECTING AUTHORITY	REGIONAL COUNCIL (12:15 p.m.)	POLICY COMMITTEES (Regional Council Members Serve on One Each) (Subregional Appointments) (County Commissions Appoint One to TC) (10:00 a.m.)		
		Community, Economic, and Human Development	Energy and Environment	Transportation
District 6 (Grand Terrace, Colton, Loma Linda, Redlands, Yucaipa) District 7 (San Bernardino, Highland) District 8 (Rialto, Fontana) District 9 (Rancho Cucamonga, Upland, Montclair) District 10 (Chino, Chino Hills, Ontario) District 11 (Barstow, Big Bear, Needles, Twentynine Palms, Yucca Valley) District 65 (Adelanto, Apple Valley, Hesperia, Victorville) San Bernardino County	F. Navarro L. McCallon D. Robertson L. Michael R. Marquez R. Putz R. Ramirez C. Hagman	R. Ramirez	D. Robertson R. Putz	F. Navarro L. McCallon L. Michael R. Marquez C. Hagman
†San Bernardino County Transportation Authority Appointee	A. Wapner			A. Wapner
SBCTA Subregional Appointees* *One appointee to each policy committee for a total of three appointees per subregion, plus one additional appointee for every SCAG District over three in the subregion. SBCTA has a total of seven subregional appointees to the policy committees. *Terms of appointment expire December 31 of odd-numbered years.		David Avila Ed Paget Acquanetta Warren	Cynthia Moran John Valdivia Rick Denison	John Dutrey

Rules of Appointment

1. SBCTA policy stipulates that all SBCTA appointees be SBCTA Board Members.
2. SCAG President appoints Regional Council members to Standing and Policy Committees.

Terms of Appointment

Terms of appointment are two years, commencing on adjournment of the annual General Assembly in May of each year. Even-numbered District representatives' terms expire in even-numbered years; odd-numbered District representatives expire in odd-numbered years. †SBCTA Regional Council Representative serves a two-year term from the date of appointment.

Stipend Summary

SCAG Regional Council members receive a \$120 stipend for attendance and travel to SCAG sponsored meetings. Regional Council members may also receive reimbursement for public transit expenses or a mileage reimbursement. Parking is validated at SCAG's downtown Los Angeles office for RC members. RC members are eligible to receive up to six (6) per diem stipends per month. Both RC members and Subregional Appointees, if eligible, may receive reimbursement (\$150 + taxes) for lodging (please review SCAG rules before making expenditure). Subregional Appointees shall receive a \$120 stipend for up to four Policy or Task Force meetings per month.

Meeting Information

The regular meetings of SCAG Regional Council and Policy Committees are on the 1st Thursday of each month at the SCAG offices located at 900 Wilshire Blvd., Ste. 700, Los Angeles. Generally, the Policy Committee meetings start at 10 AM and Regional Council meetings start at 12:15 PM.

Policy Committees

Community, Economic, and Human Development: Provides policy recommendations to the Regional Council on subjects of housing, land use, resource, economic, community development, infrastructure, employment, and regional disaster preparedness issues. Reviews and recommends to the Planning Committee revisions to the Housing, Economy, Growth Management, Human Resources, and Finance Chapters of the Regional Comprehensive Plan and Guide.

Energy and Environment: Acts as the policy advisory committee to the Regional Council on environmental issues, including air and water, hazardous, solid waste management, natural resources conservation, and energy conservation. Reviews the Environmental Impact Report of the Regional Comprehensive Plan and Guide. Provides recommendations to the Planning Committee on state and federal legislative proposals and administrative guidelines affecting environmental quality, resource conservation.

Transportation: Acts as the policy advisory committee to the Regional Council on all regional matters pertaining to the movement of goods and people on land, water, and air. Reviews and recommends to the Regional Council all major utility development plans. Addresses the location, size, or capacity, timing, and impact of facilities.

Appointments to External Agencies

The San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG) work closely with not only the County and cities within the County of San Bernardino, but with a number of regional governments that relate to the multiple counties within the Southern California region. Members of the SBCTA Board of Directors frequently take active roles in representing the interests of San Bernardino County on these regional bodies. This participation provides assurance that the unique needs and characteristics of San Bernardino County are taken into consideration as policies are developed which impact this County and its individual local government units. Active participation in regional organizations further promotes the interests of San Bernardino County and secures its appropriate role in the Southern California region.

