

**AGENDA**  
**Transit Committee Meeting**

**September 9, 2021**

**9:00 AM**

**MEETING ACCESSIBLE VIA ZOOM AT: <https://gosbcta.zoom.us/j/97638227765>**

**Teleconference**

Dial: 1-669-900-6833

Meeting ID: 976 3822 7765

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

***Transit Committee Membership***

**Chair**

Vice Mayor Ray Marquez  
City of Chino Hills

Mayor Pro Tem Alan Wapner  
City of Ontario

**Vice Chair**

Council Member David Avila  
City of Yucaipa

Mayor L. Dennis Michael  
City of Rancho Cucamonga

Mayor Frank Navarro  
City of Colton

Mayor Deborah Robertson  
City of Rialto

Mayor Acquanetta Warren  
City of Fontana

Mayor John Valdivia  
City of San Bernardino

Mayor Pro Tem Larry McCallon  
City of Highland

Council Member Rick Denison  
Town of Yucca Valley

Mayor John Dutrey  
City of Montclair

Supervisor Dawn Rowe  
County of San Bernardino

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

**AGENDA**

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Interested persons may submit Public Comment in writing to the Clerk of the Board at [clerkoftheboard@gosbcta.com](mailto:clerkoftheboard@gosbcta.com). Written comments must acknowledge the Agenda Item number, and specify whether the commenter wishes the comment be included with the minutes or read into the record. Comments read into the record will be read for three minutes; if three minutes pass and there is comment still unread, the time will not be extended and the remaining comment will not be read. Public Comment must be submitted no later than 5:00 pm on September 8, 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 Ray Marquez)

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

**Possible Conflict of Interest Issues**

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

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

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

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

## **CONSENT CALENDAR**

Items listed on the Consent Calendar are expected to be routine and non-controversial. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Members.

### **Consent - Transit**

- 2. Contract Change Orders to on-going Contracts with Stadler US, Flatiron West, Inc., and Granite Construction Company** Pg. 13

Receive and file change order report.

**Presenter: Victor Lopez**

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

## **DISCUSSION ITEMS**

### **Discussion - Transit**

- 3. Contract No. 22-1002676 with St. Paul the Apostle Catholic Church for a Park and Ride Lot** Pg. 24

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

A. Authorize the Executive Director, or his designee, to execute Contract No. 22-1002676 between the California Department of Transportation, San Bernardino County Transportation Authority and St. Paul the Apostle Catholic Church, for a Park and Ride lot lease through December 31, 2023 in the amount of \$18,000.

B. Authorize the Executive Director, or his designee, to execute two (2) two-year contract renewals, for a not-to-exceed total contract value of \$100,000, upon initial expiration of Contract No. 22-1002676.

**Presenter: Nicole Soto**

**This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA's General Counsel and Risk Manager have reviewed this item and the draft contract.**

- 4. Operators Transportation Development Act Triennial Performance Audits for Fiscal Year 2017/18 - 2019/2020** Pg. 38

Receive the Transportation Development Act Triennial Performance Audit Reports for Fiscal Years 2017/2018 through 2019/2020 for the Mountain Area Regional Transit Authority, Morongo Basin Transit Authority, City of Needles - Needles Area Transit, Omnitrans and Victor Valley Transit Authority.

**Presenter: Nancy Strickert**

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

## **5. Arrow Passenger Rail Service Fare Policy Alternatives**

Pg. 77

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

A. Receive a presentation on fare policy alternatives for Arrow service.

B. Recommend approval of the option to implement the extension of Metrolink's existing fare policy to the Arrow service such that there are consistent fares between Arrow and the rest of the Metrolink system.

**Presenter: Rebekah Soto**

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

## **6. West Valley Connector Art-in-Transit Program**

Pg. 86

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

A. Authorize the release of Request for Qualifications (RFQ), soliciting submissions by artists to provide design plans for public art to be incorporated into the West Valley Connector Project, including RFQ No. 22-1002689 for artwork at station shelters and RFQ No. 22-1002688 for artwork wrapping utility boxes.

B. Authorize the Executive Director, or his designee, to execute Honorarium Agreements and Artist Design Agreements, as necessary, with selected artists for each opportunity, upon review and approval as to form by General Counsel.

C. Approve a budget of \$500,000 to implement the Art-in-Transit program for the West Valley Connector using previously authorized funds.

**Presenter: Victor Lopez**

**This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA's General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft agreements.**

## **7. Redlands Passenger Rail Project - Update on Diesel Multiple Unit Testing Location**

Pg. 123

Receive and file an update on the proposed location for testing of the Arrow service diesel multiple unit vehicles, changing the location from the Perris Valley Line Subdivision back to the Redlands Passenger Rail Project Corridor and San Gabriel Subdivision.

**Presenter: Victor Lopez**

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



**8. Request for Proposals for Arrow Maintenance Facility Hydrogen Fuel Upgrade Project Construction Management Consultant Services** Pg. 125

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

Authorize the Executive Director, or his designee, to release Request for Proposals No. 21-1002658 for Arrow Maintenance Facility Hydrogen Fuel Upgrade Project Construction Management Consultant services for the construction of the hydrogen fueling station and the retrofit needed to support hydrogen vehicle operations.

**Presenter: Joy Buenaflor**

**This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and will review the Request for Proposals prior to its release.**

**Discussion - Transportation Programming and Fund Administration**

**9. 2021 Update to the 10-Year Delivery Plan - Valley Transit Programs** Pg. 155

Receive report and provide comments on the planned update to the 10-Year Delivery Plan for the San Bernardino Valley Metrolink/Rail Service Program and San Bernardino Valley Express Bus/Bus Rapid Transit Service Program.

**Presenter: Michele Fogerson**

**The information presented in this item was reviewed by the Transportation Technical Advisory Committee on August 30, 2021, and by the City/County Managers Technical Advisory Committee on September 2, 2021. This item is not scheduled for review by any other policy committee or technical advisory committee.**

**10. San Bernardino County Transportation Authority Transportation Development Act Triennial Performance Audit for Fiscal Years 2017/2018 - 2019/2020** Pg. 160

Receive the Transportation Development Act Triennial Performance Audit Report for Fiscal Years 2017/2018 through 2019/2020 for the San Bernardino County Transportation Authority.

**Presenter: Michele Fogerson**

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

**Public Comment**

Brief Comments from the General Public

Interested persons may submit Public Comment in writing to the Clerk of the Board at [clerkoftheboard@gosbcta.com](mailto:clerkoftheboard@gosbcta.com). Written comments must acknowledge the Agenda Item number, and specify whether the commenter wishes the comment be included with the minutes or read into the record. Comments read into the record will be read for three minutes; if three minutes pass and there is comment still unread, the time will not be extended and the remaining comment will not be read. Public Comment must be submitted no later than 5:00 pm on September 8, 2021.

**Comments from Board Members**

Brief Comments from Board Members

## **ADJOURNMENT**

### **Additional Information**

Attendance

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Acronym List

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Mission Statement

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**The next Transit Committee Meeting is scheduled for October 14, 2021.**

## **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 Executive Order N-29-20 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](mailto:clerkoftheboard@gosbcta.com).

**Agendas** – All agendas are posted at [www.gosbcta.com/board/meetings-agendas/](http://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](mailto: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](mailto:clerkoftheboard@gosbcta.com) no later than 5:00 pm the day before the meeting. The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar

items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

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

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

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

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

**Attendance.**

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

**Basic Agenda Item Discussion.**

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

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

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

**Amendment or Substitute Motion.**

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

**Call for the Question.**

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

**The Chair.**

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

**Courtesy and Decorum.**

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

*Adopted By SANBAG Board of Directors January 2008*

*Revised March 2014*

*Revised May 4, 2016*

## ***Minute Action***

### AGENDA ITEM: 1

***Date:*** September 9, 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:

<b>Item No.</b>	<b>Contract No.</b>	<b>Principals &amp; Agents</b>	<b>Subcontractors</b>
2	16-1001531	Stadler US, Inc. <i>Martin Ritter</i>	None
2	17-1001705	Flatiron West, Inc. <i>Dale A. Nelson</i>	All American Asphalt Hayward Baker, Inc. Pacific Steel Group Southwest V-Ditch, Inc. Schuff Steel Company Paramount Metal Supply Perimeter Security Group Alcorn Fence Company BC Traffic Specialist Select Electric, Inc. Mass Electric Const. Co. R. Dugan Construction, Inc. Rock Structures Advanced Geosolutions, Inc. Veolia Transportation Maintenance and Infrastructure
2	19-1002070	Granite Construction Company Brad J. Williams	Pacific Crane and Hoist, Inc. Facility Builders & Erectors, Inc. Beeson Masonry & Concrete, Inc. dba Pacific Pervious Coreslab Structures (LA), Inc. H. Wayne Lewis, Inc. dba Amber Steel Company Ken Curran Electric, Inc. PGC Construction, Inc. H & H Engineering

*Entity: San Bernardino County Transportation Authority*

## Transit Committee Agenda Item

September 9, 2021

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2 Cont'd			Construction, Inc. CL Coatings, Inc. Crown Fence Co. Air & Lube Systems, Inc. Wine Gardner Masonry, Inc. Meadows Sheet Metal & Air Conditioning, Inc. Dba Meadows Mechanical
3	22-1002676	St. Paul the Apostle Catholic Church	None

**Financial Impact:**

This item has no direct impact on the annual budget.

**Reviewed By:**

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

**Responsible Staff:**

Carrie Schindler, Director of Transit and Rail Programs

Approved  
Transit Committee  
Date: September 9, 2021

Witnessed By:

San Bernardino County Transportation Authority



## ***Minute Action***

### AGENDA ITEM: 2

***Date:*** September 9, 2021

***Subject:***

Contract Change Orders to on-going Contracts with Stadler US, Flatiron West, Inc., and Granite Construction Company

***Recommendation:***

Receive and file change order report.

***Background:***

San Bernardino County Transportation Authority (SBCTA) has two ongoing construction contracts and one vehicle procurement contract related to the Transit and Rail Program. The following Construction Change Orders (CCO) were approved since the last reporting to the Transit Committee:

- A. Contract No. 16-1001531 with Stadler US for Redlands Passenger Rail Project (RPRP) Diesel Multiple Units (DMU) procurement has had no CCOs executed since the last report.
- B. Contract No. 17-1001705 with Flatiron West, Inc. (Flatiron) for the RPRP Mainline Construction has had the following CCOs executed since the last report:
  - 1) CCO 065: Modifications to the Santa Ana River Bridge abutment seven, including building of precast block wall. (\$130,126.33).
  - 2) CCO 091: Increase bid item quantity for new Continuous Welded Rail (\$12,233.76).
  - 3) CCO 097: University of Redlands Station Revisions (\$50,000 .00).
  - 4) CCO 099: Install conduit needed for communications services at University of Redlands Station (\$25,500.00).
  - 5) CCO 100: Install conduit needed for communications services at Downtown Redlands Station (\$21,481.71).
  - 6) CCO 113: Signal Shelter Battery Charging provisions (\$30,309.27).
  - 7) CCO 117: Bid Item Quantity Reconciliation Change Order (\$98,066.41).
  - 8) CCO 118: Orange Street Drainage Revisions (\$49,493.43).
- C. Contract No. 19-1002070 with Granite Construction Company (Granite) for the Redlands Passenger Rail Project Arrow Maintenance Facility has had the following CCOs executed since the last report:
  - 1) CCO 013: Modifications to Asphalt Concrete (AC) paving limits and adjustments to elevations of existing utilities needed to perform final AC paving (\$284,000.65).

*Entity: San Bernardino County Transportation Authority*

Transit Committee Agenda Item

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- 2) CCO 015: Electrical revisions for conduit and breakers required to complete electrical work (\$36,026.30).
- 3) CCO 025: Additional door hardware required to complete door installation (\$3,805.20)

***Financial Impact:***

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

***Reviewed By:***

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

***Responsible Staff:***

Victor Lopez, Director of Capital Delivery

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Approved  
Transit Committee  
Date: September 9, 2021

Witnessed By:

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San Bernardino County Transportation Authority

## Rail and Transit Construction Contracts

<b>RPRP- Mainline Construction Flatiron West, Inc (17-1001705)</b>		
<b>Executed Change Orders</b>		
<b>Number</b>	<b>Description</b>	<b>Amount</b>
1	No cost change order, adjusting insurance language for SCRRA's ROE req's	\$0.00
2	Increase Bid Item #23 - Removal and Disposal of contaminated soil with a not-to-exceed value of \$5,300,000 to compensate the contractor for unforeseen contaminated soil levels within the back 6 miles of the RPRP and anticipated levels of contaminated soil within the front 3 miles.	\$5,300,000.00
3	Railroad Signal (existing) at Arrowhead Avenue damaged due to 3rd party traffic incident.	\$4,394.91
4	Increase track subgrade compaction from 90% to 95% along the guideway to comply with SCRRA standards.	\$175,000.00
5	Increase pothole bid item for additional potholes required for the project. Original bid item included 200 potholes and amount of potholes needed has increased to approximately 860 potholes.	\$584,326.00
6	Modifications to the Best Management Practices (BMP) required by the Storm Water Pollution Prevention Plan (SSWPP) at 133 E Street (future parking lot).	\$26,511.09
7	CN 027 - Emergency repairs to Twin Creek Bridge following transient activity.	\$35,077.95
8	CN 027 - Upsize Casing for Pier Protection Wall CIDH due to unforeseen constructability issues.	\$41,650.83
9	CN 017 - Subsurface investigation at Santa Ana River Bridge Cast in Drilled Hole (CIDH) to determine extent of unsuitable material.	\$8,923.65
10	CN 039 - Alt Supplier for Wayside Messaging Server as previous Supplier no longer manufactures it.	\$30,703.15
11	CN 040 - Battery Chargers model revisions.	\$9,435.76
12	CN 004 - Encasement of City of Riverside 36" Water Transmission Main to bring up to SCRRA standards.	\$131,249.27
13	CN 005 - Storm Drain DS17 Design Revision.	\$3,983.65
14	CN 020 - Revised Signal Vault Layout at Richardson Street.	\$6,863.27
15	CN 041 - Bid Item 532 Increase in QTY.	\$2,369.00
16	CN 015 - Temporary Construction Easement revision at Mad Atom/Pacific Desert Property due to access point change and revised TCE area from owner.	\$36,110.15

**Bold-**Construction Change Orders approved since the last reporting to the Transit Committee  
 Amounts shown in parentheses represent a credit to the Agency

Attachment: Sept Transit Committee Change Orders DRT (AMF Updates) [Revision 2] (7931 : Contract Change Orders to on-going Contracts

## Rail and Transit Construction Contracts

17	CN 003 - Flatiron West, Inc. to install 68 linear feet of casing for Frontier at Arrowhead Avenue.	\$71,235.58
18	CN 083 - Increase Bid Item 10 - Permit allowance.	\$90,000.00
19	CN 058 - Arrowhead Avenue SCE conduit and casing installation.	\$207,714.40
20	CN 092 - Increase Bid Item 23 - Removal and disposal of contaminated soil to eliminate remaining contaminated soil along the RPRP.	\$3,300,000.00
21	CN 024 - Confirmation and establishment of new survey control points due to variances and discrepancies with survey design.	\$89,672.02
22	CN 048 - Orange Show Road Utility Protection Slab.	\$32,867.10
23	CN 057 - Arrowhead Avenue sewer bypass and sewer line replacement.	\$26,232.96
25	CN 016 - Easement at Mad Atom Revised TCE.	\$4,151.63
26	CN 022 - Soil Sampling and Analysis at University Station.	\$9,845.51
27	CN 055 - Hanging Scaffolding at Twin Creek Bridge to allow work to commence prior to issuance of the 408 Environmental Permit.	\$51,802.36
24	CN 52 - Elimination of earthen ditch at Tennessee Street.	\$7,665.25
28	CN 89 - 6th Street SCE distribution facility relocation by FWI.	\$119,443.92
29	CN 79 - Install 20" steel casing for SCG at CP Redlands (Stoddard Ave).	\$13,590.42
30	CN 49 - FWI to construct return walls at each station per revised design.	\$39,524.11
31	CN 69 - Construct dry utility protection slab at D Street for SCE facility.	\$24,956.12
32	CN 70 - Construct dry utility protection slab at 5th Street for SCE facility.	\$25,254.81

**Bold-**Construction Change Orders approved since the last reporting to the Transit Committee  
Amounts shown in parentheses represent a credit to the Agency

## Rail and Transit Construction Contracts

33	CN 71 - SCE metering pedestal location revisions at Sierra Way.	\$1,957.71
34	CN 107 - Waterman 36" water main protection slab precast material costs .	\$96,273.62
35	CN 51 & CN 56 - Welded wire mesh installation at two locations to fill in gaps for protection of ROW.	\$14,469.64
36	CN 073 - SCE metering pedestal location revisions at Orange Show Road.	\$6,882.01
37	CN 84 - Replace existing IJ at CP Redlands due to rail continuity test defect.	\$9,006.27
38	CN 29 - Install 2 headwalls at DS-6 per SCRRA standards.	\$20,424.41
39	CN 59 - Revised grades at Colton due to changes in survey data.	\$1,800.22
40	CN 36 - Due to Esri adjacent project, increase depth of SCRRA turndown wall at Downtown Redlands Station platform.	\$33,290.41
41	CN 28 - Revisions to Gage Canal Blow Off Line	\$18,188.39
42	CN 80 - SCE Metering revisions to 7th street	\$41,855.16
43	CN 43 - E Street paving revisions due to ADA compliance.	\$4,083.49
44	CN 132 - SCE Manhole construction at 6th street	\$59,199.57
45	CN 94 - VCP Sewer bypass at Arrowhead Avenue	\$27,384.35
46	CN 82 - Waterman Avenue Waterline Slab Protection	\$184,133.88
47	CN 76 - SCE metering provisions at Waterman Avenue.	\$27,248.73
48	CN 23 - Soil Sampling and Analysis for Front 3.	\$9,359.49

**Bold-**Construction Change Orders approved since the last reporting to the Transit Committee  
Amounts shown in parentheses represent a credit to the Agency

Attachment: Sept Transit Committee Change Orders DRT (AMF Updates) [Revision 2] (7931 : Contract Change Orders to on-going Contracts

## Rail and Transit Construction Contracts

49	CN 116 - Commercial driveway Arrowhead Ave premium time.	\$4,408.05
50	CN 103 - Revised Fencing Alignment	\$33,704.20
51	CN 124 - E Street Signal vault elevation adjustment	\$3,090.07
52	CN 44 - City of Redlands Water Service and connection construction at Redlands stations.	\$34,040.49
53	CN 53 - Mountain View skeleton track construction during IVDA construction	\$64,034.97
54	CN 96 - Operator Change Engineering costs associated with communication systems redesign	\$453,945.69
55	CN 101 - Replace Drivable grass with Rip Rap	\$483,544.88
56	CN 117 - Communication Ductbank and Slurry Bid Item #265 increase	\$132,975.00
57	CN 109 - Replace switch block ties for spur 2	\$11,028.03
58	CN 112 - Sta 266+00 Abandoned drainage structure	\$4,411.52
59	CN 035 - Field investigation to locate City of Riverside blow off	\$3,405.64
60	CN 118 - Increase BI 270	\$15,000.00
61	CN 119 - Increase BI 271	\$10,000.00
62	CN 104 - E Street waterline relocation	\$120,052.18
63	CN 145 - Mitten building roof drain erosion protection	\$1,953.99
64	CN 163 - DS-16 Repair Work (IVDA Damage)	\$9,843.25

**Bold-**Construction Change Orders approved since the last reporting to the Transit Committee  
Amounts shown in parentheses represent a credit to the Agency

Attachment: Sept Transit Committee Change Orders DRT (AMF Updates) [Revision 2] (7931 : Contract Change Orders to on-going Contracts

## Rail and Transit Construction Contracts

65	CN 091 - Modifications to the Santa Ana River Bridge at SARTS abutment	\$130,126.33
67	CN 067 - SCE Metering provisions Richardson Street	\$56,862.04
68	CN 143 - SCE Metering provisions Stoddard Street	\$23,664.29
70	CN 077 - SCE Metering provisions West Colton Avenue	\$31,040.13
71	CN 093 - Mill Street traffic incident	\$48,973.29
72	CN 072 - SCE Metering provisions Mill Street	\$16,758.16
73	CN 062 - Headblock ties for CP ZEMU	\$7,000.00
74	CN 155 - University Parking lot drainage revisions	\$22,811.14
75	CN 075 - Arrowhead Ave encase existing utilities	\$26,171.45
76	CN 139 - Esri Station Canopy Overhang Support	\$5,651.41
77	CN 159 - UD 29-2 Cleanout conflict with No 14 turnout	\$2,484.74
78	CN 078 - SCE Metering provisions Nevada Street	\$32,931.58
79	CN 064 - SCE Metering provisions University Street	\$45,000.00
80	CN 157 - SCE Metering provisions Orange Street	\$7,237.29
81	CN 081 - SCE Metering provisions Church Street	\$18,947.80
82	CN 110 - Rip rap adjacent to DS-12	\$104,105.01

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## Rail and Transit Construction Contracts

83	CN 042 - Revised signal WCNSS plans	\$75,000.00
84	CN 074 - SCE Metering provisions Alabama Street	\$36,500.00
85	CN 129 - SBTC Parking Lot Mods	\$99,000.00
86	CN 086 - Warm Creek Channel Revisions	\$14,000.00
87	CN 061 - Tippecanoe Station Frontier Conduit install	\$20,697.85
88	CN 106 - University Street Driveway at Apartments	\$14,000.00
89	CN 128 - Historic Warm Creek Bridge block wall	\$13,500.00
90	CN 046 - DS 24 Catch basin modification	\$3,700.00
<b>91</b>	<b>CN 120 - Increase BI 434 (Continuous Welded Rail)</b>	<b>\$12,233.76</b>
93	CN 090 - Nevada St SCE Mainline Relocation	\$155,000.00
94	CN 097 - Gage canal floodwall revisions	\$95,000.00
95	CN 133 - SARB Utility Hangars	\$110,000.00
96	CN 150 - SBTC Platform conduit revisions and installation	\$60,000.00
<b>97</b>	<b>CN 102 - UOR Station Revisions</b>	<b>\$50,000.00</b>
<b>99</b>	<b>CN 111 - Install conduit needed for communications services at University of Redlands Station</b>	<b>\$25,500.00</b>
<b>100</b>	<b>CN 151 - Install conduit needed for communications services at Downtown Redlands Station</b>	<b>\$21,481.71</b>

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## Rail and Transit Construction Contracts

113	CN 153 - Signal Shelter Battery Charging provisions	\$30,309.27
117	Bid item quantity reconciliation	\$98,066.41
118	CN 183 - Orange Street Drainage Revisions	\$49,493.43
<b>CCO TOTAL</b>		<b>\$14,014,797.27</b>
<b>APPROVED CONTINGENCY</b>		<b>\$15,423,207.19</b>
<b>REMAINING CONTINGENCY</b>		<b>\$1,408,409.92</b>

Attachment: Sept Transit Committee Change Orders DRT (AMF Updates) [Revision 2] (7931 : Contract Change Orders to on-going Contracts

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## Rail and Transit Construction Contracts

RPRP- Arrow Maintenance Facility (AMF) Granite Construction Company (19-1002070)		
Executed Change Orders		
Number	Description	Amount
1	Increase to the contract permit allowance (bid item 3)	\$110,000.00
2	Demolish and rebuild two active junction structures. One structure was unknown and buried beneath the future location of the AMF building footing. The other structure was found in a location that varied from the as-builts and in conflict with a new storm drain construction.	\$127,069.75
3	Sanitary Sewer Relocation - Relocate existing sanitary sewer trunk line per SBMWD approved design revision.	\$470,000.00
4	36" Storm Drain Realignment & Water Quality Revisions.	\$25,727.85
5	Site Domestic & Fire Water Revisions - Implement revisions to site domestic and fire water lines, per design revision.	\$60,000.00
6	Building Footing & Slab Revisions - Increased some building footings and thickened slab dimensions.	\$118,107.28
7	Water quality plan check revisions.	\$649,083.54
8	Site lighting revisions.	\$230,610.38
9	Deductive Change - Deductive credit for elimination of Operations Building, vehicle lifts & landscaping.	(\$1,027,276.00)
11	RPRP Communication Site Redesign - Revisions in site communications due to change in operators (i.e. from Omnitrans to SCRRRA).	\$297,393.47
12	Time Impact Analysis 1.2 (Sewer) - Increase time related overhead for sewer delays.	\$300,000.00
13	<b>Modifications to asphalt concrete paving limits &amp; utility adjustments</b>	<b>\$284,000.65</b>
14	Addition of fire retardant framing in the electrical communication room and detection of a separate air compressor room.	\$40,000.00
15	<b>Miscellaneous electrical revisions for conduit and breakers</b>	<b>\$36,026.30</b>
19	Bumping Post Modifications.	\$4,750.00
20	Addition of phone and internet conduit.	\$27,846.50
21	Perform structural review of preliminary door & mezzanine retrofits (T&M)	\$42,000.00
23	Relocation of Oil Drip Pan (Lump Sum)	\$17,000.00
24	Modifications to light pole foundations due to unforeseen obstructions.	\$9,323.73
25	<b>Additional door hardware</b>	<b>\$3,805.20</b>
<b>CCO TOTAL</b>		<b>\$1,825,468.65</b>
<b>APPROVED CONTINGENCY</b>		<b>\$8,363,400.00</b>
<b>REMAINING CONTINGENCY</b>		<b>\$6,537,931.35</b>
RPRP- Vehicle Procurement from Stadler US (16-1001531)		
Executed Change Orders		
Number	Description	Amount
1	Additional ADA seating and bicycle storage capacity.	\$118,500.00
2	Engineering and testing for modifications to the SBCTA DMU in preparation for future retractable steps.	\$222,300.00
3	Adjustment of the contract milestone schedule.	\$93,400.00
4	Adjustment of DMU color scheme to match SCRRRA branding.	\$49,434.00
5	Modification of the propulsion master controller.	\$118,890.83
6	Addition of dual end Positive Train Control power cycle functionality.	\$54,520.00

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 Amounts shown in parentheses represent a credit to the Agency

Attachment: Sept Transit Committee Change Orders DRT (AMF Updates) [Revision 2] (7931 : Contract Change Orders to on-going Contracts

## Rail and Transit Construction Contracts

<b>CCO TOTAL</b>	<b>\$657,044.83</b>
<b>APPROVED CONTINGENCY</b>	<b>\$3,390,508.00</b>
<b>REMAINING CONTINGENCY</b>	<b>\$2,733,463.17</b>

Attachment: Sept Transit Committee Change Orders DRT (AMF Updates) [Revision 2] (7931 : Contract Change Orders to on-going Contracts

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## ***Minute Action***

### AGENDA ITEM: 3

***Date:*** September 9, 2021

***Subject:***

Contract No. 22-1002676 with St. Paul the Apostle Catholic Church for a Park and Ride Lot

***Recommendation:***

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

A. Authorize the Executive Director, or his designee, to execute Contract No. 22-1002676 between the California Department of Transportation, San Bernardino County Transportation Authority and St. Paul the Apostle Catholic Church, for a Park and Ride lot lease through December 31, 2023 in the amount of \$18,000.

B. Authorize the Executive Director, or his designee, to execute two (2) two-year contract renewals, for a not-to-exceed total contract value of \$100,000, upon initial expiration of Contract No. 22-1002676.

***Background:***

Since 2004, San Bernardino County Transportation Authority (SBCTA) has operated a Park and Ride lot program in coordination with the California Department of Transportation (Caltrans), who is primarily responsible for liability while motorists use the lots, as well as installing signage on freeways and local streets.

SBCTA seeks suitable Park and Ride lot locations that have ample parking, are primarily available Monday through Friday, and are convenient to motorists commuting to work. St. Paul the Apostle Catholic Church is located in Chino Hills, California, and is conveniently located off State Route 71.

SBCTA has previously contracted with St. Paul the Apostle Catholic Church for use of seventy-five (75) parking spaces for Park and Ride purposes and wishes to continue offering commuters use of the lot. While there was a decline in usage due to the COVID-19 pandemic, staff requests to continue this lease in anticipation of offices fully reopening, and also due to its prime location and utilization pre-pandemic. Staff recommends retaining the same number of leased spaces until there is a better understanding of the future usage of Park and Ride lots. SBCTA, in addition to other regional rideshare agency programs, intends to update rideshare and vanpool program offerings to encourage commuters to rideshare when they are ready. Large employers subject to South Coast Air Quality Management District's Rule 2202 requirements will also likely modify their rideshare program offerings as part of their restart efforts to increase average vehicle ridership to their worksites.

Contract No. 22-1002676 is for a two year period beginning January 1, 2022, and expiring on December 31, 2023, with a total contract value of \$18,000. Staff requests the Executive Director, or his designee, be authorized to execute Contract No. 22-1002676 and up to two (2) two-year contract renewals. The total contract value, including the contract renewals, shall not exceed \$100,000.

*Entity: San Bernardino County Transportation Authority*

***Financial Impact:***

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

***Reviewed By:***

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

***Responsible Staff:***

Nicole Soto, Management Analyst II

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Approved  
Transit Committee  
Date: September 9, 2021  
Witnessed By:

## General Contract Information

Contract No: 22-1002676 Amendment No.: \_\_\_\_\_

Contract Class: Payable Department: Transit

Vendor No.: 02466 Vendor Name: St. Paul The Apostle Catholic Church

Description: Park and Ride Lease

List Any Related Contract Nos.: \_\_\_\_\_

Dollar Amount							
Original Contract		\$	18,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	18,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	18,000.00

## Contract Authorization

Board of Directors Date: 10/6/2021 Committee \_\_\_\_\_ Item # \_\_\_\_\_

## Contract Management (Internal Purposes Only)

Other Contracts \_\_\_\_\_ Sole Source? No No Budget Adjustment \_\_\_\_\_

Federal \_\_\_\_\_ Park & Ride Agreement \_\_\_\_\_ N/A \_\_\_\_\_

## Accounts Payable

Estimated Start Date:				1/1/2022		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	Task	Sub-Task	Object	Revenue	PA Level		Revenue Code Name		\$	18,000.00		\$	-	
GL:	2020	30	0314	0320	52001	42102028			CMAQ SCAB 6507 (017)				13,500.00		-		
GL:	2020	30	0314	0320	52001	42102029			CMAQ MDAB 6507 (022)				4,500.00		-		
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Nicole Soto

Carrie Schindler

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: 22-1002676 CSS [Revision 1] (7937 : Contract No. 22-1002676 with St. Paul the Apostle Catholic Church for a Park and Ride Lot)

WHEN RECORDED MAIL TO:

San Bernardino County Transportation Authority  
1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor  
San Bernardino, CA 92410-1715

Exempt From Filing Fees  
Government Code § 6103

**PARK AND RIDE LOT LEASE NO. 22-1002676  
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION,  
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY  
AND ST. PAUL THE APOSTLE CATHOLIC CHURCH**

This Park and Ride Lot Lease (“Lease”) is made by and between the SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (“SBCTA”), the CALIFORNIA DEPARTMENT OF TRANSPORTATION (“The Department”), and ST. PAUL THE APOSTLE CATHOLIC CHURCH (“Owner”). SBCTA and The Department are hereinafter individually and collectively referred to as Lessee.

**RECITALS**

- A. Owner is the owner of certain real property located at 14085 Peyton Drive, in the City of Chino Hills, County of San Bernardino, California, bearing Assessor’s Parcel Number 1022-021-28-000 and more particularly described in Exhibit “A” attached hereto and incorporated herein by reference (the “Site”); and
- B. Lessee desires to lease a portion of the Site from Owner for the purpose of providing a parking lot for the use of members of the public in forming and participating in commuter carpools and vanpools (“Park and Ride Lot”); and
- C. Owner desires to lease a portion of the Site to Lessee for use as a Park and Ride Lot in consideration for the covenants set forth herein; and
- D. Lessee and Owner desire to express the full terms of their lease in writing;

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

1. Term. This Lease shall be effective as of January 1, 2022 and continue in effect until December 31, 2023. This Lease may thereafter be renewed for two, two-year Option Terms; rent for renewal terms may be adjusted to current fair market rent. Lessee shall provide written notice to Owner thirty (30) calendar days prior to the expiration of the initial term, or any extended

term, of Lessee's desire to extend this Lease. The maximum term of this Contract, including the Option Terms, if exercised, will not exceed December 31, 2027.

Either Lessee or Owner may terminate this Lease without cause as of the last day of any quarter for which payment has been made, provided a minimum of thirty (30) calendar days' written notice has been given to the other party.

2. Maximum Obligation. SBCTA's maximum obligation shall be Eighteen Thousand Dollars (\$18,000) based on the following:

Seventy-five (75) spaces at Ten Dollars (\$10.00) per space per month for a twenty-four (24) month period and paid quarterly, as indicated below, as rent for the term of this Lease.

Date: January 1, 2022 (Jan, Feb, Mar 2022) for 75 spaces	\$2,250
Date: April 1, 2022 (April, May, June 2022) for 75 spaces	\$2,250
Date: July 1, 2022 (July, Aug, Sept 2022) for 75 spaces	\$2,250
Date: October 1, 2022 (Oct, Nov, Dec 2022) for 75 spaces	\$2,250
Date: January 1, 2023 (Jan, Feb, March 2023) for 75 spaces	\$2,250
Date: April 1, 2023 (April, May, June 2023) for 75 spaces	\$2,250
Date: July 1, 2023 (July, Aug, Sept 2023) for 75 spaces	\$2,250
Date: October 1, 2023 (Oct, Nov, Dec 2023) for 75 spaces	\$2,250
Total	\$18,000

The rent payment shall be delivered to the following:

St. Paul the Apostle Catholic Church  
Diocese of San Bernardino  
14085 Peyton Drive  
Chino Hills, CA 91709

If SBCTA fails to make any rental payment when due, this Lease and Lessee's right to possession shall terminate, provided Owner has made written demand to SBCTA for rental payment and SBCTA has failed to pay rent within 30 calendar days after such demand has been made.

3. Lease of Site. Owner hereby leases to Lessee, and Lessee hereby leases from Owner, a portion of the Site containing 75 (seventy-five) automobile and van parking spaces as shown cross-hatched in Exhibit "B" attached hereto and incorporated herein by this reference (the "P&R Lot"). For purposes of this Lease, the P&R Lot shall also include any described appurtenances, including any improvements now or hereafter located on the P&R Lot, notwithstanding that any such improvements may or shall be construed as affixed to and constituting part of the Site, and without regard to whether ownership of the improvements is in Lessee or Owner.

4. Use. The leased premises shall be used by Lessee solely for the purpose of maintaining and operating a Park and Ride Lot. Members of the public shall be entitled to use the designated parking spaces for rideshare commuting purposes without limitation as to time of day



or day of the week. Owner agrees not to engage in any activity, or agreement or relationship with any other party, that would interfere with Lessee's use of the P&R Lot or would include any collection of fees or rent of any nature from any person using the P&R Lot.

Owner shall provide Lessee twenty-one (21) calendar days' written notice of any reasonably necessary maintenance, repairs or improvements, or other events that will make the P&R Lot inaccessible to the public for carpool/vanpool purposes, except in cases of emergency. Owner shall diligently pursue completion of any such maintenance, repairs or improvements in order to avoid delay in reopening the P&R Lot or any affected parking spaces.

In the event any of the designated parking spaces in the P&R Lot become unavailable for a period of three (3) or more days for any reason, Lessee shall have the right to pro-rate future rent payments, except in the event the Lease is terminated for cause in accordance with Section 17, in which case Owner shall refund the pro rata amount of any rents received for periods when such parking spaces were not available.

5. Signage. The Department may, in its sole discretion and at its own expense, place signs (i) within the Site to designate the perimeter of the P&R Lot and the designated spaces therein; and (ii) outside the Site, on freeways and streets, to disclose the existence of the Park and Ride Lot and to provide directions to the Site. Such signs shall be placed in a manner consistent with applicable local laws and national standards for roadside information services and installations. The signs shall be substantially in the locations shown in Exhibit "B", and shall be in a form used by The Department for other park and ride lots. The Department shall retain the right to amend signage so long as such changes are consistent with local ordinances and state law. Upon termination of this Lease, The Department shall remove such signs at its own expense and repair related damage.

Notwithstanding any other provision in this Agreement, except for the signs placed within or outside of the Site pursuant to (i) or (ii) of the preceding paragraph in this Section 5, The Department may not construct any other Improvements without the express written approval of Owner in its sole and absolute discretion.

6. Maintenance.

6.1 Throughout the term of this Lease, Owner shall maintain the Site and shall promptly and diligently repair, restore or replace improvements, other than any installed by Lessee, as required, to maintain the safety and usability of the P&R Lot. Owner agrees to notify Lessee within 72 hours of any defects or damages on the Site which could give rise to third party injury or damage, even though Lessee retains the right to make periodic inspections of its own of the P&R Lot.

6.2 The Department agrees to maintain and repair all signage improvements to the P&R Lot made pursuant to Section 5 above, for the term of this Lease.

6.3 Any landscaping, maintenance or repairs performed by Owner shall be carried out in compliance with all laws, permits, licenses or other governmental authorizations, rules, ordinances, orders, decrees and regulations now or hereafter enacted, issued or promulgated

by federal, state, county, municipal and other governmental agencies, bodies and courts having or claiming jurisdiction and all insurance companies insuring all or any part of the Site.

6.4 The designated parking spaces will be properly lit in accordance with generally-accepted standards for public parking lots throughout the year from 4:00 am to 9:00 pm each day. Owner will install a timer, a light sensor, or other reliable method, approved by Lessee, to ensure all park and ride spaces have sufficient lighting at all times during said hours. Owner shall maintain such lighting systems in good repair and replace burned out or non-functional lighting sources within 48 hours.

7. Restrictions on Use. Lessee and Owner agree, in using the Site:

7.1 Not to use or permit or suffer the P&R Lot to be used in any manner which would violate any license, permit or other governmental authorization which is required for the lawful use of all or any portion of the P&R Lot. If any license, permit or other governmental authorization is required for the lawful use of this P&R Lot, Owner shall procure and maintain the same throughout the term of the Lease.

7.2 Not to commit any waste or suffer any waste to be committed upon the P&R Lot.

7.3 Not to keep, use, sell or offer for sale on the P&R Lot any article, or conduct any activity, which each party knows or should know is prohibited by any law or regulation or any insurance policy maintained by Owner or Lessee.

8. Right of Entry. Lessee and Owner shall permit the other or its agents to enter upon the P&R Lot at any reasonable time to inspect the same and to carry on all maintenance as required under this Lease.

9. Taxes and Assessments. Owner shall pay or cause to be paid all real or personal property taxes, possessory use taxes, general and special assessments, excises, impositions, levies, and other charges of every description now or hereafter levied on, assessed against or otherwise imposed with respect to the P&R Lot, the Owner's improvements located on the P& R Lot, or the Owner's personal property located on or in the P&R Lot.

10. Utilities. Owner shall pay for all utilities serving the P&R Lot.

11. Assignments and Subletting. Lessee shall not transfer, assign or sublet voluntarily, involuntarily, directly or indirectly, Lessee's interest under this Lease without the prior written consent of Owner, which consent shall not be unreasonably withheld. An assignment under this paragraph shall be permitted if the assignee is a governmental agency with general authority over park and ride lots.

12. Insurance. The Department will, at all times during the term of this Lease, take out and keep in force at its own expense: (i) public liability insurance in the aggregate amount of not less than \$5,000,000 to protect Owner and SBCTA, their officers, agents, and employees against any liability to any person or entity incident to the use of, or resulting from the installation, maintenance, use or any user of the P&R Lot; and (ii) property damage liability insurance in the

amount of not less than \$5,000,000 to protect Owner and SBCTA, their officers, agents and employees against any liability for damage to property, including property of Owner, caused by or resulting from the installation, maintenance, of use of the P&R Lot. SBCTA and Owner shall be added as additional insured on such policies.

13. State Responsibility for Property Damage to Assets of Owner. The Department shall reimburse Owner for the cost of any loss of or damage to the property of Owner caused by or resulting from the installation, maintenance, or use of the P&R Lot up to a limit of \$10,000 per occurrence, but not exceeding the cost of replacing the loss or damaged property with that of like kind and quality.

14. Indemnity.

14.1 Lessee agrees, to the extent permitted under California law, to indemnify, defend and hold Owner and its officers, partners, employees, consultants and agents harmless from any claims, judgments, damages, penalties, fines, costs, liabilities (including sums paid in settlement of claims), or loss, including without limitation attorneys' fees, consultant fees and expert witness fees, which arise as a result of any negligent acts or omissions or willful misconduct of Lessee in connection with the operation of the Park and Ride Lot on the P&R Lot.

14.2 Owner agrees to indemnify, defend and hold SBCTA and The Department and their respective officials, officers, directors, members, employees, consultants, contractors and agents harmless from any claims, judgments, damages, penalties, fines, costs, liabilities (including sums paid in settlement of claims), or loss, including without limitation attorneys' fees, consultant fees and expert witness fees, which arise as a result of any negligent acts or omissions or willful misconduct of Owner in connection with the P&R Lot.

15. Joint and Several Obligations. Whenever the term "Lessee" is used to refer to SBCTA and The Department collectively in this Lease, all obligations and rights of Lessee shall run jointly and severally to both SBCTA and The Department, and both SBCTA and The Department may independently exercise any right and shall be independently responsible for performing all obligations imposed on Lessee under this Lease. This clause shall not apply to obligations or rights specifically identified individually to either SBCTA or The Department.

16. Surrender of Site. At the expiration of the term of this Lease, or upon any sooner termination of this Lease, Lessee shall quit and surrender possession of the P&R Lot and its appurtenances thereto and The Department will remove any improvements and repair any damage to the P&R Lot to restore the lot to the condition in which it was received, reasonable wear and tear by use and damage by the elements excepted.

17. Default/Termination for Cause. If Owner or Lessee defaults in the performance of any obligation under this Lease and fails to cure such default within 15 calendar days following written notice from the non-defaulting party, or, if the default is of a nature that cannot reasonably be cured within fifteen (15) days, fails to commence the cure within such time or fails thereafter to diligently pursue the cure to completion, the non-defaulting party may terminate this lease by giving written notice of termination.

If this Lease is terminated as provided for herein, Owner shall refund to SBCTA on a pro rata basis any rental payments paid by SBCTA for days following the date of the termination in addition to any amounts due to be refunded for non-availability of parking spaces under Section 4.

18. Waiver. No waiver of any default shall constitute a waiver of any other breach or default, whether of the same or of any other covenant or condition. No waiver, benefit, privilege or service voluntarily given or performed by any party shall give any other party any contractual right by custom, estoppel or otherwise.

19. Notices. All notices required under the Lease shall be given in writing to the following addresses or such other addresses as the parties may designate by written notice:

To SBCTA: San Bernardino County Transportation Authority  
Attn: Raymond W. Wolfe, PhD  
Executive Director  
1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor  
San Bernardino, CA 92410-1715  
rwolfe@gosbcta.com

With a Copy to: Julianna K. Tillquist  
General Counsel  
San Bernardino County Transportation Authority  
1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor  
San Bernardino, CA 92410-1715  
jtillquist@gosbcta.com

To The Department: California Department of Transportation  
Attn: Catalino Pining III  
Deputy District Director for Operations  
464 West Fourth Street, 6<sup>th</sup> Floor  
San Bernardino, CA 92401-1400  
catalino.pining@dot.ca.gov

To Owner: St. Paul the Apostle Catholic Church  
Attn: Diocese of San Bernardino  
14085 Peyton Drive  
Chino Hills, CA 91709  
mperez@sptacc.org

Notice shall be deemed received as follows, depending upon the method of transmittal: by facsimile or email, as of the date and time sent if sent during normal business hours, and the following business day if sent after normal business hours; by messenger, as of the date delivered; and by United States Mail, certified, return receipt requested, as of five (5) mail delivery days after deposit in the United States Mail.

20. Subject to Appropriation of Funds. All obligations of Lessee under this Lease are subject to the appropriation of sufficient funds by the California State Legislature, the allocation of those funds by the California Transportation Commission, and the appropriation of sufficient funds by SBCTA's Board of Directors.

21. Authority to Enter Lease. Except as stated in the preceding sentence, each party warrants that the individuals who have signed this Lease have the legal power, right, and authority to enter into this Lease so as to bind each respective party to perform the conditions contemplated herein, and there are no consents or approvals required to be obtained from any individual or entity prior to either party's making or entering into this Lease of fulfilling the conditions contained herein.

22. Severability. If any portion of this Lease is declared by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this Lease shall continue in full force and effect to the extent that the intent and purpose of the Lease may still be fulfilled.

23. Time is of the Essence. Time is of the essence in this Lease, and both parties agree to execute all documents and to proceed with due diligence to complete all covenants and conditions set forth herein.

24. Attorneys' Fees and Costs. If any legal action or other proceeding is brought for the enforcement or defense of this Lease, or because of any alleged dispute, breach, default, or misrepresentation in connection with any provision of this Lease, each party shall bear its own attorneys' fees and other costs incurred in that action or proceeding. However, this provision shall not limit the obligations contained in the indemnity provisions hereinabove.

25. Governing Law and Venue. This Lease shall be construed in accordance with and governed by the laws of the State of California. Any lawsuit brought to enforce this Lease shall be brought in an appropriate court in San Bernardino County, State of California.

26. Days. Any term in this Lease referencing time, days, or period for performance shall be deemed to be calendar days and not work days, unless specified otherwise.

27. Entire Agreement. This written document contains the entire agreement of Owner and Lessee and supersedes any prior oral or written statements or agreements between the parties. No supplement, modification, or amendment of this Lease shall be binding unless executed in writing by all parties.

28. Binding on Assigns. Subject to the provisions of this Lease relating to assignment, each and all of the covenants and conditions of this Lease shall be binding on and shall inure to the benefit of the heirs, successors, executors, administrators, assigns, and personal representatives of the respective parties.

29. Counterparts. This Lease may be signed in counterparts, each of which shall constitute an original and which collectively shall constitute one instrument.

30. Captions. The captions of the various articles and paragraphs of this Lease are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Lease or of any part or parts of this Lease.

31. Eminent Domain.

31.1 If any portion of the P&R Lot is taken by eminent domain and a portion remains which is usable by Lessee for the purposes set forth in Section 4, this Lease shall, as to the part taken, terminate without further liability or obligation on the part of Owner or Lessee as of the date title shall vest in the condemnor, or the date prejudgment possession is obtained through a court of competent jurisdiction, whichever is earlier, and the Lease shall remain in effect as to the balance, with a prorated abatement of rent for any parking spaces lost. However, in such event, Lessee reserve a right to terminate this Lease without further liability or obligation on the part of Owner or Lessee as of the date when title to the part taken vests in the condemnor or of the date of prejudgment possession.

31.2 If the entire P&R Lot is taken by eminent domain, or such a portion is taken so that the P&R Lot is rendered insufficient or unusable for the purposes set forth in Section 4 as determined by Lessee, this Lease shall terminate without further liability or obligation on the part of Owner or Lessee.

32. Incorporation of Recitals. The Recitals constitute a material part of this Agreement and are incorporated by this reference as though fully set forth herein.

IN WITNESS WHEREOF, this Lease has been duly executed by the parties below.

