

AGENDA
General Policy Committee Meeting
May 11, 2022
9:00 AM

Location

San Bernardino County Transportation Authority
First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA 92410

VIDEO CONFERENCING WILL BE AVAILABLE AT THE FOLLOWING LOCATION:

City Council Chambers
1111 Bailey Ave.
Needles, CA 92363

General Policy Committee Membership

Chair – Vice President

Mayor Pro Tem Art Bishop
Town of Apple Valley

President

Supervisor Curt Hagman
County of San Bernardino

Past President

Mayor Frank Navarro
City of Colton

East Valley Representatives

Mayor Larry McCallon
City of Highland

Mayor Darcy McNaboe
City of Grand Terrace

Supervisor Dawn Rowe
County of San Bernardino, *MVSS/MDC Chair*

Mt./Desert Representatives

Vice Mayor Edward Paget
City of Needles

Mayor Debra Jones
City of Victorville

Supervisor Paul Cook
County of San Bernardino

West Valley Representatives

Mayor Ray Marquez
City of Chino Hills, *TC Chair*

Mayor Acquanetta Warren
City of Fontana

Mayor Pro Tem Alan Wapner
City of Ontario

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

AGENDA

General Policy Committee Meeting

**May 11, 2022
9:00 AM**

**Location
SBCTA**

**First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA 92410**

VIDEO CONFERENCING WILL BE AVAILABLE AT THE FOLLOWING LOCATION:

City Council Chambers
1111 Bailey Ave.
Needles, CA 92363

Items listed on the agenda are intended to give notice to members of the public of a general description of matters to be discussed or acted upon. The posting of the recommended actions does not indicate what action will be taken. The Board may take any action that it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

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 Art Bishop)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
- iv. Agenda Notices/Modifications - Lupe Biggs

Possible Conflict of Interest Issues

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

1. Information Relative to Possible Conflict of Interest

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

This item is prepared monthly for review by Board 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 - Administrative Matters

2. April 2022 Procurement Report

Pg. 13

Receive the April 2022 Procurement Report.

Presenter: Shaneka Morris

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

3. Budget to Actual Report for Third Quarter Ending March 31, 2022

Pg. 22

Receive and file Budget to Actual Report for the second quarter ending March 31, 2022.

Presenter: Lisa Lazzar

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

DISCUSSION ITEMS

Discussion - Administrative Matters

4. Fiscal Year 2021/2022 Budget Amendments

Pg. 32

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

A. Approve an increase in budget for Fiscal Year 2021/2022 for Task No. 0550 – Allocations/Pass-Through by \$19,879,400 to be funded by an increase in anticipated Measure I (MSI) sales tax revenue for the Local Street Pass Through Programs in each of the six subareas of the County of San Bernardino (County) (funds 4140, 4240, 4340, 4440, 4540, and 4640); and

B. Approve an increase in budget for Fiscal Year 2020/2021 for Task No. 0310 – Transit Allocation/Pass-Through by \$4,867,800 to be funded by an increase in anticipated MSI sales tax revenue for the Senior and Disabled Transit Service Programs in each of the six subareas of the County (funds 4170, 4270, 4370, 4470, 4570, and 4670); and

C. Approve an amendment for the Fiscal Year 2021/2022 Budget for Task No. 0315 – Transit Capital to substitute \$7,700,000 Federal Transit Administration 5307 - Congestion Mitigation & Air Quality funds with State Transit Assistance funds in the amount of \$7,700,000, for a zero net increase to the fiscal year budget.

Presenter: Lisa Lazzar

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

5. Employer Retirement Contribution Advance Payment

Pg. 35

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

Authorize an advance payment of \$3,715,898.62 to the San Bernardino County Employees' Retirement Association by July 13, 2022, for San Bernardino County Transportation Authority's estimated annual retirement contribution for Fiscal Year 2022/2023.

Presenter: Lisa Lazzar

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

6. Capital Projects and Reserves Based on Policy No. 20600 Funding Indirect Costs

Pg. 39

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Associated Governments (SBCOG):

A. Approve revisions to Policy No. 20600, Funding Indirect Costs and Establishing Fund Balance Reserves and a Capital Improvement Plan; and

B. Approve reserves for capital costs and emergency purposes based on Policy No. 20600, Funding Indirect Costs and Fund Balance Reserves; and

C. Review and provide direction relative to budgetary information to be included in the Indirect Fund for Fiscal Year 2022/2023 Budget.

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

D. Approve the updated Capital Improvement Plan for the Santa Fe Depot and for the Agency's Information Technology systems.

Presenter: Hilda Flores

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft policy.

7. Authorized Signers for Bank Accounts

Pg. 50

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Associated Governments (SBCOG):

Approve the Executive Director, Chief Financial Officer and Director of Management Services, as authorized signers for all accounts with Wells Fargo Bank, National Association.

Presenter: Hilda Flores

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

8. Renewal of Annual Insurance Policies

Pg. 51

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

A. Authorize the Director of Special Projects and Strategic Initiatives to approve and execute binding insurance coverage through the policies and premiums up to 10% over the estimate of \$630,564, and authorize the Executive Director to bind the policy should the amount exceed \$693,621, for the period of July 1, 2022 through June 30, 2023.

B. Authorize the issuance of Purchase Orders to process payments for securing the insurance policies.

Presenter: Steven Keller

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

9. New Policy No. 10111-3, California COVID-19 Supplemental Paid Sick Leave

Pg. 55

That the General Policy Committee recommend to the Board, acting as the San Bernardino County Transportation Authority and the San Bernardino Associated Governments:

Approve Policy No. 10111-3, California COVID-19 Supplemental Paid Sick Leave.

Presenter: Colleen Franco

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft policy.

10. Amendment No. 3 to Contract No. 16-1001429 with the Local Agency Formation Commission for the Lease of Unit 150

Pg. 60

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

A. Approve Amendment No. 3 to Contract No. 16-1001429 with the Local Agency Formation Commission for the lease of Unit 150, effective July 24, 2022, through July 23, 2027.

B. Approve an increase of \$354,110 to the total revenue contract amount, for a new revenue contract value of \$824,526 for the term of the contract.

Presenter: Ivan Ramirez

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

Discussion - Regional/Subregional Planning

11. Development Mitigation Annual Report for Fiscal Year Ending June 30, 2021

Pg. 65

Receive information on the Development Mitigation Annual Report for Fiscal Year ending June 30, 2021.

Presenter: Ginger Koblasz

Input for this item was solicited via an email distributed to the Transportation Technical Advisory Committee (TTAC) in late August 2021 and a draft of the completed item was distributed to TTAC in April 2022. This item is not scheduled for review by any other policy committee or technical advisory committee.

12. 2021 Update of the Development Mitigation Nexus Study

Pg. 69

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

Approve the 2021 Update to the San Bernardino County Transportation Authority Development Mitigation Nexus Study.

Presenter: Ginger Koblasz

Input for this item was solicited via an email distributed to the Transportation Technical Advisory Committee (TTAC) in late August 2021 and a draft of the completed item was distributed to TTAC in March 2022. This item is not scheduled for review by any other policy committee or technical advisory committee.

13. Contract No. 22-1002774 with Iteris, Inc. for the Traffic Performance Monitoring System

Pg. 81

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

Approve Contract No. 22-1002774 in the amount of \$375,160 with Iteris, Inc., for access to a traffic performance monitoring system and support services for the period of July 1, 2022, to June 30, 2027, with two optional one-year extensions, for a total not-to-exceed amount of \$550,452.

Presenter: Ginger Koblasz

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

Discussion - Transportation Programming and Fund Administration

14. Amendments to Policy No. 40001 and Policy No. 31701 Regarding State and Federal Fund Allocations

Pg. 116

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

Approve revisions to Policy No. 40001 and Policy No. 31701, as attached, to consolidate policies regarding the allocation of State and Federal funds and to add a new policy concerning the allocation of State and Federal funds to transit operators.

Presenter: Andrea Zureick

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft policy revisions.

Discussion - Council of Governments

15. San Bernardino County Transportation Authority/San Bernardino Council of Governments Equity Work Update and approval of Scope of Work

Pg. 134

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority and the San Bernardino Associated Governments:

- A. Receive a report on equity programs and projects.
- B. Note the dissolution of the Equity Ad Hoc Committee.
- C. Approve moving forward with an Equity Policy Framework recommended by the Equity Ad Hoc Committee for a not-to-exceed budget of \$150,000.

Presenter: Monique Reza-Arellano

This item is not scheduled for review by any other policy committee and is scheduled to be received by the City/County Managers Technical Advisory Committee on May 5, 2022.

16. Presentation from Southern California Edison on Wildfire Risk Mitigation

Pg. 145

Receive a presentation from Southern California Edison on wildfire mitigation efforts.

Presenter: Duane Baker

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

Public Comment

Brief Comments from the General Public

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 General Policy Committee meeting is scheduled for June 8, 2022.

Meeting Procedures and Rules of Conduct

Meeting Procedures - The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility - The meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk can be reached by phone at (909) 884-8276 or via email at clerkoftheboard@gosbcta.com and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at www.gosbcta.com/board/meetings-agendas/ at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed online at that web address. Agendas are also posted at 1170 W. 3rd Street, 1st Floor, San Bernardino at least 72 hours in advance of the meeting.