The following table lists some of the regional bodies upon which SBCTA and SBCOG representatives serve.

Committee	Appointee	Appointing Authority	Purpose	Term
California Association of Councils of Governments	Alan Wapner, Ontario	President	CALCOG facilitates communication and information sharing among its members. Most members of CALCOG are Councils of Governments (COGs), while some are transportation commissions and others are the large Metropolitan Planning Organizations like SCAG and SANDAG. CALCOG is governed by a Board of Directors comprised of a representative from each member's Board of Directors.	12/31/22
Inland Empire Economic Partnership (IEEP)	Dennis Michael, Rancho Cucamonga	President	The IEEP is a partnership that includes business, government and academic leaders to develop and carry out initiatives to benefit the region.	
The Sam and Alfreda L. Maloof Foundation for Arts and Crafts	Janice Rutherford, Supervisor	Board of Directors	A non-profit corporation that participates in the preparation of the Conservation Plan and oversees the activities and assets of the Foundation. A payment of stipend for participation has not been authorized.	12/31/21
Gold Line Phase II Joint Powers Authority	John Dutrey, Montclair, Primary Vacant	Board of Directors	The Gold Line Phase II Construction Authority is a Joint Powers Authority (JPA) formed by 14 cities along the corridor and SBCTA. The JPA serves as a forum for the review, consideration, study, development and recommendation of policies and plans for the extension of the Gold Line from Pasadena to Montclair. Members receive \$150 payment from Gold Line Authority for participation.	12/31/21
Metro Gold Line Foothill Extension Construction Authority	Alan Wapner, Ontario, Primary John Dutrey, Montclair, Alternate	President	The Authority is responsible for the development of a light rail project from the City of Los Angeles into San Bernardino County. The Authority board meets on the second and fourth Wednesday of the month at 7:00 p.m. at the Authority's office in Monrovia. Members receive \$150 for each day spent on Authority business, not to exceed \$600 per month.	12/31/22 12/31/22
Mobile Source Air Pollution Reduction Review Committee	Larry McCallon, Highland, Primary John Valdivia, San Bernardino, Alternate	Board of Directors	Develops and implements work programs which reduce mobile source emissions, funded by AB2766 (portion of the \$4 motor vehicle registration fee). County Commissions, SCAQMD, and ARB have one appointment with alternates. In April 2005, SBCTA authorized a stipend of \$100 per day. The MSRC meets on the third Thursday of the month at 2:00 p.m. at South Coast Air Quality Management District in Diamond Bar.	12/31/22 12/31/22

Communication: Appointments to External Agencies (Committee Membership)

Appointments to External Agencies

Committee	Appointee	Appointing Authority	Purpose	Term
One Water One Watershed (OWOW) Steering Committee of the Santa Ana Watershed Project Authority	Deborah Robertson, Rialto	Board of Directors	Responsible for developing the integrated Regional Water Management Plan for the Santa Ana River. The term of the appointment is for four years for a city representative from San Bernardino County. Officers leaving elected office after appointment are still eligible to serve. Beginning January 2016, the OWOW meets on the 4 th Thursday of every other month at 11:00 a.m. at the Santa Ana Watershed Project Authority (SAWPA). Members of the Steering Committee do not receive a stipend.	12/31/22
SCAG Policy Committees	See associated table.	The Board has authorized the President to make appointments to SCAG Policy Committees.	SBCTA also has authority to appoint up to seven appointees to the three SCAG Policy Committees: i.e., Community Economic and Human Development, Energy and Environment, and Transportation. SCAG pays appointees to policy committees a stipend of \$120 per meeting.	See associated table – Representatives on SCAG Committees
Southern California Regional Rail Authority	Alan Wapner, Ontario, Primary Larry McCallon, Highland, Primary Ray Marquez, Chino Hills, Alternate John Dutrey, Montclair, Alternate	Board of Directors (Recommendation made by the Transit Committee)	SCRRA serves as the governing body for Metrolink, the regional commuter rail system serving the five Southern California Counties. Members receive payment of \$100 per day from SCRRA for participation.	Indefinite
SR 91 Advisory Committee	Ray Marquez, Chino Hills, Ex-Officio Member	Board of Directors	The Committee reviews issues and makes recommendations to OCTA regarding the transportation facilities acquired, including tolls imposed, operations, maintenance, use of toll revenues, and improvements in the area of SR 91 between I-15 and SR 55, including the identification and siting of alternate highways. SBCTA has not authorized payment of stipend for participation.	12/31/22
Regional Rideshare Agency - Mobile Source Air Pollution Reduction Review Committee	John Dutrey, Montclair, Primary Ray Marquez, Chino Hills, Alternate	Board of Directors	The County Transportation Commissions within the South Coast Air Basin operating a rideshare program are identified as the Regional Rideshare Agencies. Ride share programs consist of providing resources and ride matching to commuters to reduce single occupancy vehicle trips, as well as employer support for implementing rideshare programs and reduction plans for the South Coast Air Quality Management District's Rule 2202. In April 2005, SBCTA authorized a stipend of \$100 per day. The MSRC meets on the third Thursday of the month at 2:00 p.m. at South Coast Air Quality Management District in Diamond Bar.	4/30/22 4/30/22