**THE ROMAN CATHOLIC CHURCH  
SIGNING FOR ST. PAUL THE  
APOSTLE CATHOLIC CHURCH**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

**CALIFORNIA DEPARTMENT  
OF TRANSPORTATION**

By: \_\_\_\_\_  
Catalino Pining III  
Deputy District Director for  
Operations

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

By: \_\_\_\_\_  
Raymond W. Wolfe, PhD  
Executive Director

**Approved as to Legal Form:**

By: \_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

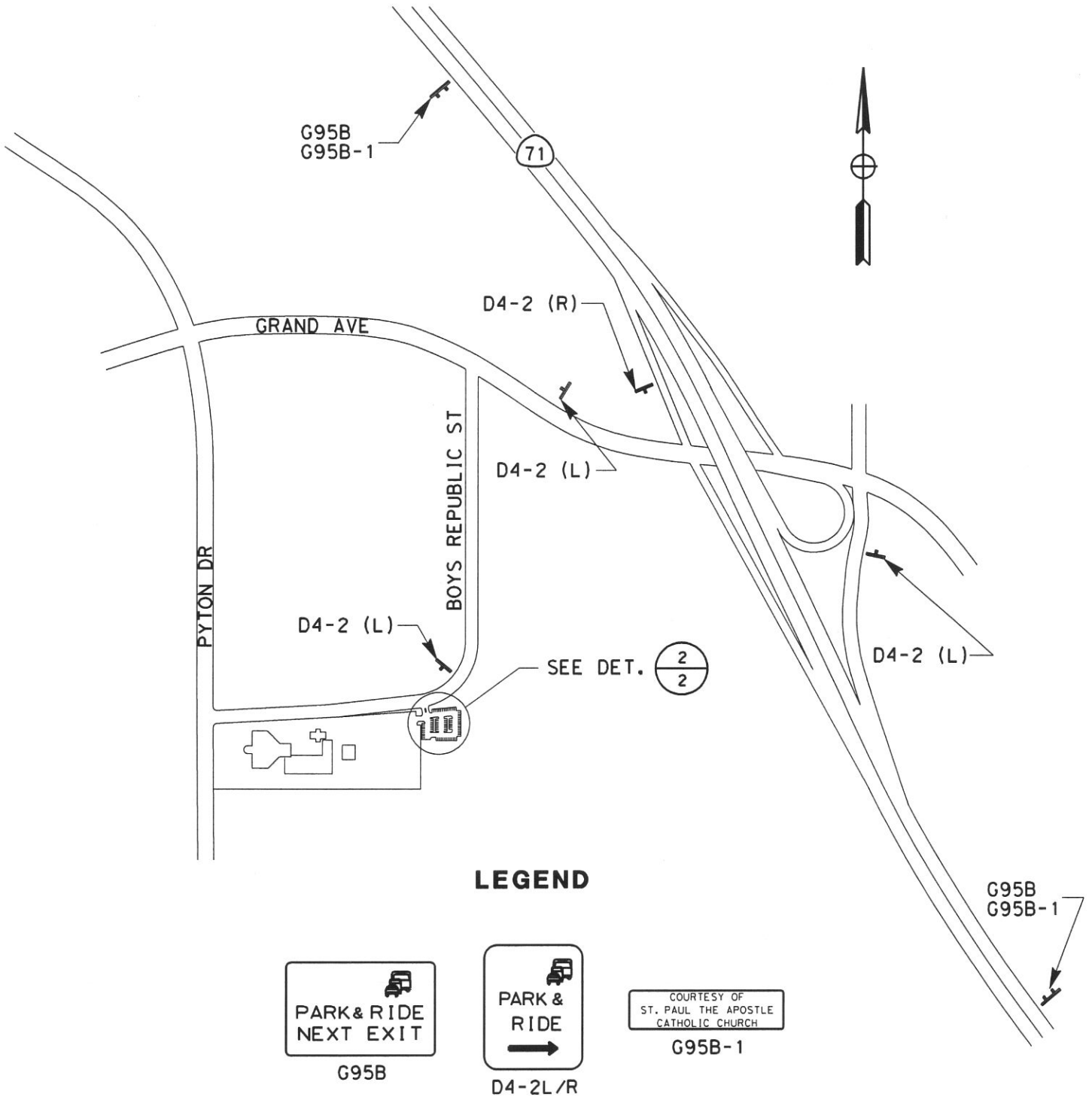


## EXHIBIT "A"

## Legal Description of Site

PARCEL MAP 12936 PTN PARCEL 1 DESC AS BEG SW COR SD PARCEL 1 SD PT ALSO BEING SE COR PARCEL 2 SD PARCEL MAP 12936 TH N 89 DEG 24 MIN 51 SECONDS E ALG SLY LI SD PARCEL 1 220 FT TH N 00 DEG 36 MIN 23 SECONDS W ALG ELY LI SD PARCEL 1 330.30 FT TO ANGLE PT SD ELY LI TH N 00 DEG 36 MIN 39 SECONDS W ALG ELY LI SD PARCEL 1 95.41 FT TH S 84 DEG 47 MIN 37 SECONDS W 220.71 FT TH S 00 DEG 36 MIN 23 SECONDS E ALG NLY PROJECTION ELY LI SD PARCEL 2 AND ELY LI SD PARCEL 2 407.93 FT TO POB

## ST. PAUL THE APOSTLE CATHOLIC CHURCH

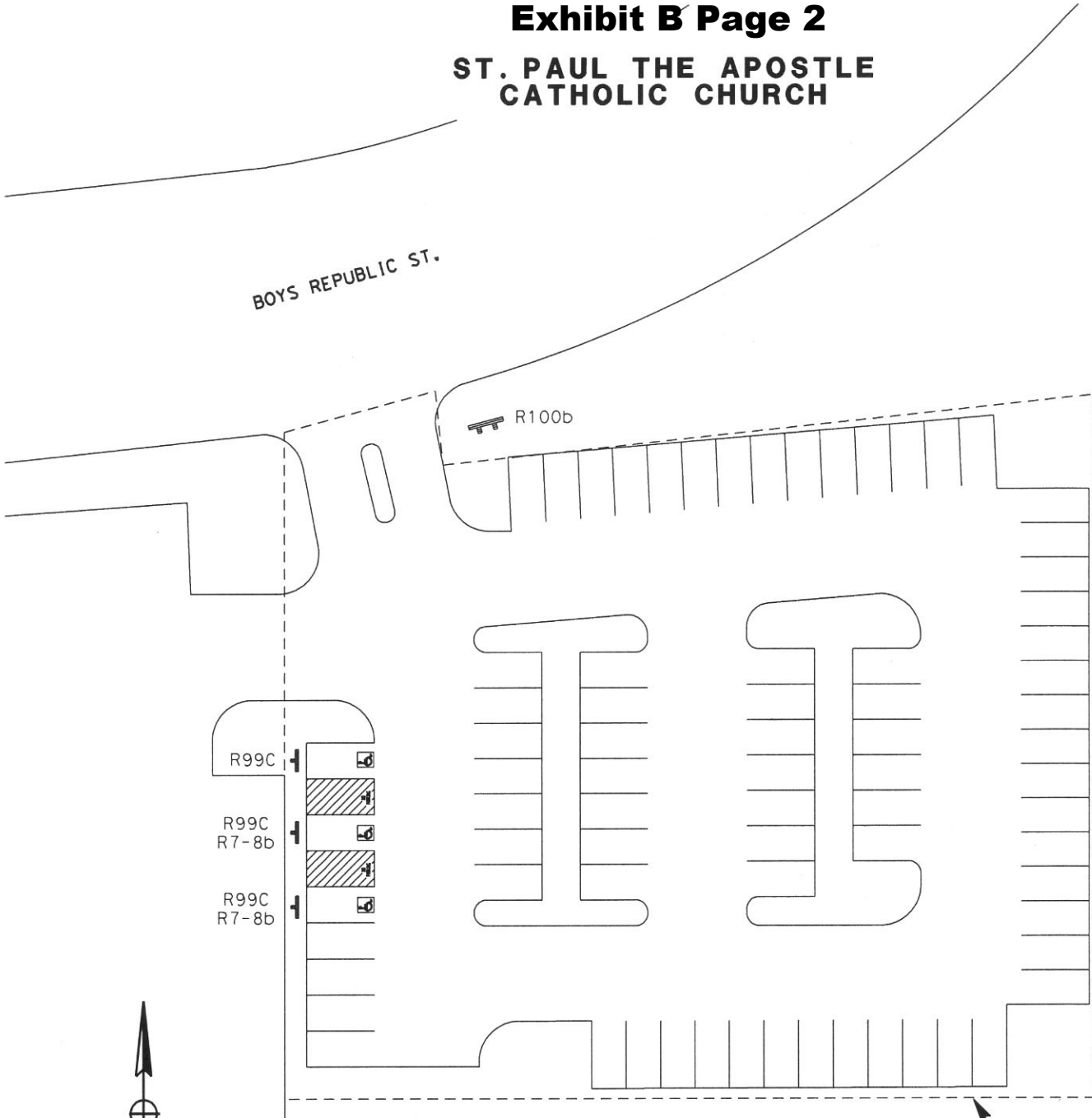


Attachment: Exhibit B (7937 : Contract No. 22-1002676 with St. Paul the Apostle Catholic Church for a Park and Ride Lot)



**ST. PAUL THE APOSTLE  
CATHOLIC CHURCH**

BOYS REPUBLIC ST.

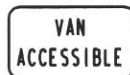


**LEGEND**

INSURED AREA



R99C



R7-8b

UNAUTHORIZED VEHICLES PARKED  
IN DESIGNATED ACCESSIBLE  
SPACES NOT DISPLAYING  
DISTINGUISHING PLACARDS OR  
SPECIAL LICENSE PLATES ISSUED  
FOR PERSONS WITH DISABILITIES  
WILL BE TOWED AWAY  
AT THE OWNERS EXPENSE

TOWED VEHICLES  
MAY BE RECLAIMED AT  
14077 PEYTON DRIVE  
CHINO HILLS, CA 91709  
OR BY TELEPHONING  
909-364-2000

R100b



**DETAIL PLAN (75 SPACES)**

Attachment: Exhibit B (7937 : Contract No. 22-1002676 with St. Paul the Apostle Catholic Church for a Park and Ride Lot)

## ***Minute Action***

### AGENDA ITEM: 4

***Date:*** September 9, 2021

***Subject:***

Operators Transportation Development Act Triennial Performance Audits for Fiscal Year 2017/18 - 2019/2020

***Recommendation:***

Receive the Transportation Development Act Triennial Performance Audit Reports for Fiscal Years 2017/2018 through 2019/2020 for the Mountain Area Regional Transit Authority, Morongo Basin Transit Authority, City of Needles - Needles Area Transit, Omnitrans and Victor Valley Transit Authority.

***Background:***

In order to continue receipt of Transportation Development Act (TDA) funding, the California Public Utilities Code (PUC) Sections 99246(a) and 99248 require that San Bernardino County Transportation Authority (SBCTA) designate an entity, other than itself, to perform triennial performance reviews on each of the transit operators that receive TDA funding, including SBCTA. These audits are subsequently submitted to the California Department of Transportation (Caltrans).

On October 7, 2020, the SBCTA Board of Directors approved Contract No. 20-1002431 with Michael Baker International to conduct the triennial performance reviews of SBCTA and the following transit operators/claimants: Mountain Area Regional Transit Authority (Mountain Transit), Morongo Basin Transit Authority (MBTA), City of Needles - Needles Area Transit (NAT), Omnitrans and Victor Valley Transit Authority (VVTA).

Attachment A is the executive summary for each bus transportation operator's Fiscal Year (FY) 2017/2018-2019/2020 Triennial Performance Audit, which includes a review of compliance with TDA requirements, status of prior audit recommendations, and a functional review. The complete audits are being provided as support material to this agenda item. Below is the summary by agency of the prior audit recommendations, status and the current FY2017/2018 through 2019/2020 audit recommendations. Similar information is being presented for SBCTA in a separate item at the Transit Committee meeting.

#### **Mountain Area Regional Transit Authority (Mountain Transit)**

##### **Prior Audit Recommendations and Status**

1. Use the TDA guidelines when calculating full-time employee (FTE) equivalents.

Status: Not Implemented. Carried forward in this audit for implementation.

Status: When queried about how annual employee labor hours and personnel are calculated, it was discovered that Mountain Transit used the federal standard of 2,080 hours instead of the TDA standard of 2,000 hours. The calculation of FTEs accounts for operations staff, maintenance, and management personnel. The FTE data are derived by dividing total annual employee hours by 2,000 according to PUC guidelines. It is recommended that Mountain Transit determine the annual personnel hours worked and divide the total by 2,000 annual hours to arrive at the correct FTE figure.

*Entity: San Bernardino County Transportation Authority*

2. Use allowable TDA provisions to improve farebox recovery.

Status: Implemented

Mountain Transit boosted local revenue generation efforts during the audit period. The audited annual financial reports identify and incorporate local revenues toward the farebox, such as Measure I, and as allowed by SBCTA. To that end, Mountain Transit has supported local revenues through the sale of retired and disposed vehicles; application and award of Low Carbon Transit Operations Program (LCTOP) funding to subsidize free fare promotions and successful partnerships with local ski resorts. In addition, Mountain Transit implemented an advertising program in mid-FY 2020. Big Bear Guides was awarded the contract to sell ads on Mountain Transit buses in December 2019.

3. Consider revenue subsidy agreements with local colleges and universities.

Status: Partially Implemented

This recommendation was partially implemented from the standpoint that Mountain Transit held discussions with the college regarding a pass program before having to cancel the route. It is further suggested that based on successes with partnerships formed between Mountain Transit and both public and private entities for services, the transit agency should continue to pursue revenue type agreements with other local and regional institutions that help stabilize local revenue share.

4. Continue collaborative efforts with the City of Big Bear Lake and other local agencies on infrastructure improvements.

Status: Implemented

Auditor Comments: During the audit period, Mountain Transit has taken concerted efforts to further infrastructure improvements to better accommodate its services. One of the key infrastructure improvements pursued has been a bus turnout on Big Bear Boulevard (State Route 18) adjacent to the Stater Bros Shopping Center. Mountain Transit worked collaboratively with Caltrans on securing the necessary encroachment permit needed to begin work on the turnout in front of Stater Bros, as well as with Stater Bros management and the City of Big Bear Lake to bring this project to completion.

#### Current Recommendations

1. Calculate full-time employee equivalents using TDA definitions.

Auditors Comments: This recommendation is being carried over from the prior audit for full implementation. An auditor review of the FTE equivalent data reported in the Transit Operators Financial Transactions Reports revealed an incorrect calculation for both service modes. The employee data reported in the FY 2018 State Controller Report showed 19 FTEs for the motor bus mode and 14 FTEs for the demand-response mode. In the FY 2020 report, there are 23 FTEs reported for the motor bus mode and 23 FTEs for the demand-response mode. The FTE data appear to reflect a headcount rather than the total annual labor hours divided by 2,000. Mountain Transit does track the labor hours for each employee annually on an Excel spreadsheet. Driver trip manifests can also be utilized to calculate labor hours by service mode. These sources should enable the agency to conform to the FTE definition.

2. Ensure timely completion and submittal of the Transit Operators Financial Transactions Report to the State Controller.

Auditor Comments: In the compliance review section, it was found that Mountain Transit submitted its Transit Operators Financial Transactions Reports to the State Controller after the statutory deadline for a few years during the audit period. Pursuant to PUC Section 99243, the report is due within seven months after the end of the fiscal year, which is on or before January 31. The submission of reports to the State Controller in a timely manner will further demonstrate Mountain Transit's proactive approach to compliance with state reporting instructions.

3. Continue pursuit of potential revenue agreements and cooperative partnerships as part of resetting Mountain Transit Operations.

Auditor Comments: A prior audit recommendation suggested that Mountain Transit pursue revenue subsidy agreements with local colleges and universities as a means to support farebox recovery and boost ridership. This was prompted by the launch of Route 13, an Off the Mountain (OTM) service which operated between Big Bear and Victorville and had Victor Valley College as one of its timepoints. According to Mountain Transit staff, the period prior to and during the COVID pandemic provided the agency an opportunity to reset its course of service delivery and to further engage with the larger community in providing needed transportation services. Multiple examples of such agreements with both public and private entities were cited such as with the Rim of the World School District and Big Bear Mountain resort. Given the status and current uncertainties with public transit in general, Mountain Transit's active partnerships help stabilize operations and provide more steady revenue streams while providing more visibility to the service. We applaud the agency's approach towards building local and regional partnerships that have become a viable aspect of transit systems, and are further recommending their continued pursuit of these types of engagements.

### **Morongo Basin Transit Authority (MBTA)**

#### Prior Audit Recommendations and Status

1. Review opportunities for increasing local revenue to boost farebox recovery.

Status: Implemented

MBTA boosted local revenue generation efforts during the audit period. The audited annual financial reports identify and incorporate local revenues toward the farebox, and as allowed by SBCTA. To that end, MBTA has supported local revenues through the sale of retired and disposed vehicles; application and award of Low Carbon Transit Operations Program (LCTOP) funding to cover the federal match to operate the RoadRunner Shuttle Service to the Joshua Tree National Park; and receipt of LCTOP funding award to subsidize the fares for Copper Mountain College students for two consecutive cycles (FY 2019/20 and FY 2020/21).

2. Update Performance Monitoring contained in the Short Range Transit Plan (SRTP).

Status: Implemented

MBTA released a Request for Proposals in October 2018 for the development of a SRTP for FYs 2020-2024. The SRTP scope of work included the modification of service policies, goals, and objectives, including performance standards by which to measure current and future performance. The SRTP, adopted in June 2020, provides preferred outcome metrics summarized as active indicators of dynamic performance of system functions, such as transportation operations, maintenance, and administration.

3. Consider implementation of enhanced electronic and mobile trip planning tools.

Status: Implemented

In FY 2019/20, MBTA went through an expansive marketing campaign that included the redevelopment of its current website. This redevelopment included a more user-friendly interactive map that included an update to its GIS platform, which complements the implementation of a trip planner ([www.mbtabus.com](http://www.mbtabus.com)). MBTA has been involved in the procurement efforts of this technology. The recent events attributed to the COVID-19 pandemic has slowed the progression due to the 60 percent reduction in ridership.

4. Explore additional Compressed Natural Gas (CNG) fuel sales to the public.

Status: Implemented

MBTA has kept its CNG fueling prices competitive in the area. MBTA ensures that the equipment continues to be operational and accessible to the general public. Burrtec Waste Management, County of San Bernardino (Public Works), and City of Twentynine Palms have an account set up with MBTA to purchase fuel.

#### Current Recommendations

1. Ensure accident, incident and road call data are reported in TransTrack Manger.

Auditor Comments: MBTA has been proficient in its utilization of TransTrack Manager in the reporting of system performance metrics. While reportable accident data are reported in the National Transit Database (NTD), they did not get transferred into TransTrack. In addition, although the incidents of road calls were negligible during the audit period, they were not reported. It is suggested that data for these vehicle performance categories be included in TransTrack.

2. Consider merits of procuring new fleet management software that would be compatible with other programs used by MBTA.

Auditor Comments: MBTA's maintenance department appears to run efficiently and effectively. Systems have been in place to ensure that vehicles are serviced within the regularly scheduled intervals. The lead technician/shop supervisor has been quite resourceful in streamlining maintenance practices and ensuring that parts are ordered as needed. The Zonar electronic fleet management system is used for pre-trip and post-trip inspections, whereas the Fleet Controller program is used to track vehicle service history and flag those ready for preventive maintenance inspections. As part of the Fleet Controller program, the

Parts Controller module tracks parts inventory and generates purchase orders. The lead technician indicated the need to upgrade or replace the Fleet Controller program. With MBTA looking to adopt Zero Emissions Vehicle (ZEV) technologies, as well as upgrade other facets of its operations, it is suggested that MBTA consider the procurement of a new fleet management system.

3. Consult and collaborate with peer transit agencies regarding the implementation of ZEV technologies.

Auditor Comments: The SBCTA, in collaboration with the Center for Sustainable Energy, released the *San Bernardino County Zero-Emission Vehicle Readiness and Implementation Plan* in August 2019. The ZEV Plan inventories current ZEV infrastructure and usage in San Bernardino County and projects future demand and infrastructure requirements. In response to the ZEV Plan, MBTA has been gathering data in order to discern the best type of ZEV to procure, which will in turn determine the type of charging infrastructure required. MBTA has submitted an LCTOP grant application for the procurement of a battery electric van. A query of peer agencies that have embarked on the implementation of ZEV technologies could prove helpful in the evaluation process. Those peer agencies would include neighboring transit systems such as SunLine and VVTA.

### **City of Needles - Needles Area Transit (NAT)**

#### **Prior Audit Recommendations and Status**

1. Review opportunities for increasing local revenue to boost farebox recovery.

Status: Implemented

The City of Needles (City) has been utilizing available local support revenues allocated to transit services including Measure I. During the audit period, the City investigated the possibility of generating revenue from the placement of advertising space on buses and bus shelters. The sales of capital assets (surplus vehicles) go back into the applicable transit fund revenues. There are currently no fare revenue agreements; however, the NAT single boarding pass and NAT 30-punch pass, along with the Dial-A-Ride ticket, are used by County social service agencies and local businesses to provide to their clientele in lieu of individual fare payments.

2. Consider implementation of electronic and mobile trip planning tools.

Status: Partially Implemented. Carried forward in this audit for implementation.

The City implemented the Google Transit trip planner on the transit page of the City's website in June/July 2018 as part of the transit marketing campaign funded through an LCTOP grant. However, in mid to late 2019, a new City website was created and went live without the Google Transit trip planner feature being transferred. As of this report, the Google Transit trip planner has yet to be restored on the transit page of the City's website. It is recommended that staff work to reestablish the trip planning tools as well as a Google Translate widget feature for non-English-speaking users.

### Current Recommendations

1. Ensure timely completion and submittal of the Transit Operators Financial Transactions Reports to the State Controller.

Auditor Comments: In the compliance review section, it was found that the City submitted its Transit Operators Financial Transactions Reports to the State Controller after the statutory deadline during all three years of the audit period. Pursuant to PUC Section 99243, the report is due within seven months after the end of the fiscal year, which is on or before January 31. The submission of reports to the State Controller in a timely manner will further demonstrate the City's proactive approach to compliance with state reporting instructions.

2. Ensure key performance indicators such as accidents, incidents, road calls, and deadhead service data are reported in TransTrack Manager.

Auditor Comments: The City has been proficient in its utilization of TransTrack Manager in the reporting of system performance metrics. However, data for some performance categories such as miles between NTD reportable accidents, number of reportable accidents, system failures, and road calls are not reported in TransTrack. While reportable accident data are reported in the NTD, they did not get transferred into TransTrack. It is suggested that data for these vehicle performance categories be included and monitored in TransTrack.

3. Reinstate the Google transit trip planning tool on the City's web page.

Auditor Comments: This recommendation is being carried forward in this audit for full implementation. It is recommended that staff work to reinstate the Google Transit trip planner as well as a Google Translate widget feature for non-English-speaking users.

### **Omnitrans**

#### Prior Audit Recommendations and Status

1. Show farebox calculation in audited financial reports.

Status: Implemented

In response to this recommendation, the fiscal auditor who prepares and certifies the Omnitrans Comprehensive Annual Financial Report (CAFR) began including the farebox calculation in the FY 2018 report. The calculation is presented as part of TDA assistance discussion under Note 3 of the CAFR. The farebox calculation is broken down by service mode (general transit and special transit) and details the passenger revenue, local Measure I operating subsidy, and operating cost and the resulting farebox recovery ratio.

2. Identify auxiliary sources of revenue to support farebox recovery and cover operating costs.

Status: Implemented

Omnitrans has been actively analyzing non-traditional sources of revenues to support and sustain its farebox. Local Measure I funding has been a helpful and reliable source in boosting the farebox recovery. Omnitrans generates revenue from advertising space and entered into a new advertising revenue contract, which is monitored to ensure that the vendor maximizes sales potential. The agency has also explored development opportunities on Omnitrans-owned property at the San Bernardino Transit Center in partnership with the City of San Bernardino. In addition, the infusion of federal Coronavirus Aid, Relief, and

San Bernardino County Transportation Authority

Economic Security (CARES) Act funding has enabled Omnitrans to defer local revenues to outer years.

3. Continue to implement and optimize technologies.

Status: Implemented

The FY 2019 Omnitrans Management Plan has, as one of its strategic plan goals, improved customer service experience through new technology and applications and services. Omnitrans designated the Transit App as its official mobile app, which is used in conjunction with the Token Transit mobile ticketing app. The Transit App is used to disseminate messaging and real-time route data. Since the onset of the COVID-19 pandemic, there has been an increased reliance on technology, from route and schedule information to contactless fare payment solutions. In addition, the Omnitrans website was redesigned and streamlined in 2020 to facilitate ease of use and information access. Enhancements included the addition of Google Maps route integration and informational iconography.

Current Recommendations

1. Continue pursuit of potential revenue agreements and cooperative partnerships as part of Omnitrans revenue enhancement strategy.

Auditor Comments: Omnitrans has recently proposed the implementation of a free fare pilot for primary and secondary school students. The pilot would be similar to the GoSmart college program that the agency has in partnership with local community colleges and California State University, San Bernardino (CSUSB). The GoSmart pass allows for free rides on the Omnitrans fixed-route system. Given the success of the GoSmart pass, Omnitrans is encouraged to pursue such an arrangement with local primary and secondary school districts as well as other local institutions that benefit from Omnitrans ridership.

2. Continue evaluation of technology solutions and integration of administrative and operational functions.

Auditor Comments: During the course of the auditors' site visit and staff interviews, observations were made regarding the agency's embracing of technology to improve service delivery efficiency and effectiveness. Significant investments in technology have been made over time to improve both internal and customer-facing interfaces. Additional technology platforms could help further increase work productivity and connect existing systems.

**Victor Valley Transit Authority (VVTA)**

Prior Audit Recommendations and Status

1. Improve on-time performance.

Status: Implemented

Effective October 2018, National Express became VVTA's operations and maintenance contractor. During negotiations, VVTA was successful in raising operator wages from minimum wage to a starting rate of \$14.25 per hour. This measure was thought to improve the 32 percent retention rate that the former contract operator had faced for several years as well as help improve the 86 percent on-time performance (OTP) rate by retaining seasoned operators. Also, with the implementation of new automated vehicle locator (AVL) system software, OTP can be tracked in real time. This allows operations staff to become proactive



when issues arise. Planning staff are able to identify and resolve OTP issues by analyzing this data and implementing service changes to improve OTP.

2. Develop additional key performance indicators to report organization efficiencies.

Status: Implemented

In response to this recommendation, VVTA pursued the adoption of appropriate additional Key Performance Indicators (KPIs) to demonstrate internal efficiencies for staff productivity by researching peer transit agencies and external sources, such as the American Bus Benchmarking Group and Transit Cooperative Research Program (TCRP), to determine the best measures for the agency. VVTA has restructured its Operations Department to further efficiencies. A director of operations is now in place and oversees contract compliance, marketing, route planning, and information technology services.

3. Conduct succession planning.

Status: Implemented

VVTA has implemented a six-step succession plan process. The succession plan and the completed trainings highlight the processes for increasing the availability of experienced and capable employees who are prepared to assume executive roles as they become available. In FY 2019/20, the VVTA Board of Directors approved departmental restructuring by hiring five new qualified positions and replacing three old positions. The new hires started in July 2020 and provide support to the Grants, Operations, Information Technology and Finance Departments. This succession planning and restructuring process provides better efficiencies and productivity to all VVTA departments.

#### Current Recommendations

1. Calculate FTE equivalents using TDA definitions.

Auditor Comments: An auditor review of the FTE equivalent data reported in the Transit Operators' Financial Transactions Reports revealed an incorrect calculation for both service modes. The system-wide FTE figure for FY 2019 appears to reflect a headcount in comparison to the FTEs reported for the other audit years, since the number of system-wide FTEs increased from 113 in FY 2018 to 267 (209 for fixed-route and 58 for demand-response) in FY 2019. Pursuant to the TDA statute, FTEs derived from the total annual labor hours divided by 2,000. VVTA does track the labor hours for each employee annually that is reported in TransTrack and exported to an Excel spreadsheet. Driver trip manifests can also be utilized to calculate labor hours by service mode. These sources should enable the agency to conform to the FTE definition.

2. Continue pursuit of potential revenue agreements and cooperative partnerships as part of VVTA's revenue enhancement strategy.

Auditor Comments: In May 2018, VVTA's Consolidated Transportation Services Agency (CTSA) director and staff met with the Board of Trustees at Barstow Community College regarding the implementation of a bus pass program similar to the College Ram Pass program with Victorville Valley College (VVC). Due to Barstow's disadvantaged area designation, VVTA believed that the college could qualify for grant funding that would

## Transit Committee Agenda Item

September 9, 2021

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subsidize such a pass. Barstow Community College declined to pursue a student pass subsidy agreement with VVTA. However, VVTA recently entered into a similar agreement with CSUSB effective August 2021. Given the success of the College Ram Pass and its recent agreement with CSUSB, VVTA is encouraged to pursue other arrangements with other local institutions and organizations that benefit from VVTA ridership. Given the status and current uncertainties with public transit in general, VVTA's active partnerships help stabilize operations and provide more steady revenue streams while providing more visibility to the service. We applaud the agency's approach towards building local and regional partnerships that have become a viable aspect of transit systems and are further recommending their continued pursuit of these types of engagements.

***Financial Impact:***

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

***Reviewed By:***

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

***Responsible Staff:***

Nancy Strickert, Transit Program Manager

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Approved  
Transit Committee  
Date: September 9, 2021

Witnessed By:

## Attachment A

# FY 2018–2020 TRIENNIAL PERFORMANCE AUDIT



## MOUNTAIN TRANSIT



**August 2021**

*Submitted to:*

**San Bernardino  
County Transportation  
Authority**

*Submitted by:*

**Michael Baker**  
INTERNATIONAL

## Executive Summary

The San Bernardino County Transportation Authority (SBCTA) engaged Michael Baker International (Michael Baker) to conduct the Transportation Development Act (TDA) triennial performance audit of the five public transit operators under its jurisdiction. The performance audit serves to ensure accountability in the use of public transportation revenue. This performance audit is conducted for Mountain Area Regional Transit Authority (Mountain Transit), covering the most recent triennial period, fiscal years 2017-18 through 2019-20.

The audit includes a review of the following areas:

- Compliance with TDA Requirements
- Status of Prior Audit Recommendations
- Transit System Performance Trends
- Detailed Functional Review

From the review, recommendations were developed to improve the operational efficiency and effectiveness of Mountain Transit.

### Compliance with TDA Requirements

Of the nine compliance requirements pertaining to Mountain Transit, the operator fully complied with seven requirements. The operator was partially compliant regarding the timely submittal of its Transit Operators Financial Transactions Report to the State Controller and calculation of full-time employee equivalents. Two additional compliance requirements did not apply to the operator (i.e., blended and urban farebox recovery ratios).

### Status of Prior Audit Recommendations

Mountain Transit satisfactorily implemented two out of four prior audit recommendations. The completed recommendations pertained to the use of local support funds to enhance farebox revenues and collaborative efforts with the City of Big Bear Lake and other local agencies on infrastructure improvements. One recommendation, pertaining to revenue subsidy agreements with local colleges and universities, was partially implemented from Mountain Transit's attempt to work with Victor Valley College on a pass program but was not finalized due to the discontinuation of Off the Mountain (OTM) Route 13. The recommendation pertaining to the calculation of full-time employee equivalents was not implemented and is carried forward in this audit for full implementation.

## Transit System Performance Trends

1. Mountain Transit is held to a 10 percent minimum farebox recovery ratio. For the three-year audit period, the farebox recovery ratio was 12.56 percent in FY 2018; 13.37 percent in FY 2019; and 10.00 percent in FY 2020.<sup>1</sup> The average system-wide farebox recovery ratio was 11.98 percent during the triennial review period. Farebox ratios are audited figures from the TDA fiscal audits and include local support revenue such as Measure I.
2. Operating costs system-wide rose from the FY 2017 base year to FY 2020, increasing 27.5 percent using audited data. Fixed-route operating costs increased 18 percent whereas demand-response costs increased 66.8 percent using unaudited modal data. Per an average annual basis, costs increased 8.5 percent with the highest increase of 15.5 percent occurring in FY 2019. The higher costs are attributed to new service implementation and employee pay raises and benefit increases.
3. Ridership decreased by 2.6 percent system-wide from the FY 2017 base year to FY 2020. Fixed-route passenger trips remained relatively unchanged with a 0.4 percent increase; however, demand-response ridership decreased 26.9 percent. After a system-wide increase of 13.2 percent in FY 2018, there was an increase of 1.4 percent in FY 2019. In consideration of the COVID-19 pandemic impacts toward the latter part of FY 2020 and the adverse impacts on transit, system-wide ridership decreased 15.2 percent. Ridership increased 4.1 percent in the second quarter of FY 2020, followed by a 19.7 percent increase in the third quarter, and 63.5 percent decrease in the fourth quarter, when the statewide shelter-in-place order was in full effect.
4. Operating cost per passenger, an indicator of cost effectiveness, increased 30.9 percent system-wide, an indicator showing that operating costs have increased at a higher rate than passenger trips. Cost per passenger increased 17.5 percent on fixed route yet increased 128.3 percent on the demand-response service. Fixed-route trips remained relatively flat compared to the 18 percent increase in operating costs. In consideration of the pandemic toward the latter part of FY 2020 and the adverse impacts on transit, system-wide cost per passenger was \$20.53 in the first quarter of FY 2020, \$20.98 in the second quarter, \$16.55 in the third quarter, and \$49.32 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average cost per passenger in FY 2020 was \$26.85.
5. Operating cost per hour, an indicator of cost efficiency, increased 33.4 percent system-wide based on audited cost data. In contrast, the indicator increased 21.4 percent on the fixed route yet increased 82.9 percent on demand response based on unaudited modal cost data.

<sup>1</sup> It is noted that the audited farebox ratio in FY 2020 was adversely impacted from the COVID-19 pandemic and state shelter-in-place order. Local funds (Measure I) were applied by the operator to supplement farebox revenues to satisfy the 10 percent fare ratio as permitted by Section 99268.19.

Vehicle service hours on the fixed route decreased 2.8 percent whereas operating costs increased 18 percent. For demand response, service hours decreased 8.8 percent while operating costs increased 66.8 percent. In consideration of the COVID-19 pandemic impacts toward the end of FY 2020, system-wide cost per hour was \$89.64 in the first quarter, \$100.07 in the second quarter, \$97.41 in the third quarter, and \$138.38 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average cost per hour in FY 2020 was \$106.38.

6. Passengers per hour, which measures the effectiveness of the service delivered, increased 1.9 percent system-wide from 4.5 passengers in the FY 2017 base year to 4.6 passengers in FY 2020. This indicator for the fixed-route mode increased 3.3 percent whereas for demand response there was an approximate 21 percent decrease. The number of passenger trips per hour peaked at 4.8 passengers system-wide and 5.7 passengers on the fixed route during FY 2018. During FY 2020, passengers per hour were 4.4 in the first quarter, 4.8 in the second quarter, 5.9 in the third quarter, and 2.8 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average number of passengers per hour in FY 2020 was 4.5 passengers.

### Detailed Functional Review

1. Mountain Transit deepened its relationship with the local winter resort industry. Its seasonal Route 9 has benefited from the partnership with the Big Bear Mountain Resort. The agency operates service to the local ski resorts during the winter season, approximately from mid-November to mid-April.
2. Mountain Transit implemented OTM service between Big Bear and Victorville, effective March 1, 2018. OTM Route 13 was composed of three bi-directional trips Monday through Friday and two bi-directional trips on the weekend. Due to lower than expected ridership demand, Route 13 was eventually discontinued on April 26, 2019.
3. In 2018, Mountain Transit received a request from the RIM School District to provide service for their students impacted by Caltrans construction on the Crestline Dam. Mountain Transit ran service three times per day, picking up approximately 170 to 220 students per week. The County of San Bernardino covered the cost of providing the service.
4. Mountain Transit implemented a mobile-based dispatching software system. The Star TrakGPS allows for real-time GPS tracking of buses from a mobile tablet. Mobile tablets can also categorize each passenger. The software went live in November 2017 after a challenging implementation process.
5. In July 2020, Mountain Transit implemented the mobile ticketing platform, Token Transit. Token Transit is a free app that allows riders to purchase their bus passes on their smartphones using a credit or debit card. The app displays a digital pass on the rider's phone screen, which is shown to the driver as the passenger boards the bus.

6. In August 2019, an electrical fire broke out at the Crestline facility located at 621 Forest Shade Road. The exterior and some of the interior office space sustained damage. In the wake of the fire, Mountain Transit initiated plans to rebuild and upgrade the Crestline facility. The two-story design increases parking stalls and includes a bus washing station, required ADA access, solar panels on covered bus parking, and ample room for electric charging stations.
7. Mountain Transit implemented an advertising program in January 2020. Big Bear Guides was awarded the contract to sell ads on the bus exteriors and shelters. The first paid bus advertisement secured by Big Bear Guides was purchased by the City of Big Bear Lake. Exterior advertising space is available on the bus shelters and on the vehicles.
8. Mountain Transit's long-time general manager gave notice to the Mountain Transit Board of Directors of her departure from the agency in March 2020. The assistant general manager assumed the role of interim general manager, then general manager effective April 18, 2020. This change in senior management created a vacancy of the position of assistant general manager, which will remain vacant under the agency's reorganization plan.

## Recommendations

Performance Audit Recommendation	Background	Timeline
1. Calculate full-time employee equivalents using TDA definitions.	This recommendation is being carried over from the prior audit for full implementation. An auditor review of the full-time employee equivalent data reported in the Transit Operators Financial Transactions Reports revealed an incorrect calculation for both service modes. The employee data reported in the FY 2018 State Controller Report showed 19 FTEs for the motor bus mode and 14 FTEs for the demand-response mode. In the FY 2020 report, there are 23 FTEs reported for the motor bus mode and 23 FTEs. The FTE data appear to reflect a headcount rather than the total annual labor hours divided by 2,000. Mountain Transit does track the labor hours for each employee annually on an Excel spreadsheet. Driver trip manifests can also be utilized to calculate labor hours by service mode. These sources should enable the agency to conform to the FTE definition.	High Priority

Performance Audit Recommendation	Background	Timeline
<b>2. Ensure timely completion and submittal of the Transit Operators Financial Transactions Report to the State Controller.</b>	In the compliance review section, it was found that Mountain Transit submitted its Transit Operators Financial Transactions Reports to the State Controller after the statutory deadline for a few years during the audit period. Pursuant to Public Utilities Code Section 99243, the report is due within seven months after the end of the fiscal year, which is on or before January 31. The submission of reports to the State Controller in a timely manner will further demonstrate Mountain Transit's proactive approach to compliance with state reporting instructions.	High Priority
<b>3. Continue pursuit of potential revenue agreements and cooperative partnerships as part of the resetting of Mountain Transit operations.</b>	A prior audit recommendation suggested that Mountain Transit pursue revenue subsidy agreements with local colleges and universities as a means to support farebox recovery and boost ridership. This was prompted by the launch of Route 13, an Off the Mountain (OTM) service which operated between Big Bear and Victorville and had Victor Valley College as one of its timepoints. According to Mountain Transit staff, the period prior to and during the COVID pandemic provided the agency an opportunity to reset its course of service delivery and to further engage with the larger community in providing needed transportation services. Multiple examples of such agreements with both public and private entities were cited such as with the RIM School District and Big Bear Mountain resort. Given the status and current uncertainties with public transit in general, Mountain Transit's active partnerships help stabilize operations and provide more steady revenue streams while providing more visibility to the service. We applaud the agency's approach towards building local and regional partnerships that have become a viable aspect of transit systems, and are further recommending their continued pursuit of these types of engagements.	Medium Priority



# FY 2018–2020 TRIENNIAL PERFORMANCE AUDIT



## MORONGO BASIN TRANSIT AUTHORITY



**August 2021**

*Submitted to:*

**San Bernardino  
County Transportation  
Authority**

*Submitted by:*

**Michael Baker**  
INTERNATIONAL

## Executive Summary

The San Bernardino County Transportation Authority (SBCTA) engaged Michael Baker International (Michael Baker) to conduct the Transportation Development Act (TDA) triennial performance audit of the five public transit operators under its jurisdiction. The performance audit serves to ensure accountability in the use of public transportation revenue. This performance audit is conducted for Morongo Basin Transit Authority (MBTA, Authority), covering the most recent triennial period, fiscal years 2017-18 through 2019-20.

The audit includes a review of the following areas:

- Compliance with TDA Requirements
- Status of Prior Audit Recommendations
- Transit System Performance Trends
- Detailed Functional Review

From the review, recommendations were developed to help improve the operational efficiency and effectiveness of MBTA.

### Compliance with TDA Requirements

Of the compliance requirements pertaining to MBTA, the operator fully complied with all nine requirements. Two additional compliance requirements did not apply to MBTA (i.e., rural/urban farebox recovery ratios).

### Status of Prior Audit Recommendations

MBTA satisfactorily implemented the four prior audit recommendations. The completed recommendations pertained to reviewing opportunities for increasing local revenue to boost farebox recovery, updating performance monitoring contained in the SRTP, implementation of enhanced electronic and mobile trip planning tools, and the exploration of additional CNG fuel sales to the public.

### Transit System Performance Trends

1. MBTA's farebox recovery ratio remained well above the required 10 percent standard despite a slightly downward trend that worsened because of the COVID-19 pandemic. For the three-year audit period, the farebox recovery ratio was 17.75 percent in FY 2018; 16.01 percent in FY

2019; and 10.00 percent in FY 2020.<sup>1</sup> The average system-wide farebox recovery ratio was 14.59 percent during the triennial review period. Farebox ratios are audited figures from the TDA fiscal audits and include local support revenue such as Measure I.

2. Operating costs system-wide increased by 11.6 percent using audited data from FY 2017 base year to FY 2020. Fixed-route operating costs increased by 26.5 percent while demand-response costs increased 23 percent using unaudited modal data. On an annualized basis, costs increased 3.7 percent, with the highest increase of 5 percent occurring in FY 2018. The higher costs are attributed to the Joshua Tree National Park service expansion as well as the 2 percent cost of living and employee wage adjustments.
3. After exhibiting modest increases in FY 2018 and FY 2019, system-wide ridership decreased 19.4 percent from the FY 2017 base year to FY 2020. The 19.8 percent decrease in fixed-route passenger trips mirrored the system-wide trend, whereas demand-response ridership decreased 13.4 percent. System-wide ridership increased 1 percent in FY 2018 and 2.1 percent in FY 2019. In consideration of the COVID-19 pandemic impacts toward the latter part of FY 2020 and the adverse impacts on transit, system-wide ridership decreased 21.9 percent. Ridership increased 1.4 percent in the second quarter of FY 2020, followed by a 7.8 percent decrease in the third quarter, and 39.6 percent decrease in the fourth quarter, when the statewide shelter-in-place order was in full effect.
4. Operating cost per passenger, an indicator of cost effectiveness, increased 38.5 percent system-wide from FY 2017 base year to FY 2020. Cost per passenger increased 57.8 percent on fixed route and increased by 42 percent on the demand-response service. The trend shows that costs have increased faster than the number of passenger trips due to the onset of the COVID-19 pandemic impacts in FY 2020. In consideration of the pandemic toward the latter part of FY 2020 and the adverse impacts on transit, system-wide cost per passenger was \$15.21 in the first quarter of FY 2020, \$13.50 in the second quarter, \$13.31 in the third quarter, and \$25.43 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average cost per passenger in FY 2020 was \$16.86.
5. Operating cost per hour, an indicator of cost efficiency, increased 13.8 percent system-wide from FY 2017 base year to FY 2020. The indicator increased 27.6 percent on fixed route and by 30.5 percent for Ready Ride demand response. The trends for both modes are reflective of the increase in operating costs versus the decrease in vehicle service hours. In consideration of the COVID-19 pandemic impacts toward the end of FY 2020, system-wide cost per hour was \$118.76 in the first quarter, \$108.01 in the second quarter, \$100.25 in the third quarter, and \$123.25 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average cost per hour in FY 2020 was \$112.57.

<sup>1</sup> It is noted that the audited farebox ratio in FY 2020 was adversely impacted from the COVID-19 pandemic and State Shelter-in-Place order. Local funds (Measure I) were applied by the operator to supplement farebox revenues to satisfy the 10 percent fare ratio as permitted by Section 99268.19.

6. Passengers per vehicle service hour, which measures the effectiveness of the service delivered, decreased by 17.9 percent system-wide from 8.6 passengers to 7.1 passengers from FY 2017 base year to FY 2020. The indicator for the fixed-route mode decreased by a comparable 19.2 percent whereas for demand response there was an 8.1 percent decrease. For both service modes, the rate of decline in passenger trips exceeds that for vehicle service hours. During FY 2020, passengers per hour were 7.8 in the first quarter, 8.0 in the second quarter, 7.5 in the third quarter, and 4.8 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average number of passengers per hour in FY 2020 was 7.0 passengers.

### Detailed Functional Review

1. A cooperative agreement between the National Park Service and MBTA was executed on September 7, 2017, for MBTA to operate the RoadRunner Shuttle on a pilot basis through May 2019. One percent of the total annual park visitor attendance, or 28,000 trips, was the performance benchmark for the service. The two-year Joshua Tree National Park pilot program was branded the RoadRunner Shuttle, which commenced service on February 1, 2018.
2. MBTA applied the LCTOP funding toward a free fare program for Copper Mountain College students. Prior to the receipt of LCTOP funds, MBTA received an annual subsidy from Copper Mountain College that amounted to \$20,000 annually. Under that agreement, students were able to ride the fixed route for \$0.50 per ride.
3. MBTA is a non-union shop where employment is on an at-will basis despite a unionization effort that took place in 2015. The unionization effort prompted management to engage in more employee outreach. During the negotiation process, employees were able to identify gaps in benefits and policies. In response, MBTA revised the employee handbook to incorporate policies derived from the union negotiations. Benefit changes and wage increases are reflected in the FY 2017–18 budget.
4. MBTA commissioned an update to its SRTP in October 2018. The SRTP scope of work included the modification of service policies, goals, and objectives, including performance standards by which to measure current and future performance. The SRTP, adopted in June 2020, envisions a phased five-year transition plan to redesign existing transit services to better respond to the mobility expectations and preferences of service area residents, employees, and visitors. The plan builds on the historical success of cross-valley service operating for decades in the SR-62 corridor.
5. Marketing efforts during the audit period have been primarily directed to attracting new riders and Copper Mountain College students. New marketing initiatives have included an enhanced website, logo, social media presence, and bus stop amenities. MBTA launched a marketing campaign that targeted the discretionary or “choice rider” market in FY 2017-18. The website was revamped and went live in the fall of 2018. The website’s enhanced features include a trip planner and an interactive route map.

6. MBTA retains all of its remaining LTF revenues from implementation of its cost allocation plan. The plan provides justification for MBTA's continued funding support and its ability to expand its transit infrastructure. The plan includes three cost and revenue allocation options along with a five-year forecast for each option.

## Recommendations

Performance Audit Recommendation	Background	Timeline
<b>1. Ensure accident, incident and road call data are reported in TransTrack Manager.</b>	MBTA has been proficient in its utilization of TransTrack Manager in the reporting of system performance metrics. A review of the quarterly performance scorecard within TransTrack confirmed that most performance indicators and data are being reported such as farebox recovery ratio, operating costs per revenue hour and mile, passengers per revenue hour and mile, complaints, and on-time performance. However, data for some performance categories such as miles between NTD reportable accidents, number of reportable accidents, system failures, road calls are not reported in TransTrack. While reportable accident data are reported in the NTD, they did not get transferred into TransTrack. In addition, although the incidents of road calls were negligible during the audit period, they were not reported. It is suggested that data for these vehicle performance categories be included in TransTrack.	High Priority
<b>2. Consider merits of procuring new fleet management software that would be compatible with other programs used by MBTA.</b>	MBTA's maintenance department appears to run efficiently and effectively. Systems have been in place to ensure that vehicles are serviced within the regularly scheduled intervals. The lead technician/shop supervisor has been quite resourceful in streamlining maintenance practices and ensuring that parts are ordered as needed. The Zonar electronic fleet management system is used for pre- and post-trip inspections whereas the Fleet Controller program is used to track vehicle service history and flag those ready for preventive maintenance inspections. As part of the Fleet Controller program, the Parts Controller module tracks parts inventory and generates purchase orders. The lead technician indicated the necessity to upgrade or replace the Fleet Controller program.	High Priority

Performance Audit Recommendation	Background	Timeline
	With MBTA looking to adopt ZEV technologies as well as upgrade other facets of its operations, it is suggested that the Authority consider the procurement of a new fleet management system.	
<b>3. Consult and collaborate with peer transit agencies regarding the implementation of zero emission vehicle technologies.</b>	The SBCTA in collaboration with the Center for Sustainable Energy released the <i>San Bernardino County Zero-Emission Vehicle Readiness and Implementation Plan</i> in August 2019. The ZEV Plan inventories current ZEV infrastructure and usage in San Bernardino County and projects future demand and infrastructure requirements. In response to the ZEV Plan, MBTA has been gathering data in order to discern the best type of ZEV to procure, which will in turn determine the type of charging infrastructure required. The Authority has submitted a LCTOP grant application for the procurement of a battery electric van. A query of peer agencies that have embarked on the implementation of ZEV technologies could prove helpful in the evaluation process. Those peer agencies would include neighboring transit systems such as SunLine and VVTA.	Medium Priority

# FY 2018–2020 TRIENNIAL PERFORMANCE AUDIT



## NEEDLES TRANSIT SERVICES



**August 2021**

*Submitted to:*

**San Bernardino  
County Transportation  
Authority**

*Submitted by:*

**Michael Baker**  
INTERNATIONAL



## Executive Summary

The San Bernardino County Transportation Authority (SBCTA) engaged Michael Baker International (Michael Baker) to conduct the Transportation Development Act (TDA) triennial performance audit of the five public transit operators under its jurisdiction. The performance audit serves to ensure accountability in the use of public transportation revenue. This performance audit is conducted for Needles Transit Services (Needles, City) covering the most recent triennial period, fiscal years 2017–18 through 2019–20.