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

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

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a “Request to Speak” form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for each item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. Members of the public requesting information be distributed to the Board of Directors must provide 40 copies of such information in advance of the meeting, except for noticed public hearings. Information provided as public testimony is not read into the record by the Clerk.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

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

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

Disruptive or Prohibited Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive or prohibited conduct includes without limitation addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, bringing into the meeting any type of object that could be used as a weapon, including without limitation sticks affixed to signs, or otherwise preventing the Board from conducting its meeting in an orderly manner. Your cooperation is appreciated!

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

Attendance.

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

Basic Agenda Item Discussion.

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

The Vote as specified in the SANBAG Bylaws.

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

Amendment or Substitute Motion.

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

Call for the Question.

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

The Chair.

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

Courtesy and Decorum.

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

Adopted By SANBAG Board of Directors January 2008

Revised March 2014

Revised May 4, 2016

Minute Action

AGENDA ITEM: 1

Date: May 11, 2022

Subject:

Information Relative to Possible Conflict of Interest

Recommendation:

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

Background:

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

Item No.	Contract No.	Principals & Agents	Subcontractors
10	16-1001429-03	Local Agency Formation Commission	None
13	22-1002774	Iteris, Inc. <i>J. Joseph Bergera</i>	None

Financial Impact:

This item has no direct impact on the Budget.

Reviewed By:

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

Responsible Staff:

Duane Baker, Deputy Executive Director

Approved
General Policy Committee
Date: May 11, 2022
Witnessed By:

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

Minute Action

AGENDA ITEM: 2

Date: May 11, 2022

Subject:

April 2022 Procurement Report

Recommendation:

Receive the April 2022 Procurement Report.

Background:

The Board of Directors adopted the Procurement and Special Risk Assessment Policy (Policy No. 11000) on January 3, 1997, and approved the last revision on October 6, 2021. The Board of Directors authorized the Executive Director, or his designee, to approve: a) contracts and Purchase Orders up to \$100,000; b) Contract Task Orders (CTO) up to \$500,000 and for CTOs originally \$500,000 or more, increasing the CTO amount up to \$250,000; c) amendments with a zero dollar value; d) amendments to exercise the option term if the option term was approved by the Board of Directors in the original contract; e) amendments that cumulatively do-not-exceed 50% of the original contract or Purchase Order value or \$100,000, whichever is less; f) amendments that do-not-exceed contingency amounts authorized by the Board of Directors; and g) release Request for Proposals (RFP), Request for Qualifications (RFQ), and Invitation for Bids (IFB) for proposed contracts from which funding has been approved in the Annual Budget, and are estimated not-to-exceed \$1,000,000.

The Board of Directors further authorized General Counsel to award and execute legal services contracts up to \$100,000 with outside counsel as needed, and authorized Department Directors to approve and execute Contingency Amendments that do-not-exceed contingency amounts authorized by the Board of Directors. Below is a summary of the actions taken:

- Two (2) contracts were executed for a total cost of \$22,629.60.
- Eight (8) contract amendments were executed for a total cost of \$0.
- Three (3) contingency releases were executed for a total cost of \$1,730,251.50.
- Five (5) Purchase Orders were executed for a total cost of \$24,921.
- Five (5) Purchase Order Amendments were executed for a total cost of \$1,870.14.
- One (1) RFP for on-call labor compliance services were released.

A list of all Contracts and Purchase Orders that were executed by the Executive Director, Department Director and/or General Counsel during the month of April 2022 are presented herein as Attachment A, and all RFPs and IFBs are presented in Attachment B.

Financial Impact:

This item is consistent with the Fiscal Year 2021/2022 Budget. Presentation of the monthly procurement report demonstrates compliance with the Procurement and Special Risk Assessment Policy.

Reviewed By:

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

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

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Responsible Staff:

Shaneka Morris, Procurement Manager

Approved
General Policy Committee
Date: May 11, 2022

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Attachment A

April Contract Actions

New Contracts Executed:

Contract No.	Description of Services	Vendor Name	Contract Amount
22-1002783	Technical services for migration of on-site exchange to Microsoft Office 365 Cloud Exchange	Fortify IT LLC	\$3,900.00
22-1002810	On-line legal research database	LexisNexis	\$18,729.60

Attachment A

April Amendment Actions

Contract Amendments Executed:

Contract No. & Amendment No.	Reason for Amendment (Include a Description of the Amendment)	Vendor Name	Contract History	Contract Amount
21-1002626 No. 1	To extend the contract by one-year through July 1, 2023 for paper shredding services.	Southern California Shredding, Inc.	Original	\$6,000.00
			Prior Amendments	
			Current Amendment	\$0.00
			Total Contract Amount	\$6,000.00
18-1001890 No. 3	To extend the contract by one-year through September 30, 2023 for website support services.	Planeteria Media	Original	\$75,000.00
			Prior Amendments	\$0.00
			Current Amendment	\$0.00
			Total Contract Amount	\$75,000.00
18-1001834 No. 5	To extend the contract by one-year through April 30, 2023 for construction management services for the Redlands Passenger Rail Project.	Lockwood, Andrews and Newnam, Inc.	Original	\$975,902.72
			Prior Amendments	\$1,847,310.38
			Current Amendment	\$0.00
			Total Contract Amount	\$2,823,213.10
18-101924 No. 1	To extend the contract by one-year through May 1, 2023 for on-call right of way services.	Epic Land Solutions, Inc.	Original	\$1,375,000.00
			Prior Amendments	\$0.00
			Current Amendment	\$0.00
			Total Contract Amount	\$1,375,000.00
18-1001925 No. 1	To extend the contract by one-year through May 1, 2023 for on-call right of way legal services.	Meyers Nave	Original	
			Prior Amendments	\$3,750,000.00
			Current Amendment	\$0.00
			Total Contract Amount	\$3,750,000.00
19-1002002 No. 1	To extend the contract by one-year through May 1, 2023 for on-call right of way legal services.	Richards, Watson & Gershon	Original	\$3,750,000.00
			Prior Amendments	\$0.00
			Current Amendment	\$0.00
			Total Contract Amount	\$3,750,000.00
19-1002009 No. 1	To extend the contract by one-year through May 1, 2023 for on-call right of way services.	Paragon Partners LTD	Original	\$1,375,000.00
			Prior Amendments	
			Current Amendment	\$0.00
			Total Contract Amount	\$1,375,000.00
19-1002008 No. 1	To extend the contract by one-year through May 1, 2023 for on-call right of way services.	Overland, Pacific & Cutler, LLC	Original	\$1,375,000.00
			Prior Amendments	\$0.00
			Current Amendment	\$0.00
			Total Contract Amount	\$1,375,000.00

Attachment: April Procurement report Attachment A (8253 : April 2022 Procurement Report)

Attachment A

April Contract Task Order Actions

Contract Task Order (CTO) Executed:

Contract No. & CTO No.	Description of CTO	Vendor Name	Contract History	Contract Amount
None			Original	\$0.00
			Prior Amendments	\$0.00
			Prior CTOs	\$0.00
			Current CTO	\$0.00
			Available Contract Amount	\$0.00

Attachment: April Procurement report Attachment A (8253 : April 2022 Procurement Report)

Attachment A

April Contingency Released Actions

Contingency Released Executed:

Contract No. & Contingency No.	Reason for Contingency Amendment (Include a Description of the Contingency Amendment)	Vendor Name	Contract History	Contract Amount
16-1001530 No. 3F	To provide a Quality manager position for a period of one-year and nine months for the I-10 Corridor Contract 1. This work was previously provided by a vendor who is no longer available to do so.	HNTB	Original	\$40,000,000.00
			Prior Amendments	\$17,300,000.00
			Prior Contingencies	\$4,283,695.00
			Current Contingency	\$1,012,211.00
			Amended Contract Amount	\$62,595,906.00
16-1001530 No. 3H	To provide additional Owner Quality Verification services needed due to the increased structures work ongoing in the field for the I-10 Corridor Contract 1.	HNTB	Original	\$40,000,000.00
			Prior Amendments	\$17,300,000.00
			Prior Contingencies	\$5,295,906.00
			Current Contingency	\$320,945.00
			Amended Contract Amount	\$62,916,851.00
20-1002266	To provide additional design services related to the new configuration of a weave lane for the I-15 Corridor Contract 1.	Michael Baker International	Original	\$21,319,091.00
			Prior Amendments	\$1,503,227.18
			Prior Contingencies	\$163,913.17
			Current Contingency	\$397,095.50
			Amended Contract Amount	\$23,383,326.85

Attachment A

April Purchase Order Actions

Purchase Orders Executed:

PO No.	PO Posting Date	Vendor Name	Description of Services	PO Dollar Amount
4002245	04/01/2022	California Transit Association	Agency membership	\$1,400.00
4002250	04/01/2022	Fastenal	5-year maintenance support for AED.	\$1,125.00
4002254	04/01/2022	Mobility 21 Transporation Coalition	Agency membership	\$20,000.00
4002255	04/13/2022	Apple Inc.	5 year Apple developer license	\$520.00
4002258	04/26/2022	Dave and Buster	Employee appreciation event	\$1,876.00

Attachment: April Procurement report Attachment A (8253 : April 2022 Procurement Report)

Attachment A

April Purchase Order Amendment Actions

Purchase Order Amendments Executed:

Purchase Order No. & Amendment No.	Description of Services and Reason for Amendment	Vendor Name	Purchase Order History	Purchase Order Amount
4002248	Increase amount to cover delivery and sales tax.	Faust Media Services, LLC.	Original	\$8,034.00
			Prior Amendments	\$0.00
			Current Amendment	\$722.64
			Amended PO Amount	\$8,756.64
4002248	Corrected funding source for printing of FSP liability release forms.	Faust Media Services, LLC.	Original	\$8,034.00
			Prior Amendments	\$722.64
			Current Amendment	\$0.00
			Amended PO Amount	\$8,756.64
4002240	Corrected terms and conditions as required by vendor.	Chargepoint, Inc.	Original	\$4,145.00
			Prior Amendments	\$0.00
			Current Amendment	\$0.00
			Amended PO Amount	\$4,145.00
4002239	Increase amount due to rate change as previous quote had expired.	CDW Government, LLC.	Original	\$10,251.90
			Prior Amendments	\$0.00
			Current Amendment	\$1,147.50
			Amended PO Amount	\$11,399.40
4002227	Corrected funding source for printing of FSP forms	County of San Bernardino	Original	\$5,193.00
			Prior Amendments	\$0.00
			Current Amendment	\$0.00
			Amended PO Amount	\$5,193.00

Attachment: April Procurement report Attachment A (8253 : April 2022 Procurement Report)

Attachment B**April RFP's, RFQ's and IFB's****Release of RFP's, RFQ's and IFB's**

Release Date	RFP/RFQ/IFB No.	Anticipated Dollar Amount	Anticipated Award Date	Description of Overall Program and Program Budget
04/05/2022	RFP 22-1002768	\$500,000 each contract	09/01/2022	On-call labor compliance.