Communication: Appointments to External Agencies (Committee Membership)

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
General Policy Committee Membership consists of the following: SBCTA President, Vice President, and Immediate Past President 4 East Valley (3 City, 1 County) 4 West Valley (3 City, 1 County) 4 Mt/Desert (3 City, 1 County) City members shall be SBCTA Board Members elected by caucus of city SBCTA Board Members within the subarea. Policy Committee and Board Study Session Chairs are members of this policy committee. All City members serving as Board officers, Committee chairs, or Board Study Session Chair, are counted toward their subareas City membership. Supervisors collectively select their representatives. The SBCTA Vice President shall serve as Chair of the General Policy Committee.	Makes recommendations to Board of Directors and: (1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity; (2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization; (3) Serves as policy review committee for any program area that lacks active policy committee oversight. Committee has authority to approve contracts in excess of \$25,000 with notification to the Board of Directors. (Brown Act)	<u>West Valley</u> Alan Wapner, Ontario L. Dennis Michael, Rancho Cucamonga (Chair TC) Acquanetta Warren, Fontana Curt Hagman, Supervisor (Chair/Vice President/Chair MVSS) <u>East Valley</u> Frank Navarro, Colton (Vice Chair/President) Darcy McNaboe, Grand Terrace (Past President) Larry McCallon, Highland Dawn Rowe, Supervisor (Chair MDC) <u>Mountain/Desert</u> Art Bishop, Apple Valley Rick Herrick, Big Bear Lake Rick Denison, Yucca Valley Paul Cook, 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.	6/30/2021 6/30/2021 6/30/2021 6/30/2021 6/30/2021 6/30/2021 6/30/2021 6/30/2021 6/30/2021 6/30/2021 6/30/2021 6/30/2021 12/31/2021 (6/30/2021) Indeterminate (6/30/2021) 12/31/2021 Indeterminate Indeterminate 12/31/2022 12/31/2022 Indeterminate 12/31/2021 12/31/2022 12/31/2022 12/31/2022 12/31/2022
Transit Committee Membership consists of 12 SBCTA Board Members: 10 Valley-members, two being Southern California Regional Rail Authority (SCRRA) primary (*) and two being SCRRA alternate (**) members, and 2 Mountain/Desert Board Members. SCRRA members and alternates serve concurrent with their term on the SCRRA Board of Directors as appointed by the SBCTA Board. Other members are appointed by the SBCTA President for 2-year terms.	Provides policy guidance and recommendations to the SBCTA Board of Directors and Southern California Regional Rail Authority (SCRRA) delegates with respect to commuter rail and transit service. * SCRRA Primary Member ** SCRRA Alternate Member (Brown Act)	L. Dennis Michael, Rancho Cucamonga (Chair) Ray Marquez, Chino Hills** (Vice Chair) Frank Navarro, Colton John Dutrey, Montclair** Larry McCallon, Highland* David Avila, Yucaipa Deborah Robertson, Rialto Alan Wapner, Ontario* Acquanetta Warren, Fontana Dawn Rowe, Supervisor John Valdivia, San Bernardino Rick Denison, Yucca Valley	12/31/2021 (6/30/2021) Indeterminate (6/30/2021) 12/31/2021 Indeterminate Indeterminate 12/31/2022 12/31/2022 Indeterminate 12/31/2021 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Communication : Committee Membership (Committee Membership)