The audit includes a review of the following areas:

- Compliance with TDA Requirements
- Status of Prior Audit Recommendations
- Transit System Performance Trends
- Detailed Functional Review

From the review, recommendations were developed to improve the operational efficiency and effectiveness of Needles Transit Services.

### Compliance with TDA Requirements

Of the compliance requirements pertaining to Needles Transit Services, the operator complied with eight out of nine requirements. The City was not in compliance regarding the timely submittal of its Transit Operator Financial Transactions Reports. Two additional compliance requirements did not apply to Needles Transit Services (i.e., blended and urban farebox recovery ratios).

### Status of Prior Audit Recommendations

Needles satisfactorily implemented one out of the two prior audit recommendations. The completed recommendation pertained to the use of local support funds to enhance farebox revenues. The second recommendation, pertaining to the implementation of electronic and mobile trip planning tools, was partially implemented, and is carried forward in this audit for full implementation.

### System Performance Trends

1. NAT exceeded its annual fare recovery ratio, although the FY 2020 farebox recovery ratio dipping to 10.17 percent in FY 2020 in large part to the COVID-19 pandemic and state shelter-in-place order during the last quarter of that year. The Dial-A-Ride farebox recovery ratio exceeded 15 percent during the audit period with the contribution of local Measure I support funding. Transit services are funded by TDA Article 8(c). The SBCTA board adopted



performance criteria for Needles Transit Services that set the system-wide farebox recovery ratio at 10 percent.<sup>1</sup>

2. Operating costs system-wide increased by 22.6 percent from the FY 2017 base year through FY 2020 based on audited financial data. Deviated fixed route operating costs increased by 20.5 percent and Dial-A-Ride costs increased by 40.2 percent based on audited financial and internal data. The annualized growth in operating costs for the deviated fixed route was 6.6 percent and 12.6 percent for Dial-A-Ride. The increase in operating costs is due to adjustments in contractor costs and higher vehicle insurance premiums. Contract operations were assumed by Transportation Concepts effective FY 2020.
3. Ridership decreased 3.2 percent system-wide, consisting of a 7.2 percent decrease on deviated fixed route. In contrast, there was 23.4 percent increase in Dial-A-Ride ridership from the FY 2017 base year to FY 2020. Ridership on Dial-A-Ride increased 13 percent in FY 2018 followed by a 6.6 percent increase in FY 2019. The overall declines in ridership are attributed to lower retail fuel prices as well as reduced commercial activity in Needles involving the closure of a major chain store and a restaurant. The increase in ridership on Dial-A-Ride is attributed to the implementation of the Shopper Shuttle. In consideration of the COVID-19 pandemic impacts toward the latter part of FY 2020 and the adverse impacts on transit, system-wide ridership decreased 5.8 percent. Ridership decreased 22.9 percent in the second quarter of FY 2020, followed by a 12.1 percent decrease in the third quarter, and 26.3 percent decrease in the fourth quarter, when the statewide shelter-in-place order was in full effect.
4. Operating cost per passenger, an indicator of cost effectiveness, increased by 26.7 percent system-wide from \$12.94 in the FY 2017 base year to \$16.39 in FY 2020. Cost per passenger increased by a comparable 29.9 percent on the NAT deviated fixed route service and 15.1 percent on Dial-A-Ride. The trend in this indicator reflects the increase in operating costs in contrast to the decrease in ridership. In consideration of the pandemic toward the latter part of FY 2020 and the adverse impacts on transit, system-wide cost per passenger was \$11.23 in the first quarter of FY 2020, \$16.43 in the second quarter, \$17.84 in the third quarter, and \$24.69 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average cost per passenger in FY 2020 was \$17.55.
5. Operating cost per hour, an indicator of cost efficiency, increased 6.8 percent system-wide from \$89.08 in the FY 2017 base year to \$95.12 in FY 2020. Cost per hour on the deviated increased 15.5 percent. Dial-A-Ride exhibited a 0.7 percent increase in this indicator. The

<sup>1</sup> It is noted that the audited farebox ratio in FY 2020 was adversely impacted from the COVID-19 pandemic and state shelter-in-place order. Local funds (Measure I) were applied by the operator to supplement farebox revenues to satisfy the 10 percent fare ratio for the deviated fixed route and the 15 percent fare ratio for Dial-A-Ride as permitted by Section 99268.19.

trend in this indicator reflects the increase in operating costs in contrast to the modest increase in vehicle service hours. In consideration of the COVID-19 pandemic impacts toward the end of FY 2020, system-wide cost per hour was \$89.76 in the first quarter, \$100.91 in the second quarter, \$93.69 in the third quarter, and \$96.12 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average cost per hour in FY 2020 was \$95.12.

6. Passengers per vehicle service hour, which measures the effectiveness of the service delivered, decreased 15.7 percent system-wide from 6.9 passengers in the FY 2017 base year to 5.8 passengers per hour in FY 2020. This indicator decreased 11.1 percent for deviated fixed route and by 12.5 percent for Dial-A-Ride. The trends are indicative of the decrease in passenger trips in contrast to the increase in vehicle service hours. During FY 2020, passengers per hour system-wide were 8.0 in the first quarter, 6.1 in the second quarter, 5.3 in the third quarter, and 3.9 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average number of passengers per hour in FY 2020 was 5.8 passengers.

### Functional Review

1. NAT expanded service hours on Saturday from 10:00 a.m. to 5:00 p.m., effective July 2017. Prior to this change, Saturday hours were from 10:00 a.m. to 2:00 p.m. Riders have requested service later in the evenings and on Sundays.
2. A fare increase was implemented during the audit period in July 2017. General public fares increased from \$1.25 to \$1.30 per trip. The City implemented a second fare increase in July 2018 from \$1.30 to \$1.35 per trip. Fares were also increased on the Dial-A-Ride and Dial-A-Ride medical services. The City is considering another fare increase pending the findings from the COVID-19 fare analysis being conducted by SBCTA.
3. The City implemented the Shopper Shuttle Pilot Program on July 10, 2019 in response to rider demand for shopping options upon closure of a major grocer within the City. The Shopper Shuttle operates on Wednesday on a prepaid, reservation basis departing Needles at 8:15 a.m. and returning by 12:30 p.m. The prepaid round trip fare is \$9.00.
4. In December 2018, the City received a notice of termination of the operating contract from RATP Dev/McDonald Transit Associates Inc. The City released a Request for Proposals (RFP) in March 2019 with no responses received. The RFP was reissued in May 2019 and two proposals were received. In September 2019, the City Council approved a contract with Transportation Concepts to provide operations of the local fixed and deviated route transit services and Dial-a-Ride services including senior and disabled demand response and DAR Medical Transport/Shopper Shuttle for the period starting October 1, 2019, to June 30, 2023.

5. The Needles Transit Services Short Range Transit Plan (S RTP) 2020–2025 was completed in January 2020 and adopted by the City Council in February 2020. The S RTP update included a series of passenger and community surveys to determine service needs and trends. There were four financially constrained recommendations in the 2020–2025 S RTP.
6. In collaboration with SBCTA, the City participated in the Transit Marketing and Fare Study Project in 2018 to encourage and promote transit ridership through a targeted marketing campaign. The project was a multi-phase effort that included a market research report and marketing brief. The project was funded through the Low Carbon Transit Operations Program (LCTOP). Marketing collateral and initiatives that were implemented included enhanced flyers and posters promoting the NAT service, and free ride campaigns.

## Recommendations

Performance Audit Recommendation	Background	Timeline
<b>1. Ensure timely completion and submittal of the Transit Operators Financial Transactions Reports to the State Controller.</b>	In the compliance review section, it was found that the City submitted its Transit Operators Financial Transactions Reports to the State Controller after the statutory deadline during all three years of the audit period. Pursuant to Public Utilities Code Section 99243, the report is due within seven months after the end of the fiscal year, which is on or before January 31. The submission of reports to the State Controller in a timely manner will further demonstrate Needles' proactive approach to compliance with state reporting instructions.	High Priority
<b>2. Ensure key performance indicators such as accidents, incidents, road calls, and deadhead service data are reported in TransTrack Manager.</b>	Needles has been proficient in its utilization of TransTrack Manager in the reporting of system performance metrics. A review of the quarterly performance scorecard in TransTrack confirmed that most performance indicators and data are being reported, such as farebox recovery ratio, operating costs per revenue hour and mile, passengers per revenue hour and mile, complaints, and on-time performance. However, data for some performance categories such as miles between National Transit Database (NTD) reportable accidents,	High Priority

Performance Audit Recommendation	Background	Timeline
	<p>number of reportable accidents, system failures, and road calls are not reported in TransTrack. While reportable accident data are reported in the NTD, they did not get transferred into TransTrack. In addition, although the incidents of road calls were negligible during the audit period, they were not reported. Also, because the transit vehicles must be transported to Blythe (almost 100 miles one-way) to a Transportation Concepts facility for major maintenance and repairs, deadhead service hours and miles could build up which impact vehicle life. It is suggested that data for these vehicle performance categories be included and monitored in TransTrack.</p>	
<p><b>3. Reinstate the Google Transit trip planning tool on the Needles Transit Services web page.</b></p>	<p>This recommendation is being carried forward in this audit for full implementation. The City implemented the Google Transit trip planner on the transit page of the City's website in mid-2018 as part of the transit marketing campaign funded through a LCTOP grant. However, in mid to late 2019, a new City website was created and went live without the Google Transit trip planner feature being transferred. As of this report, the Google Transit trip planner has yet to be restored on the transit page of the City of Needles website. It is recommended that staff work to reinstate the Google Transit trip planner as well as a Google Translate widget feature for non-English-speaking users.</p>	<p>Medium Priority</p>

# FY 2018–2020 TRIENNIAL PERFORMANCE AUDIT



## OMNITRANS



**August 2021**

*Submitted to:*

**San Bernardino  
County Transportation  
Authority**

*Submitted by:*

**Michael Baker**  
INTERNATIONAL

## Executive Summary

The San Bernardino County Transportation Authority (SBCTA) engaged Michael Baker International (Michael Baker) to conduct the Transportation Development Act (TDA) triennial performance audit of the five public transit operators under its jurisdiction. The performance audit serves to ensure accountability in the use of public transportation revenue. This performance audit is conducted for Omnitrans covering the most recent triennial period, fiscal years 2017–18 through 2019–20.

The audit includes a review of the following areas:

- Compliance with TDA Requirements
- Status of Prior Audit Recommendations
- System Performance Trends
- Functional Review

Based on the audit review process, recommendations were developed to improve the operational efficiency and effectiveness of Omnitrans.

### Compliance with TDA Requirements

Omnitrans fully complied with all nine applicable requirements. Two additional compliance requirements did not apply to Omnitrans (rural and blended farebox recovery ratios).

### Status of Prior Audit Recommendations

Omnitrans implemented the three prior audit recommendations. The recommendations pertained to showing the farebox calculation in the audited financial reports; identifying auxiliary sources of revenue to support farebox recovery and cover operating costs; and implementing and optimizing technology.

### System Performance Trends

1. Omnitrans's farebox recovery ratio remained above the required 20 percent standard for general public operations and 10 percent for Access ADA paratransit. The farebox recovery ratio for the general public service was 23.72 percent in FY 2018, 24.01 percent in FY 2019, and 26.04 percent in FY 2020.<sup>1</sup> The three-year farebox average was 24.59 percent. The

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<sup>1</sup> It is noted that the audited farebox ratio in FY 2020 was adversely impacted from the COVID-19 pandemic and state shelter-in-place order. Local funds (Measure I) were applied by the operator to supplement farebox revenues to satisfy both general public and specialized service fare ratios for each of the three years as permitted by Section 99268.19.

farebox recovery ratio for Access was 31.76 percent in FY 2018, 14.23 percent in FY 2019, and 24.03 percent in FY 2020 (inclusive of Measure I supplement). The three-year farebox average was 23.34 percent. The higher farebox for Access was due to the inclusion of a full year of Medi-Cal revenue in FY 2018 from an agreement with the County of Riverside Department of Public Health for transportation services for Medi-Cal patients.

2. Operating costs based on audited data increased system-wide 13.7 percent from \$77 million in the FY 2017 base year to \$87.5 million in FY 2020. General public service operating costs increased 14.8 percent from \$64.3 million in the FY 2017 base year to \$73.8 million in FY 2020, whereas costs on the Access ADA service increased 8.0 percent over the same period from \$12.7 million in FY 2017 to \$13.7 million in FY 2020. System-wide costs increased due to factors such as higher wages, salaries, and benefits, increase in cost attributed to pension increase for employees, COVID-19 pandemic response, and a new operations contract for OmniGo and Access.<sup>2</sup>
3. Ridership system-wide exhibited a decrease of 22.6 percent, mirrored by a comparable 21.8 percent decrease on the general public services. The Access ADA service exhibited a higher decrease of 42.9 percent. System-wide, ridership decreased from 11.6 million passengers in the FY 2017 base year to 9 million in FY 2020. In consideration of the COVID-19 pandemic impacts toward the latter part of FY 2020 and the adverse impacts on transit, system-wide ridership decreased 61.2 percent. Ridership decreased 0.4 percent in the second quarter of FY 2020, followed by a 12.5 percent decrease in the third quarter, and 55.5 percent decrease in the fourth quarter, when the statewide shelter-in-place order was in full effect. The overall declining trend in ridership prior to the pandemic is attributed to economic factors such as lower gas prices, the issuance of more drivers' licenses, and increased automobile ownership and telecommuting.
4. Operating cost per passenger, a measure of cost effectiveness, increased 46.8 percent system-wide from \$6.61 in FY 2017 to \$9.71 in FY 2020. For general public services, cost per passenger also increased 46.8 percent, whereas on Access ADA, cost per passenger increased 89.2 percent. The trend in this indicator is attributed to the increase in operating costs compared to the decrease in passenger trips. In consideration of the pandemic toward the latter part of FY 2020 and the adverse impacts on transit, system-wide cost per passenger was \$7.57 in the first quarter of FY 2020, \$7.60 in the second quarter, \$8.86 in the third quarter, and \$22.54 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average cost per passenger in FY 2020 was \$11.64.
5. Operating cost per vehicle service hour, a measure of cost efficiency, increased 28.1 percent system-wide from \$92.57 in FY 2017 to \$118.60 in FY 2020. At the modal level, there was a 24.7 percent increase for general public services and a 43.0 percent increase for Access ADA services. Operating cost per vehicle service mile, another measure of cost efficiency, increased 27.6 percent system-wide from \$6.76 in FY 2017 to \$8.63 in FY 2020, with a 22.8

<sup>2</sup> OmniGo was replaced by OmniRide in September 2020.



percent increase for general public services and a 46.3 percent increase for Access ADA services. Larger growth in operating costs relative to the decrease in service hours and miles leads to the trends. In consideration of the COVID-19 pandemic impacts toward the end of FY 2020, system-wide cost per hour was \$99.90 in the first quarter, \$99.96 in the second quarter, \$106.82 in the third quarter, and \$205.62 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average cost per hour in FY 2020 was \$128.02.

6. Passengers per vehicle service hour, a measure of service efficiency, decreased 12.7 percent system-wide from 14 passengers per hour in FY 2017 to 12.2 passengers in FY 2020, while passengers per vehicle service mile, another measure of service efficiency, decreased 13.1 percent system-wide from 1.02 passengers in FY 2017 to 0.89 passengers in FY 2020. For general public services, passengers per hour decreased 15 percent and passengers per mile decreased 16.3 percent. For Access ADA service, passengers per hour decreased 24.4 percent, whereas passengers per mile decreased 22.7 percent. During FY 2020, passengers per hour were 13.2 in the first quarter, 13.1 in the second quarter, 12.1 in the third quarter, and 9.1 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average number of passengers per hour in FY 2020 was 11.9 passengers.

## Functional Review

1. Omnitrans began direct service to Ontario International Airport at the beginning of the audit period in September 2017. Schedules on Route 61 initially had 60-minute headways, which were shortened to 15 minutes with airport service. The Ontario Airport service is seen as a precursor to the West Valley Connector Bus Rapid Transit (BRT) project.
2. Omnitrans implemented the first fare increase in five years on September 3, 2019. The single bus trip fare increased from \$1.75 to \$2.00 while the 1-day pass rate rose from \$5.00 to \$6.00. Fares also increased on the Omnitrans Access ADA service.
3. During the audit period, the CEO/general manager, who had served in this position since June 2013, retired from the agency in November 2019. The deputy general manager was appointed as interim CEO/general manager and became the permanent CEO/general manager in July 2020. The deputy general manager position remained vacant.
4. The ConnectForward Annual Service Plan was adopted for FY 2021 and the current OmniConnects Short Range Transit Plan was extended through the end of FY 2021. In spite of an overall 11 percent service reduction, the ConnectForward Plan, adopted in September 2020, improved connections to two Metrolink stations and added a new cross-county connection with the Riverside Transit Agency near the San Bernardino/Riverside County line.
5. In response to the COVID-19 shelter-in-place order and pursuant to Centers for Disease Control and Prevention protocols, Omnitrans implemented its Emergency Service Deployment Plan on March 23, 2020, at a Level 3, which effectively halved frequency on routes that were operating at 30-minute headways or better. Omnitrans was one of the first



transit agencies to design driver-protective barriers. Hand sanitizer dispensers and mask requirements were implemented on the vehicles.

### Recommendations

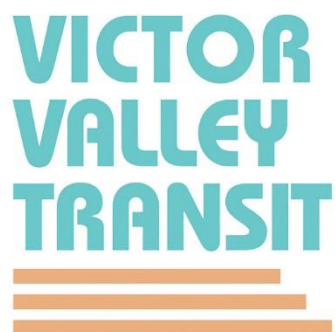
Performance Audit Recommendation	Background	Timeline
<b>1. Continue pursuit of potential revenue agreements and cooperative partnerships as part of Omnitrans's revenue enhancement strategy.</b>	Omnitrans has recently proposed the implementation of a free fare pilot for primary and secondary school students. The pilot would be similar to the GoSmart college program that the agency has in partnership with local community colleges and California State University, San Bernardino. The GoSmart pass allows for free rides on the Omnitrans fixed-route system. Given the success of the GoSmart pass, Omnitrans is encouraged to pursue such an arrangement with local primary and secondary school districts as well as other local institutions that benefit from Omnitrans ridership. The Sacramento Regional Transit District, as another example, implemented the RydeFreeRT program that offers fare-free transit for youth and students in grades kindergarten through 12. Given the status and current uncertainties with public transit in general, Omnitrans's active partnerships help stabilize operations and provide a steady revenue stream while providing more visibility to the service.	High Priority
<b>2. Continue evaluation of technology solutions and integration of administrative and operational functions.</b>	During the course of the auditors' site visit and staff interviews, observations were made regarding the agency's embracing of technology to improve service delivery efficiency and effectiveness. Significant investments in technology have been made over time to improve both internal and customer-facing interfaces. Additional technology platforms could help further increase work productivity and connect existing systems. For example, the importance of recruitment, retention, and management of employees could be enhanced through online management systems tied to the agency's SAP enterprise resource planning modules. Cloud software such as Neogov (for human resource management) and Kronos (for employee	Medium Priority

Performance Audit Recommendation	Background	Timeline
	timekeeping), which the agency uses, could be evaluated as potential solutions to integrate with SAP to continue a path towards modernizing Omnitrans's administrative network while reducing paper requisitions and filing. In addition, bar coding of bus parts inventory offers an interface of fleet management software with business management software, which could further maintenance management efficiencies. These examples of additional technology systems to evaluate could automate agency functions and strengthen productivity while generating new data for analysis leading to a stronger workforce and improved customer experience.	

# FY 2018–2020 TRIENNIAL PERFORMANCE AUDIT



## VICTOR VALLEY TRANSIT AUTHORITY



**August 2021**

*Submitted to:*

**San Bernardino  
County Transportation  
Authority**

*Submitted by:*

**Michael Baker**  
INTERNATIONAL

## Executive Summary

The San Bernardino County Transportation Authority (SBCTA) engaged Michael Baker International (Michael Baker) to conduct the Transportation Development Act (TDA) triennial performance audit of the five public transit operators under its jurisdiction. The performance audit serves to ensure accountability in the use of public transportation revenue. This performance audit is conducted for Victor Valley Transit Authority (VVTA), covering the most recent triennial period, fiscal years 2017-18 through 2019-20.

The audit includes a review of the following areas:

- Compliance with TDA Requirements
- Status of Prior Audit Recommendations
- System Performance Trends
- Functional Review

From the review, recommendations were developed to improve the operational efficiency and effectiveness of VVTA.

### Compliance with TDA Requirements

VVTA fully complied with eight out of the nine applicable requirements. The operator was partially compliant regarding the calculation of full-time employee equivalents. Three additional compliance requirements did not apply to VVTA (i.e., rural and urban farebox recovery ratios).

### Status of Prior Audit Recommendations

VVTA implemented the three prior audit recommendations. The recommendations pertained to improving on-time performance; developing additional key performance indicators to report organization efficiencies; and pursuing succession planning strategies.

### System Performance Trends

1. VVTA's farebox recovery ratio remained above the intermediate 18 percent standard established by SBCTA for fixed route and 10 percent for ADA Direct Access.<sup>1</sup> The average for the three-year period for fixed route was 20.47 percent, and 11.00 percent for Direct Access.<sup>2</sup>

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<sup>1</sup> The farebox recovery standard was increased from 15 percent to 18 percent pursuant to SBCTA Resolution 17-002 in September 2017, which repealed Resolution 98-002 and allowed for VVTA's return to claiming under Article 4.

<sup>2</sup> It is noted that Local funds (Measure I) are applied by the operator to supplement farebox revenues to satisfy the 18 percent fare ratio as permitted by Section 99268.19.

The farebox ratio for Direct Access has remained above the 10 percent threshold over the three years except for FY 2019 when it dropped slightly below 10 percent. Farebox ratios are audited figures from the TDA fiscal audits and include local support revenue such as Measure I.

2. Operating costs based on audited data increased 1.0 percent system-wide from the FY 2017 base year through FY 2020. Fixed route operating costs based on audited data decreased 1.6 percent from the FY 2017 base year through FY 2020 while Direct Access demand response costs increased 1.3 percent over the same period. Most of the cost growth occurred in FY 2019. System-wide operating costs increased 13.9 percent driven by the nearly 20 percent increase in fixed route/commuter operating costs. These increases are to the higher contractor rate, new security contract rate increase, and the implementation of the TouchPass mobile app and card program.
3. After a period of growth due to service expansion and the consolidation of the Barstow service, ridership decreased 25.2 percent system-wide from the FY 2017 base year through FY 2020. The 25.5 percent decrease on the fixed route mirrored the system-wide decrease over the same period. Ridership on Direct Access exhibited a 22.1 percent decrease. In consideration of the COVID-19 pandemic impacts toward the latter part of FY 2020 and the adverse impacts on transit, system-wide ridership decreased 67.1 percent. Ridership increased 2.1 percent in the second quarter of FY 2020, followed by a 9.2 percent decrease in the third quarter, and 62.9 percent decrease in the fourth quarter, when the statewide shelter-in-place order was in full effect.
4. Operating cost per passenger, a measure of cost effectiveness, increased by 32.3 percent system-wide from the FY 2017 base year through FY 2020. For fixed route service, cost per passenger increased by 32.1 percent whereas on Direct Access, cost per passenger increased 30 percent. Operating costs for fixed route rose approximately 20 percent in FY 2019 with a 2.4 percent decrease in ridership, leading to an increase in the operating cost per passenger. Although FY 2020 saw a decrease in fixed route operating costs of 4.8 percent, ridership decreased 9.2 percent year over year. In consideration of the COVID-19 pandemic toward the latter part of FY 2020 and the adverse impacts on transit, system-wide cost per passenger was \$12.81 in the first quarter of FY 2020, \$14.88 in the second quarter, \$14.32 in the third quarter, and \$34.90 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average cost per passenger in FY 2020 was \$19.23.
5. Operating cost per vehicle service hour, a measure of cost efficiency, increased by 0.5 percent system-wide, with a 4.4 percent decrease for fixed route and an 18.3 percent increase for demand response from the FY 2017 base year through FY 2020. Operating cost per vehicle service mile, another measure of cost efficiency, increased by 0.4 percent system-wide, with a 5.1 percent decrease for fixed route and a 23.2 percent increase for demand response. In

consideration of the COVID-19 pandemic impacts toward the end of FY 2020, system-wide cost per hour was \$87.82 in the first quarter, \$100.33 in the second quarter, \$91.50 in the third quarter, and \$140.08 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average cost per hour in FY 2020 was \$104.93.

6. Passengers per vehicle service hour, a measure of service efficiency, decreased by 24 percent system-wide, while passengers per vehicle service mile, another measure of service efficiency, decreased by 24.1 percent system-wide. For fixed route service, passengers per hour decreased by 27.7 percent and passengers per mile decreased by 28.2 percent. For demand response service, passengers per hour decreased 9.0 percent, whereas passengers per mile decreased 5.2 percent. During FY 2020, passengers per hour were 6.9 in the first quarter, 6.7 in the second quarter, 6.4 in the third quarter, and 4.0 in the fourth quarter, when the statewide shelter-in-place order was in full effect. The average number of passengers per hour in FY 2020 was 6.0 passengers.

### Functional Review

1. In April 2019, the CTSA implemented the VVTA Trip Brokerage Program to further its mobility management mission. The successful marketing and operation of its mobility management programs have resulted in a 32 percent decrease in the total number of individuals applying for ADA certification for Direct Access and have reduced VVTA's operational expenses by more than \$340,000.
2. In January 2018, VVTA released an RFP to solicit additional contractors for the vanpool program that would be available to provide vehicle leasing services in accordance with the VVTA vanpool program guidelines. The increased competition would facilitate more competitive leasing rates and better customer service.
3. VVTA upgraded its bus stops with new signage, activated electronic fareboxes, and planned for the construction of two transfer centers. Bus stop improvements have included the installation of 14 electronic LED signs and 25 transit tubes. In January 2020, VVTA implemented its TouchPass electronic fare collection system, which allows for passengers to pay fares using a smart card or mobile application (app). The app operates on the Umo mobility platform developed by Cubic Transportation Systems/Delerrok.
4. In November 2017, VVTA released a Request for Proposals (RFP) for the provision of operations and maintenance services that encompassed the maintenance of the Barstow Division L/CNG fueling station and leased facility as well as the newly constructed Barstow operations and maintenance facility. VVTA awarded the new operations and maintenance contract to National Express, based in Lisle, Illinois. The Transdev contract was extended 90 days from July 1, 2018, through September 30, 2018, to ensure continued service and a smooth transition to the new contractor.

5. VVTA decided to exercise the Termination for Convenience clause to terminate the contract with National Express effective September 30, 2020. The VVTA Board approved the Termination for Convenience of Contract as well as the release of an RFP for operations and maintenance services on April 24, 2020. The highest scoring proposer, Keolis Transit Services, LLC of Boston, Massachusetts, was selected. Keolis began operating VVTA services effective October 1, 2020, under a five-year contract with the option for five one-year extensions.
6. VVTA commissioned the development of its FY 2020 SRTP, which was adopted in September 2020. The FY 2020 SRTP has a five-year planning horizon and is composed of seven chapters. The plan calls for incremental improvements to headways and the span of service as the agency rebounds from the COVID-19 pandemic impacts.
7. VVTA's executive director and staff were recognized for their leadership and innovation by transit industry organizations. VVTA was awarded Outstanding Coordination Effort Award of the Year by the California Association for Coordinated Transportation (CalACT) at its 2017 Spring Conference and Expo in Lake Tahoe. The California Transit Association (CTA) awarded its prestigious Distinguished Service Award to VVTA's executive director/CEO in November 2017.

## Recommendations

Performance Audit Recommendation	Background	Timeline
<b>1. Calculate full-time employee equivalents using TDA definitions.</b>	An auditor review of the full-time employee equivalent data reported in the Transit Operators' Financial Transactions Reports revealed an incorrect calculation for both service modes. The system-wide FTE figure for FY 2019 appears to reflect a headcount in comparison to the FTEs reported for the other audit years, since the number of system-wide employee FTEs increased from 113 in FY 2018 to 267 (209 for fixed-route and 58 for demand-response) in FY 2019. Pursuant to the TDA statute, FTEs derived from the total annual labor hours divided by 2,000. VVTA does track the labor hours for each employee annually that is reported in TransTrack and exported to an Excel spreadsheet. Driver trip manifests can also be utilized to calculate labor hours by service mode. These sources should enable the agency to conform to the FTE definition.	High Priority
<b>2. Continue pursuit of potential revenue agreements and cooperative partnerships as part of VVTA's revenue enhancement strategy.</b>	In May 2018, VVTA's CTSA director and staff met with the Board of Trustees at Barstow Community College regarding the implementation of a bus pass program similar to the College Ram Pass program with VCC. Due to Barstow's disadvantaged area designation, VVTA believed that the college could qualify for grant funding that would subsidize such a pass. Barstow Community College declined to pursue a student pass subsidy agreement with VVTA. However, VVTA recently entered into a similar agreement with California State University, San Bernardino (CSUSB) effective August 2021. Given the success of the College Ram Pass and its recent agreement with CSUSB, VVTA is encouraged to pursue other arrangements with other local institutions and organizations that benefit from VVTA ridership. Given the status and current uncertainties with public transit in general, VVTA's active partnerships help stabilize operations and provide more steady revenue streams while providing more visibility to the service. We applaud the agency's approach towards building local and regional partnerships that have become a viable aspect of transit systems and are further recommending their continued pursuit of these types of engagements.	Medium Priority



## ***Minute Action***

### AGENDA ITEM: 5

***Date:*** September 9, 2021

***Subject:***

Arrow Passenger Rail Service Fare Policy Alternatives

***Recommendation:***

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

- A. Receive a presentation on fare policy alternatives for Arrow service.
- B. Recommend approval of the option to implement the extension of Metrolink's existing fare policy to the Arrow service such that there are consistent fares between Arrow and the rest of the Metrolink system.

***Background:***

Arrow is an innovative nine-mile segment of the existing Metrolink regional rail system that will serve as a local alternative transportation mode for San Bernardino County residents that will integrate with other modes of transportation such as car, bus and bicycle. The Arrow service will operate between the San Bernardino Transit Center (SBTC) and University of Redlands with the following stations; SBTC, Esri station, Downtown Redlands station, and University station. While Diesel Multiple Units (DMU) will be utilized as the primary service vehicles between the University of Redlands and the SBTC, the service will include a Metrolink locomotive hauled coach vehicle to provide one round-trip express service between the Downtown Redlands station and Los Angeles Union station during peak commute hours.

In anticipation of the commencement of revenue service in summer 2022, San Bernardino County Transportation Authority (SBCTA) staff has been working closely with the Southern California Regional Rail Authority (SCRRA), operator of Metrolink, who will also operate Arrow service, on developing fare policy alternatives for consideration and subsequent implementation. As part of this effort, Metrolink's Fare Policy consultant team from Four Nines Technologies has analyzed fare structure options for the Arrow service. The analysis was guided by the following requirements the Arrow fare structure is expected to meet:

- Short distance trips priced competitively with local transit
- Free transfers to connecting transit
- Affordable fares for long distance trips beyond the Arrow corridor
- Arrow fares should be easy to understand and allow a seamless customer experience for travel between Arrow and the rest of the Metrolink system.
- Fares should be equitable for all riders.

Three alternatives have been developed which are detailed in Table 1 and Table 2 below, and presented for consideration. These include: 1) Integration into the existing Metrolink fare structure, which is distance based; 2) Flat fare for Arrow service, regardless of distance and cap on Metrolink fares; and 3) Flat fare for Arrow service, regardless of distance and without a cap on Metrolink fares. A brief summary and key-takeaways of each alternative are provided below. Additionally, Table 1 and Table 2 provide a high-level comparison of each alternative and their

*Entity: San Bernardino County Transportation Authority*

associated fares. Table 3 provides estimated farebox recovery ratios for the three recommendations.

Regarding Table 3 demonstrating estimated farebox recovery, the following inputs and assumptions include:

- Passenger boardings – Redlands Passenger Rail Project, Ridership Report, June 2017 provided the station boardings.
- Fare structure and pricing – The Arrow Fare Recommendation, August 2021 developed by Metrolink provided the basis for building a complete fare table.
  - The discount ticket price is based on a weighted average of the current discount rates across the distribution of adult, student, senior/disabled and military.
  - The Metrolink multiplier for monthly passes was used to generate the monthly pass pricing.
- Ridership distribution – The current Metrolink ridership distribution between full fare and reduced fare was applied.
- Fare type distribution – The current Metrolink distribution of fare types between single ride and monthly pass was used.
- Operating cost estimate - The latest operating cost estimate was provided by SBCTA staff

The output of the recommended fare structure model is presented in worst-case/best-case scenarios:

- **Worst case**, is when all boardings at a station only ride to the next station (single station trip). The lowest distance-based fare is paid and the least amount of revenue is generated.
- **Best case**, is when all boardings at a station ride to the destination that requires the highest fare to be paid (multi station trips). And thus, the maximum possible revenue is generated.

As shown in Table 3, for the distance-based fare structure recommended by Metrolink, the result for farebox recovery is a range. For Metrolink's alternative scenarios 1 and 2, which utilize a flat fare, the model does not require station origin/destination data, because a passenger pays the same fare regardless of distance traveled. As a result, the farebox recovery for these scenarios reflect the same range.

Staff is recommending the option of integration into the existing Metrolink fare structure in order to maintain consistency with the regional network, simplify the fare structure and improve the customer experience. This ensures fares for Arrow service are affordable, as well as makes it easier for future potential expansion of the use of DMUs across other segments of the Metrolink system, beyond the initial Arrow corridor.

### **Existing Fare Policy (Recommended)**

Metrolink's existing fare policy is the option that is recommended for Arrow service. It makes the full range of passes, tickets, and discounts available for Arrow customers and avoids inconsistencies between Metrolink stations along the Arrow service area and Arrow stations. Note: Illustrated fares between Arrow stations are based on estimated miles and may still change

San Bernardino County Transportation Authority

slightly due to rounding. The 25% San Bernardino Line discount is assumed to apply to Arrow service as an extension of the San Bernardino Line. Additionally, existing fare discounts, such as for students/youth, senior/disabled and military personnel apply under this option as well.

**Key take-ways:**

- Avoids customer confusion from inconsistent fare policies and ensures a seamless customer experience for trips between Arrow and Metrolink stations.
- Metrolink fares offer the lowest fare for short distance trips on Arrow, with regular fares as low as \$1.25 (or \$0.50 for senior/disabled) for trips up to a mile.
- The maximum fare for longer trips on Arrow (San Bernardino Downtown to University station) is \$3.25 (or \$1.50 for senior/disabled).
- Long distance trips between Los Angeles and University station cost only \$0.50 more than to San Bernardino Downtown.
- All Metrolink Monthly Pass fares are capped at 80 miles.
- All fares include free transfers to connecting transit services.
- Metrolink fare policy ensures equity by basing fares on the distance traveled. Adopting the existing policy for Arrow does not require a new Title VI Fare Equity Analysis.
- Estimated annual farebox recovery range is 10.3% to 16.8%.

**Alternative 1: Flat fare and cap for long distance fares**

This alternative was designed to feature a fixed flat fare for travel between Arrow stations regardless of distance (comparable to typical bus fares). For illustration, a flat fare of \$3.25 was selected which compares to the \$2.00 Omnitrans fare, but, unlike Omnitrans, it includes full transfer privileges. Additionally, Alternative 1 caps fares at the price for a trip to San Bernardino Downtown station to make long distance fares more affordable. Trips between a Metrolink station and any Arrow station cost the same as trips between the Metrolink station and San Bernardino Downtown.

**Key take-ways:**

- Alternative 1 represents a new fare policy and requires a Title VI Fare Equity Analysis.
- The flat fare introduces inconsistencies with the rest of the system. It results in relatively more expensive fares for short distance trips and may raise equity concerns. It provides no cost advantage for the majority of Arrow riders.
- The fare cap results in only insignificant savings for long distance trips (maximum saving of \$0.50 for a trip between Los Angeles and University station).
- An unintended consequence of the fare cap is inconsistent pricing that results in short distance trips on Arrow having a higher fare than some longer distance trips:
  - SB Downtown – Redlands: \$3.25 (Flat fare)
  - SB Depot – Redlands: \$1.25 (capped)
- Estimated annual farebox recovery range is 16.8% to 18.8%.

### **Alternative 2: Flat fare without cap for long distance fares**

This alternative includes the flat fare from Alternative 1 but removes the fare cap to avoid some of the pricing inconsistencies described above.

#### **Key take-ways:**

- Alternative 2 represents a new fare policy and requires a Title VI Fare Equity Analysis.
- The flat fare introduces inconsistencies with the rest of the system. It results in relatively more expensive fares for short distance trips and may raise equity concerns. It provides no cost advantage for the majority of Arrow riders.
- Estimated annual farebox recovery range is 16.8% to 18.8%.

**Table 1**

	<u>Origin</u>	<u>Destination</u>	<u>Miles</u>	<u>Recommendation: Existing Fare Structure</u>	<u>Alternative 1 - Flat Arrow Fare, Cap for Metrolink fares</u>	<u>Alternative 2 - Flat Arrow Fare, No Cap to Metrolink fares</u>	<u>Free Transfer</u>
Longer Trip - SBL (25% Disc.)	LA Union	SB Downtown	59	<b>\$10.00</b>	\$10.00	\$10.00	YES
	LA Union	Redlands DT	63	<b>\$10.50</b>	\$10.00	\$10.50	YES
Longer Trip - IEOC (No Disc.)	Laguna Nigel	SB Downtown	61	<b>\$13.50</b>	\$13.50	\$13.50	YES
	Laguna Nigel	Redlands DT	64	<b>\$14.00</b>	\$13.50	\$14.00	YES
Short Metrolink & Arrow Trips	SB Depot	Tippecanoe	5	<b>\$2.25</b>	\$1.25	\$2.25	YES
	SB Depot	Redlands DT	9	<b>\$3.25</b>	\$1.25	\$3.25	YES
Arrow Corridor Only	SB Downtown	Tippecanoe	4	<b>\$2.00</b>	\$3.25*	\$3.25*	YES
	University Stat.	Redlands DT	1	<b>\$1.25</b>	\$3.25*	\$3.25*	YES
	ESRI Station	Redlands DT	1	<b>\$1.25</b>	\$3.25*	\$3.25*	YES
	ESRI Station	University Stat.	2	<b>\$1.50</b>	\$3.25*	\$3.25*	YES
	SB Downtown	Redlands DT	8	<b>\$3.00</b>	\$3.25*	\$3.25*	YES
	SB Downtown	University Stat.	9	<b>\$3.25</b>	\$3.25*	\$3.25*	YES
	OmniTrans Fares		N/A	<b>\$2.00</b>	\$2.00	\$2.00	NO

**Table 2**

	<b>Existing Policy (Recommended)</b>	<b>Alternative 1</b>	<b>Alternative 2</b>
<b>Short-distance fares</b>	Regular fares as low as \$1.25 (\$0.50 for senior/disabled )	Same fare regardless of distance. No discount for short distance trips on Arrow.	Same fare regardless of distance. No discount for short distance trips on Arrow.
<b>Long distance</b>	Metrolink monthly pass fares are capped at 80 miles	Fares capped at SB Downtown result in only small savings (\$0.50 savings between Los Angeles and Redlands.	
<b>Equity</b>	Fares reflect distance traveled	Flat fare results in a short distance trips on Arrow to cost more than short distance trips between Metrolink stations.	Flat fare results in a short distance trips on Arrow to cost more than short distance trips between Metrolink stations.

		Fare cap may result in short distance trips on Arrow having a higher fare than some longer distance trips.	
<b>Customer Experience</b>	Most seamless for customers traveling between Arrow and Metrolink stations.	Flat fare and fare cap introduce inconsistent pricing that may result in customer confusion.	Flat fare introduces inconsistent pricing that may result in customer confusion.
<b>Administration</b>	Minimal administrative burden. No requirement for Title VI fare equity analysis.	Increases the complexity of fare policy administration and enforcement. Requires Title VI fare equity analysis.	Increases the complexity of fare policy administration and enforcement. Requires Title VI fare equity analysis.

**Table 3**

<b>Metrolink Concept</b>	<b>Single Station Trips</b>	<b>Multi Station Trips</b>
Recommendation	10.3%	16.8%
Alternative 1 & 2 (flat fare)	18.8%	18.8%

***Financial Impact:***

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

***Reviewed By:***

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

***Responsible Staff:***

Rebekah Soto, Management Analyst

Approved  
Transit Committee  
Date: September 9, 2021

Witnessed By:

8/31/2021

## ARROW Fare Recommendation

August, 2021



### Objectives

#### ARROW fares should:

- Include free transfers to other transit
- Be competitive for short distance travel within the corridor
- Be affordable for long-distance travel beyond the ARROW corridor
- Allow easy administration and coordination with Metrolink fare policy

8/31/2021

## Recommendation

### Extend Metrolink's existing fare policy.

- Consistent fares between ARROW and the rest of the Metrolink system.
- Avoids fare caps that are difficult to understand
- Guarantees the lowest fares for short trips on ARROW.
- Does not require a Title VI process

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## Recommendation: Existing Fare Structure

ADULT One-Way Fares	Origin	Destination	Miles	Concept #1 - Existing Fare Structure	Free Transfer
Longer Trip - SBL (25% Disc.)	LA Union	SB Downtown	59	\$10.00	YES
	LA Union	Redlands DT	63	\$10.50	YES
Longer Trip - IEOC (No Disc.)	Laguna Nigel	SB Downtown	61	\$13.50	YES
	Laguna Nigel	Redlands DT	64	\$14.00	YES
Short Metrolink & Arrow Trips	SB Depot	Tippecanoe	5	\$2.25	YES
	SB Depot	Redlands DT	9	\$3.25	YES
Arrow Corridor Only	SB Downtown	Tippecanoe	4	\$2.00	YES
	University Stat.	Redlands DT	1	\$1.25	YES
	ESRI Station	Redlands DT	1	\$1.25	YES
	ESRI Station	University Stat.	2	\$1.50	YES
	SB Downtown	Redlands DT	8	\$3.00	YES
	SB Downtown	University Stat.	9	\$3.25	YES
	OmniTrans Fares		N/A	\$2.00	NO

- Fares on ARROW range from \$1.25 - \$3.25 based on distance (estimated)
- Long distance trips to Redlands cost \$0.50 more than to SB Downtown.

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8/31/2021

## Alternative 1: Flat Fare, SB Dt Cap

ADULT One-Way Fares	Origin	Destination	Miles	Concept #2 - Flat Arrow Fare, Cap for MetroLink fares	Free Transfer
Longer Trip - SBL (25% Disc.)	LA Union	SB Downtown	59	\$10.00	YES
	LA Union	Redlands DT	63	\$10.00	YES
Longer Trip - IEOC (No Disc.)	Laguna Nigel	SB Downtown	61	\$13.50	YES
	Laguna Nigel	Redlands DT	64	\$13.50	YES
Short Metrolink & Arrow Trips	SB Depot	Tippecanoe	5	\$1.25	YES
	SB Depot	Redlands DT	9	\$1.25	YES
Arrow Corridor Only	SB Downtown	Tippecanoe	4	\$3.25*	YES
	University Stat.	Redlands DT	1	\$3.25*	YES
	ESRI Station	Redlands DT	1	\$3.25*	YES
	ESRI Station	University Stat.	2	\$3.25*	YES
	SB Downtown	Redlands DT	8	\$3.25*	YES
	SB Downtown	University Stat.	9	\$3.25*	YES
	OmniTrans Fares		N/A	\$2.00	NO

\* ARROW Flat Fare

- Flat \$3.25 Fare on ARROW regardless of distance, short trips on ARROW cost more than between Non-ARROW stations.
- Long distance fares to ARROW stations are capped at same fare as to SB Downtown.
- Cap may result in ARROW fare being higher than for trips from non-ARROW station (SB Depot).
- Requires Title VI process

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METROLINK.

## Alternative 2: Flat Fare, No Cap

ADULT One-Way Fares	Origin	Destination	Miles	Concept #3 - Flat Arrow Fare, No Cap for MetroLink fares	Free Transfer
Longer Trip - SBL (25% Disc.)	LA Union	SB Downtown	59	\$10.00	YES
	LA Union	Redlands DT	63	\$10.50	YES
Longer Trip - IEOC (No Disc.)	Laguna Nigel	SB Downtown	61	\$13.50	YES
	Laguna Nigel	Redlands DT	64	\$14.00	YES
Short Metrolink & Arrow Trips	SB Depot	Tippecanoe	5	\$2.25	YES
	SB Depot	Redlands DT	9	\$3.25	YES
Arrow Corridor Only	SB Downtown	Tippecanoe	4	\$3.25*	YES
	University Stat.	Redlands DT	1	\$3.25*	YES
	ESRI Station	Redlands DT	1	\$3.25*	YES
	ESRI Station	University Stat.	2	\$3.25*	YES
	SB Downtown	Redlands DT	8	\$3.25*	YES
	SB Downtown	University Stat.	9	\$3.25*	YES
	OmniTrans Fares		N/A	\$2.00	NO

\* ARROW Flat Fare

- Flat \$3.25 Fare on ARROW regardless of distance, short trips on ARROW cost more than between Non-ARROW stations.
- Long distance trips to Redlands cost only \$0.50 more than to SB Downtown.
- Requires Title VI process

6

METROLINK.



8/31/2021

## Comparison of Alternatives

	Origin	Destination	Miles	Recommendation Existing Fare Structure	Alternative 1 - Flat Arrow Fare, Cap for Metrolink fares	Alternative 2 - Flat Arrow Fare, No Cap to Metrolink fares	Free Transfer
Longer Trip - SBL (25% Disc.)	LA Union	SB Downtown	59	\$10.00	\$10.00	\$10.00	YES
	LA Union	Redlands DT	63	\$10.50	\$10.00	\$10.50	YES
Longer Trip - IEOC (No Disc.)	Laguna Nigel	SB Downtown	61	\$13.50	\$13.50	\$13.50	YES
	Laguna Nigel	Redlands DT	64	\$14.00	\$13.50	\$14.00	YES
Short Metrolink & Arrow Trips	SB Depot	Tippecanoe	5	\$2.25	\$1.25	\$2.25	YES
	SB Depot	Redlands DT	9	\$3.25	\$1.25	\$3.25	YES
Arrow Corridor Only	SB Downtown	Tippecanoe	4	\$2.00	\$3.25*	\$3.25*	YES
	University Stat.	Redlands DT	1	\$1.25	\$3.25*	\$3.25*	YES
	ESRI Station	Redlands DT	1	\$1.25	\$3.25*	\$3.25*	YES
	ESRI Station	University Stat.	2	\$1.50	\$3.25*	\$3.25*	YES
	SB Downtown	Redlands DT	8	\$3.00	\$3.25*	\$3.25*	YES
	SB Downtown	University Stat.	9	\$3.25	\$3.25*	\$3.25*	YES
	OmniTrans Fares		N/A	\$2.00	\$2.00	\$2.00	NO

\* ARROW Flat Fare

## ***Minute Action***

### AGENDA ITEM: 6

***Date: September 9, 2021***

***Subject:***

West Valley Connector Art-in-Transit Program

***Recommendation:***

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

A. Authorize the release of Request for Qualifications (RFQ), soliciting submissions by artists to provide design plans for public art to be incorporated into the West Valley Connector Project, including RFQ No. 22-1002689 for artwork at station shelters and RFQ No. 22-1002688 for artwork wrapping utility boxes.

B. Authorize the Executive Director, or his designee, to execute Honorarium Agreements and Artist Design Agreements, as necessary, with selected artists for each opportunity, upon review and approval as to form by General Counsel.

C. Approve a budget of \$500,000 to implement the Art-in-Transit program for the West Valley Connector using previously authorized funds.

***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, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (FEIR) 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 West Valley Connector (WVC) Project. One of the mitigation measures adopted for the project includes a measure to minimize potential long-term impacts related to visual and aesthetics. Specifically, Measure AV-5 states: “Develop and implement an Art-in-Transit strategy and incorporate artwork into relevant center- and side-running Bus Rapid Transit (BRT) station designs.”

In order to implement the mitigation, the project team provided an assessment of the various opportunities for public art that can be seamlessly integrated into the current station design. The team also discussed options to incorporate art into design components that can provide a unique look related to the identity of the communities along the alignment. Based on this assessment, two opportunities are recommended for the project: incorporating perforated panels at station canopies and wrapped utility boxes. The design concept for the perforated panels at the 27 shelters along the corridor would be unique based on the travel direction of the shelter (center/westbound/eastbound). It is anticipated that a total of three artists would need to be selected to create the three final design concepts for the panels.

The second art opportunity recommended along the corridor is artwork applied to utility boxes. This opportunity provides for a minimum of 33 “blank canvases” that can be wrapped with images developed by an artist. These artworks will be based on a template provided to each art finalist. Wrapping of the utility boxes allows for all designs to be electronic in format and

*Entity: San Bernardino County Transportation Authority*

replaceable if necessary. It is expected that up to 20 artists could be selected as part of this opportunity.