Attachment: April Procurement report Attachment B (8253 : April 2022 Procurement Report)

Minute Action

AGENDA ITEM: 3

Date: May 11, 2022

Subject:

Budget to Actual Report for Third Quarter Ending March 31, 2022

Recommendation:

Receive and file Budget to Actual Report for the second quarter ending March 31, 2022.

Background:

The Fiscal Year 2021/2022 Budget for new activity was adopted by the Board of Directors on June 2, 2021. Budgetary information includes the original and revised budgets and expenditures as of March 31, 2022.

The report is broken down by Fund group and provides a percentage of the budget received or expended through March 31, 2022.

The following are explanations for significant percentage changes by Fund type:

General Fund

A. Revenues:

1. Measure I Sales Tax revenue is lower compared to budget since July and August receipts pertain to the prior fiscal year.
2. Interest is distributed to the appropriate funds at year-end based on ending cash balances. The positive balance is due to a reversal of prior year negative accrual related to fair value adjustment.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures or program activities.

C. Other Financing Sources:

1. Operating transfers in represent cash transfers to reimburse expenditures funded by the Local Transportation Fund, State Transit Assistance Fund, and State of Good Repair Fund.
2. Operating transfers out are from cash transfers within the General Fund to fund the Indirect Cost Fund.

Federal Highway Fund

A. Revenues:

1. The timing for collections of revenues fluctuates as all federal grants are on a reimbursement basis.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

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

General Policy Committee Agenda Item

May 11, 2022

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C. Other Financing Sources:

1. Operating transfers in represent cash transfers from the issuance of commercial paper.
2. Operating transfers out were recorded to maximizes federal funds for the Mount Vernon Viaduct Project.

Federal Transit Administration Fund

A. Revenues:

1. The timing for collections of revenues fluctuates as all federal grants are on a reimbursement basis.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

State Highway Fund

A. Revenues:

1. The timing for collections of revenues fluctuates as most state grants are on a reimbursement basis.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

C. Other Financing Sources:

1. Operating transfers in were to properly record expenses for State Route 210 under Measure I.
2. Operating transfers out were recorded to maximize state funds for the US 395 Widening Project.

Proposition 1B Fund

A. Revenues:

2. The revenue recognition for most Proposition 1B funds is when expenditures are incurred since the funds are received in advance.

B. Expenditures:

3. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

Local Transportation Fund (LTF)

A. Revenues:

1. LTF revenue is low compared to budget since July and August receipts pertain to the prior fiscal year.
2. Investment earnings are negative due to the prior year accrual reversals have been higher than actual earnings thus far this year.

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B. Expenditures:

1. Expenditures to date represent claims received and paid.

C. Other Financing Sources:

1. Operating transfers out represent cash transfers to the General Fund to fund administrative, planning, and transit activities and projects. These transfers are based on a reimbursement basis.

State Transit Assistance Fund (STAF)

A. Revenues:

1. The timing for recording of revenues fluctuates based on the period of performance upon distribution from the state.
2. Investment earnings are negative due to the prior year accrual reversals have been higher than actual earnings thus far this year.

B. Expenditures:

1. Expenditures to date are low due to the prior year accrual reversals have been higher than actual claims thus far this year.

C. Other Financing Sources:

1. Operating transfers out represent cash transfers to the General Fund to fund transit activities which are based on a reimbursement basis. The transfer amount is negative due to accrual reversals that have been higher than actual reimbursements thus far.

Senate Bill 1

A. Revenues:

1. The timing for collections of revenues fluctuates as most state grants are on a reimbursement basis.

B. Expenditures:

1. Expenditures to date are consistent with the budget.

C. Other Financing Sources:

1. Operating transfers in were to properly record expenses for Freeway Service Patrol within the Senate Bill 1 funds.
2. Operating transfers out were recorded to maximize state funds for the US 395 Widening Project and to properly record expenses for Freeway Service Patrol within the Senate Bill 1 funds.

Measure I 1990-2010 Fund

A. Revenues:

1. Measure I 1990-2010 ended on March 31, 2010, and only interest earnings are accrued based on cash balances.
2. Investment earnings are negative due to prior year accrual reversals that have been higher than actual earnings thus far this year.

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B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

Measure I 2010-2040 Fund

A. Revenues:

2. Measure I Sales Tax revenue is over 80% of budget even though July and August receipts pertain to the prior fiscal year.
3. Investment earnings are negative due to prior year accrual reversals that have been higher than actual earnings thus far this year.

B. Expenditures:

3. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.
4. Funds for the Fund Administration program are encumbered to ensure they are available to pay for the allocations approved by the Board.

C. Other Financing Sources:

1. Operating transfers in represent expenditures recorded in the fund for SR 210 and Interstate 215 Barton Rd project(s). As well as transfers from the Enterprise fund for the Interstate 10 Contract 1 Corridor Project draws on the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan.
2. Operating transfers out represent cash transfers to the General Fund to fund the Indirect Cost Fund and Debt Service Fund to cover debt service expenditures.

Debt Service Fund

A. Revenues:

1. Investment earnings are not budgeted.

B. Expenditures:

1. Expenditures to date include the refunding of the 2012 Sales Tax Revenue Bonds on March 1, 2022.

C. Other Financing Sources:

1. Transfers in represent cash transfer from the Measure I and the Capital Projects funds to cover debt service expenditures and refunding.

Capital Projects Fund

A. Revenues:

1. The timing for collections of revenues fluctuates as most projects are funded on a reimbursement basis.
2. Investment earnings are negative due to prior year accrual reversals that have been higher than actual earnings thus far this year.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.

San Bernardino Council of Governments

San Bernardino County Transportation Authority

C. Other Financing Sources:

1. Premium on Bond Issued and Proceeds of Bond Issuance are from the issuance of the 2022 Sales Tax Revenue Refunding Bonds.
2. Operating transfers in represent cash transfers resulting from transfers within various projects.
3. Operating transfers out represent cash transfers resulting from the issuance of commercial paper and transfer to Debt Service to pay off the refunded 2012 Sales Tax Revenue Bonds.
4. Proceeds of commercial paper represents issuance of commercial paper that is expected to be paid off in April and June by the Federal Highway Fund.

Non-major Governmental Funds – Excluding Council of Governments**A. Revenues:**

1. The timing for collections of revenues fluctuates as most of the state grants are on a reimbursement basis.
2. Investment earnings are negative due to prior year accrual reversals that have been higher than actual earnings thus far this year.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of capital expenditures, which can take several years.
2. Environment and Energy Conservation expenditures are negative due to accrual reversals that have been higher than actual reimbursements thus far.

C. Other Financing Sources:

5. Operating transfers were recorded for the Freeway Service Patrol.
6. Operating transfers out represent cash transfers to fund the Indirect Cost Fund.

Council of Governments Fund**A. Revenues:**

1. Intergovernmental revenue is new revenue this year from Regional Early Action Planning grant.
2. The timing of collection of revenues fluctuates as this program is mostly funded on a reimbursement basis.
3. Investment earnings are negative due to prior year accrual reversals that have been higher than actual earnings thus far this year.

B. Expenditures:

1. Expenditures to date are low mainly due to the timing of program activities.

C. Other Financing Sources:

1. Operating transfers out represent cash transfers to fund the Indirect Cost Fund.

Financial Impact:

This item reports the status of expenditures against budget and imposes no financial impact on the Fiscal Year 2021/2022 Budget.