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Mountain/Desert Committee Membership consists of 12 SBCTA Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, Second, and Third Districts.	Provides ongoing policy level oversight related to the full array of SBCTA responsibilities as they pertain specifically to the Mountain/Desert subregion. The Committee also meets as the Mountain/Desert Measure I Committee as it carries out responsibilities for Measure I Mountain/Desert Expenditure Plan. (Brown Act)	Dawn Rowe, Supervisor (Chair) Art Bishop, Apple Valley (Vice Chair) Gerardo Hernandez, Adelanto Paul Courtney, Barstow Rick Herrick, Big Bear Lake Cameron Gregg, Hesperia Edward Paget, Needles Joel Klink, Twentynine Palms Debra Jones, Victorville Rick Denison, Yucca Valley Janice Rutherford, Supervisor Paul Cook, Supervisor	Indeterminate (6/30/20 Indeterminate (6/30/20 Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate
Legislative Policy Committee Membership consists of the following: President, Vice-President, Immediate Past President and four Board members appointed by the Board President. - 1 East Valley member - 1 West Valley member - 1 Mountain/Desert member - 1 County member Members shall serve for the duration of the State and Federal two-year legislative session in which they were appointed, with terms expiring December 31 of odd-numbered years. The SBCTA Board President shall serve as Chair of the Legislative Policy Committee.	Provide guidance and recommendations to the Board of Directors regarding issues and actions relating to the executive, legislative or judicial branches of the State and Federal government, or any other local governing body. Review and provide input on drafting of State and Federal legislative platform, which will serve as guiding principles to support or oppose State and Federal legislation and regulations. (Brown Act)	Frank Navarro, Colton (President) Curt Hagman, Supervisor (Vice President) Darcy McNaboe, Grand Terrace (Past President) Larry McCallon, Highland Alan Wapner, Ontario Art Bishop, Apple Valley Janice Rutherford, Supervisor	12/31/2021 12/31/2021 12/31/2021 12/31/2021 12/31/2021 12/31/2021 12/31/2021

Policy Committee Meeting Times	General Policy Committee	Second Wednesday, 9:00 a.m., SBCTA Office
	Legislative Policy Committee	Second Wednesday, 9:30 a.m., SBCTA Office
	Transit Committee	Second Thursday, 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.	To review, discuss, and make recommendations for actions to be taken at regular meetings of the Board on issues relating to Measure I Projects in the Valley. (Brown Act)	Board of Directors Curt Hagman, Supervisor (Chair) Dawn Rowe, Supervisor (Vice Chair)	6/30/2021 6/30/2021

Meeting Time: Second Thursday, 9:30 a.m., SBCTA Office

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

Joint Sub-Committee	PURPOSE	MEMBERSHIP	TERMS
I-10 and I-15 Corridor Joint Sub-Committee of the Board of Directors Metro Valley Study Session and the Mountain/Desert Policy Committee Members of the committee will be members of the SBCTA Board of Directors and will be appointed by the SBCTA Board President. The President will appoint the Chair and Vice-Chair of the Sub-Committee. The Sub-Committee will include a minimum of nine and a maximum of fourteen SBCTA Board members. Membership will be composed of a minimum of three representatives from the East Valley; and a minimum of two representatives from the Victor Valley. The Sub-Committee will meet as necessary immediately following the Metro Valley Study Session.	The purpose is to consider and make recommendations to the Board of Directors on the development of express lanes in San Bernardino County, in particular on the I-10 and I-15 Corridors. (Brown Act)	Alan Wapner, Ontario (Chair) Art Bishop, Town of Apple Valley (Vice Chair) Joe Baca Jr., Supervisor Paul Cook, Supervisor Larry McCallon, Highland L. Dennis Michael, Rancho Cucamonga Frank Navarro, Colton Deborah Robertson, Rialto Acquanetta Warren, Fontana	12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Public and Specialized Transportation Advisory and Coordinating Council (PASTACC) Membership consists of 11 members appointed by the SBCTA Executive Director. 5 representing Public Transit Providers 1 representing County Dept. of Public Works 2 representing the Consolidated Transportation Services Agency - Omnitrans and VVTA also represent CTSA for the Valley and High Desert respectively. 5 At Large Members representing Social Service Providers	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 (Brown Act)	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	On-going On-going On-going On-going On-going On-going 5/31/2021 9/30/2023 9/30/2023 6/30/2022 5/31/2021