Samples of typical perforated panels and wrapped utility boxes are included as an attachment to this staff report.

In order to implement the recommended art opportunities, the project team will convene an ad-hoc Artist Selection Committee (ASC) that will review all artist qualifications. The ASC will be comprised of the following voting staff members:

- Community Stakeholder Representatives (1 staff member from each City / 4 total)
- SBCTA Project Management Representative (1)
- Omnitrans Representative (1)
- Project Architect Representative (1)

The public art program consultant (Elwood and Associates) will serve in an advisory and administrative role, but will not be a voting member. The seven-member committee will short-list six (6) artists to prepare preliminary design concepts for three groupings of perforated panels to be installed on station shelters. The short-listed artists will be paid \$1,500 for the design concept and will be required to enter into an Honorarium Agreement consistent with the attached draft. These preliminary design concepts will be reviewed by the ASC, who will select three (3) finalists to develop a final design concept for the project. Each of the art finalists will be paid \$20,000 to prepare the final design and will be required to enter into an Artist Design Agreement consistent with the attached draft. Staff anticipates the ASC will short-list approximately 30 artists for the utility boxes. Those artists will create a final design concept for the ASC to review. It is anticipated the ASC will select up to 20 artist teams or individual finalists out of the 30 short-listed. The short-listed artists will be paid \$750 for the concept and will be required to enter into an Honorarium Agreement; finalists will be paid \$5,000 for the final design and will be required to enter into an Artist Design Agreement. This report includes the draft Request for Qualifications (RFQ), draft Honorarium Agreement and draft Artist Design Agreement specific to the perforated panel scope of work. An RFQ and agreements in substantially the same form will be prepared for the utility boxes scope of work.

Public art projects are predominantly publicized through local arts organizations and national calls. To engage artists, the outreach strategy will also include a strong emphasis encouraging applications from artists with little or no public art experience. This effort broadens the field of experienced artists and provides an invaluable opportunity for inexperienced artists to build skills and a portfolio of completed projects. For the WVC Project, the public art consultant will reach out to each city to obtain a list from staff of local art institutions and organizations, individuals, and related commission members who can help cast a wide net to get the word out about the project and its opportunities for public art. The public art opportunity will be publicized through a RFQ that specifically states the project opportunities, timeline, and artist fees. The project will utilize Call for Entry (CaFE), a free online service for artists applying for public art opportunities, that is administered by Western States Arts Federation (WESTAF), a regional nonprofit arts service organization dedicated to strengthening the financial, organizational, and policy infrastructure of the arts in the West. Through the CaFE site, an artist will be able to create a profile to respond to the RFQ and upload images, a letter of interest, a resume, and other

San Bernardino County Transportation Authority

relevant documentation for the ASC to review. The CaFE system allows for the ASC members to review these materials individually or in a group setting. The RFQ will be structured to be open to professional artists residing in the United States. Prior experience in public art is not required, making this an ideal opportunity for both emerging and established artists with an interest in public art.

Once an artist is short-listed, the artist will prepare either a preliminary design concept or a final design concept, depending on the opportunity they have been selected for as part of the project. The ASC will then review the design concepts, rank each artist, and vote on the art to be implemented for the project. The goal of the ASC will be to select artists that will create a unique sensibility of the collective community aesthetic and to recommend art that will provide the project with visually compelling artworks that enhance the station design and public perception of the project. In addition to this important role, the ASC members will assist the public art consultant in outreach to local individual artists and organizations. They may provide important guidance to the project regarding historical, architectural, or design features of the project area. This information can be collected and provided to artists for their consideration as they develop design concepts for the project.

The recommended budget for the Art-in-Transit program is \$500,000, or approximately 0.5% of the total project budget, and is covered by the total funding previously identified for the overall project. The 0.5% recommended budget is based on previous guidelines that established minimum required art budgets on federal projects. However, as of December 2015, the use of federal funds for art for new transit projects is prohibited; therefore, the Art-in-Transit program expenses are not eligible for federal reimbursement and will need to be tracked as a nonparticipating federal project expense.

The estimated program budget is allocated as follows:

#### PERFORATED METAL PANELS

<u>LINE ITEM DESCRIPTION</u>	<u>COST</u>
ARTIST HONORARIUMS (6@\$1,500)	\$ 9,000.00
DESIGN AGREEMENT (3@\$20,000)	\$ 60,000.00
GRAPHIC SERVICES IF NEEDED	\$ 5,000.00
PLAQUES	\$ 15,000.00

#### UTILITY BOXES

<u>LINE ITEM DESCRIPTION</u>	
ARTIST HONORARIUMS (30@750)	\$ 23,000.00
DESIGN AGREEMENTS (20@ 5,000)	\$ 100,000.00
FABRICATION / INSTALLATION	\$ 270,000.00
GRAPHIC SERVICES IF NEEDED	\$ 18,000.00

TOTAL PROJECT BUDGET	\$ 500,000.00
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#### ***Financial Impact:***

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

***Reviewed By:***

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA's General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft agreements.

***Responsible Staff:***

Victor Lopez, Director of Capital Delivery

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Approved  
Transit Committee  
Date: September 9, 2021

Witnessed By:

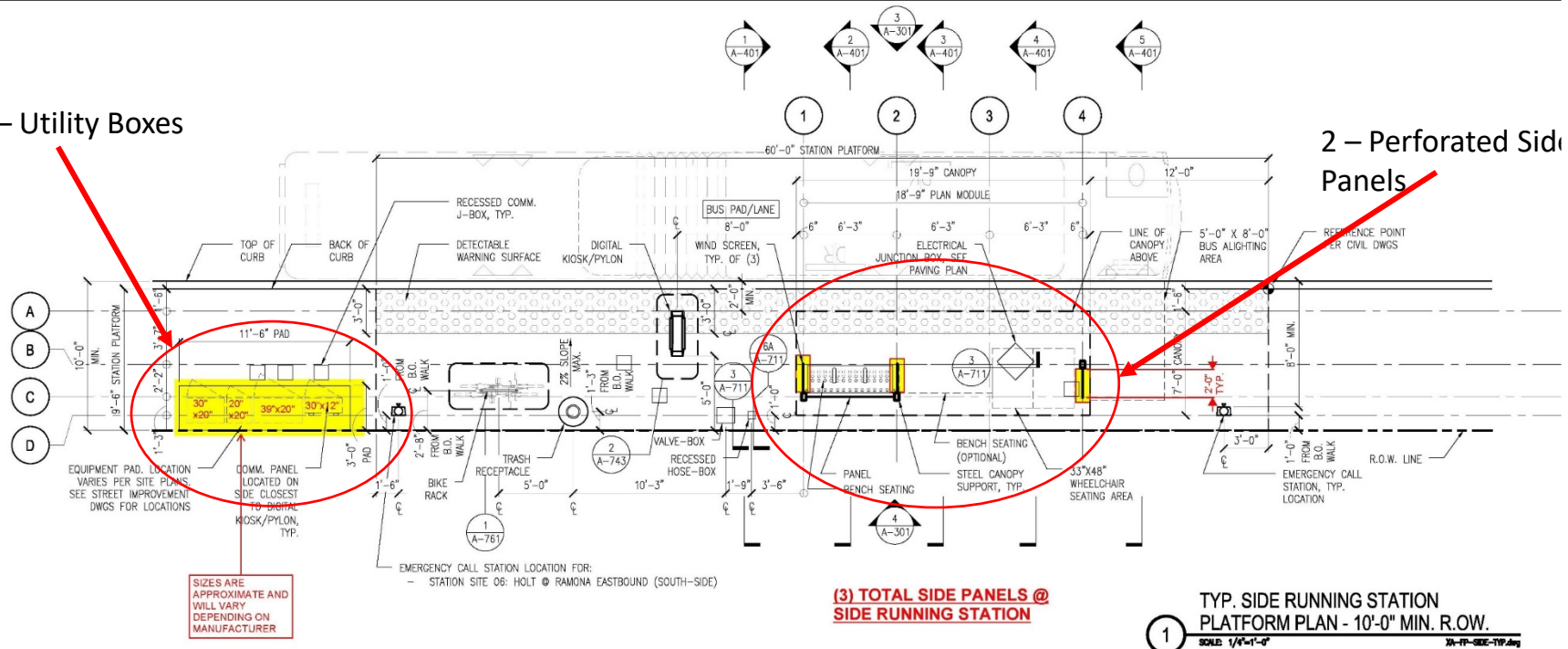
# Samples of Art Opportunities

West Valley Connector Project

# Typical for Center Running Station

1 – Utility Boxes

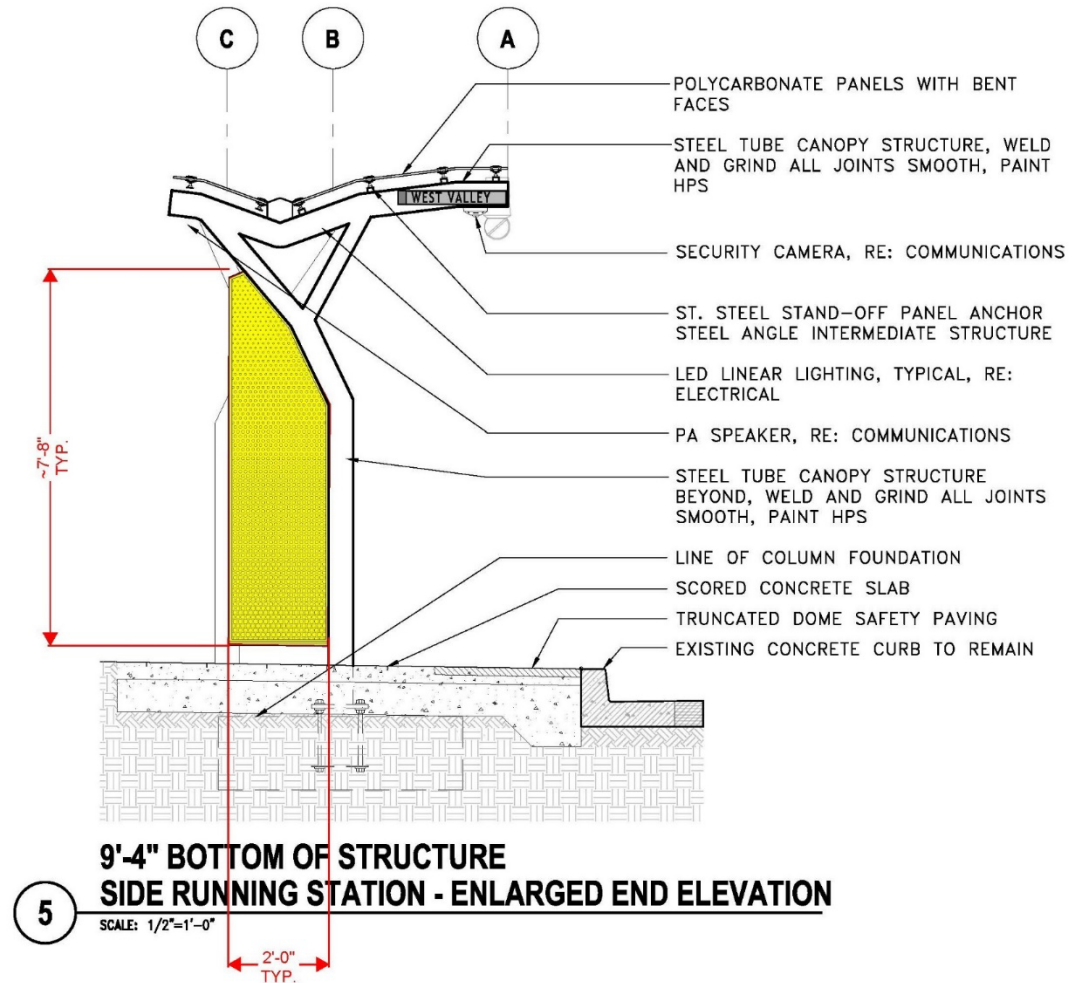
2 – Perforated Side Panels



# Typical for Side Running Station

Technical Specifications to be conveyed to finalists as they develop design concepts for review to select final three for commission. These include:

- Size of openings
- 60% visibility .



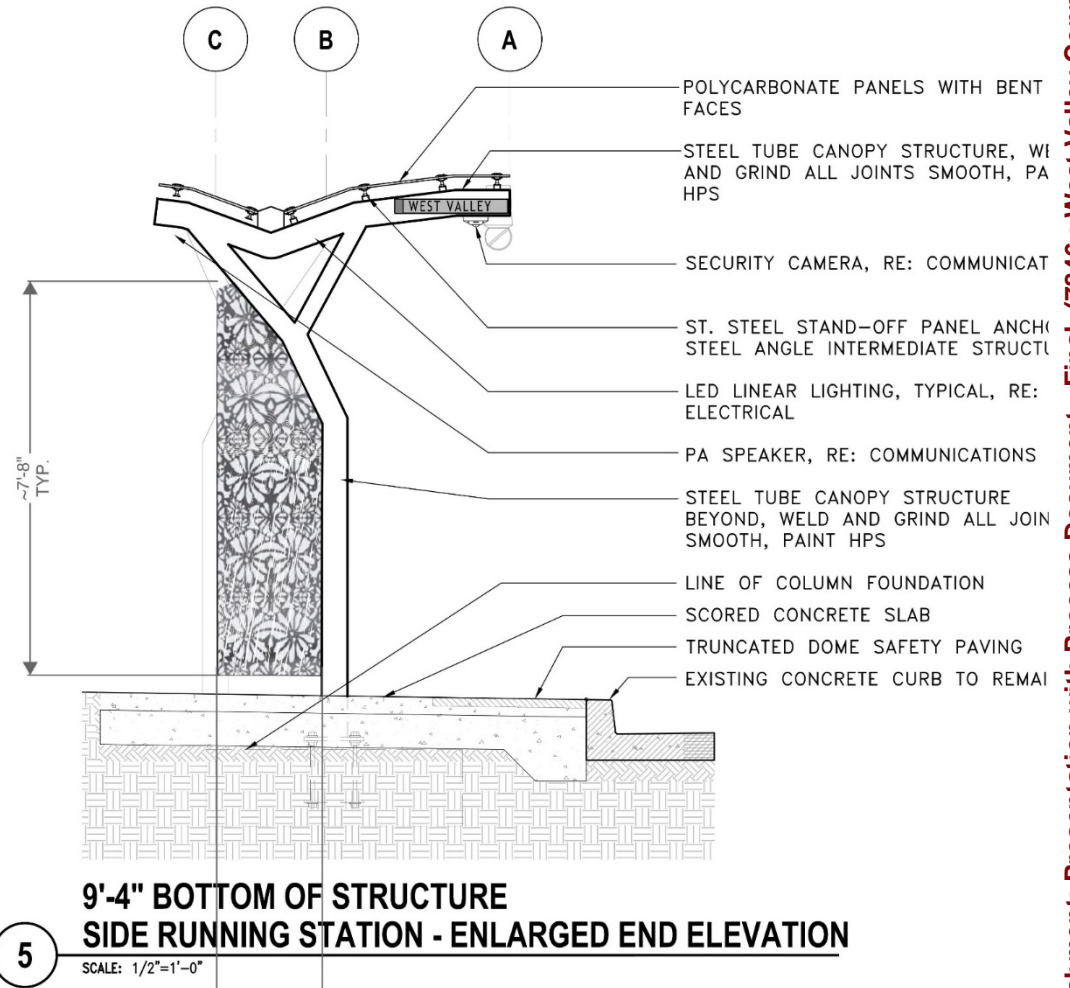




## Samples of off the shelf Perforated Panels



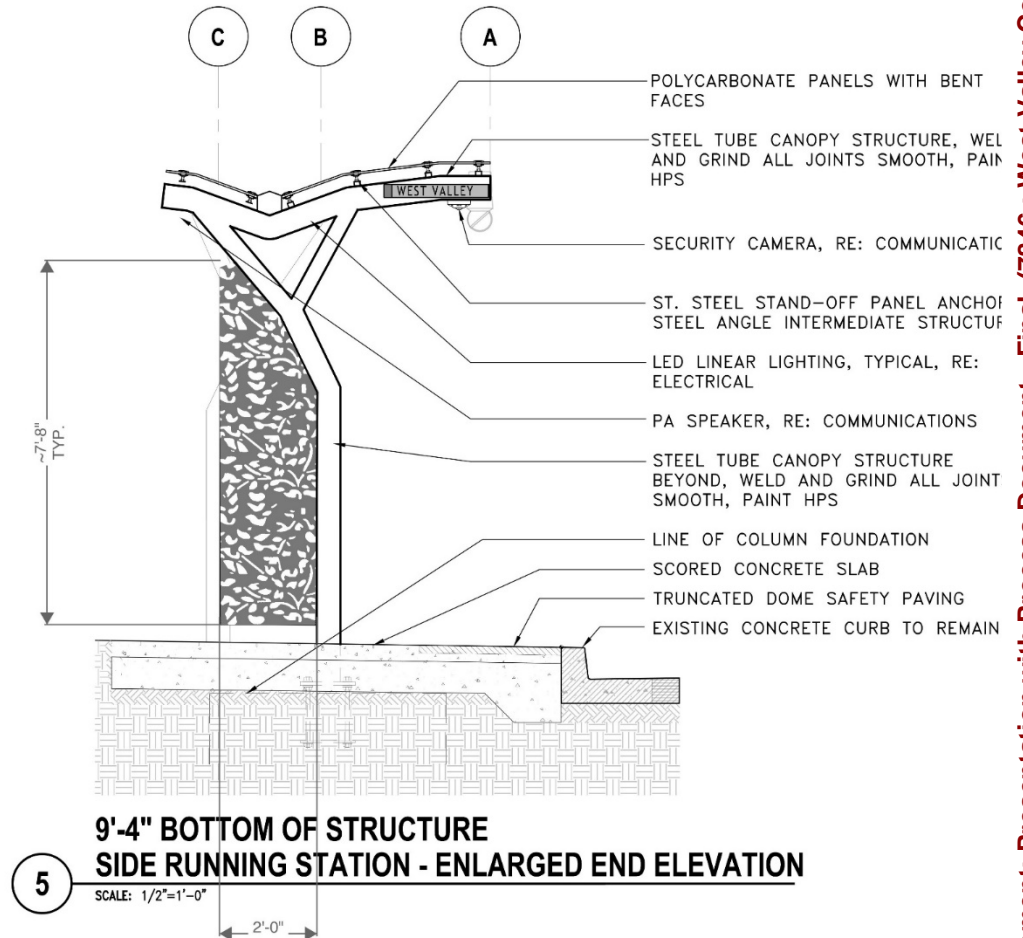
Source  
Design for  
Perforated  
Metal Side  
Panel



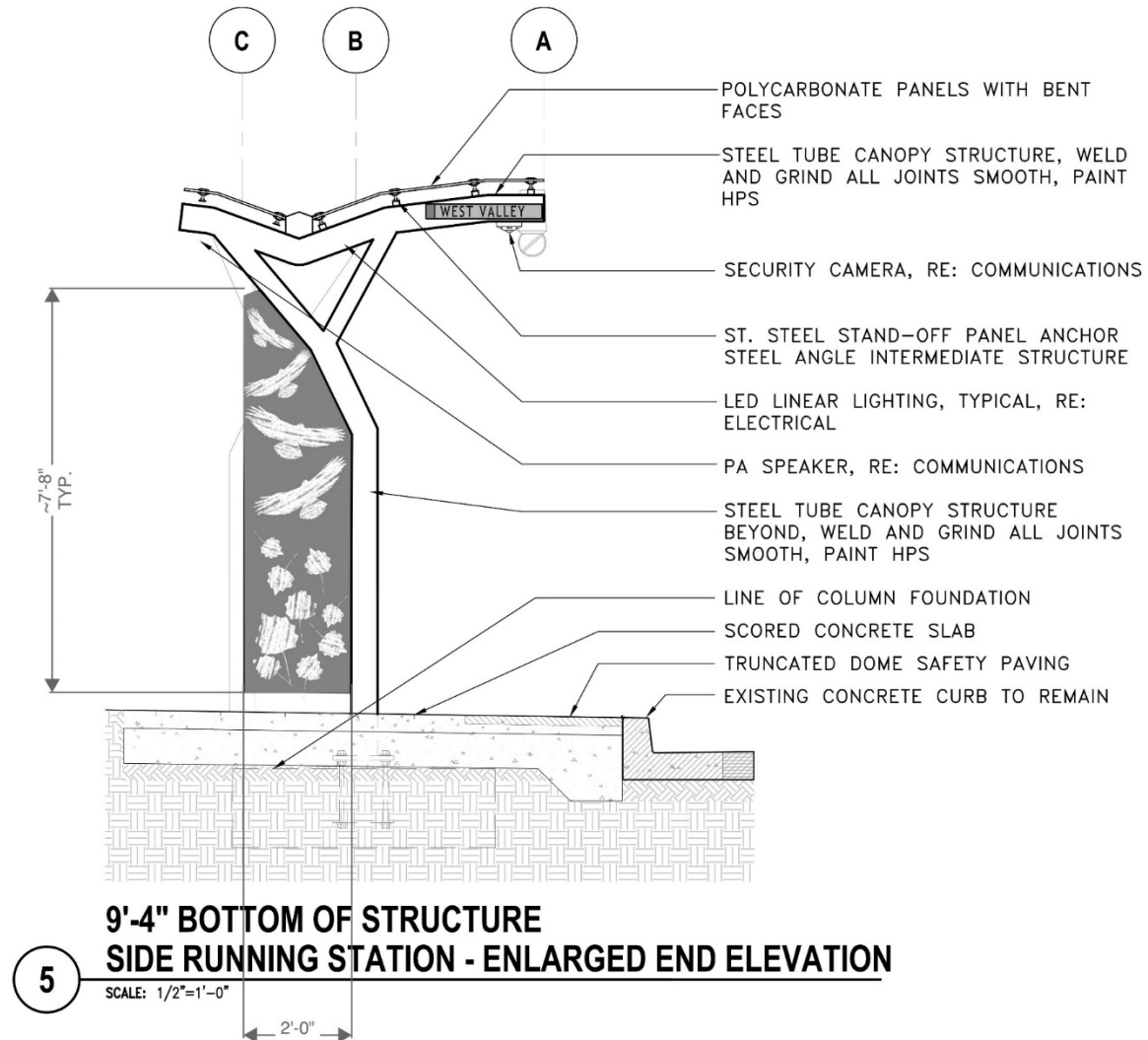




Source  
Design for  
Perforated  
Metal Side  
Panel



Original  
Artwork for  
Perforated  
Side Panel



# Wrapped Utility Boxes





Design based on Heritage a local History.



Design based on Photographs submit





Design based on Original Artwork.









## **Call for Artists / Request for Qualifications (RFQ) 22-1002689**

### **West Valley Connector (WVC) Bus Rapid Transit (BRT) Project**

#### **Perforated Panels on Station Shelters**

#### **San Bernardino County Transit Authority (SBCTA)**

**Deadline: [DATE] – 5 PM PST**

Link to website:

[Add link to CaFE Call for Artists]

Call for Individual Artist or Artist Teams for Design Services – Perforated Panels on Station Shelters

#### **Introduction:**

SBCTA seeks to commission three (3) artists, or artist teams, to design and execute original public artwork that will be installed as part of the shelter design at selected stations along the new West Valley Connector Bus Rapid Transit (BRT) line to be operated by Omnitrans.

#### **Total Project Budget:**

\$ 1,500 for Design Honorarium

\$ 20,000 for Final Design Contract; Includes meetings with design team, revisions to design documents, documentation review and sample review.

#### **Budget Description:**

SBCTA intends to select six (6) artists, who shall be paid a design honorarium of \$1,500 to develop two black-and-white preliminary design concepts for the project. These preliminary concepts will be reviewed by a selection committee. The selection committee will select three (3) artists as finalists. The three (3) artists selected as finalists will be paid \$20,000 to revise and prepare final design documents and to review and approve documentation and material samples provided by the shelter fabricator.

Artists or Artist teams will not be compensated for travel expenses and/or time over and above the stated honorarium.

#### **Project Details and Scope of Work:**

SBCTA is responsible for cooperative regional transportation planning and furthering an efficient multi-modal system for San Bernardino County. The San Bernardino Valley will experience growing traffic congestion and one million more people by 2030. SBCTA and Omnitrans are working to improve mobility in the Valley with an enhanced, state-of-the-art bus rapid transit (BRT) system. The West Valley Connector BRT project runs west to east through Pomona, Montclair, Ontario and Rancho Cucamonga. <https://www.gosbcta.com/project/west-valley-connector-brt/>

Certain shelters throughout the corridor at center and side stations will have chosen artwork installed as part of the shelter design.

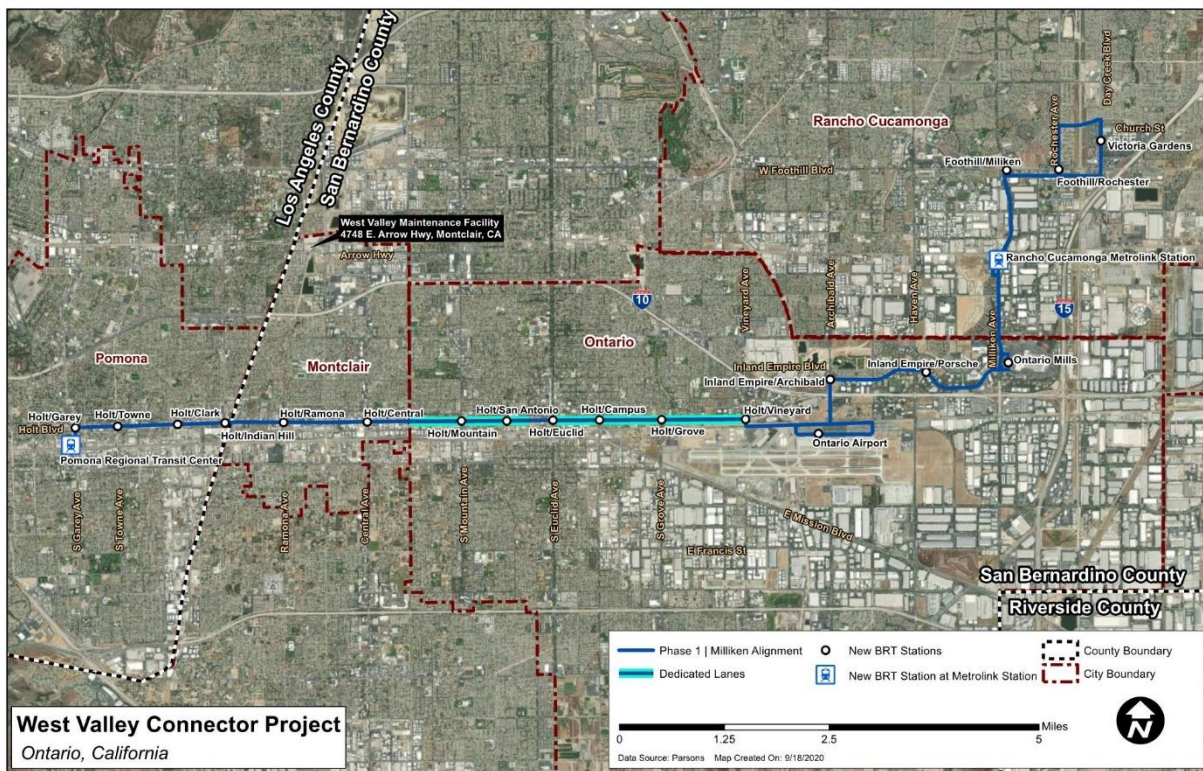
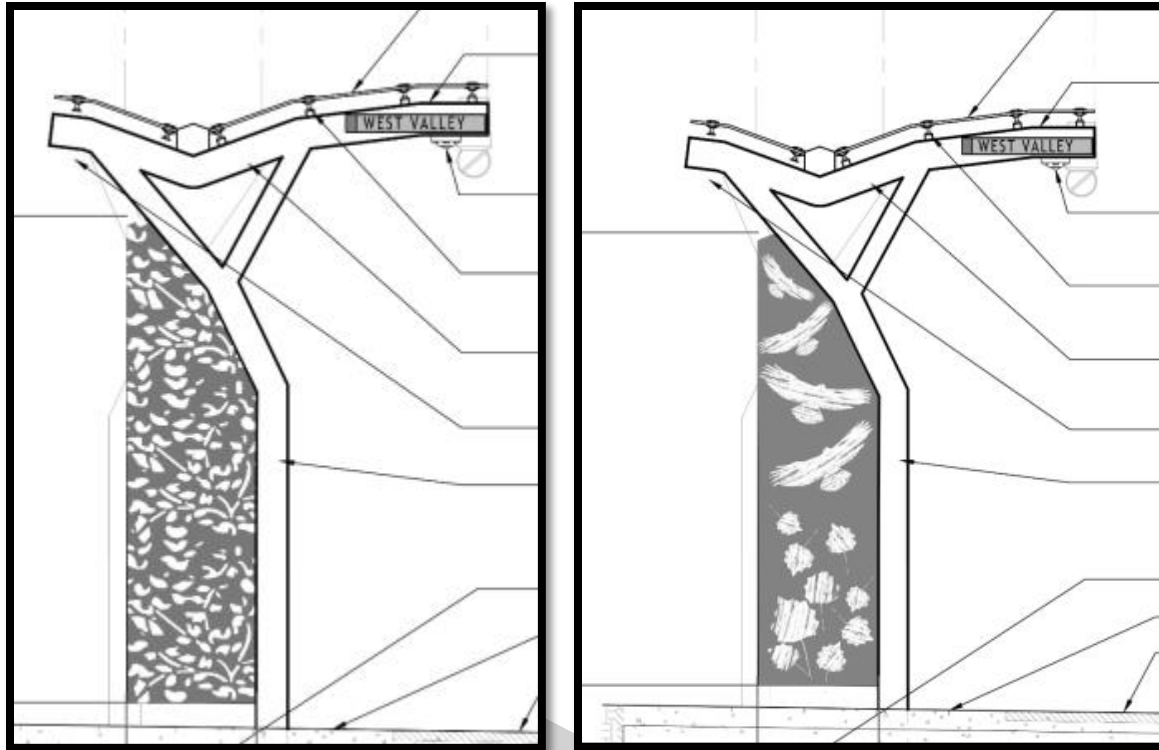


Image Above: Map showing the location of the various stations for the WVC BRT project.

All stations with a shelter along the corridor will have one of the three selected artworks.

The selected original artwork will be used to create perforated metal panels or windscreens that will be incorporated into the standard shelter design of the alignment.

The concepts of the perforated metal art on the station shelter for the West Valley Connector stations follow.



The six selected Honorarium artists will prepare a preliminary design concept, which includes the following submission materials:

1. Artist statement that includes an explanation of the theme and references of the design concept; and
2. A minimum of two black and white sketches or renderings showing all dimensions of the proposed design.

The design concept must be completed and submitted by [DATE].

The design must satisfy certain other requirements as necessary to incorporate the art into a perforated metal panel as part of the standard transit shelter design for the Project. The additional design requirements will be provided to the Contractor separately.

The Contractor also may be required to present the submission materials to the joint meeting of the art selection committee.

Selected Artists or Artist teams must be available and present for meetings with the project team staff.

The three finalists will prepare a final design for the artwork. The finalists selected will prepare final design documents within given deadlines, review and approve design plans, and review and approve material samples provided by the shelter fabricator. The finalists will be expected to attend meetings and to work collaboratively with the design team for up to 18 months following selection. The details of the scope of Work are as follows:

As requested by the SBCTA, the ARTIST shall provide and coordinate, with the applicable team, all services and materials related to the preparation of Final Design Documents for the following:

The ARTIST shall prepare designs for an artistically designed perforated wind screen panel substantially in accordance with the ARTIST's preliminary submission to the art selection panel with the intent that the design will be fabricated and installed in one or more transit shelters for the Project ("Artwork").

The Artwork shall adhere to all applicable laws, rules, regulations and codes. In addition, the design requirements for the Artwork are as follows:

1. Constructability as a perforated metal panel that will hold up to public use.
2. Shall consider standard requirement of no more than 4" of open space in any part of the design to adhere with current safety requirements.
3. Shall fit within the dimensions specified for the panel.
4. Final design shall provide for 60% opacity per safety requirements.
5. Final artwork design document shall be provided in either a PDF, vector or illustrator file as determined by contractor.

The ARTIST shall not use images, symbols, logos, or photos owned by others, except without the prior written permission of SBCTA.

The ARTIST shall work with the design team to develop a final design and shall be available to meet with the design team. The ARTIST shall meet initially with project design team representatives to discuss comments from the artist selection committee to further refine the design concepts. At that meeting, the design team and ARTIST will review the design requirements for the Final Design Documents. The ARTIST will also meet with the Project architect or other design team representative to confirm the format of Final Design documents that depict the artwork within the defined frame for the art panel.

The ARTIST shall respond in writing to comments from the art selection panel and any other entity that reviews the plans or printed samples. The ARTIST shall prepare and provide the Final Design Documents to SBCTA or its contractor, who will provide to the shelter fabricator to fabricate and install the Artwork. The parties will establish a mutually agreeable schedule for submission of the design documents.

The Final Design Documents shall be subject to review and approval by the project art consultant and Omnitrans.

The Artwork shall be installed along with other improvements as part of the Project and will be operated and maintained by Omnitrans or the local municipality in accordance with an Operations and Maintenance Agreement between Omnitrans and the local municipality.

The ARTIST shall attend meetings with OMNITRANS and design team representatives from the Project as reasonably necessary.

### DELIVERABLES

The Final Design Documents deliverables to be prepared by ARTIST for this Project shall include the following:



### Phase I

Deliverables: Two design concepts in both a PDF and an Illustrator or appropriate “vector” file.

To be completed by: [DATE]

### Phase II

Progress drawings of art panel that includes specific dimensions of the panel and perforated portions of the Artwork.

Artist statement corresponding with the Final Design that explains the artistic intent of the Artwork.

To be completed by: [DATE]

### Phase III

Final Design Documents in a digital format. This shall include:

Electronic file format of panel design

Updated Artist Statement

Photoshop image of design

Presentation materials of Final Design Documents and support materials for presentation to SBCTA and Omnitrans Board for final approval.

To be completed by: [DATE]

### Phase IV

Written comments on the complete full-size printed sample of Artwork substantially in accordance with the Final Design Documents prepared by the fabricator.

To be completed by: [DATE]

### Phase V

Written comments on the complete 24” square sample panel prepared by the fabricator.

To be completed by: [DATE]

### **Qualifications:**

This RFQ is open to practicing, professional artists residing in the United States. Prior experience in public art is not required. Visual artists and those who may use text or prose combined with visual elements are encouraged to apply.

### **Selection Information:**

Applications will be reviewed by a selection panel made up of one representative from each of the alignment cities (Pomona, Montclair, Ontario and Rancho Cucamonga), one representative from Omnitrans, the Project Architect representative, and Project Manager representative. The public art program consultant (Elwood and Associates) will serve in an advisory and administrative role and will not be a voting member.

Six (6) artists will be selected and asked to develop two preliminary design concepts for the project. These preliminary concepts will be reviewed by the same selection committee. Three artists shall be selected as finalists.

The WVC Project team will receive the recommendations of the finalists and their designs for review and approval.

### **Schedule:**

Applications are due **[DATE] 5:00 p.m. PST**. Any applications received after this deadline may be deemed as non-responsive.

It is estimated that the six (6) artists selected to receive a Design Honorarium will be notified in writing by [DATE]. At that time, those artists will be given specific instructions and deadline for submission of their final design.

It is estimated that the three (3) finalists shall be selected and notified in writing by [DATE]. The finalists will enter into an agreement with SBCTA and Omnitrans as shown under Attachment B.

The finalists will work with the design team periodically over a period of up to 18 months to implement the artwork design into the overall project design plans.

### **Selection Criteria:**

The selection committee will use the following criteria to select six (6) individual artists or artist teams.

- Artistic merit (such as relevance to the community and development of the proposed idea), as evidenced by submitted digital images – 25%
- Qualifications as evidenced by resume, letter of interest, references, professional recognition (awards, honors, exhibition record, etc.) – 25%
- Demonstrated experience with projects that are community oriented – 25%
- Familiarity with project area and reflection of local character, as demonstrated by the artist's submission – 25%

The selection committee will use the following criteria to select the three (3) finalists:

- Artistic merit of the proposal (such as relevance to the community and further development of the proposed idea) - 25%
- The design proposal adds to the architectural design of the project – 25%
- The design conveys a unique sensibility that is grounded in the history and aspirations of the region – 25%
- Appropriateness of the proposal for the opportunity – 25%

SBCTA reserves the right to reject any or all submissions, to reject any finalist, to waive any irregularity, or to terminate or suspend this RFQ or the selection process. Funding for the development of preliminary design concepts by artists is dependent upon project funding. SBCTA retains the right to review and revise all deadlines pertinent to the public art program and this RFQ.

### **Application Requirements:**

To apply for this call, please submit the following items:

- Resume (maximum 4 pages)
- Professional references (minimum of two)
- Letter of Interest (1-2 pages), including an outline of your qualifications and relevant experience, interest in this project and a general approach to this project including why the art is applicable to an outdoor transit environment
- 6-10 JPEG images of previous works
- Annotated image list with descriptions, including title, date, location, materials, art budget, and a brief description (up to five sentences). For team application, please indicate the lead artist for each past project
- If applying as a team, please describe previous collaborative work completed.

Do **not** submit original artwork.

### **How to Apply:**

Application materials shall be submitted electronically via the CaFE (Call for Entries) system, a free online service to artists interested in public art and exhibition opportunities in the United States.

### **To Apply Visit:**

[Add link to CaFE Call for Artists]

### **Agreement Terms:**

Artists selected to receive the Honorarium must enter into an agreement prior to receiving payment as shown under Attachment A. Artists selected as finalists must enter into an Art Design Agreement prior to receiving payment as shown under Attachment B.

The submission of application materials for the RFQ does not pre-qualify or guarantee selection of any artist or artist team for this project.

### **Insurance Requirements:**

There are no insurance requirements for those applying for this RFQ. Artist or Artist Teams who advance through the selection process and are selected for final design contracts will be required to provide proof of general liability insurance in the amount of \$1 million. A certificate of insurance will be required listing San Bernardino County Transit Authority (SBCTA), Omnitrans and Parsons as additional insureds.

### **Intellectual Property Rights:**

Once an artist or artist team is selected as a finalist, the artist(s) will enter into an Artist Design Agreement with Omnitrans and SBCTA. The intellectual property terms are included under Section III of the Artist Design Agreement included under Attachment B.

This section is not related to any design, images or artwork submitted as part of a response to this RFQ.

### **For Questions, Please Contact:**

Lesley Elwood, Public Art Coordinator for West Valley Corridor BRT Project: [wvcbt@elwood.us](mailto:wvcbt@elwood.us)



**ARTIST HONORARIUM AGREEMENT NO. 22-100[XXXX]**

San Bernardino County Transportation Authority

Draft July 21, 2021

This agreement is between the San Bernardino County Transportation Authority ("SBCTA"), and \_\_\_\_\_[Artist Name]\_\_\_\_\_, an independent contractor ("ARTIST"), who has been prequalified to prepare a preliminary design concept for a perforated metal panel that shall be incorporated into the standard transit shelter design for the West Valley Connector Project ("Project").

**1.0 EMPLOYMENT OF ARTIST**

Client agrees to engage the ARTIST to perform services as hereinafter set forth as authorized by SBCTA.

**2.0 SCOPE OF SERVICES**

ARTIST shall perform all work necessary to complete the services set forth as part of being prequalified to be considered for an award of a design contract for the Project. The ARTIST shall prepare a Preliminary Design Concept, which includes the following submission materials:

1. Artist statement that includes an explanation of the theme and references of the design concept; and
2. A minimum of two black and white sketches or renderings showing all dimensions of the proposed design.

The Preliminary Design Concept must be completed and submitted by [DATE].

The design must satisfy certain other requirements, to be provided separately, as necessary to incorporate the art into a perforated metal panel as part of the standard transit shelter design for the Project.

The ARTIST also may be required to present the Preliminary Design Concept to a selection panel made up of one representative from each of the alignment cities (Pomona, Montclair, Ontario and Rancho Cucamonga), one representative from Omnitrans, the Project Architect representative, and the Project Manager representative (collectively, the "Art Selection Committee").

**3.0 HONORARIUM**

For satisfactory and timely performance and delivery of the Preliminary Design Concept, SBCTA will pay ARTIST an honorarium not to exceed [TBD], to be paid upon presentation of the Preliminary Design Concept to the Art Selection Committee.

Artist Honorarium Agreement  
West Valley Connector BRT Project

#### 4.0 GENERAL TERMS AND CONDITIONS

##### 4.1 Independent Contractor

It is understood that in the performance of services as provided in this Agreement, ARTIST shall be and is an independent contractor and is not an agent or employee of SBCTA.

##### 4.2 Final Selection

It is understood that the development of a Preliminary Design Concept **is not** a guarantee of an award of a contract to produce a final design of artwork for the Project.

##### 4.3 Rights to Design Concept

It is understood that the ARTIST shall retain copyright to all design work. In the event that the ARTIST is selected for commission, SBCTA and Omnitrans will retain rights to reproduce the work for non-commercial purposes. All further rights of the Parties shall be as provided in an executed contract for final design.

IN WITNESS WHEREOF, the SBCTA and the ARTIST have executed this Agreement, as of the date first hereinabove set forth.

\_\_\_\_\_  
[ARTIST Name]

\_\_\_\_\_  
Date

SBCTA

\_\_\_\_\_  
Raymond W. Wolfe  
Executive Director

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

\_\_\_\_\_  
Date

**CONTRACT NO. 22-100XXXX**

**BY AND BETWEEN**

**SAN BERNARDINO COUNTY**

**TRANSPORTATION AUTHORITY,**

**OMNITRANS AND**

**[ARTIST]**

**FOR**

**ARTIST DESIGN SERVICES**

This Agreement, made and entered by and between the San Bernardino County Transportation Authority ("SBCTA") located at 1170 W 3<sup>rd</sup> St, 2<sup>nd</sup> floor, San Bernardino, CA 92410; OMNITRANS, a joint powers authority duly organized and existing under Section 6500 et seq. of the Government Code; and (ARTIST name), ("ARTIST"), whose address is (address), each of whom is individually a "Party" and collectively are "Parties."

WHEREAS, ARTIST is a professional Artist;

WHEREAS, SBCTA and OMNITRANS are designing and constructing Phase 1 of the West Valley Connector Bus Rapid Transit Project ("Project");

WHEREAS, SBCTA procured the services of a Project design consultant that will prepare the construction documents for the Project. The project design consultant, or subcontractor, are responsible for coordinating with ARTIST to implement the ARTIST's work into the Project construction documents;

WHEREAS, a panel made up of one representative from each of the alignment cities (Pomona, Montclair, Ontario and Rancho Cucamonga), one representative from OMNITRANS, the Project Architect representative, and Project Manager representative (collectively, the "Art Selection Committee") selected ARTIST to prepare a preliminary design concept for the Project;

WHEREAS, the Art Selection Committee selected ARTIST as a finalist for the PROJECT;

WHEREAS, the Parties wish to have the ARTIST design artwork for the Project ("Work") in accordance with the mutual obligation, covenants, and conditions herein;

WHEREAS, the Parties agree that the Work shall be designed in collaboration with the design consultant for the Project;

WHEREAS, the Work shall be designed to be installed within designated shelters on the Project at (location), which will be owned and operated by Omnitrans.

NOW, THEREFORE, in consideration of the foregoing promises and the mutual covenants hereinafter set forth and other valuable considerations, the Parties hereto agree as follows:

I.  
SERVICES TO BE PERFORMED

A. GENERAL SCOPE OF WORK

ARTIST shall design an artistically-designed perforated wind screen panel substantially in accordance with the ARTIST's preliminary submission ("Artwork") and in coordination with the Project design consultant, shall provide all services and materials related to the preparation of final design plans for the Artwork to be fabricated and installed in one or more transit shelters for the Project ("Final Design Documents") in accordance with the following requirements.

The Artwork shall adhere to all applicable laws, rules, regulations and codes. In addition, the design requirements for the Artwork are as follows:

1. Constructability as a perforated metal panel that will hold up to public use.
2. No more than 4" of open space in any part of the design to adhere with current safety requirements.
3. Shall fit within the specified dimensions.
4. Provide for 60% opacity per safety requirements.
5. Provided in either a PDF, vector or illustrator file format, or as otherwise requested by SBCTA's construction contractor.
6. Any other design requirements provided to ARTIST.

The ARTIST shall not use images, symbols, logos, or photos owned by others.

The ARTIST shall work with the Project design consultant to develop Final Design Documents and shall be available to meet with the Project design consultant as reasonably required, including without limitation the following meetings: The ARTIST shall meet initially with project design team representatives to discuss comments from the Art Selection Committee to further refine the design concepts. At that meeting, the design team and ARTIST will provide more specific design requirements for the Final Design Documents. Thereafter, ARTIST will also meet with the Project architect representative to confirm the format of Final Design Documents.

The ARTIST shall respond in writing, within 5 working days, to comments from the Art Selection Committee and any other entity that comments on preliminary designs prepared by ARTIST. The ARTIST shall prepare the Final Design Documents and provide them to SBCTA and Omnitrans staff for concurrence prior to SBCTA providing the Final Design Documents to the shelter fabricator to fabricate and install the Artwork. The Parties will establish a mutually agreeable schedule for submission of the Final Design Documents.

The Artwork shall be installed with other improvements as part of the Project, and will be operated and maintained by Omnitrans in accordance with an Operations and Maintenance Agreement between Omnitrans and the local municipality.

The ARTIST shall attend meetings with SBCTA and OMNITRANS and design team representatives from the Project as reasonably necessary.

## B. DELIVERABLES

The Final Design Documents deliverables to be prepared by ARTIST for this Project shall include the following:

### Phase I

Deliverables: Two design concepts in both a PDF and an Illustrator or appropriate "vector" file.

To be completed by: [DATE]

### Phase II

Progress drawings of art panel that includes specific dimensions of the panel and perforated portions of the Artwork.

ARTIST statement corresponding with the Final Design that explains the artistic intent of the Artwork.

To be completed by: [DATE]

### Phase III

Final Design Documents in a digital format. This shall include:

- Electronic file format of panel design
- Updated ARTIST Statement
- Photoshop image of design

Presentation materials of Final Design Documents and support materials for presentation to SBCTA and Omnitrans for final approval.

To be completed by: [DATE]

Phase IV

ARTIST to provide written comments on the complete full-size printed sample of Artwork substantially in accordance with the Final Design Documents prepared by the fabricator.

To be completed by: [DATE]

Phase V

ARTIST to provide written comments on the complete 24" square sample panel prepared by the fabricator.

To be completed by: [DATE]

## II.

PROGRESS PAYMENTS AND COMPLETIONA. FEES AND METHOD OF BILLING

1. ARTIST shall receive a fee Not-To-Exceed Twenty Thousand Dollars (\$20,000), paid in accordance with the schedule set forth below.
2. Payment to ARTIST as provided herein shall be payable in four (4) week billing period payments, forty-five (45) calendar days after receipt of an acceptable invoice by SBCTA of an invoice prepared in accordance with instructions below. Payment shall not be construed to be an acceptance of Work.
3. ARTIST shall prepare invoices in a form satisfactory to and approved by SBCTA, which shall be accompanied by documentation supporting each element of measurement and/or cost. Each invoice will be for a four-week billing period and will be marked with SBCTA'S contract number, description and task order number, if applicable. Invoices shall be submitted within fifteen (15) calendar days for the period covered by the invoice except for the month of June, which will require the invoice to be submitted by July 10th. Invoices shall include request for payment for Work (including additional services authorized by SBCTA) completed by ARTIST during each billing period and shall include back-up information sufficient to establish the validity of the invoice. Any invoice submitted which fails to comply with the terms of this Contract, including the requirements of form and documentation, may be returned to ARTIST. Any costs incurred by ARTIST in connection with the resubmission of a proper invoice shall be at ARTIST's sole expense. The final invoice shall be marked "FINAL" and will be submitted within 60 calendar days after SBCTA has received and approved all Work and deliverables. Invoices should be e-mailed to SBCTA at the following address:  
ap@gosbcta.com

4. ARTIST shall include a statement and release with each invoice, satisfactory to SBCTA, that ARTIST has fully performed the Work invoiced pursuant to the Contract for the period covered, that all information included with the invoice is true and correct, and that all payments to and claims of ARTIST for Work during the period will be satisfied upon making of such payment. SBCTA shall not be obligated to make payments to ARTIST until ARTIST furnishes such statement and release.