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Reviewed By:

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

Responsible Staff:

Lisa Lazzar, Chief of Fiscal Resources

Approved
General Policy Committee
Date: May 11, 2022
Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Fiscal Year 2021-2022
Third Quarter Budget to Actual Report
March 31, 2021

	2021-2022 Original Budget	Amendments	2021-2022 Revised Budget	Actual Revenues & Expenditures to Date	Encumbrances	Balance	% of Budget Remaining
GENERAL FUND							
Revenues							
Sales Tax-MSI	1,960,000	-	1,960,000	1,443,223	-	516,777	26.37%
Charges for Services	658,230	-	658,230	518,869	-	139,361	21.17%
Investment Earnings	20,000	-	20,000	1,640,430	-	(1,620,430)	-8102.15%
Miscellaneous	-	-	-	66	-	(66)	0.00%
Total Revenues	2,638,230	-	2,638,230	3,602,588	-	(964,358)	-36.55%
Expenditures							
General Government	11,669,157	-	11,669,157	7,017,026	195,266	4,456,865	38.19%
Environment and Energy Conservation	-	-	-	146	-	(146)	-100.00%
Regional & Subregional Planning	904,700	-	904,700	402,664	-	502,036	55.49%
Transit	28,896,770	14,252,346	43,149,116	7,559,100	630,799	34,959,217	81.02%
Project Delivery	39,110	-	39,110	25	-	39,085	99.94%
Fund Administration	588,912	-	588,912	191,713	-	397,199	67.45%
Total Expenditures	42,098,649	14,252,346	56,350,995	15,170,674	826,065	40,354,256	71.61%
Other Financing Sources							
Transfers in	7,259,489	-	7,259,489	8,530,396	-	(1,270,907)	-17.51%
Transfers out	(587,371)	-	(587,371)	(853,142)	-	265,771	-45.25%
Total Other Financing Sources	6,672,118	-	6,672,118	7,677,254	-	(1,005,136)	-15.06%
Revenues Over (Under) Expenditures	(32,788,301)	(14,252,346)	(47,040,647)	(3,890,832)	(826,065)	(42,323,750)	
Note: Transfers in are from LTF, STA, and SGR revenue for budget purposes. The comprehensive annual financial report accounts for the activity in the individual funds of LTF, STA, and SGR, not the general fund.							
FEDERAL HIGHWAY FUND							
Revenues							
Intergovernmental	77,397,002	-	77,397,002	45,441,184	-	31,955,818	41.29%
Investment Earnings	-	-	-	2,199	-	(2,199)	-100.00%
Miscellaneous	31,000,000	-	31,000,000	10,376,088	-	20,623,912	33.47%
Total Revenues	108,397,002	-	108,397,002	55,819,471	-	52,577,531	48.50%
Expenditures							
Transit	1,089,024	-	1,089,024	338,640	2,012	748,372	68.72%
Project Delivery	107,307,978	2,679	107,310,657	32,342,240	-	74,968,417	69.86%
Total Expenditures	108,397,002	2,679	108,399,681	32,680,880	2,012	75,716,789	69.85%
Other Financing Sources							
Transfers in	-	-	-	26,386,268	-	(26,386,268)	100.00%
Transfers out	-	-	-	(5,112,674)	-	5,112,674	100.00%
Total Other Financing Sources	-	-	-	21,273,594	-	(21,273,594)	0.00%
Revenues Over (Under) Expenditures	-	(2,679)	(2,679)	44,412,185	(2,012)	(44,412,852)	
FEDERAL TRANSIT ADMINISTRATION FUND							
Revenues							
Intergovernmental	28,849,369	-	28,849,369	11,499,025	-	17,350,344	60.14%
Total Revenues	28,849,369	-	28,849,369	11,499,025	-	17,350,344	60.14%
Expenditures							
Transit	28,849,369	5,711,608	34,560,977	9,920,193	273	24,640,511	71.30%
Total Expenditures	28,849,369	5,711,608	34,560,977	9,920,193	273	24,640,511	71.30%
Revenues Over (Under) Expenditures	-	(5,711,608)	(5,711,608)	1,578,832	(273)	(7,290,167)	
STATE HIGHWAY FUND							
Revenues							
Intergovernmental	98,940,510	-	98,940,510	28,838,097	-	70,102,413	70.85%
Total Revenues	98,940,510	-	98,940,510	28,838,097	-	70,102,413	70.85%
Expenditures							
General Government	2,840	-	2,840	166	-	2,674	94.15%
Regional & Subregional Planning	190,072	-	190,072	228,494	-	(38,422)	-20.21%
Transit	9,592,166	-	9,592,166	3,922,984	100,000	5,569,182	58.06%
Project Delivery	88,280,344	-	88,280,344	46,874,995	-	41,405,349	46.90%
Fund Administration	875,088	-	875,088	596,787	-	278,301	31.80%
Total Expenditures	98,940,510	-	98,940,510	51,623,426	100,000	47,217,084	47.72%
Other Financing Sources							
Transfers in	-	-	-	41,135	-	(41,135)	100.00%
Transfers out	-	-	-	(120,570)	-	120,570	100.00%
Total Other Financing Sources	-	-	-	(79,435)	-	79,435	0.00%
Revenues Over (Under) Expenditures	-	-	-	(22,864,764)	(100,000)	23,005,899	

Attachment: Budget to Actual 3rd Qtr 2022 (8461 : Budget to Actual Report - 3rd Qtr 2021/2022)

Fiscal Year 2021-2022
Third Quarter Budget to Actual Report
March 31, 2021

	2021-2022 Original Budget	Amendments	2021-2022 Revised Budget	Actual Revenues & Expenditures to Date	Encumbrances	Balance	% of Budget Remaining
PROPOSITION 1B FUND							
Revenues							
Intergovernmental	20,155,336	-	20,155,336	3,371,131	-	16,784,205	83.27%
Investment Earnings	1,749,706	-	1,749,706	132,448	-	1,617,258	92.43%
Total Revenues	21,905,042	-	21,905,042	3,503,579	-	18,401,463	84.01%
Expenditures							
Transit	14,115,210	-	14,115,210	8,662,181	-	5,453,029	38.63%
Project Delivery	7,789,832	-	7,789,832	3,677,774	-	4,112,058	52.79%
Total Expenditures	21,905,042	-	21,905,042	12,339,955	-	9,565,087	43.67%
Revenues Over (Under) Expenditures	-	-	-	(8,836,376)	-	8,836,376	
LOCAL TRANSPORTATION FUND							
Revenues							
Sales Tax-LTF	114,783,337	-	114,783,337	84,548,363	-	30,234,974	26.34%
Investment Earnings	800,000	-	800,000	(522,321)	-	1,322,321	165.29%
Total Revenues	115,583,337	-	115,583,337	84,026,042	-	31,557,295	27.30%
Expenditures							
Transit	93,830,000	-	93,830,000	38,433,781	327,545	55,068,674	58.69%
Total Expenditures	93,830,000	-	93,830,000	38,433,781	327,545	55,068,674	58.69%
Other Financing Sources							
Transfers out	(24,812,598)	-	(24,812,598)	(4,654,001)	-	(20,158,597)	81.24%
Total Other Financing Sources	(24,812,598)	-	(24,812,598)	(4,654,001)	-	(20,158,597)	81.24%
Revenues Over (Under) Expenditures	(3,059,261)	-	(3,059,261)	40,938,260	(327,545)	(43,669,976)	
STATE TRANSIT ASSISTANCE FUND							
Revenues							
Intergovernmental	22,210,573	-	22,210,573	12,906,830	-	9,303,743	41.89%
Investment Earnings	420,000	-	420,000	(489,825)	-	909,825	216.63%
Total Revenues	22,630,573	-	22,630,573	12,417,005	-	10,213,568	45.13%
Expenditures							
Transit	26,478,114	-	26,478,114	2,470,611	-	24,007,503	90.67%
Total Expenditures	26,478,114	-	26,478,114	2,470,611	-	24,007,503	90.67%
Other Financing Sources							
Transfers in	-	-	-	-	-	-	0.00%
Transfers out	(6,230,822)	-	(6,230,822)	1,568,222	-	(7,799,044)	125.17%
Total Other Financing Sources	(6,230,822)	-	(6,230,822)	1,568,222	-	(7,799,044)	125.17%
Revenues Over (Under) Expenditures	(10,078,363)	-	(10,078,363)	11,514,616	-	(21,592,979)	
SENATE BILL 1 Fund							
Revenues							
Intergovernmental	54,122,351	443,535	54,565,886	32,541,618	-	22,024,268	40.36%
Total Revenues	54,122,351	443,535	54,565,886	32,541,618	-	22,024,268	40.36%
Expenditures							
Commuter and Motorist Assistance	1,181,803	-	1,181,803	945,493	4154	232,156	80.36%
Regional & Subregional Planning Program	400,000	443,535	843,535	207,701	-	635,834	24.62%
Transit	2,114,415	-	2,114,415	-	-	2,114,415	100.00%
Major Project Delivery	50,005,000	-	50,005,000	33,640,947	-	16,364,053	67.28%
Total Expenditures	53,701,218	443,535	54,144,753	34,794,141	4,154	19,346,458	35.73%
Other Financing Sources							
Transfers in	-	-	-	144,373	-	(144,373)	0.00%
Transfers out	-	-	-	(5,583)	-	5,583	0.00%
Total Other Financing Sources	-	-	-	138,790	-	(138,790)	0.00%
Revenues Over (Under) Expenditures	421,133	-	421,133	(2,113,733)	(4,154)	2,539,020	

Attachment: Budget to Actual 3rd Qtr 2022 (8461 : Budget to Actual Report - 3rd Qtr 2021/2022)