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	PURPOSE	MEMBERSHIP	TERMS
<p>Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan</p> <p>The ITOC shall provide citizen review to ensure that all Measure I funds are spent by the San Bernardino County Transportation Authority (hereby referred to as the Authority) in accordance with provision of the Expenditure Plan and Ordinance No. 04-01. The ordinance specifies that each member of the ITOC have certain credentials or experience as follows:</p> <p>A. One member who is a professional in the field of municipal audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector.</p> <p>B. One member who is a licensed civil engineer or trained transportation planner with at least five years of demonstrated experience in the fields of transportation and/or urban design in government and/or the private sector. No member shall be a recipient or sub-recipient of Measure “I” funding.</p> <p>C. One member who is a current or retired manager of a major publicly financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</p> <p>D. One member who is current or retired manager of a major privately financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</p> <p>E. One public member, who possesses the knowledge and skills which will be helpful to the work of the ITOC.</p> <p>In addition to the appointed members, the SBCTA President and Executive Director will serve as ex-officio members.</p>	<p>The ITOC shall review the annual audits of the Authority; report findings based on the audits to the Authority; and recommend any additional audits for consideration which the ITOC believes may improve the financial operation and integrity of program implementation.</p> <p>The Authority shall hold a publicly noticed meeting, which may or may not be included on the agenda of a regularly scheduled Board meeting, with the participation of the ITOC to consider the findings and recommendations of the audits.</p> <p>(Brown Act)</p>	<p>Vacant (A)</p> <p>Gerry Newcombe (B)</p> <p>Wayne Hendrix (C)</p> <p>Rick Gomez (D)</p> <p>Mike Layne (E)</p> <p>Frank Navarro, Ex-Officio</p> <p>Ray Wolfe, Ex-Officio</p>	<p>12/31/24</p> <p>12/31/22</p> <p>12/31/22</p> <p>12/31/22</p>

SBCTA Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
<p>Council of Governments Ad Hoc Committee</p> <p>In June 2016, the SBCTA Board President appointed this ad hoc committee.</p>	<p>To provide direction relative to the Council of Governments annual work plan.</p>	<p>Alan Wapner, Ontario – Chair</p> <p>Larry McCallon, Highland</p> <p>L. Dennis Michael, Rancho Cucamonga</p> <p>Frank Navarro, Colton</p> <p>Janice Rutherford, Supervisor</p>
<p>Omnitrans/San Bernardino County Transportation Authority Ad Hoc Committee</p> <p>In April 2019, President McNaboe appointed SBCTA members to this ad hoc committee.</p>	<p>To provide policy guidance related to funding allocations and project delivery.</p>	<p>Ron Dailey, Loma Linda (Omnitrans)</p> <p>Penny Lilburn, Highland (Omnitrans)</p> <p>Sam Spagnolo, Rancho Cucamonga (Omnitrans)</p> <p>Darcy McNaboe, Grand Terrace (SBCTA)</p> <p>Dusty Rigsby, Loma Linda (SBCTA)</p> <p>Ray Marquez, Chino Hills (SBCTA)</p>

Communication: Committee Membership (Committee Membership)

Equity Ad Hoc Committee On October 7, 2020, the Board approved the establishment of this ad hoc committee composed of seven Board members appointed by the Board President. Membership consists of the following: - 2 East Valley member - 2 West Valley member - 2 Mountain/Desert member - 1 County member	To look broadly at equity and inequity region-wide both within the practices, policies and projects of SBCTA, as well as policies and issues facing SBCOG's member agencies.	L. Dennis Michael, Rancho Cucamonga Acquanetta Warren, Fontana John Valdivia, San Bernardino Rick Denison, Yucca Valley Darcy McNaboe, Grand Terrace Art Bishop, Apple Valley Joe Baca Jr., Supervisor
--	--	--

SBCTA Technical Advisory Committees

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



MISSION STATEMENT

Our mission is to improve the quality of life and mobility in San Bernardino County. Safety is the cornerstone of all we do.

We achieve this by:

- Making all transportation modes as efficient, economical, and environmentally responsible as possible.
- Envisioning the future, embracing emerging technology, and innovating to ensure our transportation options are successful and sustainable.
- Promoting collaboration among all levels of government.
- Optimizing our impact in regional, state, and federal policy and funding decisions.
- Using all revenue sources in the most responsible and transparent way.

Approved December 4, 2019