5. Payment Schedule:

1. \$6,000 upon execution of this Agreement by both parties.
2. \$6,000 upon completion of Phase III (as described in Section I.B)
3. \$6,000 upon completion of Phase IV (as described in Section I.B)
4. \$2,000 upon completion of Phase V (as described in Section I.B)

### B. PROGRESS OF WORK

SBCTA and OMNITRANS, or their representatives, shall have the right to inspect progress of the ARTIST's drawings upon reasonable notice to ARTIST.

### C. DATE OF DELIVERY; FORCE MAJEURE

The Final Design Documents shall be delivered and ready for presentation to SBCTA and Omnitrans no later than [DATE]. In the event that ARTIST reasonably expects a delay, ARTIST shall inform SBCTA and OMNITRANS in writing. The completion and delivery date shall be extended if SBCTA determines, in its sole discretion, the circumstances warrant an excusable delay. Excusable delays may include, but are not limited to, illness of ARTIST preventing progress of the Work, riots, wars, sabotage, acts of terrorism, civil disturbances, insurrection, explosion, pandemics, quarantines, acts of God, acts of government or governmental restraint, and natural disasters such as floods, earthquakes, landslides, and fires, or other catastrophic events which are beyond the reasonable control of ARTIST and which ARTIST could not reasonably be expected to have prevented or controlled. "Other catastrophic events" does not include the financial inability of ARTIST to perform or any other reason due solely to the acts or omissions of ARTIST.

## III.

### COPYRIGHT AND OWNERSHIP AND USE OF FINAL DESIGN DOCUMENTS

#### A. RIGHTS IN ARTWORK DESIGN AND ARTIST'S SUBMITTALS

1. Copyright: ARTIST shall retain all copyright to drawings, documents, and studies developed by ARTIST, as well as the Artwork itself.
2. ARTIST grants a royalty-free, non-exclusive and irrevocable license to Omnitrans, SBCTA and the Federal Transit Administration ("FTA") to reproduce, publish or authorize others to use for the West Valley Connector Project.



3. ARTIST grants right to SBCTA, Omnitrans, or their authorized representatives to reproduce (such as photographs and prints), for noncommercial purposes (i.e., educational, public relations, arts promotional, etc.), the Artwork and Final Design Documents.
4. ARTIST grants right to SBCTA and Omnitrans to distribute reproductions to the public for non-commercial purposes.
5. ARTIST grants right to SBCTA and or Omnitrans to incorporate the Artwork and Final Design Documents into any trademarks or service marks.
6. This Agreement does not grant any rights for commercial use of Artwork design. Any such rights shall be negotiated by the Parties and the terms shall be established in a separate written agreement.
7. ARTIST shall not duplicate Artwork design without written consent of SBCTA and Omnitrans.
8. Termination of ARTIST's Rights: ARTIST's rights terminate with death of ARTIST and do not extend to ARTIST's heirs, successors or assigns.

#### B. RIGHTS IN THE ARTWORK

1. Ownership: Title to the Artwork shall pass to SBCTA upon installation of the Artwork and to Omnitrans upon final acceptance of the Project. SBCTA and Omnitrans reserves the right to donate, transfer, or sell the Artwork, or any portion thereof.
2. Display: SBCTA and Omnitrans shall have the exclusive right to publicly display the Artwork and to loan the Artwork to others for purpose of public display.
3. Reproductions and Adaptations: ARTIST grants SBCTA and Omnitrans a license to generate reproductions (e.g., photographs and prints), including three-dimensional reproductions, for noncommercial purposes (e.g., educational, public relations, arts promotional, etc.) Examples of such reproductions for noncommercial purposes may include: books, slides, postcards, posters, tee-shirts, mugs and calendars; reproductions in art magazines, art books, newspapers, videos, film and other visual media of whatever kind; reproductions in or on world wide web sites, internet sites and other electronic media; and reproductions for advertising purposes. Reproductions shall contain a credit to the ARTIST and a copyright notice.
4. ARTIST Credit: All references to and all reproductions or adaptations of the Artwork will credit the Artwork to the ARTIST, unless ARTIST requests to the contrary in writing.
5. ARTIST's Commitments: ARTIST shall not duplicate the Artwork design without SBCTA and Omnitrans' written consent.



6. Future Removal, Relocation or Modification: SBCTA and Omnitrans shall have the right to remove the Artwork from the site and relocate it to another site.
7. Repairs and Restoration: Omnitrans, after consultation with ARTIST, shall have the right to determine when and if repairs and restorations are needed. If Omnitrans makes repairs or restoration not approved by ARTIST, ARTIST shall have the right to sever its association with the Artwork upon written notice to Omnitrans.
8. Termination of ARTIST's Rights: ARTIST's rights terminate with death of ARTIST and do not extend to ARTIST's heirs, successors or assigns.
9. Notice of Claims: ARTIST shall give SBCTA and Omnitrans 120 days' written notice prior to asserting any claim pertaining to the Artwork.
10. The right of SBCTA and Omnitrans to incorporate the Artwork into any trademark or service marks to be utilized by the grantee and to register the same in accordance with state or local law.

#### IV. WARRANTIES

ARTIST hereby represents and warrants for the benefit of SBCTA and OMNITRANS that the Final Design is ARTIST's own creative original product, free of all copyright and legal obligations, and that ARTIST will take no voluntary action to cause such representation to become untrue in any material respect from the date of this Agreement to the date that the Work is installed and accepted by the SBCTA and OMNITRANS.

#### V. INSURANCE

ARTIST will maintain the following insurance with the following minimum limits during its performance of the Work: broad form General Liability Insurance, on a per occurrence basis, with minimum limits of not less than \$1,000,000 per occurrence and \$1,000,000 general aggregate. ARTIST shall provide SBCTA with certificate of insurance listing SBCTA, OMNITRANS and Parsons as additional insureds.

#### VI. INDEMNIFICATION AND HOLD HARMLESS

Artist agrees to indemnify, defend (with legal counsel reasonably approved by SBCTA) and hold harmless the Federal Transit Administration, SBCTA, Omnitrans, Parsons and their authorized officers, employees, agents and volunteers ("Indemnitees"), from any and all claims, actions, losses, damages and/or liability ("Claims") arising out the violation of any proprietary rights, copyrights or right of privacy of any person and for any costs or expenses incurred by Indemnitees on account of any claim, except where such indemnification is prohibited by law. This indemnification provision shall apply regardless

of the existence or degree of fault of Indemnitees. Artist's indemnification obligation applies to Indemnitees' "active" as well as "passive" negligence, but does not apply to SBCTA's "sole negligence" or "willful misconduct" within the meaning of Civil Code section 2782.

## VII. GOVERNING LAW

This Agreement shall be governed by the laws of the State of California without regard to conflicts of laws principles. This Agreement shall be deemed to have been made in the County of San Bernardino, California, regardless of the order of the signatures of the Parties affixed hereto. Any litigation which arises under or in connection with this Agreement shall be conducted in a federal or state court located within or for San Bernardino County, California. The Parties consent to the personal jurisdiction and venue in federal or state court located within or for the County of San Bernardino, California and hereby waive any defenses or objections thereto, including defenses based on the doctrine of forum non conveniens.

## VIII. DISPUTE RESOLUTION

In the event of a dispute, claim or controversy arising from or in relation to this Agreement, the Parties agree to undertake good-faith attempts to resolve said dispute, claim or controversy within seven (7) calendar days after the receipt of written notice from the Party alleging that a dispute, claim or controversy exists. The Parties additionally agree to cooperate with one another in scheduling negotiation sessions. However, if said matter is not resolved within 30 calendar days after conducting the first negotiation session, any Party may then request that the matter be submitted for mediation.

If a Party requests that an unresolved dispute, claim or controversy be submitted to mediation, the Parties agree to undertake good-faith efforts to settle the dispute through non-binding mediation administered by JAMS pursuant to its Comprehensive Mediation Rules and Procedures.

Compliance with the provisions of this section shall be a condition precedent to any legal action, provided that nothing herein shall limit the Parties' right to terminate this Agreement pursuant to this Agreement.

The Parties agree to share in equal parts the fees of the mediator, and all costs associated with mediation; provided, however, each Party shall be responsible for its own legal costs, including attorneys' fees and the costs associated with experts.

## IX. ARTIST NOT AN AGENT OF SBCTA and OMNITRANS

Nothing contained in this Agreement shall constitute or be deemed or construed to constitute a partnership or other fiduciary relationship between, or a joint venture by, SBCTA and OMNITRANS and the ARTIST, nor shall any Party hereto be deemed to be the agent or legal representative of any other Party. In accordance with this Agreement, ARTIST shall not represent ARTIST as a partner, fiduciary, joint venture, agent or legal representative of SBCTA or Omnitrans, and shall have no right, power or authority to

make any contract or other agreement, assume or create any obligation or responsibility (express or implied) on behalf of or in the name of the SBCTA and OMNITRANS or to bind SBCTA and OMNITRANS in any way except as expressly provided herein, and SBCTA and OMNITRANS shall not be liable for any representation, act or omission of ARTIST that is contrary to the provisions hereof. This Agreement shall not be deemed to give any right or remedy to any third party; however, OMNITRANS may grant such right or remedy to a third party in a separate writing.

#### X. TERMINATION

SBCTA may terminate this Agreement at any time, in its sole discretion, by giving ARTIST written notice of such termination, and if it does so, SBCTA will pay ARTIST only for the Work ARTIST has actually performed through the date of termination, and for which ARTIST has not already been paid. The sum of all payments made to ARTIST under this Agreement shall not exceed the Agreement Price. There shall be no payment for anticipated profit or overhead on Work not performed. Upon termination, SBCTA and OMNITRANS will have no right to use any aspect of the Artwork (defined in Section i) to prepare final works of art or to provide it to another artist to do so.

#### XI. ENTIRE DOCUMENT

This Agreement constitutes the sole and only agreement governing the Work and supersedes any prior understandings, written or oral, between the Parties respecting the Project. All previous proposals, offers, and other communications, written or oral, relative to this Agreement, are superseded except to the extent that they have been expressly incorporated into this Contract.

No changes to this Agreement shall be binding unless in a writing signed by all Parties.

#### XII. COMMUNICATIONS AND NOTICES

Notices sent by mail shall be by United States Mail, postage paid, certified mail (return receipt requested). Any and all notices permitted or required to be given hereunder shall be deemed duly given and received: (a) upon actual delivery, if delivery is personally made or if made by fax or email during regular business hours; (b) the first business day following delivery by fax or email when made not during regular business hours; or (c) the fourth business day following deposit of such notice into the United States Mail, sent certified, return receipt requested. Each such notice shall be sent to the respective Party at the address indicated below or to any other address as the respective Parties may designate from time to time by a notice given in accordance with this Article. ARTIST shall notify SBCTA of any contact information changes within ten (10) business days of the change.

To Artist	To SBCTA
	1170 W. 3 <sup>rd</sup> Street, 2 <sup>nd</sup> Floor
	San Bernardino, CA 92410-1715

<b>Attn:</b>	<b>Attn:</b>
<b>Email:</b>	<b>Email:</b>
<b>Phone:</b>	<b>Phone: (909) 884-8276</b>
<b>2<sup>nd</sup> Contact:</b>	<b>Copy: Procurement</b>
<b>Email:</b>	<b>Email: procurement@gosbcta.com</b>

<b>To Omnitrans</b>
<b>Attn:</b>
<b>Email:</b>
<b>Phone:</b>
<b>Email:</b>

XIII.  
GRATUITIES

ARTIST shall not offer or give to any officer, official, agent or employee of SBCTA or Omnitrans any gift, entertainment, payment, loan, or other gratuity.

XIV.  
NONDISCRIMINATION

During the term of this Agreement, ARTIST shall not willfully discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability medical condition, genetic information gender, sex, marital status, gender identity, gender expression, sexual orientation, age, or military or veteran status. ARTIST agrees to comply with the provisions of Title VI of the Civil Rights Act, as amended, 42 U.S.C. sec. 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C sec. 6102, section 202 of the Americans With Disabilities Act of 1990, 42 U.S.C. sec. 12132 and Federal transit law at 49 U.S.C. sec. 5332, and other applicable Federal, State and local laws and regulations and policies relating to equal employment and contracting opportunities, including laws and regulations hereafter enacted. In addition, CONSULTANT agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

XV.  
EFFECTIVE DATE

The date that this Agreement is executed by SBCTA and Omnitrans shall be the Effective Date of the Agreement.

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

IN WITNESS WHEREOF, SBCTA, OMNITRANS and the ARTIST have executed this Agreement.

\_\_\_\_\_  
(ARTIST Name)

\_\_\_\_\_  
Date

San Bernardino County Transportation Authority

\_\_\_\_\_  
Raymond W. Wolfe  
Executive Director

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
Julianna K. Tillquist  
General Counsel

\_\_\_\_\_  
Date

OMNITRANS

\_\_\_\_\_  
(Name of Signer)  
Title

\_\_\_\_\_  
Date

**Exhibit 1**  
**Stations Where Artwork Will Be Installed**

*(Pages to follow)*

DRAFT

## ***Minute Action***

### AGENDA ITEM: 7

***Date:*** September 9, 2021

***Subject:***

Redlands Passenger Rail Project - Update on Diesel Multiple Unit Testing Location

***Recommendation:***

Receive and file an update on the proposed location for testing of the Arrow service diesel multiple unit vehicles, changing the location from the Perris Valley Line Subdivision back to the Redlands Passenger Rail Project Corridor and San Gabriel Subdivision.

***Background:***

On April 7, 2021, the San Bernardino County Transportation Authority (SBCTA) Board of Directors authorized the Executive Director, or his designee, to execute a license agreement and associated documents with the Riverside County Transportation Commission in the not-to-exceed amount of \$200,000 for the delivery, testing, non-revenue operations and commissioning of the Arrow Diesel Multiple Unit (DMU) Equipment on the Perris Valley Line (PVL) Subdivision and the South Perris Layover Facility in lieu of testing the DMU vehicles on the Redlands Passenger Rail Project (RPRP) Corridor. Staff recommended this approach as the vehicle delivery schedule identified the first DMU would be delivered in spring 2021 which would allow for the vehicle testing to be done while construction of the infrastructure was still underway allowing for a more expeditious overall revenue delivery process.

While the DMUs final assembly was almost complete in spring of 2021, during inspection it was identified that Stadler US, Inc. (Stadler), the vehicle manufacture, had redesigned the fuel tank without notifying SBCTA and that the necessary analysis to demonstrate compliance with the Federal Railroad Administration (FRA) requirements had not been done. Stadler began work on the necessary analysis and after several tests and iterations, identified that a retrofit of the proposed fuel tank was required. It has taken over four (4) months to work through the fuel tank redesign issue which is still not fully resolved. Currently, SBCTA is withholding authorization to ship the first DMU pending successful completion of the engineering analysis that indicates the proposed design will meet FRA requirements, and there is a plan and understanding of the retrofit process.

RPRP mainline construction has continued to progress and is now 95% complete with remaining major work activities limited to the Tippecanoe Avenue culvert crossing, modifications to the Mountain View Grade Crossing, securing of permanent power at three locations, and system-wide communication and signal testing which requires permanent power across the corridor. The Arrow Maintenance Facility (AMF) is also substantially complete with the remaining work centered on the door and mezzanine retrofit efforts required to meet California Public Utilities Commission clearance requirements.

The plan to use the PVL was developed in consultation with the Southern California Regional Rail Authority (SCRRA) who will operate the Arrow service and is the Railroad of Record for the FRA. Benefits of testing on the PVL, beyond the overlapping of testing construction activities, included having a less constrained delivery site than the AMF and avoidance of testing on the San Gabriel Subdivision railroad corridor, also known as the San Bernardino Line.

***Entity:*** San Bernardino County Transportation Authority



## Transit Committee Agenda Item

September 9, 2021

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Testing beyond the RPRP corridor is required to demonstrate the vehicles perform adequately at 79 miles per hour (mph), as the maximum speed on the RPRP corridor is 50 mph. After carefully evaluating other locations on SCRRA's system, and in coordination with SCRRA staff, the team determined the best site for the work was the underutilized South Perris Layover Facility and the 9.2 mile double-track section of the PVL. However, it was clear that some testing, specifically positive train control testing, would have to be reserved for the RPRP corridor due to a more substantial vertical grade.

As the schedules for completion of construction and delivery of the DMUs are now converging, staff no longer recommends testing the DMU on the PVL. Further, SCRRA staff has provided concurrence to use the Eastern Maintenance Facility for delivery of the DMUs should we be unable to deliver the DMUs directly to the AMF due to site restrictions, and use of the San Gabriel Subdivision for the 79 mph testing. Benefits of reverting to the original plan of testing the DMUs on the RPRP include keeping the corridor active after construction is complete, which will deter vandalism and homeless encampments, mitigate the build-up of scale on the rail which can create signal connectivity issues, and overall cost less. Change in testing location will require updates to various project documents such as the testing plans and public outreach plan. Lastly, SBCTA has not executed a license agreement and associated documents with the Riverside County Transportation Commission as the execution was being timed to coincide with the delivery of the first DMU, which was delayed due to the fuel tank issue.

***Financial Impact:***

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

***Reviewed By:***

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

***Responsible Staff:***

Victor Lopez, Director of Capital Delivery

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Approved  
Transit Committee  
Date: September 9, 2021

Witnessed By:

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San Bernardino County Transportation Authority



## ***Minute Action***

### AGENDA ITEM: 8

***Date:*** September 9, 2021

***Subject:***

Request for Proposals for Arrow Maintenance Facility Hydrogen Fuel Upgrade Project  
Construction Management Consultant Services

***Recommendation:***

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

Authorize the Executive Director, or his designee, to release Request for Proposals No. 21-1002658 for Arrow Maintenance Facility Hydrogen Fuel Upgrade Project Construction Management Consultant services for the construction of the hydrogen fueling station and the retrofit needed to support hydrogen vehicle operations.

***Background:***

The San Bernardino County Transportation Authority (SBCTA) is expanding the public transit network in the San Bernardino Valley with the implementation of the Redlands Passenger Rail Project (RPRP), which facilitates the introduction of the Arrow Service using two-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 (GHG) emissions and improve air quality. The DMUs purchased for the Arrow Service are powered via a Tier 4 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 the existing heavy rail infrastructure, thus reducing air quality impacts while furthering the use of our existing rail infrastructure.

On May 5, 2021, the SBCTA Board of Directors (Board) was provided a project update regarding the hybrid battery hydrogen-fuel cell ZEMU development, the hydrogen fueling and Arrow Maintenance Facility (AMF) modifications, the Federal Railroad Administration (FRA) coordination, and the circulation for public comment of the proposed AMF Hydrogen Fuel Upgrade Project (Project) focused Environmental Impact Report (EIR). The AMF is located at 958 West 3<sup>rd</sup> Street, San Bernardino, CA 92410.

The 45-day circulation period for public review of the Draft EIR began on May 7, 2021 and ended on June 21, 2021. A public hearing was held at the June 2, 2021 Board meeting, at which the public was provided an opportunity to provide comments on the Draft EIR to the Board and SBCTA staff. During this public circulation period, SBCTA received zero (0) comment letters on the Draft EIR from public and agency stakeholders and as a result, no changes are required to the Draft EIR. The Draft EIR by default now becomes the Final EIR (FEIR).

Proposed Resolution No. 22-005 contains the findings required by the California Environmental Quality Act (CEQA) in order to certify the FEIR and approve the project under California law; it was presented to the Transit Committee on August 12, 2021, and the Committee recommended the Board adopt it at the September 1, 2021 meeting. The FEIR evaluated the significant or potentially significant environmental impacts associated with the project and addresses

*Entity: San Bernardino County Transportation Authority*

appropriate and feasible mitigation measures and alternatives that would mitigate or eliminate those impacts. The FEIR identified no significant and unavoidable environmental impacts as a result of the project.

During the environmental phase, preliminary design continued and as design of the project progresses, SBCTA staff is seeking approval to release a Request for Proposals (RFP) to procure a Construction Management Consultant (CMC) to assist with the implementation of the project. The CMC will be tasked with managing the construction of the project, which includes the hydrogen fueling facility and the retrofit to the AMF building to support hydrogen operation.

The CMC will perform constructability reviews of the final design documents and provide assistance in developing detailed construction contract specifications and terms. The CMC will provide assistance during the bidding of the construction contract for the project, assist with cost estimates, and ultimately provide oversight of all the contractors needed to construct the project.

Staff is requesting the Board authorize the Executive Director to release RFP No. 21-1002658 for CMC services using the attached Scope of Work. The estimated cost for the CMC services is approximately \$900,000.

***Financial Impact:***

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

***Reviewed By:***

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and will review the Request for Proposals prior to its release.

***Responsible Staff:***

Joy Buenaflor, Project Manager

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Approved  
Transit Committee  
Date: September 9, 2021

Witnessed By:

**ARROW MAINTENANCE FACILITY (AMF) HYDROGEN FUEL UPGRADE PROJECT**

**CONSTRUCTION MANAGEMENT SERVICES – SCOPE OF WORK**

**RFP No. 21-1002658**

DRAFT

**RFP No. 21-1002658**

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## 1.0 INTRODUCTION

### 1.1 *Arrow Maintenance Facility (AMF) Hydrogen Fuel Upgrade Project (Project)*

The San Bernardino County Transportation Authority (SBCTA), in coordination with the Southern California Regional Rail Authority (SCRRA) is implementing the Arrow Maintenance Facility (AMF) Hydrogen Fuel Upgrade Project to facilitate the integration of a zero-emission multiple unit (ZEMU) rail vehicle into SBCTA's planned Arrow service. SBCTA is currently completing the constructing the AMF to service SBCTA's diesel multiple unit (DMU) rail vehicle fleet for the Arrow service, which will start operations in 2022. The SCRRA will operate and dispatch the Arrow service in coordination with SCRRA's existing Metrolink service. The proposed Project includes integration of the ZEMU rail vehicle into the Arrow service in 2024, and associated modifications and upgrades to the AMF to facilitate hydrogen (H<sub>2</sub>) storage, refueling, and required safety improvements.

Project operations of the proposed ZEMU vehicle on SCRRA's San Gabriel subdivision would follow FRA safety regulations and integrate with the planned DMU and Metrolink passenger train service.

### 1.2 *Project Location*

The AMF is located within the City of San Bernardino, California, near the intersection of North J Street and 3rd Street. The AMF site is located to the east of existing San Bernardino Santa Fe Depot and Metrolink Station Platforms. The Project area abuts existing railroad track infrastructure to the north, west, and south. Vacant, industrial-zoned land borders the AMF site to the east and an intermodal freight yard owned by the Burlington Northern Santa Fe (BNSF) Railway. A small residential community is located to the south of the AMF site and Third Street along North J Street and Kendall Avenue.

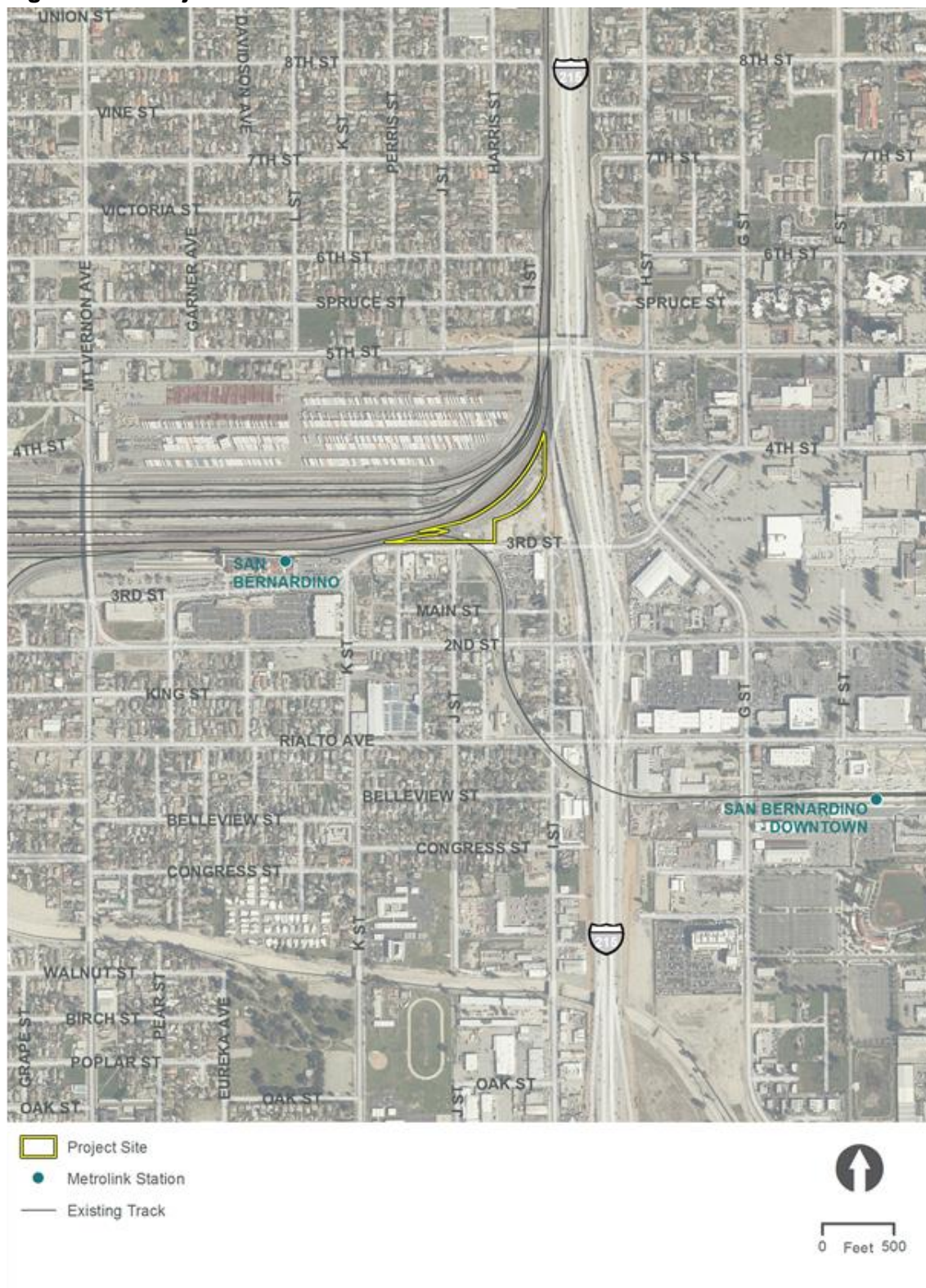
Much of the work would occur within the southern portion of SBCTA's existing AMF site (Assessor Parcel Numbers (APN): 013823113 and 013823114). Figure 1.1 shows the regional location of the Project. Figure 1.2 shows the Project's location in San Bernardino, the extent of the proposed improvements, and the Project study area. Figure 1.3 shows the Project Detail Map





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Figure 1-2 : Project Location





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Figure 1-3 : Project Detail Map



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### **1.3 Project Schedule**

The current schedule for the Project reflects a revenue service date of *March 2024 with schedule reserve*. To that end, SBCTA intends to procure a construction contract for the fueling facility in *November 2021* and release an Invitation for Bids for maintenance facility upgrades in *July 2022*, award the contract in *November 2022*. Other key Project dates are anticipated as follows.

Phase/Project Component	Start	Finish
Environmental Analysis	January 2021	September 2021
AMF Building Retrofit Preliminary Engineering and Final Design	July 2021	June 2022
Maintenance Facility Upgrades	November 2022	August 2023
Hydrogen Fueling Station	April 2022	October 2023
Vehicle Procurement	November 2019	March 2024
Anticipated Start of Revenue Service	Mach 2024	

### **1.4 Summary of CMC Services**

The Construction Management Consultant (CMC) will provide qualified construction management and inspection, materials testing, and contract administration for the entire Project as outlined in this Scope of Work.

The construction administration function is to assure compliance with the technical and administrative provisions of each construction contract. The CMC will prepare a detailed Construction Management Plan (CMP) that will detail safety, quality, change management cost control of all construction activities and contract administration. The CMP will be implemented in conformance with all federal and state regulations, including quality assurance, quantity control, materials testing, source inspection, structural and architectural inspection, and compliance with county, state and federal requirements covering contract procedures and fair employment.

The CMC will oversee the construction of the Project. The CMC is responsible for overseeing the activities of all the construction work by the general contractors. SBCTA intends to award separate construction contracts for the hydrogen fueling station and the AMF building retrofit (individually, “Construction Contractor” and collectively, “Construction Contractors”). The CMC will support both as a single Project. The intent is to bring on the CMC to assist with constructability and bid-ability review and to allow the CMC team to be familiar with the project and organizationally prepared for the start of construction.

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### ***1.5 Reporting Structure and Other Project Consultants***

The CMC will report to and receive direction from SBCTA through the PMC Project Manager in accordance with the Project Management Plan, which is attached hereto as Exhibit A and incorporated by reference herein. The PMC Project Manager is responsible for coordination of all SBCTA construction activities and for coordinating the efforts of the total construction team. The PMC Project Manager will be the main contact and primary source of information between the CMC and SBCTA and other consultants working on the Project, and Project stakeholders.

MOTT MACDONALD is the Project Management Consultant (PMC) for the Project. The PMC provides project management, oversight, expertise and technical support to ensure that the Project advances through the project development, engineering, and construction phases and is ready for revenue service operations. The PMC will serve as integrated staff resources to SBCTA to support the management and oversight of project development, engineering, construction management, and construction contractors to be procured by SBCTA through separate procurements.

The public awareness campaign for the Project, which focuses on providing hydrogen education of hydrogen use in transportation to residents, businesses and other stakeholders, will be led by SBCTA's Legislative and Public Affairs department, through an on-call consultant.

## **2.0 STAFFING REQUIREMENTS**

### ***2.1 General***

The CMC is expected to provide the necessary personnel to administer the construction support services and to assign qualified field personnel to perform the requested services. The scope of responsibility and the total number of personnel assigned to each phase is left to the discretion of the CMC.

### ***2.2 Project Manager***

The CMC will provide a full-time Project Manager to coordinate CMC operations with SBCTA. The Project Manager shall be responsible for all matters related to CMC personnel and operations. The Project Manager will also serve as the Resident Engineer. The Resident Engineer will be responsible for all construction management and construction activity within the Project. The Project Manager must be licensed as a Professional Engineer in the State of California at the time of proposal submittal and through the duration of the CMC Contract.

### ***2.3 Staffing Plan***

#### **2.3.1 Proposal Requirements**

The Proposal shall include a staffing plan, organization chart and resource-loaded schedule, all of which will be incorporated by reference into the CMC Contract. These submittals will demonstrate the firm's ability to appropriately staff and manage the Project.

#### **2.3.2 Quality and Quantity of Staffing**

SBCTA and CMC will jointly determine the quality and quantity of services that are required by CMC personnel. The number of CMC personnel assigned to the Project will vary throughout the



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duration of the contract. CMC personnel will be assigned, in varying levels of responsibility, as needed by the CMC to meet the Project schedule, Project requirements, and construction activities.

The staffing plan will include, in addition to the Project Manager, Construction Management Quality Assurance Representative, and all other engineers and inspection personnel who will be assigned to direct and coordinate all Project-specific field activities and responsibilities as needed for CMC's satisfactory performance on the Project.

**2.3.3 Resumes and SBCTA Approvals**

Resumes of personnel must be submitted to SBCTA and if applicable, SCRRA, for review and approval prior to assignment to the Project. Personnel selected for assignment by CMC shall be made available for personal interviews prior to acceptance by SBCTA. If, in the opinion of SBCTA, an individual lacks adequate experience, the individual may be rejected or may be accepted on a trial basis until such time as the individual's ability to perform the required services has been demonstrated. If, at any time, the performance of CMC personnel is unsatisfactory to SBCTA, SBCTA may release the individual by written notice and may request another qualified person be assigned.

**2.4 Key Personnel**

The Project Manager and Construction Management Quality Assurance Representative will be Key Personnel. In addition, Key Personnel may be identified by SBCTA and the CMC. Key Personnel shall not be transferred from the Project unless approved in writing by SBCTA. SBCTA shall have the authority to penalize CMC up to \$25,000 for removal of key CMC staff from the Project without prior SBCTA approval. If CMC personnel are on leave of absence, the Project Manager shall provide equally qualified replacement personnel until the assigned personnel returns to the Project.

**2.5 Availability and Work Hours**

The typical workday includes all hours worked by SBCTA's Construction Contractor including nights and weekends. The Construction Contractor's operations may be restricted to specific hours during the week, which will become the normal workday for CMC's personnel. On days when work is not performed by the Construction Contractor, such as rainy or unsuitable weather days, CMC services will not be provided unless authorized by the SBCTA Project Manager. The Project Manager, with prior concurrence from SBCTA, shall have the authority to increase, decrease, or eliminate CMC personnel work hours dependent on the schedule and requirements of the Construction Contractor.

Unless otherwise directed by SBCTA, the normal work week will consist of 40 hours. From time to time, overtime may be required. However, overtime will be worked only when approved in writing by SBCTA. All overtime pre-planned by CMC personnel shall be approved and authorized by SBCTA prior to each occurrence. If extraordinary circumstances require CMC over- time, the time along with an explanation shall be submitted to SBCTA within five (5) working days of the incident.

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### **3.0 PERFORMANCE STANDARDS**

#### **3.1 Legal Compliance**

All services required herein shall be performed in accordance with Federal Transit Administration (FTA), and where applicable, California Department of Transportation (Caltrans) guidelines, regulations, policies, procedures, manuals, and standards, except as noted in the special provisions.

#### **3.2 CMC Personnel**

CMC personnel shall be knowledgeable of and comply with all applicable local, state, and federal regulations. CMC personnel shall cooperate and consult with SBCTA, State, Federal, and City officials during the course of the Project. CMC personnel shall perform duties as may be required to assure that construction is being performed in accordance with the Project plans and specifications and all appropriate State and Federal rules and regulations. CMC personnel shall keep accurate and timely records and document all work performed by the Contractor and CMC.

Construction team member's conduct shall be professional, ethical, and business-like during all contact between Agency representatives, the Contractor, the public, and any other parties involved with the project. The Resident Engineer (RE) shall handle normal contact and day-to-day flow of correspondence with the Contractor. Construction Management field staff (i.e., RE, office engineers, and inspectors) shall control all project records at the field office in accordance with the Construction Management Plan (to be developed) procedures.

### **4.0 DUTIES AND RESPONSIBILITIES**

#### **4.1 Primary Construction Management Assignments**

The CMC is responsible for oversight and management of the construction for the Project. The construction management team's primary assignments are as follows, and as more fully described in this Scope of Work:

1. Verify the scope of work is constructed in accordance with the contract documents
2. Oversee the work to ensure it is performed in a safe and productive manner
3. Verify design changes and responses to submittals and Requests for Information (RFI) are submitted to the contractor in a timely manner
4. Confirm the claims avoidance and mitigation techniques are implemented. The Contract is administered in a fair and equitable manner and contractual actions are accurately documented.
5. Always safeguard the best interests of SBCTA Coordinate all safety related matters between the safety program and the contractors
6. Verify constructed facilities and systems meet applicable inspection and test requirements of the quality program
7. Confirm construction contractors effectively implement SBCTA approved QC Programs

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#### **4.2 Project Phases**

Construction Management activities will be performed in three project phases as generally outlined below and throughout this Scope of Work. This generalized scope of work does not list all of the CMC responsibilities. CMC shall provide complete and comprehensive construction management services for each phase of work, for each construction contract issued by SBCTA to complete the Project.

##### **4.2.1 Pre-Construction Services**

The duties will include:

1. Constructability review of PS&E and Special Provisions
2. Bid-ability review
3. Pre-Bid and Contract award support
4. Participating in and providing input for meetings and correspondence for various agencies.

##### **4.2.2 Construction Services**

The duties will include:

1. Administration of construction contracts
2. Coordinate communications between the contractor and all other project participants
3. Public outreach support
4. Coordination with the PMC engineering manager for design support during construction
5. Resident Engineering services
6. Field inspection
7. Office engineering to process, collect, and maintain project communications and records
8. Quality assurance inspections and management of independent quality assurance testing
9. Quality assurance surveying (i.e. verification, control point, and benchmark survey)
10. Liaison with affected stakeholders including government agencies and utilities
11. Analysis and approval of contractor construction schedules and progress payments
12. Review and negotiation of contract changes, disputes, maintenance of project record files and documentation
13. Perform environmental compliance management/mitigation

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14. Labor compliance oversight and assist with enforcement
15. Systems inspection, testing, commissioning, start-up support services
16. Monitor construction work in accordance with third party agreements and utility relocation agreements
17. Completion of aerial photos of the construction site quarterly

**4.2.3 Post-Construction Services**

The duties will include:

1. Tabulate contract work that is either incomplete or requires remedial action for final acceptance
2. Collect and organize records of material testing, inspection and certifications
3. Assist with resolution of change orders
4. Establish dates of substantial completion and final completion
5. Participate in assessing liquidated damages, back charges or similar adjustment to the final contract value
6. Review and approve final progress payment with required documentation
7. Enforce manufacturer warranties
8. Ensure as-built drawings are created and properly stored

**5.0 PRE-CONSTRUCTION SERVICES**

During the Pre-Construction phase, the CMC will complete the following tasks:

1. Create a complete Construction Management (CM) Plan and Procedures Manual modeled after similar maintenance facility projects. At a minimum, it should address the control and management of construction- related documents including: Requests for Information; Change Orders; Contractor Submittals; Construction Photos; Operations and Maintenance Manuals; As-built drawings and Project Record Documents. This document shall follow and implement appropriate guidelines in the latest FTA “Project and Construction Management Guidelines.”
2. Perform constructability analysis of the construction documents. Mott MacDonald will support this analysis and coordinate with the CMC on appropriate plan, specification and bid item revisions.
3. Participate in risk management sessions to identify and mitigate against construction risk and hazards.



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4. Per the specifications, create a project construction schedule detailing phasing and tasks and sub-tasks for each phase. Include all work items from Construction Contractor, SBCTA, third parties and CMC work items.
5. Assist SBCTA and Mott MacDonald in responding to bid addenda, and bid analysis, pre-qualification of contractors, and recommend award of the construction contracts to the Board.
6. Prior to construction and during the constructability reviews, coordinate with Mott MacDonald in conducting an existing conditions surveys identifying potential adverse impacts to schedule and costs and report theses to SBCTA.
7. Assist SBCTA with coordination of the pre-bid meeting. Assist in responses to contractor's questions during the bid period.
8. Attend pre-construction meetings as requested.
9. Document existing conditions through digital still photography and submit all photos in digital format to SBCTA prior to start of construction.
10. Perform site reconnaissance and review contract document provisions for site access, staging, parking, utilities, etc. and make recommendations for items to be included in the construction contract documents.
11. Monitor all Construction Environmental Control Plan requirements (address all NEPA/CEQA mitigation and permit requirements as listed in the specifications) with Mott MacDonald.
12. Prior to construction, assist SBCTA/Mott MacDonald with environmental surveys (prior to start of construction).
13. Prepare a CM Quality Assurance/Quality Control (QA/QC) Plan, including review and audits of construction contractor QA/QC plan. The CMC's QA/QC Plan shall be developed in accordance with "FTA-MA-06-0189-92-1 Quality Assurance and Quality Control Guidelines." and.
14. Review contract requirements for Contractor Safety Plan used to govern job-site safety during the construction process.
15. Review project specific testing requirements to be included in the construction contract documents. These will be utilized to ensure that all job materials and construction activities are being reviewed and tested.
16. Review contract specific and overall project start-up and test procedures that will be included in the construction contract documents. These procedures shall comply with all state and federal agency requirements necessary to make the completed project ready for revenue service.
17. Review systems verification, testing and start-up plan.

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18. Review hazardous material identification, notification and remediation policy referenced in the construction contract documents and used to facilitate prompt and legal disposal of job-site hazardous materials during the construction process.
19. Review the draft Storm Water Pollution Prevention Plan (SWPPP), in accordance with the State Water Resource Control Board requirements.
20. Verify that all required permits, easements, utility relocation agreements, cooperative agreements, and memorandums of understanding (MOU's) are complete and the associated requirements are incorporated into the construction plans and special provisions.
21. Review PMP to assist in understanding federal requirements for construction management procedures and reporting.

## 6.0 CONSTRUCTION SERVICES

### 6.1 Document Control

CMC will adhere to SBCTA document control procedures and maintain hard copies of records. All documents are to be scanned and saved electronically in the field with weekly backups maintained off site.

### 6.2 Submittals, Nonconformance Reports (NCR) and Requests for Information (RFI)

CMC will review Construction Contractor submittals for quality and completeness, as well as process and track the submittals according to the Construction Contract. Mott MacDonald has a supporting role in responding to RFIs and reviewing non-conformance reports and also in reviewing Construction Contractor submittals and shop drawings for adherence to design and specifications. CMC will coordinate and transmit RFIs and submittals to the Mott MacDonald as directed by SBCTA. CMC will facilitate timely review of the following submittals by the Construction Contractor.

1. Progress Payments: Review/approve/reject contractor's monthly progress payment requests. Measure and track quantities installed for all unit rate items and maintain Schedule of Values progress payment in FTA format.
2. Monitor permits, submittals, shop drawings, material procurement, RFIs, bulletins, change requests, change orders, schedules, and recovery plans, coordination with agencies, jurisdictions, utilities, and Engineer of Record.
3. Changes/Claims: Recommend and implement change orders and claim avoidance practices. Analyze, negotiate, facilitate settlement of claims, and process change orders in a timely manner in accordance with the approved PMP procedures. Mott MacDonald will revise design documents as required.
4. Track/analyze/report on contractor/subcontractor lien releases.
5. Contractor Insurance: Track policies and renewals including subcontractors.
6. Labor Compliance and Disadvantaged Business Enterprise (DBE) Monitoring: Support SBCTA by obtaining certified payrolls; ensure that DBEs and UDBEs are performing designated work. Obtain contractor's DBE compliance reports. Track and document

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contractor compliance with prevailing wages and Equal Employment Opportunity (EEO) including performing field interviews of contractor personnel.

**6.3 Additional Compliance Tracking**

1. Construction Safety and Security: Review contractor's site-specific Safety and Security Plans. Monitor, document, and prepare accident reports. Observe and document in an incident log contractor's compliance with the project safety plan.
2. Storm Water Pollution Prevention (SWPPP): Track compliance with the project SWPPP (and/or Water Quality Control Plan (WQCP)). Perform site inspections to ensure Best Management Practices (BMPs) have been implemented as outlined in the SWPPP/WPQP and that they are properly installed and performing correctly. Perform weekly or daily inspections during the rainy season. Perform run-on/run-off sampling and testing if required by the SWPPP/WQCP.
3. CMC shall monitor for Contractor's compliance with the labor standards provisions of the Projects and the related wage determination decisions of the Secretary of Labor.
4. CMC personnel shall assist SBCTA and local agencies in obtaining compliance with the safety and accident prevention provisions. CMC will coordinate traffic handling with local agencies if necessary.

**6.4 Geotechnical Services**

Provide construction related geotechnical services necessary to monitor compliance with contract requirements as necessary.

**6.5 Systems Inspection, Testing Commissioning and Start Up**

Complete manufacturers quality audits, test reports, safety certifications, and verify as-built drawings and calculations. The CMC shall also coordinate with SBCTA and SCRRA in implementing both construction phase and start-up phase testing as necessary. The CMC shall submit timely reports on problems, progress, and completion of the start-up testing shall be submitted to SBCTA. The CMC shall also provide technical assistance to SBCTA and coordinate the interface between construction and operations personnel for the start of revenue service.

**6.6 Survey Support (QA/QC) Services**

Monitor construction contractor compliance with surveying requirements; verify layout and controls, perform independent survey checks of line and grade, spot check contractor reference points and verify location and preservation of the critical baseline survey points prior to and after construction (SBCTA provides construction control surveys). The CMC shall include a California licensed surveyor on the CMC team to provide these services and additional one baseline surveys in the event that the Construction Contractor's survey cannot be relied upon. CMC will provide one set of construction staking for all aspects of the construction. Additional staking will be at the contractor's expense. CMC shall review and provide Quality Assurance and Quality Control of the Contractor's construction surveys for the Project.

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**6.7      *Communication***

CMC is responsible for interfacing, coordination, and communication of all activities during construction, and to keep SBCTA well informed at all times. This effort of interfacing, coordination, and communication includes but is not limited to: utility companies; community relations (SBCTA and CMC); labor organizations; cities and the County; SCRRA; Engineer of Record; architects, artist and other agencies; CMCs; and other entities associated with the Project.

**6.8      *Design Consultant Coordination***

Coordinate with Mott MacDonald to facilitate prompt resolution to design and construction related issues.

**6.9      *Utility Coordination***

Assist Construction Contractor and coordinate Project utility requirements with Mott MacDonald. Assist SBCTA with coordination of Southern California Edison for required utility service upgrade. Provide knowledgeable utility field inspectors to oversee utility design, and integration of required changes to resolve utility conflicts. These inspectors will be required to coordinate interface milestones, work windows, and monitor the overall efforts of Construction Contractors.

**6.10     *Maintenance of Traffic and Access to Private Property***

CMC will review Construction Contractor's Traffic Plans (Detours and Lane Closures), assist with resolution of issues, and assist with coordination of the traffic plans with the roadway agencies (City of San Bernardino and Caltrans) and adjacent property owners.

**6.11     *Weekly Progress Reports***

Prepare weekly progress reports to include daily dairies, project/contract status, deficiency logs, field change notices, new and outstanding issues, actions to be taken, schedule update, calendar days spent and remaining, claims evaluation, and status of all logs including submittals, RFIs, contract change order documents, drawing registers/control logs, etc.

**6.12     *Monthly Progress Summary Reports***

CMC will prepare Monthly Progress Summary Reports indicating CMC and Contractor's contract status, job site conditions, specific conditions encountered, corrective measure taken, progress and record photos, manpower reports, construction schedule update (including narrative), current project cost, and projection of cost including potential change orders, issues and resolutions, itemize all to-date project costs and forecast project costs by totaling base contract payments. It should also include any critical issues requiring action by discussing and prioritizing issues and setting action responsibilities identifying any significant problems with the budget or staffing. Reports will be submitted to the SBCTA.

**6.13     *Aerial Photos***

CMC will prepare aerial photos of the Project site on a quarterly basis. A report will be submitted to the SBCTA.

**6.14     *Significant Problems***

CMC shall immediately notify SBCTA of any significant construction problem that may impact cost, schedules, relations with other entities, or accidents. This notification shall, as soon as practicable, include written recommendations on options to resolve the problem.

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**6.15 Conferences and Meetings**

The CMC will conduct weekly progress, pre-work, weekly safety, and third-party coordination meetings. Conduct and produce meeting minutes and action item lists for weekly contractor progress review meetings for submittal to SBCTA. Provide agendas to include the weekly progress report elements.

**6.16 Partnering Program**

Prepare, coordinate, facilitate and participate in Partnering Program and conferences at the onset of construction and throughout the duration of construction activities with SBCTA, Mott MacDonald, all Construction Contractors, and other key Project stakeholders. This Program shall promote teamwork and open lines of communication to facilitate the successful completion of the Project.

**6.17 Public Affairs**

CMC will assist SBCTA in providing community outreach to educate the public on the impact of construction work in their local area. Provide support for preparing presentations to cities, agencies, municipalities, SBCTA Board, the public and others as directed. Further, meet and confer with SBCTA Public Outreach Liaison on a regular basis and provide weekly information on potential project impacts to the community.

**6.18 Tailgate Briefings – Construction Schedule**

CMC will coordinate and monitor the need for tailgate briefings based on the construction schedule. The CMC will schedule the briefings between the Contractor and the Mott MacDonald. Additionally, the CMC will notify SBCTA of the need for a briefing and include SBCTA in the briefing.

**6.19 Schedule Control**

1. Review and monitor contractor's schedule for accuracy, compliance, completed work, and forecast reasonableness.
2. Expand and maintain the Primavera CPM Master Project planning and construction overview schedule to include individual construction contracts with milestones and start-up activities.
3. Review and approve baseline construction schedules, monthly schedule updates, and 3-week look-ahead schedules submitted by contractors for compliance with the construction contract specifications.
4. Provide assistance to develop work-around schedules or recommend other measures required to mitigate delays or expedite the schedule.
5. Review and approve delay analyses submitted by contractors for change order work.
6. Prepare monthly report summarizing contractor progress, critical path analysis, and contractual milestone comparisons of baseline versus current schedule, and resource and cash flow projections.