Fiscal Year 2021-2022
Third Quarter Budget to Actual Report
March 31, 2021

	2021-2022 Original Budget	Amendments	2021-2022 Revised Budget	Actual Revenues & Expenditures to Date	Encumbrances	Balance	% of Budget Remaining
MEASURE I 1990-2010 FUND							
Revenues							
Investment Earnings	26,000	-	26,000	(19,539)	-	45,539	175.15%
Total Revenues	26,000	-	26,000	(19,539)	-	45,539	175.15%
Expenditures							
Environment and Energy Conservation	295,500	-	295,500	58	-	295,442	99.98%
Commuter and Motorist Assistance	200,000	-	200,000	-	-	200,000	100.00%
Project Delivery	2,336,647	-	2,336,647	431,429	-	1,905,218	81.54%
Total Expenditures	2,832,147	-	2,832,147	431,487	-	2,400,660	84.76%
Other Financing Sources							
Transfers in	-	-	-	19,620	-	(19,620)	-100.00%
Transfers out	-	-	-	(19,620)	-	19,620	100.00%
Total Other Financing Sources	-	-	-	-	-	-	0.00%
Revenues Over (Under) Expenditures	(2,806,147)	-	(2,806,147)	(451,026)	-	(2,355,121)	
MEASURE I 2010-2040 FUND							
Revenues							
Sales Tax-MSI	160,565,617	-	160,565,617	142,879,108	-	17,686,509	11.02%
Intergovernmental	33,474,383	-	33,474,383	-	-	33,474,383	100.00%
Investment Earnings	1,149,700	-	1,149,700	(1,581,496)	-	2,731,196	237.56%
Total Revenues	195,189,700	-	195,189,700	141,297,612	-	53,892,088	27.61%
Expenditures							
General Government	1,016,770	-	1,016,770	485,200	3,500	528,070	51.94%
Environment and Energy Conservation	185,874	-	185,874	85,344	-	100,530	54.09%
Commuter and Motorist Assistance	738,488	-	738,488	262,179	-	476,309	64.50%
Regional & Subregional Planning	1,666,634	-	1,666,634	322,799	3,000	1,340,835	80.45%
Transit	88,498,733	(1,956,250)	86,542,483	19,973,750	3,129,772	63,438,961	73.30%
Project Delivery	236,788,065	(2,679)	236,785,386	91,016,830	953,416	144,815,140	61.16%
Fund Administration	117,875,919	-	117,875,919	40,323,033	933,013	76,619,873	65.00%
Total Expenditures	446,770,483	(1,958,929)	444,811,554	152,469,135	5,022,701	287,319,718	64.59%
Other Financing Sources							
Transfers in	110,919,334	-	110,919,334	41,075,456	-	69,843,878	62.97%
Transfers out	(19,532,624)	-	(19,532,624)	(13,604,576)	-	(5,928,048)	30.35%
Total Other Financing Sources	91,386,710	-	91,386,710	27,470,880	-	63,915,830	69.94%
Revenues Over (Under) Expenditures	(160,194,073)	1,958,929	(158,235,144)	16,299,357	(5,022,701)	(169,511,800)	
Note: Sales tax - MSI is net of the 1% for Measure I Administration and accounted for in the General Fund.							
DEBT SERVICE FUND							
Revenues							
Investment Earnings	-	-	-	267	-	(267)	0.00%
Total Revenues	-	-	-	267	-	(267)	0.00%
Expenditures							
Debt Service	13,175,255	74,075,000	87,250,255	87,240,750	-	9,505	0.01%
Total Expenditures	13,175,255	74,075,000	87,250,255	87,240,750	-	9,505	0.01%
Other Financing Sources							
Operating Transfers In	13,175,255	74,075,000	87,250,255	82,001,355	-	5,248,900	6.02%
Total Other Financing Sources	13,175,255	74,075,000	87,250,255	82,001,355	-	5,248,900	6.02%
Revenues Over (Under) Expenditures	-	-	-	(5,239,128)	-	5,239,128	

Attachment: Budget to Actual 3rd Qtr 2022 (8461 : Budget to Actual Report - 3rd Qtr 2021/2022)

Fiscal Year 2021-2022
Third Quarter Budget to Actual Report
March 31, 2021

	2021-2022 Original Budget	Amendments	2021-2022 Revised Budget	Actual Revenues & Expenditures to Date	Encumbrances	Balance	% of Budget Remaining
CAPITAL PROJECTS FUND							
Revenues							
Intergovernmental	59,012,809	-	59,012,809	13,678,931	-	45,333,878	76.82%
Investment Earnings	49,000	-	49,000	(37,814)	-	86,814	177.17%
Miscellaneous	8,701,103	-	8,701,103	1,385,438	-	7,315,665	84.08%
Total Revenues	67,762,912	-	67,762,912	15,026,555	-	52,736,357	77.82%
Expenditures							
Environment and Energy Conservation	3,760,000	-	3,760,000	-	-	3,760,000	100.00%
Commuter and Motorist Assistance	501,327	-	501,327	-	-	501,327	100.00%
Regional & Subregional Planning	1,525,000	(1,400,000)	125,000	20,815	-	104,185	83.35%
Transit	24,357,660	3,400,000	27,757,660	8,432,271	-	19,325,389	69.62%
Project Delivery	35,286,283	-	35,286,283	14,688,999	155,722	20,441,562	57.93%
Fund Administration	9,567,000	-	9,567,000	-	-	9,567,000	100.00%
Debt Service	-	390,000	390,000	255,439	-	134,561	34.50%
Total Expenditures	74,997,270	2,390,000	77,387,270	23,397,524	155,722	53,834,024	69.56%
Other Financing Sources							
Premium on Bonds Issued	-	-	-	13,108,295	-	(13,108,295)	-100.00%
Proceeds from Bond Issuance	-	74,465,000	74,465,000	60,050,000	-	14,415,000	100.00%
Operating Transfers in	-	-	-	5,074,033	-	(5,074,033)	-100.00%
Operating Transfers out	-	(74,075,000)	(74,075,000)	(99,705,267)	-	25,630,267	100.00%
Proceeds from commercial paper	-	-	-	26,344,000	-	(26,344,000)	-100.00%
Total Other Financing Sources	-	390,000	390,000	4,871,061	-	(4,481,061)	0.00%
Revenues Over (Under) Expenditures	(7,234,358)	(2,000,000)	(9,234,358)	(3,499,908)	(155,722)	(5,578,728)	
NONMAJOR GOVERNMENTAL FUNDS - EXCLUDING COUNCIL OF GOVERNMENTS FUND							
Revenues							
Intergovernmental	6,064,131	-	6,064,131	2,369,129	-	3,695,002	60.93%
Charges for Services	7,500	-	7,500	3,126	-	4,374	58.32%
Investment Earnings	23,200	-	23,200	(13,237)	-	36,437	157.06%
Miscellaneous	6,240	-	6,240	-	-	6,240	0.00%
Total Revenues	6,101,071	-	6,101,071	2,359,018	-	3,742,053	61.33%
Expenditures							
General Government	94,701	-	94,701	24,207	1,124	69,370	73.25%
Environment and Energy Conservation	14,104	-	14,104	2,330	-	11,774	83.48%
Commuter and Motorist Assistance	3,979,868	-	3,979,868	1,985,078	86,816	1,907,974	47.94%
Regional & Subregional Planning	751,284	-	751,284	193,860	-	557,424	74.20%
Transit	500,000	-	500,000	-	-	500,000	100.00%
Total Expenditures	5,339,957	-	5,339,957	2,205,475	87,940	3,046,542	57.05%
Other Financing Sources							
Transfers in	-	-	-	5,688	-	(5,688)	-100.00%
Transfers out	(204,990)	-	(204,990)	(177,650)	-	(27,340)	13.34%
Total Other Financing Sources	(204,990)	-	(204,990)	(171,962)	-	(33,028)	16.11%
Revenues Over (Under) Expenditures	556,124	-	556,124	(18,419)	(87,940)	662,483	
COUNCIL OF GOVERNMENTS FUND							
Revenues							
Intergovernmental	-	-	-	824,261	-	(824,261)	-100.00%
Special Assessments	260,691	-	260,691	260,691	-	-	0.00%
Investment Earnings	3,300	-	3,300	(6,256)	-	9,556	289.58%
Miscellaneous	296,015	-	296,015	168,787	-	127,228	42.98%
Total Revenues	560,006	-	560,006	1,247,483	-	(687,477)	-122.76%
Expenditures							
General Government	907,575	-	907,575	247,598	250	659,727	72.69%
Environment and Energy Conservation	353,793	-	353,793	283,566	15,861	54,366	15.37%
Regional & Subregional Planning	20,588	1,400,000	1,420,588	1,012,235	-	408,353	28.75%
Total Expenditures	1,281,956	1,400,000	2,681,956	1,543,399	16,111	1,122,446	41.85%
Other Financing Sources							
Transfers out	(109,759)	-	(109,759)	(82,319)	-	(27,440)	25.00%
Total Other Financing Sources	(109,759)	-	(109,759)	(82,319)	-	(27,440)	25.00%
Revenues Over (Under) Expenditures	(831,709)	(1,400,000)	(2,231,709)	(378,235)	(16,111)	(1,837,363)	

Attachment: Budget to Actual 3rd Qtr 2022 (8461 : Budget to Actual Report - 3rd Qtr 2021/2022)

Minute Action

AGENDA ITEM: 4

Date: May 11, 2022

Subject:

Fiscal Year 2021/2022 Budget Amendments

Recommendation:

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

A. Approve an increase in budget for Fiscal Year 2021/2022 for Task No. 0550 – Allocations/Pass-Through by \$19,879,400 to be funded by an increase in anticipated Measure I (MSI) sales tax revenue for the Local Street Pass Through Programs in each of the six subareas of the County of San Bernardino (County) (funds 4140, 4240, 4340, 4440, 4540, and 4640); and

B. Approve an increase in budget for Fiscal Year 2020/2021 for Task No. 0310 – Transit Allocation/Pass-Through by \$4,867,800 to be funded by an increase in anticipated MSI sales tax revenue for the Senior and Disabled Transit Service Programs in each of the six subareas of the County (funds 4170, 4270, 4370, 4470, 4570, and 4670); and

C. Approve an amendment for the Fiscal Year 2021/2022 Budget for Task No. 0315 – Transit Capital to substitute \$7,700,000 Federal Transit Administration 5307 - Congestion Mitigation & Air Quality funds with State Transit Assistance funds in the amount of \$7,700,000, for a zero net increase to the fiscal year budget.