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**6.20 Cost Control and Estimating**

1. Maintain an up-to-date trend system that identifies all potential cost (and cost of schedule) impacts and forecast to complete.
2. The CMC is responsible for construction contract administration activities, field review and verification of work in place, review and approval of contractor' payment requests, and the negotiation and recommended approval of certain change orders in accordance with approved guidelines. Develop and maintain logs at the field office sites of all-active contract change orders, claims, trends, bid item adjustments, and incurred cost. At the end of each reporting period, CMC will provide a summary of these logs. The summary will show the cumulative totals of the above logs for each contract.
3. Prepare monthly, a three-month look ahead Project Staffing Projections to effectively monitor and compare the CMC costs to the original proposed Work Plan and Budget.
4. The CMC will assist in, or participate in negotiations for contract change orders, including but not limited to preparing an independent cost estimate to help establish a price for extra work and delays. The fair and reasonable cost estimate will be used as a basis for the change order negotiations, and as backup documentation.
5. In preparing cost estimates, the CMC will prepare and maintain complete documentation establishing the basis of the estimates. This documentation prepared in accordance with FTA requirements shall include the basis for all labor, material and equipment costs. Costs shall include all applicable direct and indirect costs, including negotiated profit margins. Any cost necessary to reflect the unique or unusual characteristic of the change order shall be included.

**6.21 Inspection Control**

1. Provide on-site daily inspections and thorough documentation to check the quality and quantity of the work performed by all trades and guard SBCTA against defects and deficiencies in the work of the contractors. Inspect workmanship, quality, construction means, methods, techniques, and sequences to evaluate the contractor's compliance with the requirements of the construction documents and recommend necessary remedial action to SBCTA and the Contractor.
2. Prepare daily field reports detailing weather conditions, status of work, and the location and type of work performed by the Contractor. For each daily work activity, document the number and classification of craft labor, supervision, equipment and materials used.
3. Any construction work not properly inspected and tested shall be grounds for removal of the CMC or specified personnel.
4. Routine responsibilities associated with providing inspection during construction include, but are not limited to, the following:
  - a. Provide daily inspection and documentation of job-related activities.

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- b. Prepare and maintain thorough daily inspection reports.
- c. Provide continual review of plans and specifications to identify discrepancies, and ambiguities, omissions, or conflicts in plans, specifications, and bid schedules that may generate misinterpretations and/or lead to disagreements.
- d. Provide inspection oversight for utility relocations performed by non-SBCTA contractors. Coordinate work schedule with contractor for testing and surveying.
- e. Document information related to manpower, equipment, and time for extra or force account work or claim monitoring.
- f. Attend and document contractor tailgate safety meetings.
- g. Observe and enforce safety attire compliance requirements and on-track safety certification.
- h. Confirm accurate measured quantities and review pay estimates submitted by the contractor.
- i. Provide electronic pictorial and video logbook of construction activities.
- j. Report all discrepancies requiring corrective actions to SBCTA.
- k. Meet with contractor to review proposed work and schedule required inspection.
- l. Provide monthly inspection of contractor's As-Built drawings.
- m. Maintain separate As-Built drawings.
- n. Develop "Punch List" items and follow-up with corrective measures.

**6.22 Material Sampling and Testing (if needed)**

1. CMC will provide QC, obtain laboratory testing services, and provide independent verification of contractor compliance with specifications.
2. The CMC shall maintain primary responsibility for verification testing for contract compliance of materials sampling and testing. The Construction Contractors have the primary responsibility for materials sampling and testing. The CMC shall satisfy themselves that the Construction Contractor's test, frequency of test, re-tests, and results comply with contract specifications. All materials sampling and testing documentation shall be reviewed by the CMC. A copy of all tests shall be maintained in the Project file.
3. CMC shall provide verification tests as deemed necessary. The Testing Laboratory personnel shall be qualified and certified as applicable with field testing capabilities for soil, concrete, asphalt, welding, and materials testing to complement the CMC's field inspection staff. The scope of testing shall include, but not be limited to on-site inspections and sampling,



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laboratory materials testing, and off-site source testing and inspection as needed. All test results shall be timely and accurate, so that the contractors work is not impacted.

4. The following represents the minimum anticipated Field Materials Sampling and Testing Requirements:
  - a. Soil – Compaction/Density/Moisture/Resistivity
  - b. Concrete – Materials/Cylinders/Slump/Air Entrainment
  - c. Asphalt Concrete – Yield
  - d. Masonry – Grout/Mortar Test/Reinforcing Steel
  - e. Coring – Asphalt/Concrete

**6.23 *Quality Assurance/ Quality Control (QA/QC)***

1. The CMC will submit to SBCTA for approval a QA/QC Plan within 45 calendar days after NTP. The CMC's QA/QC Plan shall identify the individual(s) responsible for QA/QC activities for this contract. The representative shall be responsible for monitoring all construction quality activities for the project and have the authority to act in all issues relating to quality. The representative shall be fully qualified by certification and/or experience and technical training to perform the necessary quality review and monitoring activities and fully implement the QA/QC Plan. The CMC's QA/QC Plan shall be developed in accordance with "FTA-MA-06-0189-92-1 Quality Assurance and Quality Control Guidelines" and shall be consistent with SBCTA's Program Management Plan (PMP) and Quality Assurance Program.
2. Review and accept Construction Contractors' QA/QC plan. Audit the contractor's compliance with the accepted QA/QC Plan.
3. The QA section of the CMC's program will identify all planned and systematic actions necessary to ensure that the scope of work requirements are met to ensure quality throughout all phases of construction. The QA Plan shall identify actions ensuring that equipment and staffing are capable of performing tasks related to the Contract and documenting the quality efforts.
4. The QC section of the CMC's program shall identify the operational techniques and activities, inspections, tests, documentation and other processes that will be used to fulfill requirements specified in the QA section. Provide Resident Engineers, QC inspection, and materials compliance with QA/QC plan and specifications.

**6.24 *Project Liaison and Coordination***

The CMC will support SBCTA staff in coordinating program activities and maintaining good working relationships with the following:

- The general public
- FTA
- SCRRA
- CalSta/Caltrans
- SCAQMD
- Fire Authority and First Responders

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- Other local and state agencies
- Utility companies
- Private companies and entities that might be affected by Project construction or implementation

**6.25 Environmental Mitigation Compliance Inspection and Reporting**

1. Follow construction environmental control plan requirements, ensure contractor compliance with environmental permits such as discharge permits and erosion and sedimentation control requirements, mitigations, monitoring and sound management practices. Provide other environmental compliance services requested by SBCTA
2. CMC shall also conduct tailgate briefings on select environmental topics, if necessary, prior to construction in sensitive areas or in response to ongoing compliance issues. These tailgate briefings should generally be held in coordination with construction tailgate briefings and should simply serve as reminders of key environmental concerns or requirements

**6.26 Prevailing Wage Monitoring**

1. All contracts are subject to Federal and State prevailing wage laws. The CMC shall be responsible for the day-to-day administration of all Prevailing wage requirements on all construction contracts for the project.
2. The CMC shall have procedures and processes to verify that the weekly certified payrolls are received for all covered construction workers, including all prime and sub-contractors.
3. CMC shall notify SBCTA of any irregularities in the construction contractors' adherence to prevailing wage requirements. In the event of contractor noncompliance with payroll submittal and any other prevailing wage requirements, the CMC shall prepare written notifications to the Prime Contractors itemizing any deficiencies, defining the remedies and noticing of applicable progress payment withholdings and penalties associated with the noncompliance.

**7.0 POST-CONSTRUCTION SERVICES**

**7.1 Contract Closeout**

1. Perform final inspection and testing.
2. Prepare comprehensive punch list, resolve outstanding issues, address changes and deficiencies and monitor corrections to completion.
3. Coordinate and schedule final inspections.
4. Balance Change Orders and prepare proposed final estimate. Review and process final payment request.
5. Receive, review, approve, and transmit O&M Manuals from contractor to SBCTA.

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6. Produce and issue relief of maintenance and responsibility letter to contractor when authorized.
7. Receive, review, correct, and transmit As-Built Drawings from contractor to SBCTA.
8. Coordinate completion of final reproducible record set of drawings.
9. Receive, review and transmit Warranty/Guarantee documents from contractor to SBCTA.
10. Obtain final acceptance from SCRRA, utility companies, and any other relevant Project stakeholders.
11. Produce and issue Final Acceptance to contractor when authorized by SBCTA.
12. Continue claims support in the event that issues are not resolved prior to construction completion.
13. Assess liquidated damages in the event that the contractor exceeds his allowable number of working days.
14. Expedite closeout process and prepare final closeout report.
15. As-Built Drawings: Ensure construction contractor maintains as-builts and coordinate with Mott MacDonald. Document and track all design changes. Review final as-built drawings prepared by Mott MacDonald to ensure all changes have been incorporated. Verify that all work was completed in conformance with the plans and specifications and provide a letter to SBCTA to this effect.

**7.2 Warranties**

CMC will monitor and track warranties.

**8.0 DELIVERABLES**

1. Inspector daily reports, extra work daily diaries and Resident Engineers' daily diaries.
2. Monthly Project Activity Summary Reports.
3. Quarterly aerial photos of the Project site.
4. Monthly Contractor progress payments, back-up documentation, and Contractor payment records.
5. Contractor final payment documents, delivered to SBCTA no later than ten (10) working days after acceptance by SBCTA of the completed construction Project.
6. All Project files, Project reports, correspondence, memoranda, shop drawings, Project logs, project photo and logs, change order data, claims and claim reports, and Contractor payment records.

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7. Certified payrolls and fringe benefit statements for all employees, CMC and Contractor, who are subject to the State and/or Federal prevailing wage rates.
8. All material test results will be provided in accordance with the applicable Standard Specifications and Special Provisions, and test methods. Failing tests will be immediately reported to the Resident Engineer. All test results will be recorded on the appropriate forms. The test documents will be legible and show the identity of the tester where appropriate. A notebook containing all test results and reports will be maintained by CMC throughout the duration of the Project and delivered to SBCTA with the Project files.

**9.0 EQUIPMENT AND MATERIALS**

**9.1 *Provided by CMC***

1. CMC shall provide all necessary equipment including software, materials, supplies, miscellaneous tools, phones, vehicles, and safety equipment required for its personnel to perform the services accurately, efficiently, and safely. The above noted items shall be considered part of the CMCs overhead.
2. CMC personnel shall be provided with vehicles suitable for the location and nature of the work involved.
3. CMC personnel shall be provided with a mobile radio, cellular phone, or other means to assure full-time communication. If a radio system is to be used, CMC shall provide a base station at the field office.
4. CMC personnel shall be provided with all applicable standard plans, specifications, and other standards as appropriate.
5. For Materials Testing, CMC and its staff will be fully equipped at all times to perform the services required, including but not limited to the following:
  - A. An on-site mobile laboratory or laboratory in close proximity to the Project will be required. The type and location of the lab should be such that it can meet the needs of the Project in an efficient, time effective manner. The laboratory is to be fully staffed, equipped, and supplied to conduct all required soils, materials, and concrete breaking tests in a timely manner.
  - B. Field personnel will be provided with all necessary safety equipment to permit work to be performed safely and efficiently within operating rail and construction zone environments.
  - C. All equipment to be calibrated as per Section 3-10 and 3-11 of Caltrans' Quality Assurance Program Manual.

**9.2 *Provided by SBCTA***

SBCTA will provide three (3) copies of all Project construction documents including plans, and special provisions, and one (1) copy of all other reports, designer prepared resident engineer

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files, and contracts. In addition, SBCTA will provide one (1) full size (24" x 36") sets of plans for use in the construction field office as record documents. SBCTA will provide copies of all previously secured permits and Project authorizations.

## 10.0 LIMITATIONS TO AUTHORITY

### 10.1 *No Authority*

CMC does not have the authority to take any of the following actions.

1. Authorize deviations from the contract documents.
2. Approve substitute materials or equipment; except as authorized in writing by SBCTA.
3. Conduct or participate in tests or third-party inspections; except as authorized in writing by SBCTA.
4. Assume any of the responsibilities of the Contractors, Contractors' Superintendent, or subcontractors.
5. Exercise control over or be responsible for construction means, methods, techniques, sequences, procedures, or safety precautions.
6. Communicate directly with subcontractors or material suppliers without the prior consent of the Contractor.
7. Verbally authorize or approve change orders or extra work for the Project.
8. Offer or receive incentives, inducements; or other forms of enumeration to or from the Contractor to perform services or work outside the terms of any executed contracts for this Project.

### 10.2 *Third-Party Relationships*

This Contract is intended to provide unique services for a specific project. In the development of the Project, SBCTA has worked closely with various professional CMCs, agencies, and others in the preparation of the construction documents and other Project-related materials. SBCTA, however, is solely responsible for and will be the sole point of contact for all contractual matters related to the Project. CMC shall take direction **only** from SBCTA and shall regularly inform **only** SBCTA of Project progress, outstanding issues, and all Project related matters.

During the course of the Project, CMC may find occasion to meet with Stakeholders, City or County representatives, the design engineer, Project CMCs, or other third parties who have assisted with the Project. These entities may, from time to time, offer suggestions and/or recommendations regarding the Project or elements of the Project. While SBCTA enjoys a close relationship with, and has considerable confidence in, the capabilities of these other parties, CMC shall not act on any suggestions, solicited or unsolicited, without obtaining specific direction from SBCTA. All oral and written communication with outside agencies or CMCs related to the Project shall be directed only to

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SBCTA. Distribution of Project-related communication and information shall be at the sole discretion of SBCTA representatives.

## **11.0 CONSTRUCTION SAFETY**

Safety and security are to be priorities in conducting all work on the WVC BRT Project to ensure the safety and security of employees, the public and emergency responders during the design, construction, and operation of the project. A Safety & Security Management Plan [SSMP] and a Safety and Security Certification Plan [SSCP] (currently in development) will form a framework for the integration of safety and security throughout each phase of the Project lifecycle.

### **11.1 Safety and Security Management Plan**

The CMC will administer the SSMP in accordance with the FTA requirements of Guidance Circular 5800.1. It documents the policies and procedures that will be implemented to ensure all facility and systems design, construction, testing, training, certification, and documentation associated with the project is completed, that all “work around” procedures are in place if any, and all required certifications have been properly authenticated prior to the commencement of revenue service. Furthermore, the SSMP describes the process through which safety and security activities are integrated into the overall project management process; it documents the project’s planned approach:

- To identify all safety and security tasks that will be performed throughout the project;
- To designate project personnel with responsibility for safety and security;
- To assign personnel and resources for their performance;
- To develop policies and procedures for management review and evaluation of safety and security activities.

The CMC may participate in the Safety and Security Review Committee and a Fire/Life Safety and Security Committee will be established and continue to meet on a regular schedule. These and other committees will govern safety and security activities as required by the SSMP.

### **11.2 Safety and Security Certification Plan**

The CMC will assist in administering the SSCP in accordance with guidelines set forth in the FTA Handbook for Transit Safety and Security Certification. The SSCP documents the processes and procedures that will guide Safety and Security Certification of the project prior to the initiation of revenue service. A thorough certification process will verify that the project is designed, constructed, and tested in accordance with industry standards of safety and security.

Safety and Security Certification is the process to confirm that the hydrogen fueling station and retrofit to the maintenance building is deemed safe for, employees, emergency service personnel, and the general public. The certification process functions as the assurance and validation portion of the SSMP and serves to verify satisfactory compliance with a set of formal safety and security requirements.

The certification process, described in detail in the SSCP, includes the following steps:

- Design criteria verification
- Construction conformance verification
- Testing and inspection verification
- Hazard and vulnerability resolution verification



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- Operational readiness verification
- Development of Final Safety and Security Certification Verification Report

### **11.3 Safety and Security Risk Evaluation**

CMC will assist in the safety and security risk evaluation will be performed to identify potential safety and security issues with the proposed system and eliminate or minimize the risks associated with those issues through design or procedural mitigations or controls. Safety manages unintentional harm and security deals with intentional harm. Both safety and security risk assessment, described below, include project staff and first responders to capture and minimize hazards and vulnerabilities.

#### **11.3.1 Threat and Vulnerability Assessment**

The CMC may participate in the Threat and Vulnerability Assessment is developed to identify potential security threats and vulnerabilities related to various elements of the WVC. This document has been identified as Sensitive Security Information to meet the requirements for 49 CFR Parts 15 and 1520. The main goal is to establish satisfactory provisions for the deterrence, detection, and response to intentional harmful acts in the planning, design, and operation of the system.

#### **11.3.2 Preliminary Hazard Analysis**

The CMC may participate in the identification, assessment, and resolution of potential safety hazards are an important means of assuring the highest practical level of safety in any system. This provides the basis for the Arrow Maintenance Facility (AMF) Hydrogen Fuel Upgrade Project Preliminary Hazard Assessment (PHA). The PHA is part of the hazard management process defined in the SSMP to identify, analyze, and resolve potential hazards related to various elements of the transit system, such as personnel, passengers, system visitors, contractors, facilities, and equipment.

### **11.4 Site Safety**

In addition to the requirements specified elsewhere in this Contract, the following also will apply.

1. CMC's field personnel will wear hard hats with proper suspension, orange vests with reflective tape, sleeved shirt, long pants, and leather boots with ankle support and rubber soled shoes (with steel toes within the railroad right of way) at all times while working in the field.
2. CMC will provide appropriate safety training for all CMC's personnel, including work on and near highways and railroad right-of-way.
3. All safety equipment will be provided by CMC.



## ***Minute Action***

AGENDA ITEM: 9

***Date:*** September 9, 2021

***Subject:***

2021 Update to the 10-Year Delivery Plan - Valley Transit Programs

***Recommendation:***

Receive report and provide comments on the planned update to the 10-Year Delivery Plan for the San Bernardino Valley Metrolink/Rail Service Program and San Bernardino Valley Express Bus/Bus Rapid Transit Service Program.

***Background:***

The Strategic Plan serves as the policy manual for the delivery of Measure I Programs by the San Bernardino County Transportation Authority (SBCTA) and its member agencies for the 30-year life of the Measure. The Strategic Plan addresses significant policy, fiscal and institutional issues associated with the administration and implementation of Measure I; including managing the different goals and priorities among the Valley, Victor Valley and Rural Mountain/Desert Subareas of the County. One of the key requirements of the Strategic Plan was the preparation of a 10-Year Delivery Plan (Delivery Plan) for Measure I Programs.

The SBCTA Board of Directors (Board) adopted the first Measure I 2010-2040 10-Year Delivery Plan in January 2012. The Delivery Plan provides a list of projects to be developed during a ten-year period and identifies project scopes, schedules and budgets. Additionally, it provides a basis for the development of the annual budget for capital projects. The Delivery Plan is a living document that is updated every two years in order to capture revisions to the projects and assumptions in the plan, actual Measure I revenue figures, and relevant Board actions. Staff anticipates providing the 2021 Update to the Delivery Plan (2021 Update) in its entirety for review at the November Metro Valley Study Session and Mountain/Desert Policy Committee meetings and for approval by the Board in December.

**Valley Metrolink/Rail Service Program**

In accordance with the Measure I 2010-2040 Ordinance and Expenditure Plan, 8% of the Measure I revenue collected in the Valley Subarea funds the Valley Metrolink/Rail Service Program, which for Fiscal Year 2021/2022 is estimated to be about \$13 million. The 2019 Update to the 10-Year Delivery Plan (2019 Update) included estimated Metrolink/Rail Service Program project and operations costs over the ten-year period of \$658 million with \$178 million from Measure I, \$20 million from local funds, \$12 million anticipated from fare revenues from operations, and \$360 million from State and Federal funds, including \$165 million from competitive grant awards. There was an unfunded need of \$88 million for the Gold Line to Montclair and San Bernardino Line Double Track projects. The unfunded need has increased \$9 million to a total of \$97 million unfunded due to project cost increases of \$3 million for the Gold Line, and a \$15 million increase for the San Bernardino Line Double Track that is offset by \$9 million in funding that was added to the design phase. Funding opportunities are still being pursued for both projects.

Since the adoption of the 2019 Update, construction has nearly been completed on the Redlands Passenger Rail Project and passenger service is expected to begin in summer 2022; funding has been identified for the design phase of the Double Track project to better position the project to seek competitive grant funding; and the Gold Line project is still on hold as the

*Entity: San Bernardino County Transportation Authority*

Los Angeles County Metropolitan Transportation Authority (Metro) is seeking to identify funding to extend to the San Bernardino County line using an option under the current design-build contract that expires in October 2021. The 2019 Update included another project under the Valley Metrolink/Rail Service Program section, the Diesel Multiple Unit (DMU) rail vehicle conversion to Zero or low emission multiple unit (ZEMU) project, better known as the DMU to ZEMU. The DMU to ZEMU will now be included in a new section of the 2021 Update titled "Other Projects of Interest" that is further described below.

The table below provides an overview of the projects that have been identified for development in the 2021 Update and the current project status relative to the project scheduling and total project cost forecasts identified in the 2019 Update:

**Table 1. Valley Metrolink/Rail Service Program Delivery Plan Project Status**

<b>Project</b>	<b>Schedule</b>	<b>Cost</b>	<b>Phase</b>
Redlands Passenger Rail	√	+18M	Construction
San Bernardino Line Double Track*	+1.5 yr	+15M	Design
Gold Line to Montclair*	TBD	+3M	Design-Build

\* Schedule dependent on funding availability for construction

### **Valley Express Bus/Bus Rapid Transit Service Program**

In accordance with the Measure I 2010-2040 Ordinance and Expenditure Plan, the Valley Express Bus/Bus Rapid Transit Service Program initially received 2% of revenue collected in the Valley until March 31, 2020. Effective April 1, 2020, the Board approved an increase to 5% through the end of the Measure in 2040, with the 3% coming from the Valley Major Streets Program. Program revenue for Fiscal Year 2021/2022 is estimated to be about \$8 million. The 2019 Update included estimated Express Bus/Bus Rapid Transit Service Program project and operations costs for the West Valley Connector project over the ten-year period of \$313 million with \$108 million from Measure I, \$40 million from local and private funds, \$2 million anticipated from fare revenues from operations, and \$6 million from State and Federal funds. There was an unfunded need of \$157 million identified that has since been entirely filled with competitive grant awards.

Since the adoption of the 2019 Update, environmental was completed on the West Valley Connector project, design has been substantially completed, and right of way activities are underway. SBCTA and Omnitrans collaborated on several competitive grant submissions, and were successful in securing \$167 million in State and Federal awards, including \$87 million from the Federal Transit Administration (FTA) Small Starts Program, \$65 million from State Solutions for Congested Corridors, and \$15 million from Transit and Intercity Rail Capital Program. The project also received an additional \$26 million in Federal funding that will flow through the FTA from stimulus funds under the American Rescue Plan Act. The project is fully funded with a current estimated capital project cost of \$287.5 million.

The table below provides an overview of the current capital project status relative to the project scheduling and total project cost forecasts identified in the 2019 Update:

**Table 2. Valley Express Bus/Bus Rapid Transit Service Program Delivery Plan Project Status**

Project	Schedule	Cost	Phase
West Valley Connector	+1 yr	√	ROW

### Other Projects of Interest

This new section of the Delivery Plan highlights projects that are significant to SBCTA and the region, but do not use funding from a specific Measure I Program. The DMU to ZEMU is the only project in this section that was included in the 2019 Update. Since that time, the hydrogen hybrid propulsion option has been selected as the preferred technology for the ZEMU, and both the vehicle and fueling infrastructure are in the design phase, with construction on the infrastructure anticipated to start in spring 2022. When the State initially awarded a \$30 million Transit and Intercity Rail Capital Program grant to develop the ZEMU technology, the State requested SBCTA also convert 1 of 3 DMUs procured for the Arrow service. The 2021 Update includes a new project to convert all 3 Arrow DMUs, to meet the goal of operating the entire Arrow corridor as a zero or low emission revenue operation. Two other transit projects included in this section that were not a part of the 2019 Update are: 1) the Ontario International Airport (ONT) Loop, an innovative four-mile sub-surface bi-directional tunnel system that will serve as an on-demand direct connection to ONT from the Rancho Cucamonga Metrolink station using electric vehicles that are planned to be autonomous and 2) the Zero Emission Bus Replacement Initiative that will replace current transit buses with zero emission buses to meet the California Air Resources Board's Innovative Clean Transit regulation mandate. While the Zero Emission Bus Replacement Initiative procurements and costs will be expended by the transit operators in San Bernardino County, SBCTA directly receives and allocates the majority of transit funding to the operators. Since the costs are significant, staff felt it important to include this as a project in the 2021 Update. By Board Policy 40001, Federal Congestion Mitigation and Air Quality (CMAQ) funds shall be considered as a significant source to fund transit capital projects and start-up operating expenses in accordance with CMAQ criteria. Allocation of CMAQ funding to transit capital projects is to be made by SBCTA in a manner consistent with the Delivery Plan and plans developed by the transit operators and approved by the Board. The total additional costs for vehicles and infrastructure associated with this mandate included in the ten-year period for this 2021 Update is estimated at \$138 million, more than doubling the \$131 million that would traditionally be reserved for bus purchases and replacements, and CMAQ funds have been reserved in SBCTA's programming documents for most of this cost, although SBCTA is hopeful that competitive funding may replace a portion of the CMAQ funding.

The table below provides an overview of the current project status relative to the project scheduling and total project cost forecasts identified in the 2019 Update:

**Table 3. Other Projects of Interest Project Status**

Project	Schedule	Cost	Phase
DMU to ZEMU	√	+7.5M	Design
ZEMU Conversion of 3 Initial Arrow DMUs	N/A	N/A	Not Started
Ontario International Airport (ONT) Loop	N/A	N/A	Proj Development
Zero Emission Bus Replacement Initiative	N/A	N/A	Proj Development*

\*Some initial electric bus purchases have been made by Omnitrans and Victor Valley Transit Authority

### Revenue Forecast

The 2019 Update assumed that revenue would be increasing between 3.3% and 3.6% through 2029 and then between 3.0% and 3.5% through 2040 based on a study completed in December 2018 by the University of California, Riverside School of Business. The proposed inflation and real growth rate for the 2021 Update is between 3.2% and 3.5% with an overall average of 3.3% through 2040 based on a study completed in June 2021 by Dr. John Husing, Economics & Politics, Inc. However, despite the pandemic and the initial concern about potential impacts to program revenue, the 2021 Update starts with a higher base value than projected in the 2019 Update, resulting in increased cumulative collections, increasing the \$6.5 billion total revenue in the 2019 Update to \$6.9 billion projected in the 2021 Update. A comparison of the forecasts in the 2019 Update to those in the 2021 Update is presented in Tables 4 and 5. Projects included in the Other Projects of Interest do not use Measure I Program funds, so there is no program revenue comparison.

**Table 4. Valley Metrolink/Rail Service Program Revenue Comparison  
2019 Update vs 2021 Update (1,000s)**

Period	2019 Update	2021 Update	Change
FY2010/2011 – 2020/2021	\$108,408	\$111,009	+\$2,601
FY2021/2022 – 2030/2031	\$140,097	\$153,837	+\$13,740
FY2031/2032 – 2039/2040	\$170,237	\$186,917	+\$16,680
TOTAL	\$418,741	\$451,762	+\$33,021
Uncommitted Balance through 2040*	\$59,000	\$54,000	-\$5,000

\*Preliminary estimate

**Table 5. Valley Express Bus/Bus Rapid Transit Service Program Revenue Comparison  
2019 Update vs 2021 Update (1,000s)**

Period	2019 Update	2021 Update	Change
FY2010/2011 – 2020/2021	\$31,465	\$32,524	+\$1,059
FY2021/2022 – 2030/2031	\$87,560	\$96,148	+\$8,588
FY2031/2032 – 2039/2040	\$106,398	\$116,823	+\$10,425
TOTAL	\$225,423	\$245,495	+\$20,072
Uncommitted Balance through 2040*	\$16,000	\$125,000	+\$109,000

\*Preliminary estimate

### Bonding Analysis

The bonding analysis for the 2021 Update is being developed with the following criteria:

- Minimum agency-wide debt coverage ratio: 2.0
- Individual programs must have a positive cash flow over the term of the bond.
- Bond interest rate: 5%
- Latest bond issuance: still under analysis

Unlike previous Delivery Plans, there is no longer a need to bond for the Valley Metrolink/Rail Service Program or the Valley Express Bus/Bus Rapid Transit Service Program. This is due to a

combination of higher Measure I revenues actually received versus estimates, strategically expending other funding sources prior to Measure I for the Redlands Passenger Rail Project, and significant competitive funding awarded to the West Valley Connector. However, based on current projections, there may be a need for a small amount of cash flow borrowing during construction of the West Valley Connector, currently estimated at less than \$3 million. Funds would be repaid the following year, with interest, to the Measure I Program loaning the funds.

SBCTA is proactive to identify appropriate funding sources for long-term operations and maintenance when considering the funding of capital projects and the sustainability of fund sources. The bonding model is being developed to take advantage of CMAQ funds for a portion of initial operating costs on new transit service, as new service expenses are eligible for CMAQ funding for up to the first 5 years. Low Carbon Transit Operations Program (LCTOP) funds are also used where available for fare subsidies while establishing ridership on new service, although LCTOP funding is not a significant source of funding. After CMAQ and LCTOP assumptions are applied, and fare revenue is estimated, funding for operating costs for new service are expected to be funded as such: Gold Line and ONT Loop with Local Transportation Funds (LTF); Arrow service, stemming from the Redlands Passenger Rail Project, with Metrolink/Rail Service Program funds; and West Valley Connector with Valley Express Bus/Bus Rapid Transit Service Program funds.

***Financial Impact:***

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

***Reviewed By:***

The information presented in this item was reviewed by the Transportation Technical Advisory Committee on August 30, 2021, and by the City/County Managers Technical Advisory Committee on September 2, 2021. This item is not scheduled for review by any other policy committee or technical advisory committee.

***Responsible Staff:***

Michele Fogerson, Chief of Fund Administration

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Approved  
Transit Committee  
Date: September 9, 2021

Witnessed By:

## ***Minute Action***

AGENDA ITEM: 10

***Date: September 9, 2021***

***Subject:***

San Bernardino County Transportation Authority Transportation Development Act Triennial Performance Audit for Fiscal Years 2017/2018 - 2019/2020

***Recommendation:***

Receive the Transportation Development Act Triennial Performance Audit Report for Fiscal Years 2017/2018 through 2019/2020 for the San Bernardino County Transportation Authority.

***Background:***

In order to continue receiving Transportation Development Act (TDA) funding, the California Public Utilities Code Sections 99246 and 99248 require that the San Bernardino County Transportation Authority (SBCTA) designate an entity other than itself to perform triennial performance reviews on each of the transit operators that receive TDA funding, and also on SBCTA. These audits shall be submitted to the Director of the California Department of Transportation (Caltrans).

On October 7, 2020, the SBCTA Board approved Contract No. 20-1002431 with Michael Baker International to conduct the triennial performance reviews of SBCTA and the following transit operators/claimants: City of Needles, Morongo Basin Transit Authority, Mountain Area Regional Transit Authority, Omnitrans, and Victor Valley Transit Authority.

Attachment A is the executive summary for SBCTA's Fiscal Year 2018-2020 Triennial Performance Audit, which includes a review of compliance with TDA requirements, status of prior audit recommendations, and a functional review highlighting major SBCTA functions related to TDA. A full version of the audit is also included with this item. SBCTA has satisfactorily complied with state legislative mandates for Regional Transportation Planning Agencies. Below is a summary of the prior audit recommendations and status, plus the current audit recommendations for SBCTA. Similar information will be presented to the Transit Committee for the transit operators listed previously.

**Prior Audit Recommendations and Status**

1. Communicate with the operators regarding the required submission of their full Productivity Improvement Program report in the TDA claim.

Status: Partially Implemented.

SBCTA updated the Transit System Claim Checklist to incorporate this requirement, and is working with the operators to comply. Full implementation is anticipated during the next audit period.

2. Assign role for determining State Transit Assistance (STA) eligibility for operations.

Status: Implemented.

*Entity: San Bernardino County Transportation Authority*

The efficiency calculation is the means by which STA eligibility for operations is determined. Because audited data must be used to conduct the test, the calculation is now included and performed as part of the annual the fiscal audits.

3. Update correspondence with Caltrans certifying completion of triennial performance audits.

Status: Implemented.

While SBCTA was already complying by performing and submitting the triennial performance audits, the California Code of Regulations (CCR) Section 6664.6 required the certification to include (1) the name of the audited operator, (2) the time and period covered by the performance audit, and (3) the name of the auditor conducting the audit. SBCTA developed a template that is used for transmittal of TDA Performance Audits, which includes these elements.

#### Current Recommendations and Implementation Plan

1. Communicate with the operators regarding the required submission of their full Productivity Improvement Program report in the TDA claim.

Implementation Plan: This recommendation is expected to be fully implemented immediately. SBCTA will ensure that the information is included in the TDA claims submitted by the operators since this information is already being tracked, and the quarterly multimodal report contains updated operator status information and performance indicators.

2. Update the SBCTA TDA Claims Manual.

Implementation Plan: The last update to the in-house TDA manual was completed in May 2016. SBCTA agrees with and recognizes the need to update the manual to include statutory and legislative changes and plans to update the manual prior to the next triennial performance audit.

3. Update the SBCTA Claims Checklist.

Implementation Plan: The Claims Checklist will be updated as part of the update to the SBCTA Claims Manual.

#### ***Financial Impact:***

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

#### ***Reviewed By:***

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

#### ***Responsible Staff:***

Michele Fogerson, Chief of Fund Administration

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Approved  
Transit Committee  
Date: September 9, 2021

Witnessed By:



## Executive Summary

Michael Baker International (Michael Baker) was retained by the San Bernardino County Transportation Authority (SBCTA) to conduct its Transportation Development Act (TDA) performance audit for fiscal years (FY) 2017–18 through 2019–20. As a Regional Transportation Planning Agency (RTPA), SBCTA is required by California Public Utilities Code Section 99246 to prepare and submit an audit of its performance on a triennial basis to the California Department of Transportation (Caltrans) to continue receiving TDA funding. TDA funding is used for SBCTA administration and planning and is distributed to local jurisdictions for motorized and nonmotorized forms of transportation.

This performance audit is intended to describe how well SBCTA is meeting its administrative and planning obligations under the TDA, as well as its organizational management and efficiency. The *Performance Audit Guidebook for Transit Operators and Regional Transportation Planning Entities*, published by Caltrans, was used to guide the development and conduct of the audit. To gather information for the TDA performance audit, Michael Baker conducted interviews, reviewed various documents, and evaluated SBCTA's responsibilities, functions, and performance of the TDA guidelines and regulations. Interviews were conducted with agency staff and the transit operators within SBCTA's jurisdiction.

The audit comprises several sections, including compliance with TDA requirements, status of implementing prior audit recommendations, and review of functional areas. Findings from each section are summarized below, followed by recommendations based on Michael Baker's audit procedures.

### Compliance with TDA Requirements

SBCTA has satisfactorily complied with state legislative mandates for RTPAs. One measure in partial compliance was the consistent submission of productivity improvement progress reports to SBCTA by the operators as part of the TDA claim process. Another measure not applicable pertained to the adoption of rules and regulations to evaluate TDA Article 4.5 claims for Consolidated Transportation Services Agencies (CTSA). SBCTA's current policy is to not allocate TDA funds to CTSA's, given that they are funded through other sources such as Measure I.

SBCTA met compliance by identifying the transit needs of the jurisdictions through a series of analyses conducted as part of the unmet transit needs process. The analysis is combined with other annual unmet needs documentation submitted to Caltrans. Also, SBCTA monitoring of transit operator performance has been enhanced through development of a new publication titled *San Bernardino County Multimodal Transportation Quarterly Report*.

### Status of Prior Audit Recommendations

Two of the three recommendations from the prior performance audit have been fully implemented. They pertain to assigning roles for determining State Transit Assistance (STA) eligibility and updating correspondence with Caltrans certifying completion of triennial performance audits. The

recommendation partially implemented is for operators to submit their full Productivity Improvement Program report in the TDA claim.

### Functional Review

- Following the direction of the Board of Directors, SBCTA has increased its perspective on multimodal investments and interconnectivity not only for highways, but for transit and nonmotorized transportation. This perspective on infrastructure investment also has percolated to discussion on location and beneficiaries of these investments. The organizational flow is designed to help deliver projects in a timely manner and implement the Measure I Strategic Plan and its key requirements.
- TDA administrative responsibilities are shared among several departments, including Fund Administration, Finance, and Transit. In short, during the audit period, responsibilities and reporting were shifted and made more distinct, with the Transit Manager primarily responsible for overall communication and interfacing with the operators with regard to the TDA claim process. The Transit Manager is directly responsible for monitoring bus activity and planning, and communicating with the operators. Fund Administration is responsible for the administrative functions, such as the annual apportionment estimates, budget, preparing the allocations and disbursements based on approved claims and invoices, tracking balances, maintaining the TDA workbooks, and reviewing financial audits.
- The Redlands Passenger Rail Project is scheduled to be operational in 2022. SBCTA is managing the construction of the rail project and owns the equipment and rail line, which will begin operating with three diesel multiple-unit vehicles. SBCTA was awarded \$30 million in state grant funding to pilot a zero emission multiple-unit (ZEMU) vehicle and will be the first in the country to traverse this vehicle on its rail lines.
- SBCTA and Omnitrans entered into a cooperative agreement whereby SBCTA would construct, and Omnitrans would operate, the West Valley Connector Project, a two-phase, 35-mile-long bus rapid transit project that proposes limited stops while adding speed and quality improvements to the public transit system along the corridor.
- Notable to SBCTA's TDA management is development of a dedicated website and portal for Article 3 bicycle and pedestrian funding and project submission. The website provides program overview and instructions, and links to folders for jurisdictions to obtain application information and submit their applications and project data. Separate application sections are provided for bike/pedestrian projects, and for transit bus stop accessibility projects.
- Additional studies conducted during this audit period with relevance to transit and multimodalism are those relating to the planning and rollout of zero-emission vehicles. They include the Zero-Emission Vehicle Readiness and Implementation Plan, completed in August 2019, and a series of zero-emission bus (ZEB) studies completed in April 2020. These bus studies include the San Bernardino Countywide Zero-Emission Bus Study Master Plan, SBCTA Final Countywide ZEB Rollout Plan, and the Omnitrans Zero-Emission Bus Rollout Plan.

- During the audit period, a Consolidation Study was undertaken to look at possible efficiencies and cost savings that could result from a consolidation of SBCTA and Omnitrans. The Consolidation Study revealed minimal financial savings and major organizational and legal risks, and therefore in September 2020 the decision was made to not consolidate the two agencies
- Creating awareness through effective outreach strategies is a priority for SBCTA programs, services, and transit options. Awareness is one of the initiatives in the SBCTA Initiatives and Action Plan and budget. The COVID-19 pandemic has challenged the agency to virtualize outreach efforts using virtual video communication platforms, which have resulted in larger turnouts for such outreach events. Examples include SBCTA hosting its monthly I-10 Express Lanes Project webinar, and a virtual open house to share information on the Lytle Creek Recreation Management Plan and Traffic Management Plan, which drew more than 80 participants.
- SBCTA has largely been successful with obtaining competitive grants, due to the quality of its grant proposals combined with awareness efforts the agency undertakes with policy-makers and stakeholders on the state and federal levels. SBCTA demonstrates its cost-effective and efficient methods to deliver projects, which make the grant proposals attractive to grantee agencies. During the audit period, SBCTA was successful in securing \$162 million in competitive grants for transit projects, and \$142 million for road improvement projects.

### Recommendations

Performance Audit Recommendation	Background	Timeline
<b>1. Communicate with the operators regarding the required submission of their full Productivity Improvement Program report in the TDA claim.</b>	<p>This is carried forward from the prior performance audit as being partially implemented. As outlined in SBCTA's TDA manual and in the Transit System Claim Checklist, one of the mandatory items on the checklist is for the transit operator to include a productivity improvement progress report with its claim submittal. The report must include (1) proof of specific efforts initiated by the operator to improve productivity, (2) status on implementing prior audit recommendations, and (3) proof of TransTrack usage.</p> <p>During this period, the productivity reports submitted by the operators with their claim varied, from some items being presented to none at all. TransTrack performance data printouts were provided by some, as well as reporting on prior performance audit recommendations. However, there was not consistent reporting on the three required elements. While the SBCTA quarterly multimodal report contains updated operator status information and performance indicators, SBCTA should</p>	High Priority

Performance Audit Recommendation	Background	Timeline
	continue its communication with the operators to ensure proper backup for the productivity improvement program is submitted with their TDA claims. SBCTA's review of the claims should include operator compliance with the checklist items.	
<b>2. Update the SBCTA TDA Claims Manual.</b>	<p>The last update to the in-house TDA manual was completed in May 2016. Since that time, a number of administrative, compliance, and statutory changes have been made. For example, a new farebox standard was adopted by SBCTA for Victor Valley Transit Authority upon the agency's expansion of service to Barstow and subsequent change in its TDA claim. Also, internal administrative changes were made to divide department responsibilities for reviewing and processing TDA claims among the Transit, Fund Administration, Finance, and Planning Departments. As an example, the manual should reflect consistency in improvements to the Article 3 bicycle/pedestrian claim process.</p> <p>Further, several pieces of new state legislation have been passed into law directly impacting the administration of the TDA. These include content contained in Senate Bill (SB) 508 (performance measurement), Assembly Bill (AB) 1113 (clarification of TDA claimants and changes in regulatory filings), SB 1 (STA augmentation and State of Good Repair programs), and AB 90 (coronavirus pandemic transit performance measures relief). As the manual should provide updated guidance on local administrative practice of TDA, the new provisions from these statutory measures should be added.</p>	High Priority
<b>3. Update the SBCTA Claims Checklist.</b>	Subsequent to the update of the TDA manual, SBCTA should review and update the TDA claim checklist to reflect the changes. For example, AB 1113 changed the filing timeline for the transit operator financial transactions report to the State Controller from 90 days to seven months and using audited data. While SBCTA and the transit operators are compliant with this particular change, the standard assurances in the claim continues to show the 90-day report. The TDA manual also does not show this updated change in submittal date. Also, the timeliness of the calculation of the STA	High Priority

*Executive Summary*

<b>Performance Audit Recommendation</b>	<b>Background</b>	<b>Timeline</b>
	eligibility criteria should accompany the claim timelines to enable the operators to determine and budget whether any of these funds will be claimed for operations rather than capital.	

# FY 2018–2020 TRIENNIAL PERFORMANCE AUDIT



## SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY



**August 2021**

*Submitted to:*

**San Bernardino  
County Transportation  
Authority**

*Submitted by:*

**Michael Baker**  
INTERNATIONAL

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## Executive Summary

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## Section I

### Introduction – Initial Review of RTPA Functions

The San Bernardino County Transportation Authority (SBCTA) retained Michael Baker International (Michael Baker) to conduct its Transportation Development Act (TDA) performance audit covering the most recent triennial period, fiscal years (FY) 2017–18 through 2019–20. As a Regional Transportation Planning Agency (RTPA), SBCTA is required by California Public Utilities Code (PUC) Section 99246 to prepare and submit an audit of its performance on a triennial basis to the California Department of Transportation (Caltrans) in order to continue receiving TDA funding. This performance audit is intended to describe how well SBCTA is meeting its administrative and planning obligations under the TDA as well as its organizational management and efficiency.

#### Audit Methodology

To gather information for this performance audit, Michael Baker accomplished the following activities:

- **Document Review:** Conducted an extensive review of documents including various agency files and internal reports, committee agendas, and public documents.
- **Interviews:** Interviewed SBCTA management and technical staff as well as the transit operators in the county.<sup>1</sup>
- **Analysis:** Evaluated responses from the interviews as well as the documents about SBCTA’s responsibilities, functions, and performance to TDA guidelines and regulations.

The remainder of this report is divided into four chapters. In Chapter II, a review of the compliance requirements of the TDA administrative process is provided. Chapter III describes SBCTA’s responses to the recommendations in the previous performance audit. In Chapter IV, a detailed review of SBCTA’s functions is conducted, followed by a summary of findings and recommendations.

#### Overview of SBCTA

Since its establishment as a council of governments in 1973, San Bernardino Associated Governments was statutorily designated to serve in the following capacities:

- **County Transportation Commission (1976)** – Allocates and programs state and federal funds for regional transportation projects throughout the county.

<sup>1</sup> SBCTA interviews were primarily conducted remotely using a video conference platform due to the COVID-19 pandemic.



- **Service Authority for Freeway Emergencies (1986)** – Manages the system of call boxes on major highways throughout the county.
- **County Transportation Authority (1989)** – Administers the voter-approved half-cent transportation sales tax and provides major transportation improvements within the county.
- **Congestion Management Agency (1990)** – Implements the plan for addressing congestion and air quality related to transportation facilities throughout the county.

In 2016, the agency sponsored Senate Bill (SB) 1305 (Morrell), consolidating the agency into two entities: SBCTA and the San Bernardino Associated Governments (to be known as the San Bernardino Council of Governments, or SBCOG). The bill was passed by both houses and was signed by the governor in August 2016. As of January 1, 2017, San Bernardino Associated Governments, serving in each capacity as noted above, is known as SBCTA.

SBCTA's membership includes 24 cities plus the County of San Bernardino. The member jurisdictions include the following entities:

City of Adelanto	City of Montclair
Town of Apple Valley	City of Needles
City of Barstow	City of Ontario
City of Big Bear Lake	City of Rancho Cucamonga
City of Chino	City of Redlands
City of Chino Hills	City of Rialto
City of Colton	City of San Bernardino
City of Fontana	City of Twentynine Palms
City of Grand Terrace	City of Upland
City of Hesperia	City of Victorville
City of Highland	City of Yucaipa
City of Loma Linda	Town of Yucca Valley
County of San Bernardino	

In December 2019, the agency's mission statement was revised and core values were added.

The mission statement is *to improve the quality of life and mobility in San Bernardino County. Safety is the cornerstone of all we do.*

Core values of the agency include:

- Safety
- Collaboration
- Unique Nature of our Regions
- Quality of Life
- Innovation and Forward Thinking
- Financial Stability and Responsibility

San Bernardino County is located in the Inland Empire region of Southern California, stretching nearly 200 miles across. The county is bordered by Inyo County to the north, Kern and Los Angeles Counties to the west, Riverside County to the south, Orange County to the southwest, the state of Nevada to the northeast, and the Colorado River to the east. San Bernardino County was created in 1853 from parts of Los Angeles County. The county is geographically the largest in the continental United States, encompassing over 21,160 square miles, and is traversed by 2,834 miles of County-maintained roadways.

Population growth has seen a marked increase in recent years. Based on the 2021 California Department of Finance (DOF) estimate, the countywide population was 2,175,909, the fifth largest in the state. The most populous cities in the county include the county seat of San Bernardino (216,291), Fontana (213,944), Rancho Cucamonga (175,131), Ontario (182,004), and Victorville (127,170).

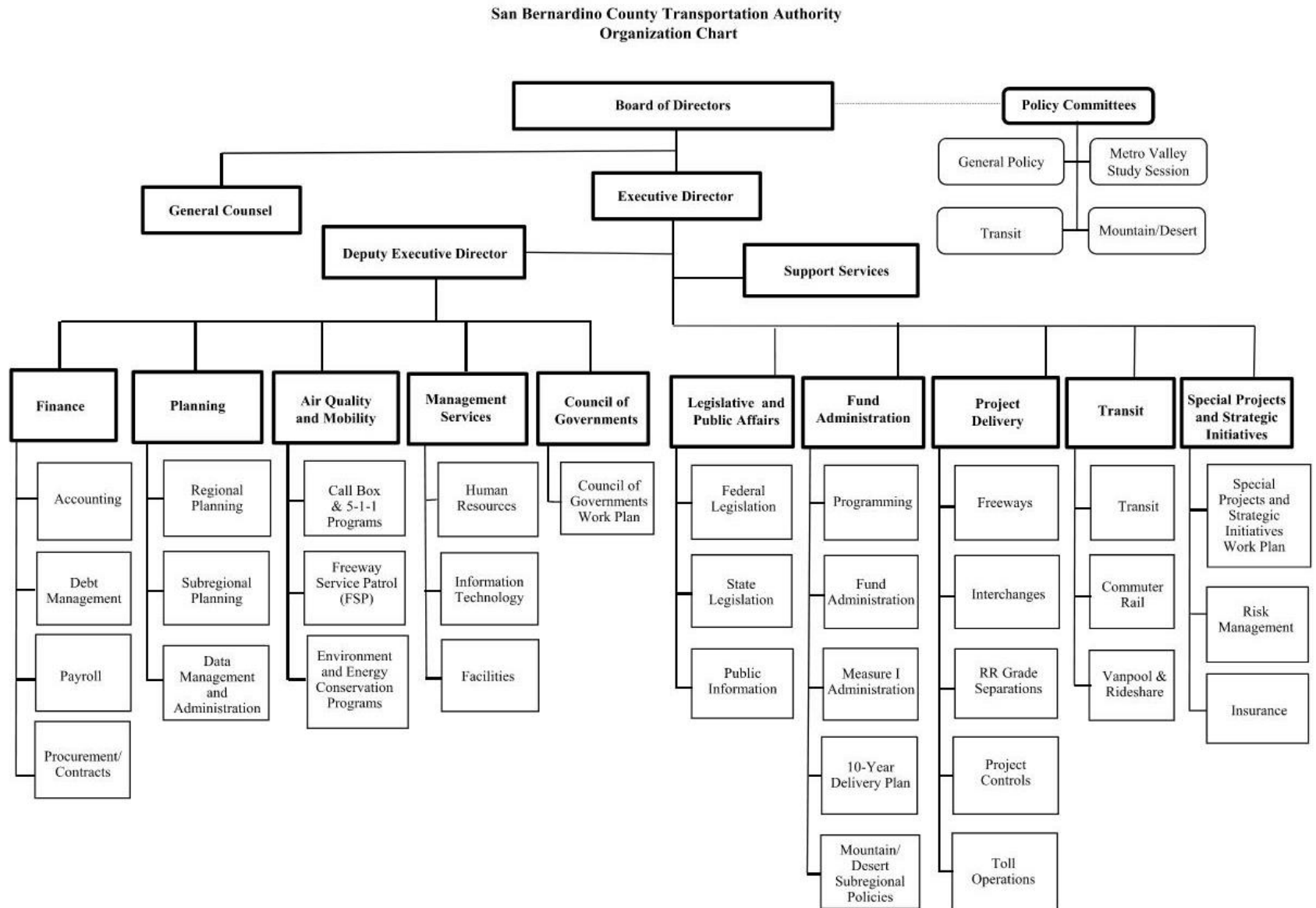
The current economic and population trends have created the need to plan and implement a myriad of multimodal transportation projects, including freeway development and construction, interchange enhancement, high occupancy vehicle and express lane construction, grade crossing redesign and construction, extension of passenger rail service, and enhanced bus and active transportation. Recent agency innovations include the West Valley Connector which was awarded TIRCP grant funding in April 2020, and will be the first zero emission bus rapid transit in San Bernardino County. Also, there was movement on the Ontario International Airport tunnel project that was beginning prior to the end of FY 2020. SBCTA has committed itself to be an effective project planning and delivery agency for the county.