Background:

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

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

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

Task No. 0550 – Allocations/Pass-Through of \$19,879,400 for anticipated MSI revenue increases for the Local Street Pass-Through Program and Task No. 0310 – Transit Allocations/Pass-Through of \$4,867,800 for anticipated MSI revenue increases for the Senior and Disabled Transit Service Programs.

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

General Policy Committee Agenda Item

May 11, 2022

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SBCTA, based on Ordinance 04-01, administers MSI 2010-2040 programs and allocates funds to the participating agencies. SBCTA staff compares actual MSI receipts through March in the amount of \$189,620,140 to the fiscal year budget of \$196,000,000, and utilizes the services of HdL Companies for sales tax projections. HdL Companies project sales tax revenue for the fiscal year to end at \$250,850,000.

Since the revenue is based on sales tax and population by subarea, the analysis was performed at the subarea level. The Fiscal Year 2021/2022 Budget for MSI Local Street Pass-Through was approved for \$47,133,141 and the Senior and Disabled Transit Service Programs funds were approved for \$13,734,150. The sales tax revenue increase will require a budget adjustment of \$19,879,400 for Task No. 0550 and \$4,867,800 for Task No. 0310, as detailed in the financial impact section of this agenda item.

The recommended budget adjustments will provide sufficient appropriations to process payments to local jurisdictions for MSI Local Street Pass-Through and the Senior and Disabled Transit Service Programs funds.

Task No. 0315 – Transit Capital, substitute \$7,700,000 Federal Transit Administration 5307 – Congested Mitigation & Air Quality (CMAQ) funds with State Transit Assistance funds in the amount of \$7,700,000.

During the conception of the Fiscal Year 2021/2022 Budget, the Transit and Rail Department projected the application and transfer of CMAQ funds to the Federal Transit Administration (FTA) for use in the Tunnel to Ontario International Airport (ONT) Project. As the capital Project progresses, alternative funding is scoped and identified to further fund the development. On April 6, 2022, the Board was presented with a receive and file update on the Tunnel to ONT Project that highlighted the latest anticipated Project funding, which differs from the original Fiscal Year 2021/2022 Budget. Therefore, the budget amendment identified in Recommendation C supports the latest programmed funding available for the Project's Fiscal Year 2021/2022 expenditures.

Financial Impact:

This item is not consistent with the Fiscal Year 2021/2022 Budget. Approval of this item will authorize budget amendments to several funds (Fund: 4140 - \$14,458,400; 4170 - \$4,417,000; 4240 - \$3,272,100; 4270 - \$292,900; 4340 - \$1,476,100; 4370 - \$108,500; 4440 - \$85,300; 4470 - \$6,200; 4540 - \$246,200; 4570 - \$18,100; 4640 - \$341,300; 4670 - \$25,100; 2122 - (\$7,700,000); 1050 - \$7,700,000) in 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:

Lisa Lazzar, Chief of Fiscal Resources

General Policy Committee Agenda Item
May 11, 2022
Page 3

Approved
General Policy Committee
Date: May 11, 2022

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 5

Date: May 11, 2022

Subject:

Employer Retirement Contribution Advance Payment

Recommendation:

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

Authorize an advance payment of \$3,715,898.62 to the San Bernardino County Employees' Retirement Association by July 13, 2022, for San Bernardino County Transportation Authority's estimated annual retirement contribution for Fiscal Year 2022/2023.

Background:

San Bernardino County Transportation Authority (SBCTA) can take advantage of a savings by advancing payment of the estimated annual retirement contribution to the San Bernardino County Employees' Retirement Association (Board of Retirement), provided that the payment is received by July 13, 2022. The cost of retirement is included in the Proposed Fiscal Year 2022/2023 Budget as a fringe cost. Fringe costs are allocated to funds where salary expenditures are recorded. The funds supporting salaries and fringe include various Measure I programs, Local Transportation Funds, Service Authority for Freeway Emergencies and Council of Governments.

The prepaid amount is discounted by the Board of Retirement resulting in savings benefiting SBCTA. The estimated retirement cost for Fiscal Year 2022/2023 is \$3,838,292. The discount amount is calculated at \$122,393, resulting in a retirement contribution of \$3,715,899. SBCTA staff will annually request the Board of Directors' approval to prepay the retirement contribution resulting in savings to SBCTA.

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:

Lisa Lazzar, Chief of Fiscal Resources

Approved
General Policy Committee
Date: May 11, 2022
Witnessed By:

Entity: San Bernardino County Transportation Authority



Molly Calcagno, ASA, MAAA, EA
Actuary
T 415.263.8254
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180 Howard Street, Suite 1100
San Francisco, CA 94105-6147
segalco.com

Via Email

March 17, 2022

Ms. Debby Cherney
Chief Executive Officer
San Bernardino County Employees' Retirement Association
348 W Hospitality Lane, Third Floor
San Bernardino, CA 92415-0014

**Re: San Bernardino County Employees' Retirement Association (SBCERA)
San Bernardino County Transportation Authority (SBCTA) Employer Contributions
Prepayment for Fiscal Year 2022-2023 on July 13, 2022**

Dear Debby:

We understand that SBCTA intends to prepay a portion of their total contributions on July 13, 2022 with a prepayment amount of \$3,715,898.62 for 25 biweekly periods starting from July 27, 2022. As requested by SBCERA, we have calculated the equivalent biweekly contribution based on this prepayment scenario for SBCTA based on the number of biweekly payroll periods for fiscal year 2022-2023.

As shown on Exhibit A, we determined that if SBCTA were to make a prepayment amount of \$3,715,898.62 on July 13, 2022, that amount would be equivalent to a biweekly contribution of \$153,531.70 starting on July 27, 2022 for the fiscal year 2022-2023 (or a total of \$3,838,292.46 for the 25 biweekly pay periods) based on an interest rate of 6.75% per annum. The prepayment reflects an interest discount of \$122,393.84 for paying the contributions earlier than the biweekly payment timing that we have anticipated in our valuation. We understand that the use of a discount rate for prepayments that is 0.50% less than the investment return assumption used in the annual actuarial valuation (currently 7.25%) was approved by the Board in July 2017.

The actuarial calculations contained in this letter were prepared under my supervision. I am a member of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Attachment: LTR 051111-001 SBCERA SBCTA Prepayment Contributions for FY 2022-2023 - CLIENT(5720528.3) (8507 : Employer Retirement

Ms. Debby Cherney
March 17, 2022
Page 2

Please let us know if you have any questions.

Sincerely,



Molly Calcagno, ASA, MAAA, EA
Actuary

JY/bbf
Enclosure

cc: Amy McNerny
Christina Cintron

Attachment: LTR 05111-001 SBCERA SBCTA Prepayment Contributions for FY 2022-2023 - CLIENT(5720528.3) (8507 : Employer Retirement

Exhibit A

\$3,715,898.62 Prepayment of Portion of San Bernardino County Transportation Authority Employer Contributions for Fiscal Year 2022-2023

Fiscal Year 2022-2023
ASSUMES PAYMENT ON July 13, 2022
Discount Rate = 6.75%

Payment Date	Biweekly Contribution Requirement	Interest*	Principal	Outstanding Balance of Prepaid Contributions
07/13/2022				\$3,715,898.62
07/27/2022	\$153,531.70	\$9,321.50	\$144,210.20	\$3,571,688.42
08/10/2022	\$153,531.70	\$8,959.74	\$144,571.96	\$3,427,116.47
08/24/2022	\$153,531.70	\$8,597.08	\$144,934.62	\$3,282,181.84
09/07/2022	\$153,531.70	\$8,233.50	\$145,298.20	\$3,136,883.65
09/21/2022	\$153,531.70	\$7,869.01	\$145,662.68	\$2,991,220.96
10/05/2022	\$153,531.70	\$7,503.61	\$146,028.08	\$2,845,192.88
10/19/2022	\$153,531.70	\$7,137.30	\$146,394.40	\$2,698,798.48
11/02/2022	\$153,531.70	\$6,770.06	\$146,761.64	\$2,552,036.84
11/16/2022	\$153,531.70	\$6,401.90	\$147,129.80	\$2,404,907.04
11/30/2022	\$153,531.70	\$6,032.82	\$147,498.88	\$2,257,408.16
12/14/2022	\$153,531.70	\$5,662.81	\$147,868.89	\$2,109,539.27
12/28/2022	\$153,531.70	\$5,291.87	\$148,239.82	\$1,961,299.45
01/11/2023	\$153,531.70	\$4,920.01	\$148,611.69	\$1,812,687.76
01/25/2023	\$153,531.70	\$4,547.21	\$148,984.49	\$1,663,703.27
02/08/2023	\$153,531.70	\$4,173.48	\$149,358.22	\$1,514,345.05
02/22/2023	\$153,531.70	\$3,798.80	\$149,732.90	\$1,364,612.15
03/08/2023	\$153,531.70	\$3,423.19	\$150,108.51	\$1,214,503.64
03/22/2023	\$153,531.70	\$3,046.64	\$150,485.06	\$1,064,018.58
04/05/2023	\$153,531.70	\$2,669.14	\$150,862.56	\$913,156.02
04/19/2023	\$153,531.70	\$2,290.69	\$151,241.00	\$761,915.02
05/03/2023	\$153,531.70	\$1,911.30	\$151,620.40	\$610,294.62
05/17/2023	\$153,531.70	\$1,530.95	\$152,000.75	\$458,293.87
05/31/2023	\$153,531.70	\$1,149.65	\$152,382.05	\$305,911.83
06/14/2023	\$153,531.70	\$767.39	\$152,764.30	\$153,147.52
06/28/2023	\$153,531.70	\$384.18	\$153,147.52	\$0.00
Total	\$3,838,292.46	\$122,393.84	\$3,715,898.62	
	Undiscounted Contributions	Interest Credited	Discounted Contributions	

Discount Percentage 96.81%

* Based on compound interest at an effective interest rate of 6.75% per annum.