### Role of SBCTA

Like many other large RTPAs in California, SBCTA has a complex legal structure, which delineates its responsibilities in the areas of transportation, planning, programming, project delivery, and investment decision-making. SBCTA is responsible for cooperative regional planning and furthering an efficient multimodal transportation system countywide. SBCTA administers Measure I, the half-cent transportation sales tax approved by county voters in 1989 and renewed for an additional 30 years starting in 2010, which supports freeway construction projects, regional and local road improvements, train and bus transportation, railroad crossings, call boxes, ridesharing, congestion management efforts, and long-term planning studies.

Effective January 1, 2017, SB 1305 designated SBCTA as the successor entity to the San Bernardino County Transportation Commission, and the County of San Bernardino local transportation authority, service authority for freeway emergencies, and local congestion management agency (Transportation Entities). SB 1305 also clarifies certain inconsistencies in the law regarding contracting and streamlines and consolidates the functions of the Transportation Entities into SBCTA. An ordinance to establish the SBCTA administrative code became effective in July 2017 and prescribes the powers and duties of SBCTA officers, the method of appointment of SBCTA employees, and methods, procedures, and systems of operation and management of SBCTA. The organization chart is shown in Figure I-1.

Figure I-1 Organization Chart



## Council of Governments

When SBCTA was constituted in 1973, it was as the council of governments (COG) for San Bernardino County. It became the forum where the County and each city could come together to work on items that affected the entire region. While SBCTA's role as a COG has never gone away, it has generally been overshadowed by the agency's role as the County Transportation Commission and later as the Transportation Authority charged with administering the Measure I half-cent sales tax. Upon direction from the Board of Directors in 2016 that SBCTA become more active as a COG, it was approved to have SBCTA do business as SBCOG. The bylaws of SBCTA/SBCOG were amended in June 2017 to establish the procedures and systems of operation and management in providing a forum for discussion, study, and development of recommendations on countywide, subregional, and regional problems of mutual interest and concern.

SBCOG establishes general assessment dues amount for all member jurisdictions, including dues based on jurisdiction population and net assessed property value and a fixed fee. This formula was approved by the board in December 2015 with the fixed fee fully phased in for FY 2019. The assessment dues are approved each year by the Board in advance of the budget adoption. SBCOG participates with other private- and public-sector partners in efforts to produce an educated and skilled community that provides a qualified workforce, and to bring jobs, economic opportunities, and a better quality of life to the residents of the Inland Empire.

## Subregional Planning Agency

As a subregional planning agency, SBCTA represents the San Bernardino County region and assists the Southern California Association of Governments (SCAG) in its role as the federally designated metropolitan planning agency for the county. SBCTA staff actively participate on various SCAG committees, which make technical recommendations to SCAG's policy-makers.

An important feature of SBCTA is that it operates in a complex intergovernmental environment, which requires ongoing communications and coordination with agencies at the local, regional, state, and federal levels of government. This means, for example, that its transportation plan and Federal Transportation Improvement Program must be coordinated with the regional transportation planning and programming process managed by SCAG. SBCTA must also coordinate its highway development programs with the Riverside County Transportation Commission, Orange County Transportation Authority, Los Angeles County Metropolitan Transportation Authority, and Caltrans. SBCTA interacts regularly with county government, municipalities, and the county's transit operators to ensure coordination between SBCTA policies and programs and the member agencies' programs and services.

In addition, in collaboration with Los Angeles, Orange, Riverside, and Ventura Counties, SBCTA is a founding partner of the Southern California Regional Rail Authority (SCRRA), the region's Metrolink commuter rail service provider. Metrolink operates the San Bernardino Line, which runs between downtown San Bernardino and Los Angeles Union Station. The San Bernardino Line is one of the most heavily traveled lines in the Metrolink network. The Riverside Line operates between the City of Riverside and Union Station with a Metrolink station in east Ontario. In addition, the Inland Empire-Orange County Line runs between downtown San Bernardino and

various Riverside County and Orange County destinations. Two members of SBCTA’s Board of Directors serve on SCRRA’s governing board.

The Redlands Passenger Rail Project is being delivered by SBCTA, which is an extension of commuter rail service under construction between the San Bernardino Transit Center in downtown San Bernardino and the University of Redlands. Construction on the 9-mile Arrow corridor is 90 percent complete and is scheduled to begin service in early 2022.

In a partnership with the Riverside County Transportation Commission, the SBCTA Commuter Assistance Program assists residents throughout the Inland Empire through the [www.IE511.org](http://www.IE511.org) website (a one-stop shop for commuters) and its ride-matching functionality.

### Organizational Structure

SBCTA’s governing body is the Board of Directors, comprising 29 voting members, the SBCTA executive director and one ex officio member, currently Caltrans’s District 8 director, who represents the governor. Of the 29 members, 5 are members of the County Board of Supervisors and the remaining 24 members are elected officials from each of the incorporated jurisdictions in the county. The SBCTA Board meets on the first Wednesday of every month. The board is augmented by policy committees, a standing subcommittee, and various advisory and ad hoc committees to assist in providing policy recommendations in its decision-making process. The policy committees consist of the following:

Committee	Purpose and Function
<b>General Policy Committee</b>	Makes recommendations to the Board of Directors, provides general policy oversight that spans the multiple program responsibilities of the organization, and maintains comprehensive organizational integrity. Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization. Serves as the policy review committee for any program area that lacks active policy committee oversight. Has authority to approve contracts in excess of \$25,000 with notification to the Board of Directors.
<b>Transit Committee</b>	Provides policy guidance and recommendations to the SBCTA Board of Directors and SCRRA delegates with respect to commuter rail and transit service.
<b>Mountain/Desert Committee</b>	Provides ongoing policy-level oversight related to the full array of SBCTA responsibilities as they pertain specifically to the Mountain/Desert region. Also meets as the Mountain/Desert Measure I Committee as it carries out responsibilities for the Measure I Mountain/Desert Region Expenditure Plan.
<b>Legislative Policy Committee</b>	Provides guidance and recommendations to the Board of Directors regarding issues and actions relating to the executive, legislative, or



Committee	Purpose and Function
	judicial branches of the state and federal government, or any other local governing body. Reviews and provides 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.

The Metro Valley Study Session provides policy guidance and recommendations to the Board of Directors on issues related to Measure I Major Projects in the valley region.

The I-10 and I-15 Joint Sub-Committee of the Board of Directors Metro Valley Study Session and the Mountain/Desert Policy Committee considers and makes recommendations to the Board of Directors on the development of express lanes in San Bernardino County, in particular on the Interstate 10 (I-10) and I-15 corridors.

The Independent Taxpayer Oversight Committee (ITOC) began serving in the spring of 2012 following the first full year of revenue collection from the renewed Measure I tax. The ITOC reviews the Measure I Expenditure Plan, the annual audits of SBCTA; reports findings based on the audits to SBCTA; and recommends any additional audits for consideration which the ITOC believes may improve the financial operation and integrity of program implementation.

Five other technical advisory committees (TAC) review and discuss selected regional and technical issues before these items are presented to policy committees and the Board of Directors. These TACs include the Transportation Technical Advisory Committee, Public and Specialized Transportation Advisory and Coordination Council, City/County Manager Technical Advisory Committee, Planning and Development Technical Forum, and Project Development Teams.

The Transportation Technical Advisory Committee was formed by SBCTA management to provide input on the technical aspects of transportation-related policy recommendations to the SBCTA Board of Directors. Membership comprises technical representatives from each member agency designated by the City manager or County administrative officer.

The Public and Specialized Transportation Advisory and Coordination Council (PASTACC) is the SBCTA-sponsored advisory body established under California TDA Section 99238. PASTACC members examine a wide range of topics for purposes of assisting SBCTA on matters related to social service transportation or public transportation services in San Bernardino County for the elderly, persons with disabilities, or persons of limited means. The PASTACC bylaws grant three classes of membership, with two of these appointed by the SBCTA executive director as voting members. The third class comprises invited non-voting membership. PASTACC's voting membership consists of 13 total appointed members, including 6 representing public transit providers, 1 representing the County Department of Public Works, 1 representing the Consolidated Transportation Services Agency (CTSA), and 5 representing social service providers; at least 3 are from the Mountain and Desert areas and up to 8 are from the San Bernardino Valley.

The City/County Manager Technical Advisory Committee was created along with the joint powers authority that established SBCTA. The committee's primary role is serving as a forum for the chief executives of SBCTA's member agencies to become informed about and discuss issues facing SBCTA. It also provides a forum for the discussion of items of mutual concern and a way to cooperate regionally in addressing those concerns.

The Planning and Development Technical Forum was formed by SBCTA management to facilitate dialogue among planning and development representatives from member agencies on planning issues of a multi-jurisdictional significance. Membership comprises planning representatives from each member agency designated by the City manager or County chief executive officer.

Project Development Teams (PDT) are formed for all major project development activities by SBCTA staff and comprise technical representatives from SBCTA, member jurisdictions appropriate to the project, Caltrans, and other major stakeholder entities that have significant involvement in the project. The PDTs could also include representatives from Caltrans and other stakeholder agencies and groups. PDTs make recommendations related to project development, alternatives, and technical solutions. PDTs meet on an as-needed basis.

Various ad hoc committees have been created and convene for specific purposes. These committees include the Council of Governments Ad Hoc Committee, Equity Ad Hoc Committee, and Omnitrans/San Bernardino County Transportation Authority Ad Hoc Committee. The latter committee was appointed in the audit period in April 2019.

SBCTA works closely not only with the County and cities in San Bernardino County but also with a number of regional governments that relate to the multiple counties in 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 includes membership on the SCAG Regional Council and on several SCAG policy committees as well as other outside agency appointments.

### Agency Budget

According to the annual audited financial statements,<sup>2</sup> SBCTA's annual revenue for the fiscal years covered by this audit ranged from \$347 million in FY 2018 to \$475 million in FY 2019 to \$553 million in FY 2020. Increased revenues were reported from the three main sources—Measure I sales tax, TDA-Local Transportation Fund, and Intergovernmental—over the three-year period. Intergovernmental revenues such as state and federal highways, and TDA-State Transit Assistance (STA) funds, increased over the period.

SBCTA's annual expenditures moved in the same general direction as revenues, increasing from \$306 million in FY 2018 to \$403 million in FY 2019 to \$533 million in FY 2020. Expenditures include principal and interest payments on sales tax revenue bonds issued by SBCTA for the Measure I renewal program, as well as capital outlay and general government. Major project

<sup>2</sup> FYs 2018-2020 Statement of Revenues, Expenditures and Changes in Fund Balances, Governmental Funds



delivery expenditures over the past three years, plus transit and passenger rail delivery, account for much of the difference in annual expenditures as key projects are constructed.

## Section II

### RTPA Compliance Requirements

Fourteen key compliance requirements are suggested in the *Performance Audit Guidebook for Transit Operators and Regional Transportation Planning Agencies* to assess SBCTA's conformance with the TDA. Michael Baker's findings concerning SBCTA's compliance with state legislative requirements are summarized in Table II-1.

TABLE II-1 SBCTA Compliance Requirements Matrix		
SBCTA Compliance Requirements	Reference	Compliance Efforts
All transportation operators and city or county governments which have responsibility for serving a given area, in total, claim no more than those Local Transportation Fund (LTF) monies apportioned to that area.	Public Utilities Code, Section 99231	<p>Annually, SBCTA staff presents the County Auditor-Controller/Treasurer/Tax Collector with an estimate of current year and subsequent year LTF receipts. The total annual LTF apportionment is a function of three components: (1) projected annual revenue; (2) prior audited, unapportioned fund balance; and (3) fund reserve.</p> <p>SBCTA accounts for its claimants' areas of apportionment and verifies the claim amounts against planning documents, including the transit operator short-range transit plans (SRTP) and the SBCTA 10-Year Delivery Plan.</p> <p>The agency has not allowed those claimants to claim more than what is apportioned for their area. SBCTA makes this finding in each adopted resolution approving LTF claims. SBCTA staff reports are detailed with descriptions of the apportionment process, including setting aside transit reserves and allocations for transportation planning and programming functions. Each claimant's apportionments follow the population formula prescribed by law.</p> <p><b>Conclusion: Complied</b></p>
The RTPA has adopted rules and regulations delineating procedures for the submission of claims for facilities provided	Public Utilities Code, Sections 99233.3 and 99234	As described in the SBCTA TDA Claims Manual, SBCTA has an adopted set of policies governing the Article 3 Bicycle and Pedestrian Facilities Program and Transit Access Improvement Projects. Two percent of LTF is

<b>TABLE II-1</b> <b>SBCTA Compliance Requirements Matrix</b>		
<b>SBCTA Compliance Requirements</b>	<b>Reference</b>	<b>Compliance Efforts</b>
for the exclusive use of pedestrians and bicycles.		<p>apportioned to the Article 3 Bicycle and Pedestrian Program. An SBCTA policy states that 20 percent of TDA Article 3 funds would be made available for projects that improve access to bus stops for pedestrians and persons with disabilities. The remaining 80 percent would be available for pedestrian and bicycle facilities, including 10 percent set aside for existing bicycle and pedestrian facility maintenance. In 2017, the Board further approved a policy to set-aside a minimum of 50 percent of the remaining bicycle and pedestrian facilities project funding for smaller projects under \$250,000. Funds are allocated through a call for projects process. The biennial call for projects during the audit period occurred in February 2019 following a phased call for projects in the previous project cycle occurring in May 2017. LTF funds provide between 50 to 90 percent of funding for selected projects, with the balance coming from the applicant's local match. Upon project approval, applicants have three full fiscal years after the year of board approval to complete the project and request reimbursement.</p> <p>The State Active Transportation Program and the SCAG Regional Transportation Plan/Sustainable Communities Strategy prompted SBCTA to aggressively use Article 3 funds for improvements to transit access for cyclists and pedestrians.</p> <p><b>Conclusion: Complied</b></p>
The RTPA has established a social services transportation advisory council. The RTPA must ensure that there is a citizen participation process which includes at least an annual public hearing.	Public Utilities Code, Sections 99238 and 99238.5	To meet compliance, SBCTA established the Public and Specialized Transportation Advisory and Coordination Council (PASTACC) as an advisory body to serve as the Citizens Advisory Committee required under PUC Section 99238.5 and the Social Services Transportation Advisory Council required under PUC Section 99238. It serves as a forum where public transit operators

TABLE II-1 SBCTA Compliance Requirements Matrix		
SBCTA Compliance Requirements	Reference	Compliance Efforts
		<p>and social service transportation providers can discuss mobility issues that confront seniors, persons with disabilities, or persons with limited means. The PASTACC voting membership comprises the appropriate members representing the required needs described in the TDA and consists of 11 voting members with at least 3 from the Mountain and Desert areas and up to 8 from the San Bernardino Valley. Six members are standing members representing the five public transit operators plus the County Department of Public Works. The remaining voting members are at-large representing social services agencies and medical facilities. Several members are able to serve in more than one category, such as a representative of a senior rider and as a representative of a person with a disability. At-large members have staggered membership terms with a few ending each year over a three-year period to allow SBCTA to recruit regularly.</p> <p>SBCTA, in conjunction with PASTACC, holds annual public hearings for unmet transit needs. These hearings are conducted each fall, generally in September at two locations in the Desert region, Victor Valley and Morongo Basin.</p> <p><b>Conclusion: Complied</b></p>
The RTPA has annually identified, analyzed and recommended potential productivity improvements which could lower the operating costs of those operators which operate at least 50 percent of their vehicle service miles within the RTPA's jurisdiction. Recommendations include, but are not limited to, those made in the performance audit.	Public Utilities Code, Section 99244	<p>In the annual resolutions authorizing allocation of TDA funds, SBCTA makes a finding that the transit claimant makes a reasonable effort to implement productivity improvement recommendations pursuant to the PUC. This finding is made through SBCTA's review and approval of the claimant's TDA claim form and required attachments.</p> <p>The TDA manual and claim form includes a Transit System Claim Checklist, one item of which is mandatory for the transit operator to include with its claim submittal: a productivity</p>

TABLE II-1 SBCTA Compliance Requirements Matrix		
SBCTA Compliance Requirements	Reference	Compliance Efforts
<p>A committee for the purpose providing advice on productivity improvements may be formed.</p> <p>The operator has made a reasonable effort to implement improvements recommended by the RTPA, as determined by the RTPA, or else the operator has not received an allocation which exceeds its prior year allocation.</p>		<p>improvement progress report. The report must include the following: (1) proof of specific efforts initiated by the operator to improve productivity; (2) status on implementing prior audit recommendations; and (3) proof of TransTrack usage. The updated reporting began just prior to this performance audit period. During this period, the productivity reports submitted by the operators with their claim varied, from some items being presented to all items being submitted. TransTrack performance data printouts were provided by some, as well as reporting on prior performance audit recommendations. However, there was not consistent reporting on the three required elements by all operators.</p> <p>Beyond the Productivity Improvement Program reporting, to help meet compliance with this PUC area, SBCTA began developing the <i>San Bernardino County Multimodal Transportation Quarterly Report</i> to track trends in key performance indicators of the transit operators. SBCTA also commissions SRTPs and Comprehensive Operations Analyses, which assess operator performance and make recommendations for service improvement and updated goals. These documents also include annual productivity improvements. The undertaking of the operator triennial performance audits also helps provide productivity improvement recommendations.</p> <p><b>Conclusion: Partial compliance, with a recommendation for SBCTA to communicate with the operators regarding the required submission of their full Productivity Improvement Program report in the TDA claim</b></p>
The RTPA has ensured that all claimants to whom it allocates Transportation Development	Public Utilities Code, Section 99245	SBCTA retained fiscal auditor Vavrinek, Trine, Day & Co., LLP, to conduct annual certified fiscal and compliance audits of the claimants

<b>TABLE II-1</b> <b>SBCTA Compliance Requirements Matrix</b>		
<b>SBCTA Compliance Requirements</b>	<b>Reference</b>	<b>Compliance Efforts</b>
Act (TDA) funds submit to it and to the state controller an annual certified fiscal and compliance audit within 180 days after the end of the fiscal year (December 27). The RTPA may grant an extension of up to 90 days as it deems necessary (March 26).		<p>through June 30, 2018. The firm Eide Bailly, LLP, was retained to conduct the annual fiscal and compliance audits for FYs 2019 and 2020. A review of the completed fiscal audits as well as documented communications with the State Controller provided by SBCTA shows dates that are within the statutory timelines, including time extensions granted by SBCTA. SBCTA maintains a rolling spreadsheet of audit submittal dates to monitor the fiscal audit process.</p> <p><b>Conclusion: Complied</b></p>
<p>The RTPA has designated an independent entity to conduct a performance audit of operators and itself (for the current and previous triennium).</p> <p>For operators, the audit was made and calculated the required performance indicators, and the audit report was transmitted to the entity that allocates the operator's TDA monies and to the RTPA within 12 months after the end of the triennium. If an operator's audit was not transmitted by the start of the second fiscal year following the last fiscal year of the triennium, TDA funds were not allocated to that operator for that or subsequent fiscal years until the audit was transmitted.</p>	Public Utilities Code, Sections 99246 and 99248	<p>For the current three-year audit period covering FYs 2018–2020, SBCTA has retained Michael Baker International to conduct the audit of SBCTA and the five transit operators. The operator audits include calculation of the required TDA performance indicators.</p> <p><b>Conclusion: Complied</b></p>
The RTPA has submitted a copy of its performance audit to the Director of the California Department of Transportation.	Public Utilities Code, Section 99246(c)	SBCTA certified in writing to Caltrans that the performance audits of the operators in the area under its jurisdiction have been completed, including submittal of the SBCTA performance

TABLE II-1 SBCTA Compliance Requirements Matrix		
SBCTA Compliance Requirements	Reference	Compliance Efforts
In addition, the RTPA has certified in writing to the Director that the performance audits of the operators located in the area under its jurisdiction have been completed.		audit. SBCTA maintains records of certification of electronic submittal of performance audits to Caltrans.  <b>Conclusion: Complied</b>
The performance audit of the operator providing public transportation service shall include, but not be limited to, a verification of the operator's operating cost per passenger, operating cost per vehicle service hour, passengers per vehicle service mile, and vehicle service hours per employee, as defined in Section 99247. The performance audit shall include, but not be limited to, consideration of the needs and types of passengers being served and the employment of part-time drivers and the contracting with common carriers of persons operating under a franchise or license to provide services during peak hours, as defined in subdivision (a) of Section 99260.2.	Public Utilities Code, Section 99346(d)	The performance audits of the operators include all required TDA performance measures plus additional indicators to further assess each operator's efficiency, effectiveness, and economy with the use of TDA funds.  <b>Conclusion: Complied</b>
The RTPA has established rules and regulations regarding revenue ratios for transportation operators providing services in urbanized and new urbanized areas.	Public Utilities Code, Section 99270.1 and 99270.2	The PUC provision applies to a transit claimant under Article 4. One transit operator under SBCTA's jurisdiction, Victor Valley Transit Authority (VVTA), serves both urbanized and non-urbanized areas. As an Article 4 claimant, SBCTA, through Resolution No. 17-002, set a farebox recovery ratio of 18 percent system-wide for VVTA services. This ratio includes modal farebox goals for fixed route at 18 percent, and 10 percent for ADA demand response.



TABLE II-1 SBCTA Compliance Requirements Matrix		
SBCTA Compliance Requirements	Reference	Compliance Efforts
		<b>Conclusion: Complied</b>
The RTPA has adopted criteria, rules and regulations for the evaluation of claims under Article 4.5 of the TDA and the determination of the cost-effectiveness of the proposed community transit services.	Public Utilities Code, Section 99275.5	Not applicable, as SBCTA only allocates transit funds through Article 4 and Article 8 claims. Historically, SBCTA has elected to use TDA funds for other uses and has not solicited Article 4.5 claim submittals. While there are designated CTSAs in both the Valley and High Desert Regions that are eligible for this funding, revenue for these programs are provided by non-Article 4.5 funds, such as Measure I, given that the current CTSAs are Omnitrans and VVTA.  <b>Conclusion: Not Applicable</b>
State Transit Assistance funds received by the RTPA are allocated only for transportation planning and mass transportation purposes.  (Note: The June 5, 1990, passage of Proposition 116 no longer allows the use of state transit assistance funds for street and road purposes, as had been permitted in certain cases under PUC Section 99313.3.)	Public Utilities Code, Sections 99310.5 and 99313.3	SBCTA allocates STA funds for transit services only. Per SBCTA policy, STA is primarily used to fund transit capital projects. Per PUC Section 99313, STA Regional Funds are annually allocated based on a population proportion from the San Bernardino Valley and High Desert regions. Through implementation of a prior performance audit recommendation, SBCTA staff formalized the STA Regional Funds apportionments based on population shares of the Valley and Mountain/Desert regions to the county as a whole. Using updated Department of Finance population data, the proportions were updated to 72.6 percent Valley and 27.4 percent Mountain/Desert for FY 2019-20.  <b>Conclusion: Complied</b>
The amount received pursuant to Public Utilities Code, Section 99314.3; by each RTPA for state transit assistance is allocated to the operators in the area of its jurisdiction as allocated by the State Controller's Office.	Public Utilities Code, Section 99314.3	SBCTA administers STA revenue-based funds in accordance with the relevant PUC requirements.  <b>Conclusion: Complied</b>

**TABLE II-1**  
**SBCTA Compliance Requirements Matrix**

SBCTA Compliance Requirements	Reference	Compliance Efforts
<p>If TDA funds are allocated to purposes not directly related to public or specialized transportation services, or facilities for exclusive use of pedestrians and bicycles, the transit planning agency has annually:</p> <p>Consulted with the Social Services Transportation Advisory Council (SSTAC) established pursuant to Public Utilities Code, Section 99238; Identified transit needs, including: Groups that are transit-dependent or transit-disadvantaged, Adequacy of existing transit services to meet the needs of groups identified, and Analysis of potential alternatives to provide transportation services; Adopted or re-affirmed definitions of “unmet transit needs” and “reasonable to meet”; Identified the unmet transit needs and those needs that are reasonable to meet; Adopted a finding that there are no unmet transit needs; that there are no unmet transit needs that are reasonable to meet; or that there are unmet transit needs including needs that are reasonable to meet.</p>	<p>Public Utilities Code, Section 99401.5</p>	<p>TDA funds are used exclusively for public transit in the San Bernardino Valley (Omnitrans and Metrolink). In the High Desert region, TDA revenues may be used for streets and roads, as is the case for local jurisdictions comprising VVTA. In the Low Desert Region, during the audit period, local jurisdictions comprising Morongo Basin Transit Authority (MBTA) agreed for the transit operator to claim all LTF exclusively for transit. For Mountain Transit, the City of Big Bear Lake currently uses all TDA for transit. The City of Needles also uses its LTF allocations only for transit. SBCTA conducts the unmet transit needs hearings in concert with each of the transit operators and in consultation with the PASTACC.</p> <p>SBCTA streamlined the number of annual unmet needs covering the High and Low Desert regions. The High Desert hearing is typically at VVTA in Hesperia, and the Low Desert hearing is typically at MBTA or another selected facility, such as the Helen Gray Center in Joshua Tree. <sup>3</sup>One of SBCTA’s board meetings in San Bernardino during the unmet needs process also serves to hear public testimony.</p> <p>Findings of the unmet needs process are reaffirmed by the entire SBCTA Board. The definitions of “unmet transit needs” and “reasonable to meet” are reaffirmed annually, and findings of the unmet needs process are adopted through board resolution.</p> <p>LTF funds have only been allocated to streets and roads after completion of the unmet needs process.</p> <p>Under PUC Section 99401.5, SBCTA identifies the jurisdictions’ transit needs through a series of</p>

<sup>3</sup> It is noted that after the audit period, Morongo Basin will no longer have unmet needs hearings as all LTF is used for transit.

TABLE II-1 SBCTA Compliance Requirements Matrix		
SBCTA Compliance Requirements	Reference	Compliance Efforts
If a finding is adopted that there are unmet transit needs, these needs must have been funded before an allocation was made for streets and roads.		analyses and includes the results in the annual unmet needs documentation.  <b>Conclusion: Complied</b>
The RTPA has caused an audit of its accounts and records to be performed for each fiscal year by the county auditor or a certified public accountant. The RTPA must transmit the resulting audit report to the State Controller within 12 months of the end of each fiscal year and must be performed in accordance with the Basic Audit Program and Report Guidelines for California Special Districts prescribed by the State Controller. The audit shall include a determination of compliance with the transportation development and accompanying rules and regulations. Financial statements may not commingle the state transit assistance fund, the local transportation fund, or other revenues or funds of any city, county or other agency. The RTPA must maintain fiscal and accounting records and supporting papers for at least four years following the fiscal year close.	California Administrative Code, Section 6662	SBCTA secured the services of Crowe LLP to conduct the SBCTA financial and compliance audits for the three-year period. The Comprehensive Annual Financial Report along with TDA compliance reports were submitted to the State Controller within 12 months of the end of each fiscal year. Submittal dates were January 3, 2019, for the FY 2018 reporting period; December 11, 2019, for the FY 2019 reporting period; and December 14, 2020, for the FY 2020 reporting audit.  <b>Conclusion: Complied</b>

### Findings and Observations from RTPA Compliance Requirements Matrix

SBCTA has satisfactorily complied with state legislative mandates for RTPAs. One measure in partial compliance was the consistent submission of productivity improvement progress reports to SBCTA by the operators as part of the TDA claim process. Given the provision of this measure in

the SBCTA TDA Claims Manual, SBCTA can communicate the requirement to the operators in their future claim submittal and request that the proper documentation be provided.

Another measure not applicable during the audit period pertained to the adoption of rules and regulations to evaluate TDA Article 4.5 claims. SBCTA's current policy is to not allocate LTF to CTSA's, given that they are funded through other sources such as Measure I. In addition, specialized paratransit services provided by transit systems receive TDA funds through other article claims. Because of concerns that the 5 percent cap under Article 4.5 would actually provide less funding for elderly and disabled transit service, SBCTA approves funding for all demand-responsive services through Article 4 and Article 8 claims. As a result, no Article 4.5 claims are accepted or awarded within the jurisdiction of SBCTA.

In September 2016, SBCTA adopted Resolution No. 17-002, setting the fare ratio to 18 percent system-wide under Article 4 for VVTA. With the merger of VVTA and Barstow Area Transit, VVTA received a two-year grace period before demonstrating compliance with the new farebox recovery ratio. From a review of VVTA financial audits covering the last few years, the agency is meeting the new farebox ratio using supplemental revenue allowed in the TDA.

During the audit period, SBCTA met compliance by identifying the transit needs of the jurisdictions through a series of analyses conducted as part of the unmet needs process. The analysis is combined with other annual unmet needs documentation submitted to Caltrans. The analyses conducted by SBCTA included an (1) annual assessment of the size and location of identifiable groups likely to be transit dependent or transit disadvantaged; (2) analysis of the adequacy of existing public transportation services and specialized transportation services; and (3) analysis of the potential alternative public transportation and specialized transportation services and service improvements that would meet all or part of the transit demand.<sup>4</sup>

SBCTA monitoring of transit operator performance has been enhanced through development of a new quarterly publication. The *San Bernardino County Multimodal Transportation Quarterly Report* was initiated in FY 2019-20 as part of implementing a prior performance audit recommendation and has two primary purposes in informing San Bernardino County policy-makers, members of the general public, and interested stakeholders. One purpose is to provide high-level information about specific transportation services and programs available, and the other is to report on current initiatives and to track trends in key performance indicators. The report covers the five public transit operators and four additional modes of transportation: Metrolink rail; CTSA programs operated by Omnitrans and VVTA; vanpool programs operated by SBCTA and VVTA; and SBCTA's ONT Lyft, a new pilot ride hailing program between four Metrolink stations and Ontario International Airport.

<sup>4</sup> A fourth analysis in the TDA statute evaluates the need to acquire or lease vans and related equipment for a farmworker vanpool program. This analysis is only required, however, upon receipt by the transportation planning agency of a request of an interested party identifying a potential need.

## Section III

### Prior Triennial Performance Audit Recommendations

This chapter describes SBCTA’s response to the recommendations included in the prior triennial performance audit. For this purpose, each prior recommendation for the agency is described, followed by a discussion of SBCTA’s efforts to implement the recommendation. Conclusions concerning the extent to which the recommendations have been adopted by the agency are then presented.

#### Prior Recommendation 1

Communicate with the operators regarding the required submission of their full Productivity Improvement Program report in the TDA claim. (High Priority)

Background: SBCTA revised its TDA manual and claim form, including the Transit System Claim Checklist, during the prior audit period. One of the mandatory items on the checklist is for the transit operator to include a productivity improvement progress report with its claim submittal. The report must include (1) proof of specific efforts initiated by the operator to improve productivity, (2) status on implementing prior audit recommendations, and (3) proof of TransTrack usage.

The updated reporting began with the FY 2016–17 claim. The productivity reports submitted by the operators with their claim varied, from some items being presented to none at all. TransTrack performance data printouts were provided by some, as well as reporting on prior performance audit recommendations. However, there was not consistent reporting on the three required elements. Given that the updated reporting has been in effect for only a brief time, SBCTA should continue its communication with the operators to ensure that proper backup for the productivity improvement program is submitted with their TDA claims. SBCTA’s review of the claims should include operator compliance with the checklist items.

Actions taken by SBCTA: SBCTA is continuing to implement the recommendation and communicate with the transit claimants, as evidenced in the FY 2019 and FY 2020 TDA claims. However, SBCTA staff indicated the claims packets can get rather large to scan as electronic PDF files, and SBCTA staff does not always include all items in the PDF file provided to the auditor. SBCTA intends to continue communicating with the operators on future claim submittals and follow up with claimants that do not include all the required information. Finding methods to efficiently provide the productivity information will also be further explored. Additionally, TDA administrative responsibilities were reassigned with the addition of a Transit Manager in the SBCTA Transit Department. The Transit Manager has the responsibility to work with the operators to understand the claims, and sign off on claims and invoices. Fund Administration, in turn, performs revenue estimation, initiates and maintains the allocation instructions and balances, requests reimbursement from the County Auditor, and other administrative functions, such as updates to the TDA Claim Manual. Fund Administration also serves as a cursory second review prior to initiating allocation instructions.

Conclusion: This recommendation is in process of being implemented, and is carried forward in this audit for full implementation.

### Prior Recommendation 2

Assign role for determining State Transit Assistance eligibility for operations. (High Priority)

Background: Senate Bill 508 modified the TDA regulations surrounding the efficiency test outcomes, making STA funding more accessible to transit operators for use in funding operations. Effective July 2016, the operator's ability to use STA for operations is based on a graduated schedule. Rather than entirely disallowing STA for operations if the operator fails both tests, only a portion of the funds would be defaulted for capital use, while the remaining revenue can still be used for operations. The amount disallowed for operations is dependent on the results from conducting the efficiency tests.

In discussion with SBCTA staff, it was suggested that the appropriate party to conduct the operator efficiency test under PUC Section 99314.6 would be the TDA fiscal auditor retained by SBCTA. Because audited data must be used to conduct the test, the fiscal auditor would have the direct and objective means to provide the calculation. SBCTA and the operators would review the calculations and make the determination. The test could be conducted and included as part of the annual fiscal and compliance audits for each operator.

Actions taken by SBCTA: Beginning with the FY 2018-19 TDA financial audits, SBCTA provided notice to the TDA claimants that the independent financial auditor would prepare the efficiency calculation for the four operators. SBCTA also requested the efficiency test from SCRRA. Evidence was provided of the calculation for the transit operators and SCRRA for FYs 2018-19 and 2019-20. Spreadsheets show the inputs to the formulas for both efficiency tests and their pass/fail outcomes. The efficiency test determines the proportion of STA funds that an operator could apply toward operations versus capital. AB 90 was passed in June 2020, which provides operator relief including exemption from this test, but the exemption is only for a two-year period starting in FY 2020-21, which is outside this audit timeline.

Conclusion: This recommendation has been implemented.

### Prior Recommendation 3

Update correspondence with Caltrans certifying completion of triennial performance audits. (Medium Priority)

Background: SBCTA has been in compliance with its submittal of the triennial performance audits to Caltrans and retaining written certification of the transmittal. An email transmittal to Caltrans with the attached audits is kept on file and provided as evidence. While the email describes and attaches the SBCTA performance audit, the message did not certify that the operator performance audits were also completed. Under California Code of Regulations (CCR) Section 6664.6, SBCTA must certify in writing to Caltrans that a triennial performance audit of an operator has been completed. The certification must include (1) the name of the audited operator, (2) the time and period covered by the performance audit, and (3) the name of the auditor conducting the audit.



This certification can simply be added to the email prepared by SBCTA when submitting the performance audits. The certification letter verifies that the SBCTA performance audit is submitted to Caltrans and that the transit operator performance audits have been completed.

Actions taken by SBCTA: SBCTA provided evidence of email correspondence to Caltrans that meets the CCR provisions, including certifying: (1) the names of the audited operators, (2) time and period covered by the performance audit, and (3) the name of the auditor conducting the audit. The correspondence was updated for submission of the FY 2015-2017 triennial performance audits. This practice will continue with future performance audits.

Conclusion: This recommendation has been implemented.



## Section IV

### Detailed Review of RTPA Functions

In this section, a detailed assessment of SBCTA's functions and performance as an RTPA during this audit period is provided. Adapted from Caltrans's *Performance Audit Guidebook for Transit Operators and Regional Transportation Planning Agencies*, SBCTA's activities can be divided into the following activities:

- Administration, Management, and Coordination
- Transportation Planning and Programming
- TDA Claimant Relationships and Oversight
- Public Information and External Affairs
- Grant Application and Management

#### Administration, Management, and Coordination

SBCTA continues serving in a project funding and delivery role. A key theme resonating through the agency is achieving equitable outcomes. Following board direction, the agency has increased its perspective on multimodal investments and interconnectivity not only for highways, but for transit and nonmotorized transportation. This perspective on infrastructure investment also has percolated to discussion on location and beneficiaries of these investments. The West Valley Bus Rapid Transit implementation is actively managed by SBCTA, as well as early project development of a proposed underground tunnel for mass transit service connecting the Rancho Cucamonga Metrolink Station and Ontario Airport. High speed rail development along I-15 over the Cajon Pass is also progressing. In addition, SBCTA is tackling the dilemma of simultaneous movement of people and goods on the constrained I-10 and I-15 freeways, since these major highways through the county serve as the connecting thoroughfare for warehousing and trucking of goods between the seaports and the rest of the country.

The organization chart remained relatively stable for the three-year period as compared to the prior audit period when some departmental reorganization and new staff titles were implemented for increased efficiency and responsiveness. In FY 2018-19, a new toll operations group was created under the Project Delivery Department. Also, an adjustment was made in the Rail & Transit Program where public transit (bus) was carved out as a separate organization box from commuter rail, and includes capital and operations for all transit modes. The Transit Manager is directly responsible for monitoring bus activity and planning, communicating with operators, and supervising staff who manage other transit such as rail and rideshare options.

For the three-year audit period covering FYs 2017-18 through 2019-20, there were 8 staff separations and 14 new hires (full- and part-time). The FY 2019-20 budget shows regular positions

in the agency which was steady for the three-year period, but slightly higher than the previous audit period. For comparison, total regular positions was 63 in FY 2017 (prior period), 65 in FY 2018, 64 in FY 2019, and 64 in FY 2020. Increased positions in the administrative/professional group offset decreases in the support group, which also factors in promotions of staff. More specifically, increases were made for the accountant position, a new corridor manager, and new staff for toll operations. Decreases were made to positions including transportation programming technician, receptionist, legal assistant, and accounting assistant.

In December 2019, the Board created the Director of Special Projects and Strategic Initiatives for a department of the same name. The purpose was to provide more focus on special short and long-term projects that will streamline systems and processes to improve the efficiency of the organization's operations. Some of the key early initiatives included leading the Omnitrans/SBCTA consolidation study and the replacement of the current financial accounting system with a new Enterprise Resource Planning (ERP) system. This department also included the existing risk management functions at SBCTA and ultimately procurement.

TDA administrative responsibilities are shared among several departments, including Fund Administration, Finance, and Transit. During the audit period, responsibilities and reporting were shifted and made more distinct, with the Transit Manager primarily responsible for overall communication and interfacing with the operators with regard to the TDA claim process. The Transit Manager reviews the claims for completeness with claim requirements such as information submittals and standard assurances. The claims are also evaluated for consistency with specific areas including budgets and farebox recovery, services contained in the SRTP, and regional transit initiatives.

Fund Administration is the central point for fund administration and programming responsibilities for the agency. The group provides the apportionment estimates for both LTF and STA, among other funding, and supports the operators' TDA claims through electronic transactions for disbursement and payment of funds. Fund Administration also provides "look aheads" of funding forecast to more comprehensively align funding with project needs to address regional and local operator issues in an equitable and fair manner. Staff have worked with Omnitrans, for example, on its longer-term financial outlook and funding needs to help develop a more sustainable revenue plan, including LTF. Improved partnerships between SBCTA staff and the operators over transit funding has resulted in more discussion and working side-by-side on funding challenges rather than the past practice of SBCTA simply providing financial figures for inclusion in the SRTPs.

The Finance Department provides accounting and reporting of the transactions and other support activities to the Transit and Fund Administration Departments. Together, staff personnel work as a team responsible for TDA administration on both the front and back ends of TDA management, including direct communications with the TDA claimants and processing of claims and reporting to the state, thus inviting efficiencies. The SBCTA Rail Program submits a TDA claim for rail operations and handles large capital infrastructure projects delivery for transit.

Separate performance evaluation forms are used for administrative/professional staff and senior staff personnel and for support staff personnel. Rating scales and evaluation criteria are slightly different between the two forms, with the professional and senior staff form containing ratings for

skills such as teamwork, decisiveness, organization, and customer service, while the support staff forms generally review employee characteristics like reliability, independence, and behavior. Signatures of the supervisor, director, and executive director are required prior to filing the completed forms in the employee's personnel file. The employee may annotate comments in the form prior to filing.

In response to direction from federal, state, and local public health officials due to COVID-19, SBCTA closed its office to the public for the duration of the coronavirus pandemic. During this time, and with few exceptions for employees performing "essential" on-site operational functions, either on a full-time or intermittent basis, SBCTA employees were subject to mandatory teleworking. A new policy signed by the executive director in September 2020 outlined the stipends and expense reimbursements available to employees who were working remotely effective March 19, 2020, and was expected to end when SBCTA resumed on-site operations following the COVID-19 health emergency. A telecommute policy was also adopted in November 2020.

### Capital Project Development

Projects are prioritized on a regional basis and documented in expenditure plans and programming documents that have been approved through review and consensus building. Through the development of comprehensive planning documents and compliance with state and regional transportation programming requirements, the agency is able to stimulate project development. The collaboration among the departments within SBCTA and its partners has enabled capital projects to receive funding allocations and be delivered, especially projects funded through the Measure I local sales tax and LTF. SBCTA had continued work on completing major projects described in the expenditure plan.

Guidance on implementation of Measure I is detailed in the Measure I Strategic Plan and the 10-Year Delivery Plan, which provide a comprehensive road map for the delivery of capital projects by subarea. The 10-Year Delivery Plan is updated every two years to capture revisions and updates and stay current. During the audit period, the plan was updated in June 2019. As the original Measure I sales tax program expired, and the renewed program commenced over a decade ago, SBCTA evolved from its freeway project delivery orientation to a more multimodal project perspective, as demonstrated by significant coordinated activities such as implementation of the Redlands Passenger Rail project and West Valley Connector Bus Rapid Transit project. SBCTA also acts as the pass-through agency for Measure I and LTF funding and disperses the funds to cities, subareas, transit operators, and other claimants. Funding includes \$2.0 billion from Measure I sales tax revenue, and \$1.8 billion from federal and state sources for the 10-year period through FY 2029.

Capital programming has a mixture of roadway and transit projects. According to the agency annual budget for FY 2019-20, recent major capital project delivery includes 10 miles of tolled lanes on I-10 east of the Los Angeles County line, a 9-mile extension of commuter rail service (Redlands Passenger Rail project), widening of US 395 in Adelanto, a lane addition on State Route (SR) 210 through Highland and Redlands, replacement of the Mount Vernon Avenue Bridge over the BNSF rail yard, and several interchange improvements. Design of the Redlands Passenger Rail

project began in the fall of 2015 and is scheduled to be operational in 2022. SBCTA is managing the construction of the rail project and owns the equipment and rail line, which will begin operating with three diesel multiple-unit vehicles. SBCTA was awarded \$30 million in state grant funding to pilot a ZEMU vehicle and will be the first in the country to traverse this vehicle on its rail lines.

### Internal Controls

The SBCTA annual budget is a working document that is task driven and identifies the specific work elements that SBCTA will undertake for the coming fiscal year. The budget serves as a road map outlining the steps necessary to deliver key projects. The adopted budgets during the audit period included an Initiatives and Action Plan, which identifies eight initiatives and a series of division strategies and responsible departments to carry out each initiative. The following are the initiatives from the action plan:

Initiative #1: Transparent and Accountable Allocation Strategies

Initiative #2: Engender Public Trust

Initiative #3: Focus on Creating and Strengthening Collaborative Partnerships with Governmental and Business Entities

Initiative #4: Accelerate Delivery of Capital Projects

Initiative #5: Maximize Funding Opportunities and Cost-Effectiveness of Investments

Initiative #6: Awareness of SBCTA Programs, Services, and Transit Options

Initiative #7: Long Range Strategic Planning

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

SBCTA has continued use of the Eden Financial Management software since going live in November 2011. The software includes core financial, budgeting, and payroll applications. In addition to software licenses, the contracts include related professional services, ongoing maintenance, and support. The software features Project Fund Accounting and Contract Management applications that respond to specific needs. The Eden software package supports multiple sources of internal and external funding, including local measures and federal and state grants.

SBCTA implemented electronic document management software using the Laserfiche program through ECS Imaging, Inc. Laserfiche is compatible with SBCTA's existing Eden software and SharePoint software, which is used for collaboration on Word documents. The integration of Laserfiche with Eden allows for electronic purchase order approval and electronic invoice voucher approval, which were not done with the former system. Staff is able to save and archive finalized files in a swift and straightforward way, allowing easy retrieval of the files.

SBCTA has also implemented use of EcoSys, a data management tool to monitor project phase, contract, fund source, actual expenditures, and projected expenditures, as the primary project controls tool for the 10-Year Delivery Plan. The department is serving as the test case for moving toward streamlining the project management process and integration of the various electronic systems. Staff training was budgeted and scheduled for the EcoSys database during the latter parts of the audit period but was put on hold until information technology updates could be made to

accommodate the newer, updated EcoSys system. SBCTA anticipates replacing Eden software as the process continues, including going more paperless.

### **Transportation Planning and Programming**

This functional area addresses planning functions required of SBCTA, including development of the Federal Transportation Improvement Program (FTIP), Congestion Management Program, Bicycle and Pedestrian Facilities Program, and transit planning. Additional transportation programs administered by the agency are also discussed, including freeway/roadway construction, the Commuter Assistance Program, and the Motorist Assistance Program.

#### **Federal Transportation Improvement Program**

SBCTA is responsible for preparing the FTIP and Regional Transportation Plan (RTP) for San Bernardino County projects that have been approved for federal funding. Federal regulations require that all projects funded with federal funds be included in a FTIP to receive the funds. In addition, projects that are regionally significant but locally funded are required to be included in the FTIP and RTP.

SCAG is the responsible agency for submittal of the FTIP to federal agencies for approval. The FTIP is generally updated every two years, with amendments occurring between updates. SBCTA submits projects to SCAG for San Bernardino County through on-line databases provided by SCAG. The 2019 and 2021 FTIPs were prepared during the audit period in coordination with local agencies and Caltrans. The 2019 FTIP programmed 304 projects and the 2021 FTIP programmed 192 projects.

Countywide transit operating and capital projects that have a federal funding component to the revenue stream or are regionally significant are programmed in the FTIP. Examples of transit projects included in the FTIP include the XpressWest (now Brightline West), a high-speed passenger rail service from Victor Valley to Las Vegas (Project Approval/Environmental Document only), Metrolink projects, and asset purchases for the public transit operators such as replacement buses, communications and dispatch equipment, and capitalization of costs.

The FTIP is prepared to implement projects and programs in the RTP, a 25-year, financially constrained, long-range planning document. The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG involved SBCTA planning staff providing in-house traffic modeling and forecast results in coordination with the local cities and the County. SBCTA's transportation modeling capability is available to local agencies to generate timely information for a reasonable fee. SBCTA submits the county FTIP to SCAG, which is the metropolitan planning organization for the six-county region (Orange, Los Angeles, Imperial, Riverside, San Bernardino, and Ventura). SCAG is responsible for ensuring that the FTIP is consistent with the RTP and adopted air quality plans.



### Bicycle and Pedestrian Facilities Program

As an important piece of the county transportation system, nonmotorized transportation is encouraged by SBCTA. In its efforts, the agency administers a biennial call for projects process for bicycle and pedestrian facilities. Article 3 of TDA provides that up to 2 percent of LTF be set aside for the implementation of bicycle and pedestrian facilities.

As described in the compliance section of this audit, 20 percent of TDA Article 3 funds would be made available for projects that improve access to bus stops for pedestrians and persons with disabilities. The total amount available in the 2019 Transit Stop Access Improvements call for projects was estimated to be \$538,965 (FYs 2017-2018 and 2018-2019). The transit portion of the program is administered by the Transit Manager. The remaining 80 percent would be available for pedestrian and bicycle facilities and administered by the Planning Department. Upon approval of a project list by the SBCTA Board, Article 3 funds will be allocated to the project sponsor agency. Allocated funds remain available for three full fiscal years after the year of board approval.

The 2019 call for projects nomination guideline includes an overview of the program, eligible expenditures, and process steps. Criteria for selection were slightly modified and include overall quality of application; project need and purpose; cost effectiveness; timeliness of prior project completion; and matching funds. The scoring rubric places emphasis on project need and matching funds, followed by overall quality and cost effectiveness. The evaluation panel comprised at least two SBCTA staff and a member from a bicycle/pedestrian stakeholder group such as the Inland Empire Biking Alliance, an adjacent county transportation commission, and Caltrans.

Applications for the last call for projects were submitted online through an SBCTA grant website. A form is completed for each specific project identified for funding with the prioritization defined for each project by jurisdiction/agency. Jurisdictions/agencies may submit multiple applications. SBCTA staff has continually worked on improving the call for projects process, notification, and online submittal. For example, SBCTA developed a resolution template for the local jurisdiction claimants to use for their claims. Claim and reimbursement procedures are different steps on which staff engage with the local jurisdictions to work through the timing. Staff turnover within the agency responsible for administration of this program as well as with the local jurisdictions has also required some process updates.

A significant activity undertaken was development of a dedicated website and portal for Article 3 bicycle and pedestrian funding and project submission. The portal (<https://storymaps.arcgis.com/stories/22d643084afe4739bfeede1fdccfc4c>) was constructed in time for the 2021 call for projects cycle, which is outside this triennial period. The website provides a program overview and instructions, and links to folders for jurisdictions to obtain application information and submit their applications and project data. Separate application sections are provided for bike/pedestrian projects, and for transit bus stop accessibility projects. Active awards are shown on a Google map with project status data available when selected. The improvements being worked on by the Planning Department are being coordinated with the update to the SBCTA TDA Claims Manual to memorialize the changes and instructions for the Article 3 program and submission process.

Transit and Multimodal Planning

SBCTA is responsible for the coordination of transit among all the operators in the county to ensure the efficient delivery of services. In this capacity, the agency has provided a regional perspective to facilitating the provision of public transit by the five transit operators and SCRRA. Working in cooperation with each city, SBCTA also continues to assist in creating sustainable transit-oriented developments (TODs) at transit stations. This coordinated land use approach has been extended to transit-related efforts such as the Phase I West Valley Connector Bus Rapid Transit project stretching 19-miles that proposes limited stops while adding speed and quality improvements to the public transit system along the corridor.

SBCTA updated its Public Transit-Human Services Transportation Coordination Plan in June 2021. The plan identifies and addresses transportation needs and gaps of seniors, persons with disabilities, and persons of low income for the next five-year period through 2025. Comparison of trips throughout the county were shown for 2021 and 2016, the previous update of this plan. Through mobility goals, strategies, and projects, the plan provides direction to numerous San Bernardino stakeholders including SBCTA, the county's public transit providers, human service agencies, cities, and the County. The 2021 Coordination Plan presents four goals and their 22 strategies to improve mobility. Eligible plan strategies can be supported with Federal Transit Administration (FTA) Section 5310 funds and County Measure I.

With various transit improvement initiatives underway and/or completed, it was critically important that SBCTA establish a regional transit plan for the identification, prioritization, development, funding, and implementation of transit improvements in San Bernardino County. The SBCTA Short-Range Transit Plan (SRTP) will guide transit improvements in San Bernardino County over the next five years. The countywide SRTP identifies the existing transit services, goals and objectives, plans, and funding requirements of the five local transit operators, as well as region-wide transit needs, goals, and future services, including the Redlands Passenger Rail Project. The SRTP also enables SBCTA to seek new federal funding sources for the implementation of these improvements. In turn, SBCTA requires each transit operator to prepare a multiyear operating and capital plan, essentially their own separate SRTP for local services. Based on time frames covered by the respective operator SRTP, a number of updates during the audit period, including MBTA, Needles, and VVTA.

Long-range transit and multimodal planning is conducted by the Planning Department. A long-range transit plan was developed that has been integrated into the Countywide Transportation Plan addressing all travel modes and current changing circumstances, such as measurement using vehicle miles traveled instead of level of service, and impacts from COVID pandemic and teleworking. Complementing the countywide plan is The Inland Empire Comprehensive Multimodal Corridor Plan (IE CMCP), developed in October 2020. SCAG was awarded a Caltrans grant to examine the multimodal corridors of the Inland Empire in partnerships with Caltrans District 8, the Riverside County Transportation Commission, SBCTA, and the Western Riverside Council of Governments. The IE CMCP has multiple uses that will benefit local, regional, and state agencies as they deal with balancing infrastructure, livability, economic, and sustainability needs as they relate to the transportation system. Smaller “sub-corridors” were identified to facilitate more detailed assessment of corridor conditions and to focus the recommended



improvements and strategies. Five sub-corridors were identified for north/south travel and five for east/west travel.

Furthermore, SBCTA and its partners SCAG and Omnitrans initiated the Customer-Based Ridesharing and Transit Interconnectivity Study. Dubbed the Customer-Focused, Technology-Enabled Multi-Modalism Action Plan for the San Bernardino Valley, the June 2018 study was conducted for several reasons: 1) ensure that residents, businesses, workers, and visitors can make optimum use of the ongoing substantial public investment in the San Bernardino Valley's transportation network; 2) attract new users, and more continuing users, to the multimodal network of rail, bus, demand-response services, carpool, vanpool and active transportation facilities serving 15 cities and unincorporated areas of the San Bernardino Valley; and 3) determine how SBCTA and its transportation partner agencies should respond to and take advantage of the revolutions occurring in transportation technology, communications, and big data. This study comes at a time of great change and opportunity, but also a time of uncertainty, with recent years' decline in public transit ridership both nationally and in this region.

While not a transit plan, it is noted that SBCTA, in collaboration with local jurisdictions in San Bernardino County, updated the San Bernardino County Non-Motorized Transportation Plan in June 2018. This plan identifies a comprehensive network, with a focus on the bicycle system, while responding in part to the initiatives to reduce vehicle travel and greenhouse gas emissions embedded in Senate Bill 375. The nonmotorized transportation component plays an integral part in transit service planning. The plan satisfies the State of California requirements for a bicycle transportation plan for purposes of Caltrans Bicycle Transportation Account funding (now part of ATP program funding).

Additional studies conducted during this audit period with relevance to transit and multimodalism are those relating to the planning and rollout of zero emission vehicles. They include the Zero-Emission Vehicle Readiness and Implementation Plan, completed in August 2019, and a series of zero-emission bus (ZEB) studies completed in April 2020. These bus studies include the San Bernardino Countywide Zero-Emission Bus Study Master Plan, SBCTA Final Countywide ZEB Rollout Plan, and the Omnitrans Zero-Emission Bus Rollout Plan. The bus master plan provides the framework for each transit agencies' transition to ZEBs pursuant to the California Air Resources Board Innovative Clean Transit regulation, and the rollout plans transition each of the respective operators to 100 percent zero-emission fleets by 2040. The master plan outlines the existing conditions, methodologies and analyses, and proposed technologies and facility recommendations for each of the five transit agencies. By itemizing the existing conditions, assessments, and findings by operator, the document provides a robust and comprehensive study of how ZEB could be implemented in San Bernardino County.

### Freeway/Roadway Construction

SBCTA serves as the lead agency for many construction projects and provides funding support for projects overseen by other agencies. SBCTA's program management consultant develops a Major Projects Quarterly Project Status Briefing document, intended to communicate project information between SBCTA staff, the Metro Valley Study Session, Mountain/Desert Policy Committee, and the SBCTA Board. The agency serves in the delivery, management, and construction of major

freeway, interchange, and grade separation projects. Accomplishments for major freeway and roadway construction during the audit period include:

- Landscape construction for the first three phases of I-215 widening through the City of San Bernardino, and for SR 210.
- The SR 210 Lane Addition Project in the Cities of Highland, San Bernardino and Redlands including reconstruction of the Base Line interchange.
- Award of a design-build contract and financial close of the Transportation Infrastructure finance and Innovation Act (TIFIA) loan on the I-10 Corridor Contract 1 Project.
- Project Approval/Environmental Document for the I-15 Corridor Express Lane improvements from SR 60 to SR 210. The project was broken into segments, and a PS&E is being conducted on a smaller segment.
- Project Approval/Environmental Document for the I-10 Eastbound Truck Climbing Lane Project.
- The I-215 Bi-County High Occupancy Vehicle lane addition construction follow-on projects, including the Barton Road Interchange at I-215, and the Mount Vernon Avenue/Washington Avenue Interchange at I-215 (design phase).

### Rideshare and Multimodal Programs

The focus of the Rideshare and Multimodal Programs is to improve mobility throughout the transportation system by encouraging commuters to make a mode-shift decision away from solo vehicle commuting. Alternative commute modes include working from home (telecommute), riding the bus, train, carpool or vanpool, bike, walking or a combination of modes (multimodal). SBCTA offers a comprehensive list of programs and outreach under the umbrella of Rideshare and Multimodal Programs, which helps foster more efficient use of the transportation system and reduces traffic congestion and vehicle emissions.

SBCTA implements IE Commuter (<https://iecommuter.org/>, 1-866-RIDESHARE), a bi-county rideshare program in conjunction with the Riverside County Transportation Commission, offering employer services, ride-matching, incentives, including a guaranteed ride home program, average vehicle ridership surveying, and serving as a regional database of commuter information. SBCTA's SB Loop vanpool subsidy program complements carpool and transit and has contributed to the increase in vehicle occupancy and rideshare participation.

SBCTA promotes the Rideshare and Multimodal Programs through various channels but has an emphasis on connecting to employees through employer outreach and through countywide transit marketing and collaboration. The IE Commuter program plays a major role in this regional outreach through employers subject to the South Coast Air Quality Management District's Rule 2202 Employee Commute Reduction Program.

Motorist Assistance ProgramsService Authority for Freeway Emergencies

SBCTA has served as the designated Service Authority for Freeway Emergencies (SAFE) for San Bernardino County since 1990. SAFE is known for the call boxes along major highways that enable stranded motorists to phone for assistance. All call boxes are teletype (TTY) equipped while satellite call boxes were installed on select highways in San Bernardino County to supplement areas with inconsistent or no cellular signal. Digital cellular signals at the call boxes are provided through a cellular provider. San Bernardino County is the largest county in the nation, with diverse topography and numerous rural areas. The inventory of call boxes in the county is approximately 790 call boxes, down from about 1,200 during the prior triennial period, but still making SBCTA one of the largest call box providers in the state. Most calls are for a disabled vehicle, although other calls were made for such events as road hazards, accidents, and medical emergencies. SAFE revenue is derived from the California Department of Motor Vehicles, which collects \$1 annually from the vehicle registration fee for vehicles registered in San Bernardino County. The annual amount collected is about \$1.8 million.

Freeway Service Patrol

SBCTA administers the Freeway Service Patrol (FSP) in conjunction with the California Highway Patrol and Caltrans. The FSP can quickly assist motorists during peak traffic conditions and in construction zones. SBCTA expanded the number of FSP Beats from 8 to 9 along major freeways in order to provide additional roving tow trucks assistance to motorists traveling through the Cajon Pass. The FSP operates during peak commute hours on weekdays from 5:30 a.m. to 9:00 a.m. and from 2:00 p.m. to 7:00 p.m. Monday through Thursday, and from noon to 7:00 pm on Fridays. The FSP Program also provides weekend services to motorists on selected Beats, from 10:00 a.m. to 6:00 p.m. on weekends, which is an expansion of available service from the prior audit period. FSP is also utilized in construction zones when needed. More than one-third of all FSP assists involve information/safety checks and general assistance calls, followed by flat tires and mechanical failures.

The total number of FSP assists from the start of the program in 2006 through June 30, 2020 was 595,294. The FSP program has received more than 17,000 survey comments from motorists that have been assisted by FSP drivers. Overall, 99.9 percent of motorists rated their FSP experience as excellent or good. Each year, the FSP program's Rookie of the Year, Most Accurate, Public Choice, Driver of Excellence, and Top Driver are selected and recognized. Awards are based on five different criteria relating to their service. In April 2019, the SBCTA Board of Directors recognized four of the top five FSP drivers for their outstanding efforts, high level of professionalism, and the excellent customer service they provided to stranded motorists along San Bernardino County freeways.

Performance indicators for service include the following:

**Table IV-1**  
**Commuter Assistance Performance Indicators**

<b>Fiscal Year</b>	<b>Motorists Assisted by Freeway Service Patrol</b>	<b>Calls to 511</b>	<b>Visits to IE511.org</b>
2018 (actual)	50,000	52,000	58,441
2019 (actual)	142,287	104,000	114,045
2020 (revised budget)	437,022	342,000	252,921

Source: SBCTA Annual Budget FY 2020-21

### **TDA Claimant Relationships and Oversight**

As the designated County Transportation Commission, SBCTA is responsible for the administration of the TDA program. This functional area addresses SBCTA's interaction with the transit operators in San Bernardino County and its administration of the provisions of the TDA. The sub-functions described include costs to administer the program, technical and managerial assistance to operators, TDA claims processing, and the unmet transit needs process.

### **SBCTA Administration and Planning**

The uses of TDA revenues apportioned to San Bernardino County flow through a priority process prescribed in state law. Prior to apportionment of funds to the Bicycle and Pedestrian Facilities Program and the transit operators, SBCTA is able to claim TDA revenues for administration of the fund and for transportation planning and programming purposes. SBCTA apportions 3 percent of LTF for planning and programming as allowed by statute. The limit does not apply to fund administration, but SBCTA has been responsible in the amount it claims, generally apportioning 1 percent of total estimated funds available. The dollar amount for administration increased between FYs 2018 and 2019 to the 1 percent level as the fund balance from prior year administrative funds was drawn down. In addition, SBCTA allocates revenues to SCAG for planning purposes as a member of the regional agency. During the audit years of 2018 through 2020, SBCTA apportioned the LTF amounts shown in Table IV-2.

**Table IV-2**  
**Adopted LTF Apportionments for**  
**SBCTA Administration,**  
**Planning, and Programming**

<b>Fiscal Year</b>	<b>Total LTF Available <sup>(a)</sup></b>	<b>SBCTA Administration of TDA</b>	<b>SBCTA Planning &amp; Programming</b>	<b>Total SBCTA Allocations</b>
2018*	\$115,927,601	\$330,000	\$3,477,828	\$3,807,828
2019**	\$91,322,570	\$913,226	\$2,739,677	\$3,652,903
2020**	\$95,909,606	\$959,096	\$2,877,288	\$3,836,384

*Source: SBCTA Board adopted apportionments and fund estimate*

*(a) Total annual LTF receipts estimated per SBCTA/County Auditor. Includes prior year audited unrestricted fund balance, and deducts for the fund reserve. The prior year unrestricted fund balance was slightly negative in FYs 2019 and 2020. Excludes State Transit Assistance funds.*

*\* Because there was a fund balance from prior year administrative funds, SBCTA requested only \$330,000 for administrative cost in FY 2017–18.*

*\*\* SBCTA's Administrative Cost set-aside is 1% of total estimated funds available.*

Annually, SBCTA staff presents the County Auditor/Controller with an estimate of current year and subsequent year LTF receipts. Staff uses a historical basis for the estimate and ties in a reasonable growth factor consistent with local economic indicators. SBCTA is conservative in its estimates, and any additional LTF recognized due to sales tax growth is carried forward in the next year's apportionment as an unrestricted fund balance.

#### Technical and Managerial Assistance to Operators

The SBCTA Transit Manager, Fund Administration Department, and the Finance Department are designed to be the central point for all fund administration and programming responsibilities for the agency. Following a period of reorganization, the staffing to administer the TDA has been centralized to a few staff in these departments, with specific responsibilities clarified. This has allowed the TDA administrative process to become more efficient and enables staff to be more proactive with the claimants. For example, the Transit Manager supports and communicates with the transit operators on a day-to-day basis, and administers several TDA required programs including transit planning, unmet transit needs, PASTACC, and review of LTF operator and bus stop improvement claims. The Transit Manager is the first line review of the claim prior to forwarding to Fund Administration and checks for the basic submittals and consistency in financial reporting and transit planning by the claimants. The management analyst in Fund Administration administers rail/state transit funding, including reviewing SBCTA LTF rail claims, and state transit funds such as Low Carbon Transit Operations Program (LCTOP), State of Good Repair, and Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA). The Planning Department plays a large role in the solicitation and selection of LTF Article 3 funds for bicycle and pedestrian projects. TDA funding is administered through organization and maintenance of spreadsheet-based and online processing of TDA claims and management. Article 3 bike/pedestrian claims are submitted through a separate online portal maintained by the Planning Department. These processes to automate the LTF administrative process include receiving the claim file, processing reimbursement requests, and checking balances.

The Finance Department provides accounting, financial auditing and procedures, and payment services while coordinating closely with the aforementioned departments on TDA financial matters. To help with other TDA administration, SBCTA retains outside on-call consultants to assist with various duties, including special transit-related studies, analysis of unmet transit needs, grant assistance, and technical staffing for the PASTACC.

Direct interface with the operators is through communications on TDA claims, transit planning and funding, and other transit matters. Transit operators are encouraged to communicate on a



regular basis, and the Transit Manager makes herself available in building positive relationships. Attendance at unmet transit needs hearings and PASTACC meetings, and review of findings and recommendations made in operator Comprehensive Operations Analyses/SRTPs and the regional SRTP, also present opportunities for discussion.

As described in the compliance section of this audit, SBCTA monitoring of transit operator performance has been enhanced through development of a new quarterly publication. The *San Bernardino County Multimodal Transportation Quarterly Report* was initiated in FY 2019-20 to provide high-level information about specific transportation services and programs available, report on current initiatives, and track trends in key performance indicators. The report covers the five public transit operators among other services. Quarterly ridership and other key data items are drawn from TransTrack, and trends and issues are described on a regional level. The fourth quarter report addressed the operators' responses to the COVID pandemic and their dealings in the areas of schedules, fares, cleaning, communications, and food delivery.

The operators are required to input their performance data in a timely manner into the TransTrack software program, which, along with their National Transit Database reports, enables SBCTA to review the data for accuracy and general operator health. Software upgrades are made to enhance the TransTrack dashboard module and use of the system as a performance monitoring tool, and to achieve further compliance with reporting consistent performance measures.

#### TDA Claim Processing

SBCTA was responsible for managing and apportioning \$115.9 million in LTF revenues in FY 2018, \$91.3 million in FY 2019, and \$95.9 million in FY 2020, after deduction for funding reserve.<sup>5</sup> The audited unrestricted fund balance at the start of FY 2018 was \$19.4 million, contributing to the higher amount that year. The other two fiscal years experienced slightly negative starting fund balances because prior year estimates were higher than actual LTF revenue received. In addition, according to the annual SBCTA STA apportionments, the amounts apportioned to the operators through the regional population share were \$5.8 million in FY 2018, \$12.1 million in FY 2019, and \$25.1 million in FY 2020, supplemented by the passage of State SB 1. The total restricted fund balance of STA funds by the end of the audit period (FY 2019-20) was \$76.1 million, according to the STA audited financial statements. SBCTA functions as a pass-through agency for the operator revenue share of STA.

The SBCTA TDA Claims Manual is the comprehensive resource for TDA claims information, instructions, and regulatory references. Last updated in May 2016, the manual is made available online and contains updated information regarding the TDA program, instructions for completing the claim form and required submittals, and sample claim forms for transit operators and local jurisdictions. Since that time, a number of state legislative directives affecting the TDA were implemented over the past five years that impact the administration and funding of the program, such as SB 508 (performance measurement including farebox recovery), AB 1113 (clarification of TDA claimants and changes in regulatory filings), SB 1 (STA augmentation and State of Good Repair programs), and AB 90 (coronavirus pandemic performance measures relief). These examples of state TDA legislation and other changes to the local practice of TDA in the County

<sup>5</sup> San Bernardino County Local Transportation Fund Annual Apportionment table.

should be addressed and memorialized in an update to the workbook and their impacts noted on SBCTA’s TDA administration and funding.

SBCTA prepares and distributes the TDA claims packets electronically along with funding information such as apportionments needed to prepare TDA claims. Included in the packet is a checklist of items to be filed. The claims checklist contains a listing of 13 items to include with the claim that allows each claimant to submit and justify its need for TDA funds.

The claims are prepared by each operator, adopted by the operator’s governing board or council, and must include a sign-off on the implementation of a number of TDA requirements. These requirements are contained in a “standard assurances” form that is separate from the checklist and includes compliance with revenue ratios, attachment of specific documentation, and submittal of compliance audits and reports. Each submitting claimant certifies that all conformance requirements are satisfied to receive both LTF and STA funds. Once the claims are processed and funds are allocated by SBCTA, operators can amend claims during the fiscal year as actual transit service is delivered. Claims and required submittals for Article 3 bike/pedestrian projects are handled differently through the separate online portal managed by the Planning Department, but ultimately coordinated with the Fund Administration and Finance Departments.

STA funds are claimed using the same form and comply with the procedures and formulas established in the TDA statute. SBCTA is required to make annual findings prior to allocation of STA funds to the transit operators. These findings are part of the standard assurances checklist and integrated with the claims for LTF revenues. Measure I elderly and disabled claims are a third aspect of the claims process.

The regional share of STA that SBCTA receives under PUC Section 99313 is distributed based on need. SBCTA formalized the split of annual funding based on the relative population proportions between the Valley and Desert regions. Historically, the split was 75 percent to the Valley and 25 percent to the Mountain/Desert; the formally adopted split during the audit period was slightly different at 72.56 percent Valley and 27.44 percent Mountain/Desert in FY 2020 using annual population data from the California Department of Finance. Because STA funds are largely intended for capital purposes, the STA population share funds are not further apportioned to the jurisdiction level, as is the case with LTF, but are instead allocated to specific projects as the need is identified. These allocations are presented to the SBCTA Board for approval after the transit operators develop their annual fiscal year budgets.

The general responsibilities for TDA claims administration under the Transit Manager and Fund Administration include the following:

- Release estimates for LTF and STA funds to transit operators.
- Apportion LTF and STA funds to eligible claimants.
- Ensure compliance and claimant eligibility to receive TDA fund prior to allocation.
- Allocate and approve LTF and STA funds to eligible claimants.



- Manage claims process for LTF and STA funding.
- Monitor performance and use of funds to ensure fiscal and performance responsibility.
- Monitor federal transit grant expenditures by operators to ensure timely use.

Also, several administrative tasks are transferred to the Finance Department including:

- Preparation of State Controller Reports of the LTF and STA funds.
- Coordination of fiscal and compliance audits of TDA claimants.
- Maintenance of LTF and STA interest earnings and balance sheets.
- Coordination of invoices and fund disbursement.
- Contracting for federal single audits.

State legislation made adjustments to some TDA provisions including farebox recovery and eligibility for STA funding. One such adjustment was the reinstatement of the eligibility criteria used to determine how much STA revenue could be used by an operator for offsetting operating expenses rather than capital expenditures. SBCTA's method to implement this test is to have the independent fiscal auditor conduct the test annually for the operators, with both SBCTA and the affected operators reviewing and concurring with the inputs and results.

#### Unmet Transit Needs and PASTACC

Unmet transit needs hearings are required by the TDA where claims can be made for streets and roads. This occurs for the desert region of San Bernardino County since the TDA is dedicated to transit in the Valley and Mountain areas. While non-transit funds are allocated in the High Desert (VVTA), in the Low Desert region comprising the MBTA service area, all LTF is allocated to transit. However, MBTA requested that unmet needs hearings continue in its service area to capture public comment for transit planning purposes. SBCTA conducts the annual unmet needs process in consultation with PASTACC, which serves as the statutorily required Social Services Transportation Advisory Council. Members of the PASTACC participate in the review of the comments made during the hearings.

PASTACC revised the formal definitions of “unmet transit needs” and “reasonable to meet” for the purpose of SBCTA Board adoption in May 2016, and was reaffirmed each year of the audit period. The definitions are provided below.

- **Unmet Transit Needs:** Basic, existing mobility needs or any deficiency in the provision of public transit service, specialized transit service or private for-profit or nonprofit transportation.

- **Reasonable to Meet:** A determination to be made based upon the following guidelines and performance and financial standards, in accordance with federal Title VI Non-Discrimination regulations and recognizing the following components:
  - Community acceptance – The proposed service has community acceptance and support as determined by the unmet transit needs public hearing record or as a component of adopted programs and plans.
  - Implementation – The proposed service shall:
    1. Be in response to an existing rather than a future need.
    2. Be implemented consistent with the timing of funding availability.
    3. Be implemented safely and in accordance with local, state, and federal laws and regulations.
    4. Not cause the operator to incur expenditures in excess of the maximum amount of LTF funds, STA funds, FTA funds, fare revenues, and local support.
  - Cost effectiveness – The proposed service shall:
    1. Minimize duplication of existing transportation services or resources.
    2. Consider opportunities for coordinating among adjoining public entities or with private transportation providers and/or funding agencies in order to maximize existing resources (including financial), as well as legal or customary responsibilities of other entities such as social service agencies, religious organizations, and schools.
    3. Excluding the first three years, the proposed or new transit service will not adversely affect systemwide performance standards including the operator's ability to meet required farebox recovery.
    4. The proposed or new transit service shall show continued progress in key performance indicators over the pilot period.

Unmet transit needs hearings are coordinated by SBCTA transit staff and generally held in September. Given the vast geography of the desert region, public hearings are held in two locations in cooperation with the local transit agencies in the High Desert (VVTA) and Low Desert (MBTA). The VVTA and MBTA boards serve as the hearing board at their respective locations. The transit operators provide complementary curb-to-curb rides for customers wanting to attend the unmet needs hearings. After conducting the analysis prescribed under PUC Section 99401.5 and conducting public hearings to identify unmet transit needs, SBCTA, in conjunction with PASTACC, makes a determination of unmet transit needs and consults with the Transit Committee prior to presenting the resolution of finding to and adoption by the SBCTA Board of Directors.

During the audit period, the following unmet needs findings were made:

#### ***FY 2017–18***

1. There are no unmet transit needs that can be reasonably met within the Victor Valley, Upper Desert Region of San Bernardino County.

2. There are no unmet transit needs that can be reasonably met within the Morongo Basin, Lower Desert Region of San Bernardino County.

***FY 2018–19***

1. There are no unmet transit needs that can be reasonably met within the Victor Valley, Upper Desert Region of San Bernardino County.

2. There are no unmet transit needs that can be reasonably met within the Morongo Basin, Lower Desert Region of San Bernardino County.

***FY 2019–20***

1. There are no unmet transit needs that can be reasonably met within the Victor Valley, Upper Desert Region of San Bernardino County.

2. There are no unmet transit needs that can be reasonably met within the Morongo Basin, Lower Desert Region of San Bernardino County.

The hearings are duly noticed in local print publications such as the *Victorville Daily Press*, *Lucerne Valley Leader*, *San Bernardino County Sun*, *Yucca Valley Hi-Desert Star*, *Barstow Desert Dispatch*, and *Twentynine Palms Desert Trail*. Flyers announcing the public hearings are posted on transit vehicles serving the region, and notices are mailed to social service agencies, transit advocates, and interested citizens. Comments are also received by SBCTA via email. Testimony gathered from the hearings and subsequent analysis are coordinated between SBCTA staff and the contractor retained to facilitate PASTACC.

PASTACC serves as the primary group through which the unmet transit needs process is reviewed and testimony and findings are discussed. PASTACC follows its updated bylaws and member resource binder to develop a more formalized and defined role in transportation decision-making. SBCTA has been working to better define the purpose, role, and work scope of the committee in anticipation of retaining the interest level and involvement of all participants. As the committee discusses a broad range of transit and specialized transit issues, the bimonthly meeting agendas contain discussion items that revolve around several primary areas, including reporting on items of interest to voting members and the general membership, unmet transit needs, updates on transit grants and initiatives, and other items of current interest impacting transit and transportation. Other SBCTA staff and public members also participate on agendas as necessary, while ad hoc subcommittees are created to focus on particular issues.

SBCTA prepares the appropriate documentation on the unmet transit needs process and findings and submits the packet to Caltrans. In implementing a prior performance audit recommendation to comply with the PUC, SBCTA identified the transit needs of the jurisdictions through analysis conducted as part of the unmet needs process. SBCTA's consultant, on behalf of the agency, prepared the analysis under PUC Section 99401.5, including an annual assessment of the size and location of identifiable groups likely to be transit dependent or transit disadvantaged; an analysis of the adequacy of existing public transportation services and specialized transportation services; an analysis of the potential alternative public transportation and specialized transportation services and service improvements; and an analysis of the need to acquire or lease vans and related

equipment for commuter vanpool as well as farmworker vanpool programs, if requested. The analysis helps to determine potential transit gaps in existing service and whether there are any transit needs voiced from the community that are reasonable to meet. The analysis is combined with other annual unmet needs documentation submitted to Caltrans.

### **Public Information and External Affairs**

Through a past merger of legislative and public affairs within the agency, consistent messaging of SBCTA to its elected members, the media, and the public is one of the centerpieces of its strategy. The Legislative & Public Affairs Department has prioritized creating awareness of the agency through effective outreach strategies. Awareness is one of the initiatives in the SBCTA Initiatives and Action Plan and budget, per *Initiative #6: Awareness of SBCTA Programs, Services, and Transit Options*. Another initiative under the responsibility of the department is *Initiative #5: Maximize Funding Opportunities and Cost-Effectiveness of Investments*, which advocates for policies and funding formulas at the state and federal levels that are favorable for SBCTA to construct and deliver transportation projects. Among the stated efforts is to utilize new tools and capitalize on communications opportunities throughout the region.

The updated SBCTA website, fact sheets, outreach efforts, and media briefings each bear consistent messaging. Website content is typically filtered through Legislative & Public Affairs before being posted on the internet. Staff has been active in creating public awareness of SBCTA services that align with the agency and associated branding efforts. Awareness of the amount of transportation construction activity requires an outreach strategy undertaken by this department. Public involvement in suggesting alternatives and providing feedback for the I-10 and I-15 Corridor Projects was conducted with the assistance of community advisory groups established to provide information to and receive input from their communities.

The activities related to outreach include periodic publication of SBCTA information notices, notice of changes in construction, development of program brochures, hosting of community meetings for various regional projects, management of a variety of public events to commemorate project and program accomplishments, and management of a media information program relative to all SBCTA activities. SBCTA consolidated its external outreach team to one contractor for all projects. Prior to this action, each project had separate messaging and formatting and was impacted from a silo effect. Under this consolidated effort, project messaging has the same tone and general feel, and reporting between the vendor and SBCTA is made easier for all outreach efforts.

SBCTA sends an annual delegation to Washington, DC, to advocate as one voice for transportation and attends national transportation conferences. Federal advocacy efforts have been made for awareness and support on SBCTA's piloting of the nation's first zero-emission commuter rail vehicle, the Transportation Infrastructure Finance and Innovation Act loan for the I-10 Corridor Contract 1 project, and the Redlands Passenger Rail project. Similar advocacy efforts are made during trips to Sacramento on state transportation funding such as SB 1, cap and trade program flexibility, and funding for ongoing maintenance and operations. In addition, state advocacy efforts were made for passage of AB 1523 (Obernolte) authorizing SBCTA to use a design-build procurement process for the Mt. Vernon Viaduct project.

SBCTA has an ongoing program of outreach and communication with the news media, community organizations, and the general public in San Bernardino County. Through this program, SBCTA established cooperative working relationships with key community organizations that provide for public input into SBCTA programs, as well as development of community support for projects at the state and federal levels. From surveys administered through SBCOG to understand what services are desired by local member agencies, SBCTA provides tailored messaging to help empower cities to package and advocate for their own project funding. If SBCTA is the lead agency on a deliverable or construction project, it will provide the outreach. Otherwise, SBCTA advises local jurisdictions and supports their efforts.

The Legislative & Public Affairs Department also takes lead on studies that have direct connections to funding, such as managing the Transit Marketing and Fare Subsidy study for the Mountain and Desert regions in FY 2017-18. The study helped create a marketing tool kit for the transit systems, including uniform trip planning, and focused on assisting the operators in targeting funding from the state LCTOP. Studies like these, as well as integrating transit funding needs in the department's advocacy program, enhances the voice for transit.

The Legislative & Public Affairs Department is responsible for creating and sharing numerous publications including public information notices, press releases, specialized brochures, project fact sheets, invitations and programs for construction-related events or updates, and other SBCTA events and projects. The News & Events section of the SBCTA website includes updated agency information in electronic format. Resources available in this section include:

- goSBCTA e-Newsletter
- goSBCTA Newsroom
- COG Communicator
- Media Kit
- On-the-Go Newsletters

The goSBCTA e-newsletter is a monthly publication that brings the latest transportation news and information right to a subscriber's inbox. The goSBCTA newsroom is a primary stop for current SBCTA news and information. The COG Communicator is the COG's quarterly e-newsletter for related information. Two publications—one for commuters and one for employee transportation coordinators—are posted on the On-the-Go Newsletters page and feature transit news and other helpful information. The newsletters are published in English and Spanish.

Outreach and communication actions facilitated by the Legislative & Public Affairs Department include the development of presentations for all departments and SBCTA as a whole, presentations to organizations and city councils, creation of graphic display materials for SBCTA booths at public events, coordination of special events and the photography of SBCTA events and activities, preparation of speeches for SBCTA board members and SBCTA staff, program development, and social media outreach and response efforts in support of overall SBCTA activities. SBCTA works with the local jurisdictions on transportation/land use such as transit-oriented development planning and identification of transportation options.



Social media is another venue for communication through assistance from an outside vendor. SBCTA posts updated information on Twitter, Facebook, Instagram, and LinkedIn. The goSBCTA e-newsletter and COG Communicator can be shared via these social media platforms.

Internet video via YouTube is used to promote SBCTA activities and broadcast agency meetings uploaded by the public. Over the past few years, they have included videos of SBCTA B2B Expo, the Redlands Passenger Rail Project, Technical Advisory Committee meetings, and Transit Committee meetings. The COVID pandemic has challenged the agency to virtualize outreach efforts using virtual video communication platforms that have resulted in larger turnouts for such outreach events. Examples include SBCTA hosting its monthly I-10 Express Lanes Project webinar, and a virtual open house to share information on the Lytle Creek Recreation Management Plan and Traffic Management Plan, which drew more than 80 participants.

Alternative transportation is promoted by SBCTA through the same media channels as for other modes. While the public transit operators generally conduct their own marketing and promotion, the aforementioned countywide Transit Marketing and Fare Subsidy study is an example of SBCTA's recognition that alternative transportation, including nonmotorized means, is an integral part of the overall transportation network, especially as it pertains to access to and from transit and to and from one's destination.

### **Grant Application and Management**

SBCTA serves as the clearinghouse for federal grant applications that are reviewed to determine if there is any duplication of effort among agencies and to ensure there is no conflict with local plans and policies. SBCTA's role for San Bernardino County includes reviewing and being an integral part in state and federal funding assistance that promotes interjurisdictional coordination. SBCTA has largely been successful with obtaining competitive grants due to the quality of its grant proposals combined with awareness efforts the agency undertakes with policy-makers and stakeholders on the state and federal levels. SBCTA demonstrates its cost-effective and efficient methods to deliver projects, which make the grant proposals attractive to grantee agencies. During the audit period, SBCTA was successful in securing \$162 million in competitive grants for transit projects, and \$142 million for road improvement projects.

The Fund Administration Department is typically involved in the grant process through fund tracking of both revenue projections and expenditure needs for operations and maintenance, pass-through subsidies, and capital projects. Additional resources are provided for many of the ongoing state transit grant programs, as well as outside consulting assistance for other large capital grants. The Planning Department provides analytical support for grant applications prepared both within their department and by all other SBCTA departments.

The agency assists the transit operators with obtaining both state and federal grants by ensuring the programming of resources and projects in the appropriate state and federal transportation implementation plans. Funding sources such as SB 1 position SBCTA as the conduit for information about grant availability. State funding during the audit period, including LCTOP and the conclusion of the Proposition 1B program (PTMISEA and CalOES), has been instrumental in providing transit revenue for the operators for projects including infrastructure, security, and

rolling stock purchases. SBCTA was successful in securing over \$76 million in competitive funding for the Redlands Passenger Rail project from the SB1 Solutions for Congested Corridors Program (SCCP) and SB1 Local Partnership Program (LPP). That was in addition to the \$18 million received for the project during the last audit period from the State Transit and Intercity Rail Capital Program (TIRCP) and federal Transportation Investment Generating Economic Recovery (TIGER) funds.

Federal grants have also played an important role in funding the transit operators' continued operations and capital replacements. For example, in the TDA claims, SBCTA requires the operators to submit a listing of capital projects approved in the prior year's budget but not yet completed. This list is a means to track progress in completing capital projects and the relative success of drawing down and closing federal grant funds. This requirement for the claims is in addition to the listing of capital projects requested in the current budget year.

Grant functions such as transit grant monitoring and use are a responsibility of the Transit Department. Oversight of the annual federal single audits is the responsibility of the Finance Department. Federal transit grant programming includes preparation of FTA Section 5311 Program of Projects and assistance to the operators in preparation of FTA Section 5307 grant applications, calls for projects for federal transit grants, and review and recommendation of FTA Sections 5310 and 5311(f) applications. SBCTA approves use of the FTA funds through approval of each operator's SRTP as well as ensuring the approved projects are included in the FTIP. SBCTA also maintains a monitoring system for FTA formula grants to ensure timely commitment of funds and monitors congressional appropriation of FTA funds and FTA regulations.

SBCTA serves as the lead agency, or a major funding partner, on constructing major capital transit projects with grant support/awards. SBCTA has been successful with procuring large-scale grants for transit. As examples, during the audit period, SBCTA was successful in securing \$162 million in competitive grants for transit projects for: the West Valley Connector Bus Rapid Transit project (\$15 million TIRCP); Redlands Passenger Rail project (\$65 million SCCP and \$11 million LPP), ZEMU rail vehicle (\$30 million TIRCP), and the Gold Line (\$41 million TIRCP). Further, SBCTA secured additional competitive funding after the audit period totaling \$152 million awarded to the West Valley Connector project from the FTA Small Starts Program and SCCP, and a \$26 million apportionment announced by the FTA from the American Rescue Plan Act (ARP) in June 2021.

In identifying grant opportunities, SBCTA is involved early and often on new funding sources/changes at the state and federal levels by actively participating in various organizations that link the agency with other funding agencies. These organizations include serving on the CalAct Board, and as vice moderator for the Cal RTPA group. SBCTA participates in development of guidelines for state funding sources and subscribes to various sources/organizations for both state and federal grant opportunities. Also, SBCTA/SBCOG's on-call grant writing consultant monitors lower profile grants that might not be readily visible to agency staff.

Department directors are responsible to pursue grant opportunities, and the director delegates a grant application by determining if in-house staff has the time and expertise to write the grant, or if an outside consultant is needed. Compliance and reporting are also the responsibility of the department director who delegates to the project manager. It was indicated there were no lost grants



due to reporting or compliance. The lead grant-writing department works with SBCTA Legislative & Public Affairs to solicit support from elected or appointed officials. A procurement analyst from Finance is assigned almost immediately to assist the departments with the procurement process and project implementation and tracking. This team approach provides a more centralized means to ensure all necessary procurement and project provisions are met. SBCTA formalized procurement policies, which include electronic storage of documents and ensuring contractual payment. SBCTA maintains a risk management function to identify areas of exposure to loss or injury which result from SBCTA activities, maintain proper insurance coverage, and assist with the development, management, and implementation of SBCTA risk management policies and procedures.

## Section V

### Findings

The following material summarizes the findings obtained from the triennial audit covering fiscal years 2018 through 2020. A set of audit recommendations is then provided.

1. SBCTA has satisfactorily complied with state legislative mandates for RTPAs. One measure in partial compliance was the consistent submission of productivity improvement progress reports to SBCTA by the operators as part of the TDA claim process. Another measure not applicable pertained to the adoption of rules and regulations to evaluate TDA Article 4.5 claims for CTSA's. SBCTA's current policy is to not allocate TDA funds to CTSA's, given that they are funded through other sources such as Measure I.
2. SBCTA met compliance by identifying the transit needs of the jurisdictions through a series of analyses conducted as part of the unmet transit needs process. The analysis is combined with other annual unmet needs documentation submitted to Caltrans.
3. Two of three recommendations from the prior performance audit have been fully implemented. They pertain to assigning roles for determining State Transit Assistance eligibility and updating correspondence with Caltrans certifying completion of triennial performance audits. The recommendation partially implemented is for operators to submit their full Productivity Improvement Program report in the TDA claim.
4. Following board direction, SBCTA has increased its perspective on multimodal investments and interconnectivity not only for highways, but for transit and nonmotorized transportation. This perspective on infrastructure investment also has percolated to discussion on location and beneficiaries of these investments. The organizational flow is designed to help deliver projects in a timely manner and implement the Measure I Strategic Plan and its key requirements.
5. SBCTA monitoring of transit operator performance has been enhanced through development of a new quarterly publication. The *San Bernardino County Multimodal Transportation Quarterly Report* was initiated in FY 2019-20 to inform San Bernardino County policy-makers, members of the general public, and interested stakeholders on current initiatives and key performance indicators.
6. TDA administrative responsibilities are shared among several departments, including Fund Administration, Finance, and Transit. In short, during the audit period, responsibilities and reporting were shifted and made more distinct, with the Transit Manager primarily responsible for overall communication and interfacing with the operators with regard to the TDA claim process. The Transit Manager is directly responsible for monitoring bus activity and planning, and communicating with the operators. Fund Administration is responsible for the administrative functions, such as the annual apportionment estimates, budget, preparing the allocations and disbursements based on approved claims and invoices, tracking balances, maintaining the TDA workbooks, and reviewing financial audits.

7. The Redlands Passenger Rail Project is scheduled to be operational in 2022. SBCTA is managing the construction of the rail project and owns the equipment and rail line, which will begin operating with three diesel multiple-unit vehicles. SBCTA was awarded \$30 million in state grant funding to pilot a zero emission multiple-unit vehicle and will be the first in the country to traverse this vehicle on its rail lines.
8. SBCTA and Omnitrans entered into a cooperative agreement whereby SBCTA would construct, and Omnitrans would operate, the West Valley Connector Project, a two-phase, 35-mile-long bus rapid transit project that proposes limited stops while adding speed and quality improvements to the public transit system along the corridor.
9. Notable to SBCTA's TDA management is development of a dedicated website and portal for Article 3 bicycle and pedestrian funding and project submission. The website provides program overview and instructions, and links to folders for jurisdictions to obtain application information and submit their applications and project data. Separate application sections are provided for bike/pedestrian projects, and for transit bus stop accessibility projects.
10. Additional studies conducted during this audit period with relevance to transit and multimodalism are those relating to the planning and rollout of zero emission vehicles. They include the Zero-Emission Vehicle Readiness and Implementation Plan, completed in August 2019, and a series of zero-emission bus (ZEB) studies completed in April 2020. These bus studies include the San Bernardino Countywide Zero-Emission Bus Study Master Plan, SBCTA Final Countywide ZEB Rollout Plan, and the Omnitrans Zero-Emission Bus Rollout Plan.
11. During the audit period, a Consolidation Study was undertaken to look at possible efficiencies and cost savings that could result from a consolidation of SBCTA and Omnitrans. The Consolidation Study revealed minimal financial savings and major organizational and legal risks, and therefore in September 2020 the decision was made to not consolidate the two agencies.
12. Creating awareness through effective outreach strategies is a priority for SBCTA programs, services, and transit options. Awareness is one of the initiatives in the SBCTA Initiatives and Action Plan and budget. The COVID-19 pandemic has challenged the agency to virtualize outreach efforts using virtual video communication platforms, which have resulted in larger turnouts for such outreach events. Examples include SBCTA hosting its monthly I-10 Express Lanes Project webinar, and a virtual open house to share information on the Lytle Creek Recreation Management Plan and Traffic Management Plan, which drew more than 80 participants.
13. SBCTA has largely been successful with obtaining competitive grants, due to the quality of its grant proposals combined with awareness efforts the agency undertakes with policy-makers and stakeholders on the state and federal levels. SBCTA demonstrates its cost-effective and efficient methods to deliver projects, which make the grant proposals attractive to grantee agencies. During the audit period, SBCTA was successful in securing \$162 million in competitive grants for transit projects, and \$142 million for road improvement projects.

## Recommendations

### 1. Communicate with the operators regarding the required submission of their full Productivity Improvement Program report in the TDA claim. (High Priority)

This is carried forward from the prior performance audit as being partially implemented. As outlined in SBCTA's TDA manual and in the Transit System Claim Checklist, one of the mandatory items on the checklist is for the transit operator to include a productivity improvement progress report with its claim submittal. The report must include (1) proof of specific efforts initiated by the operator to improve productivity, (2) status on implementing prior audit recommendations, and (3) proof of TransTrack usage.

During this period, the productivity reports submitted by the operators with their claim varied, from some items being presented to none at all. TransTrack performance data printouts were provided by some, as well as reporting on prior performance audit recommendations. However, there was not consistent reporting on the three required elements. While the SBCTA quarterly multimodal report contains updated operator status information and performance indicators, SBCTA should continue its communication with the operators to ensure proper backup for the productivity improvement program is submitted with their TDA claims. SBCTA's review of the claims should include operator compliance with the checklist items.

### 2. Update the SBCTA TDA Claims Manual. (High Priority)

The last update to the in-house TDA manual was completed in May 2016. Since that time, a number of administrative, compliance, and statutory changes have been made. For example, a new farebox standard was adopted by SBCTA for Victor Valley Transit Authority upon the agency's expansion of service to Barstow and subsequent change in its TDA claim. Also, internal administrative changes were made to divide department responsibilities for reviewing and processing TDA claims among the Transit, Fund Administration, Finance, and Planning Departments. As an example, the manual should reflect consistency in improvements to the Article 3 bicycle/pedestrian claim process.

Further, several pieces of new state legislation have been passed into law directly impacting the administration of the TDA. These include content contained in Senate Bill (SB) 508 (performance measurement), Assembly Bill (AB) 1113 (clarification of TDA claimants and changes in regulatory filings), SB 1 (STA augmentation and State of Good Repair programs), and AB 90 (coronavirus pandemic transit performance measures relief). As the manual should provide updated guidance on local administrative practice of TDA, the new provisions from these statutory measures should be added.

### 3. Update the SBCTA TDA Claims Checklist (High Priority)

Subsequent to the update of the TDA manual, SBCTA should review and update the TDA claim checklist to reflect the changes. For example, AB 1113 changed the filing timeline for the transit operator financial transactions report to the State Controller from 90 days to seven months and using audited data. While SBCTA and the transit operators are compliant with this

particular change, the standard assurances in the claim continues to show the 90-day report. The TDA manual also does not show this updated change in submittal date. Also, the timeliness of the calculation of the STA eligibility criteria should accompany the claim timelines to enable the operators to determine and budget whether any of these funds will be claimed for operations rather than capital.

## Additional Information

## TRANSIT COMMITTEE ATTENDANCE RECORD – 2021

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Ray Marquez</b> City of Chino Hills		X	X	X	X	X		X				
<b>Frank Navarro</b> City of Colton		X	X	X	X	X		X				
<b>Aquanetta Warren</b> City of Fontana		X	X	X		X		X				
<b>Larry McCallon</b> City of Highland		X	X	X	X	X		X				
<b>John Dutrey</b> City of Montclair		X	X	X	X	X		X				
<b>Alan Wapner</b> City of Ontario		X	X	X	X	X		X				
<b>L. Dennis Michael</b> City of Rancho Cucamonga		X	X	X	X	X						
<b>Deborah Robertson</b> City of Rialto		X	X			X		X				
<b>John Valdivia</b> City of San Bernardino			X	X	X	X		X				
<b>David Avila</b> City of Yucaipa		X	X	X		X		X				
<b>Rick Denison</b> Town of Yucca Valley		X	X	X		X		X				
<b>Dawn Rowe</b> Board of Supervisors		X	X	X	X	X		X				

Communication: Attendance (Additional Information)

X = Member attended meeting      Empty box = Member did not attend meeting  
 Crossed out box = Not a member at the time      Shaded box=The Transit Committee did not meet



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

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

**Acronym List**

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



## 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