Note: Results may not add due to rounding.

Attachment: LTR 051111-001 SBCERA SBCTA Prepayment Contributions for FY 2022-2023 -

Minute Action

AGENDA ITEM: 6

Date: May 11, 2022

Subject:

Capital Projects and Reserves Based on Policy No. 20600 Funding Indirect Costs

Recommendation:

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Associated Governments (SBCOG):

- A. Approve revisions to Policy No. 20600, Funding Indirect Costs and Establishing Fund Balance Reserves and a Capital Improvement Plan; and
- B. Approve reserves for capital costs and emergency purposes based on Policy No. 20600, Funding Indirect Costs and Fund Balance Reserves; and
- C. Review and provide direction relative to budgetary information to be included in the Indirect Fund for Fiscal Year 2022/2023 Budget.

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

- D. Approve the updated Capital Improvement Plan for the Santa Fe Depot and for the Agency's Information Technology systems.

Background:

San Bernardino County Transportation Authority (SBCTA) Policy No. 20600, Funding Indirect Costs and Establishing Fund Balance Reserves and a Capital Improvement Plan, delineates how indirect costs will be funded; establishes reserves for general purposes and capital improvements; establishes a fund to account for the indirect costs and the allocated revenue, fund balance, and reserves; and requires adoption of a five-year Capital Improvement Plan (CIP) as part of the annual budget to identify and plan accordingly for building improvements, maintenance, and information technology needs. Furthermore, the policy establishes a fund balance reserve policy for capital costs and general purposes such as emergencies and unexpected costs. The General Purpose Reserve shall be at least \$500,000 and shall not exceed 20% of indirect costs budgeted for the next budgetary fiscal year. A Capital Improvement Reserve is established for capital costs anticipated in the CIP. The fund balance is available to pay for unexpected costs or cost increases due to cyclical activities.

Exhibit A is a summary of indirect costs of \$9,658,465, proposed for Fiscal Year 2022/2023. This represents an increase of \$994,746 from the current budget of \$8,663,719. Cost increases are a result of additional labor and fringe allocated to the Indirect Fund; CIP for audio/visual equipment in the board room; and parking lot slurry.

Exhibit B is a listing of capital improvement projects for the next seven (7) years. Some of the projects have been delayed to future years based on funding availability. Capital projects for Fiscal Year 2022/2023 of \$385,000 are included in the Proposed Fiscal Year 2022/2023 Budget.

In accordance with Policy No. 20600, the allocation of revenue to the Indirect Fund is based on the percentage of full time equivalents budgeted for each major program of SBCTA.

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

General Policy Committee Agenda Item

May 11, 2022

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Recommendation A proposes to revise the policy to instead allocate Finance department indirect costs based on number of transactions for the recently audited fiscal year. The allocation of revenue for Fiscal Year 2022/2023 also accounts for a “true-up” of the Fiscal Year 2020/2021 Indirect Fund allocations based on the actual staff time expended, per program, in that year. This resulted in increases to the Service Authority for Freeway Emergencies fund, Local Transportation Fund (LTF), and COG funds, and a decrease to the overall Measure I allocation, with a reallocation of funds between various Measure I programs. Additionally, staff recommends to budget revenues at less than the budgeted expenditures since beginning fund balance is sufficient to maintain the reserves that were previously established. Staff will continue to monitor fund balances and indirect expenses to mitigate any funding shortfalls.

Per the Policy, the revenue that can be allocated to fund indirect costs and the reserves is derived from the various funding sources as shown below. The allocation is based on budgeted Full Time Equivalents for all indirect costs except for the Finance department indirect costs, which are allocated based on number of transactions per the proposed revised policy. The Measure I allocation is above the calculated share but less than the maximum allowed. Additionally, it is proposed that \$1 million in Measure I Administration funds previously allocated to the Indirect Fund for the Agency Enterprise Resource Planning be returned to the fund, which will now be funded directly by the Measure I Administration fund when it is implemented. A reconciliation of Fiscal Year 2020/2021 actual Indirect Fund allocations is included in the amounts allocated:

Funding Source	Indirect Costs by full time equivalents	Indirect Costs by # of transactions	Total
Local Transportation Fund-Administration	1,200,000	30,394	1,230,394
Local Transportation Fund-Planning	1,420,764	256,964	1,677,728
Service Authority for Freeway Emergencies	310,859	4,455	315,314
Council of Governments-Assessment Dues	262,532	1,782	264,314
Council of Governments-Grants	290,457	-	290,457
Sales Tax MSI-Administration	(1,000,000)	-	(1,000,000)
Sales Tax MSI-Valley Freeway	2,317,694	521,081	2,838,775
Sales Tax MSI-Valley Interchange	1,065,424	552,662	1,618,086
Sales Tax MSI-Valley Grade Separation	21,604	-	21,604
Sales Tax MSI-Valley Arterial	133,905	115,138	249,043
Sales Tax MSI-Valley Rail	44,528	223,696	268,224
Sales Tax MSI-Valley Bus Rapid Transit	313,739	85,531	399,270
Sales Tax MSI-Victor Valley Major Local Highway	46,384	109,217	155,601
Sales Tax MSI-North Desert Major Local Highway	63,810	25,001	88,811
Sales Tax MSI-Colorado River Major Local Highway	15,347	18,422	33,769
Sales Tax MSI-Morongo Basin Major Local Highway	15,896	19,738	35,634
Sales Tax MSI-Mountain Major Local Highway	14,466	15,790	30,256
Sales Tax MSI-Cajon Pass	3,030	-	3,030
Total	6,540,439	1,979,871	8,520,310

Note: Budget for FY 2022/2023 includes transfer from Property Assessed Clean Energy Fund to assessment dues for \$130,614.

General Policy Committee Agenda Item

May 11, 2022

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Staff anticipates savings in the Indirect Fund during the current year and estimates the ending fund balance for Fiscal Year 2021/2022 at \$3,075,155. The projected revenue allocation of \$8,520,310, less estimated indirect costs of \$9,658,465, leaves a remaining balance of \$1,937,000 for reserves. Staff recommends approval of the capital improvement projects listed in Exhibit B, and to maintain a General Purpose Reserve for emergencies of \$500,000, and a reserve for capital improvements of \$1,437,000 for future projects.

Financial Impact:

This item has no financial impact on the Fiscal Year 2021/2022 Budget. Capital Projects and Indirect Fund expenditures are included in the Proposed Fiscal Year 2022/2023 Budget.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft policy.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
General Policy Committee
Date: May 11, 2022

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

San Bernardino County Transportation Authority	Policy	20600
Adopted by the Board of Directors 1/4/2018	Revised	04/01/202006/01/2022
Funding Indirect Costs and Establishing Fund Balance Reserves and a Capital Improvement Plan	Revision No.	12

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

Table of Contents

[Purpose](#) | [Definitions](#) | [References](#) | [Policy](#) | [Revision History](#)

I. PURPOSE

The purpose of this policy is to define the appropriate charging of indirect costs and the funding sources to be used to cover these costs. This policy also establishes a minimum level of unassigned fund balance designated as a general purpose reserve to meet revenue shortfalls, unanticipated expenditures, economic downturns, or emergencies and establishes an assigned reserve to fund capital improvements necessary for the general operation of San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG). Furthermore, the policy also addresses the circumstances under which the unassigned fund balance can be expended and how it will be replenished if it falls below the established minimum.

II. DEFINITIONS

Capital Improvement Plan: A five year plan for acquisition, improvement, and renovation of the Santa Fe Depot and other infrastructure, as well as capital items such as equipment, vehicles, and technology items in excess of \$5,000. It excludes any capital improvements already included in other plans such as the 10-Year Delivery Plan. The approved capital items are to be included in the budget for the Indirect Fund. Improvements to the Santa Fe Depot may include items such as structural improvements; replacement of the roof, HVAC system, carpet, tile, communication systems, or alarm systems; and remodels. Information technology improvements may include items such as software, computers, and servers.

Indirect Costs: Expenses incurred that are not readily identifiable with a particular project or activity but are necessary to the general operation of SBCTA and SBCOG and necessary for staff to perform daily job duties and functions. Costs may include items such as staffing costs, office equipment, professional services, consulting services, maintenance of office equipment, postage, dues and subscriptions, county fee, auditing and accounting, utilities, training/membership, printing, travel, record/equipment storage, meeting, legal fees, maintenance of motor vehicle, advertising, office expense, bank charges, public information activities, contributions/subsidies, computer hardware/software, building maintenance, building structures, and insurance for property, general, umbrella, crime, public official liability, and cyber.

Indirect Fund: A governmental fund that will be used to budget indirect costs and capital improvements necessary for the daily operations of SBCTA and SBCOG and the corresponding revenue allocated to fund those costs.

III. REFERENCES

Ordinance 04-01 provides for the renewal of the half-cent (0.5%) sales tax on taxable retail transactions within the County. Ordinance 04-01 expires on March 31, 2040.

Policy No. 20200 - Fund Balance Reporting

IV. POLICY

A. Indirect Costs and Funding Sources

Indirect costs will be budgeted at whatever is reasonable and necessary for the general operation of SBCTA and SBCOG and will include capital improvements identified in a five year capital improvement plan that will be updated annually during the budget process. The revenue sources necessary to fund indirect costs will be allocated to the Indirect Fund based on the percentage of full time equivalents (FTE) budgeted for each major program of SBCTA except for the ~~and Finance~~ department indirect costs, which will be allocated based on number of transactions in the recently audited fiscal year.

1. In general, the percentage of FTE and Finance department indirect costs allocated based on number of transactions related to delivery of the Measure I programs will be used to determine the revenue required from Measure I to fund indirect costs. Up to three percent (3%) of Measure I sales tax revenues will be used to fund these costs. The revenue apportioned to the Senior and Disabled and Local Street Projects (pass through) Programs will continue to be based on the total revenue received. The maximum 3% is in addition to the 1% for administrative costs per Ordinance 04-01. Fund balance in the Measure I Administration fund may be used to buy down the calculated requirement from Measure I programs for funding indirect costs.
2. In general, the percentage of FTE and Finance department indirect costs allocated based on number of transactions related to the general transit, planning, fund administration, and traveler services functions will be used to determine the revenue required from the Local Transportation Fund (LTF) to fund indirect costs. Up to one percent (1%) will be funded from an allocation for LTF Administration and up to two percent (2%) will be funded from the allocation for LTF Planning.
3. In general, the percentage of FTE and Finance department indirect costs allocated based on number of transactions related to Council of Governments (COG) activities will be used to determine the revenue required from the COG Dues to fund indirect costs.
4. In general, the percentage of FTE and Finance department indirect costs allocated based on number of transactions related to the Freeway Service Patrol and Call Box System programs will be used to determine the revenue required from the Service Authority for Freeway Emergencies fund to fund indirect costs.
5. SBCTA staff will continue to actively seek other funding sources as appropriate to fund indirect costs. Any other funding sources added to fund indirect costs will also be based on a percentage of FTE and Finance department indirect costs allocated based on number of transactions.

B. Capital Improvement Plan

A five year capital improvement plan will be developed and presented annually during the budget process to the Board for consideration. The plan will identify present and future needs requiring capital infrastructure and options for financing the plan. The plan will be prioritized based on projects that have an associated funding source, elimination of health/safety hazards, and projects that will increase efficiency or reduce operations and maintenance costs.

C. Unassigned Fund Balance –General Purpose Reserve:

An adequate amount of General Purpose Reserve is essential to the financial strength and flexibility of SBCTA. This reserve is intended for unanticipated emergencies and to allow a transition period to fund indirect costs when revenues are reduced due to economic factors or legislation outside of SBCTA's control.

1. When developing the fiscal year budget, SBCTA shall establish an unassigned fund balance designated as General Purpose Reserve for the General Fund targeted at least at \$500,000 but not exceeding 20% of the indirect costs budgeted for that fiscal year. A one-time allocation of revenue can be used to establish the reserve or it shall be built-up with fund balance from the Indirect Fund until the established target is achieved. An increase to fund balance results when revenues allocated to the Indirect Fund exceed expenditures. In the event the budgeted expenditures for the Indirect Fund decline from the previous fiscal year, the reserve shall have no

downward adjustments. Any necessary increases to the reserve shall be made annually during the budget process.

4.2. Use of the General Purpose Reserve will be limited to nonrecurring expenditures, debt reduction, one-time capital costs, or emergency situations (such as economic conditions or natural disasters). In the event of a decline in revenue that is used to fund the Indirect Fund, the General Purpose Reserve may be used as a temporary means to fund indirect costs until a corrective action is determined.

5.3. A one-time allocation of revenue can be used to replenish the General Purpose Reserve or it shall be built-up with fund balance from the Indirect Fund.

D. Assigned Fund Balance – Capital Improvement Reserve

A Capital Improvement Reserve will be established to cover forecast costs identified in the capital improvement plan. The Chief Financial Officer, as authorized by Policy 20200 – Fund Balance Reporting, will assign fund balance for specific capital improvement projects based on the approved capital improvement plan for those projects that would not normally be feasible without reserving funding over a multiple year period.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted.	1/4/2018
1	Revised Section IV, Subsection A to include that when an estimated fund balance is available in the Measure I Administration fund, it may be used to buy down the calculated requirement of Measure I programs to fund indirect costs.	4/1/2020
<u>2</u>	<u>Include Finance department indirect costs allocated based on number of transactions</u>	<u>6/1/2022</u>

San Bernardino County Transportation Authority	Policy	20600
Adopted by the Board of Directors 1/4/2018	Revised	06/01/2022
Funding Indirect Costs and Establishing Fund Balance Reserves and a Capital Improvement Plan	Revision No.	2

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

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I. PURPOSE

The purpose of this policy is to define the appropriate charging of indirect costs and the funding sources to be used to cover these costs. This policy also establishes a minimum level of unassigned fund balance designated as a general purpose reserve to meet revenue shortfalls, unanticipated expenditures, economic downturns, or emergencies and establishes an assigned reserve to fund capital improvements necessary for the general operation of San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG). Furthermore, the policy also addresses the circumstances under which the unassigned fund balance can be expended and how it will be replenished if it falls below the established minimum.

II. DEFINITIONS

Capital Improvement Plan: A five year plan for acquisition, improvement, and renovation of the Santa Fe Depot and other infrastructure, as well as capital items such as equipment, vehicles, and technology items in excess of \$5,000. It excludes any capital improvements already included in other plans such as the 10-Year Delivery Plan. The approved capital items are to be included in the budget for the Indirect Fund. Improvements to the Santa Fe Depot may include items such as structural improvements; replacement of the roof, HVAC system, carpet, tile, communication systems, or alarm systems; and remodels. Information technology improvements may include items such as software, computers, and servers.

Indirect Costs: Expenses incurred that are not readily identifiable with a particular project or activity but are necessary to the general operation of SBCTA and SBCOG and necessary for staff to perform daily job duties and functions. Costs may include items such as staffing costs, office equipment, professional services, consulting services, maintenance of office equipment, postage, dues and subscriptions, county fee, auditing and accounting, utilities, training/membership, printing, travel, record/equipment storage, meeting, legal fees, maintenance of motor vehicle, advertising, office expense, bank charges, public information activities, contributions/subsidies, computer hardware/software, building maintenance, building structures, and insurance for property, general, umbrella, crime, public official liability, and cyber.

Indirect Fund: A governmental fund that will be used to budget indirect costs and capital improvements necessary for the daily operations of SBCTA and SBCOG and the corresponding revenue allocated to fund those costs.

III. REFERENCES

Ordinance 04-01 provides for the renewal of the half-cent (0.5%) sales tax on taxable retail transactions within the County. Ordinance 04-01 expires on March 31, 2040.

Policy No. 20200 - Fund Balance Reporting

IV. POLICY

A. Indirect Costs and Funding Sources

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V. REVISION HISTORY

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0	Adopted.	1/4/2018
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2	Include Finance department indirect costs allocated based on number of transactions	6/1/2022

Exhibit A
Budgeted Tasks to Indirect Fund

Object Code	0200	0206	0350	0400	0425	0450	0470	0500	0503	0605	0805	Fiscal Year 2022/2023 Budget	Fiscal Year 2021/2022 Budget
51010 Salaries	\$ 362,013	\$ 2,296	\$ 237,877	\$ 685,660	\$ 257,531	\$ 194,783	\$ 197,675	\$ 1,630	\$ 158,841	\$ 74,891	\$ 109,434	\$ 2,282,631	\$ 1,965,246
51030 Overtime	14,850	-	-	14,850	-	-	-	-	-	-	-	29,700	29,850
51990 Fringe	384,852	2,182	242,920	715,361	262,990	198,912	201,866	1,665	162,208	76,479	111,754	2,361,189	2,245,875
52001 Professional Services	30,000	-	10,950	100,000	127,000	549,585	62,750	-	164,328	120,000	51,386	1,215,999	996,680
52005 Consulting Services	50,000	-	-	25,000	-	-	-	-	-	-	-	75,000	170,000
52015 County Fees	-	-	-	100,000	-	-	-	-	-	-	-	100,000	100,000
52100 Auditing & Accounting	-	-	-	300,000	18,000	-	-	-	-	-	-	318,000	300,000
52200 Legal Fees	-	-	85,000	-	15,000	-	25,000	-	-	-	-	125,000	120,000
52300 Claims	-	-	-	-	50,000	-	-	-	-	-	-	50,000	30,000
52500 Security	-	-	-	-	-	-	-	-	-	-	196,593	196,593	178,537
52700 Information Technology Services	-	-	-	-	-	-	-	-	-	-	-	-	-
53120 Utilities	-	-	-	-	-	-	-	-	-	-	140,000	140,000	140,000
53400 Maintenance-Buildings	-	-	-	-	-	-	-	-	-	-	924,328	924,328	878,534
53450 Maintenance-Motor Vehicles	-	-	-	-	-	2,500	-	-	-	-	-	2,500	2,500
53465 Maintenance-Office Equipment	1,500	-	-	-	-	-	-	-	-	-	-	1,500	1,500
53610 Rentals-Buildings	-	-	-	-	-	-	-	-	-	-	-	-	-
53670 Rentals-Office Equipment	55,000	-	-	-	-	-	-	-	-	-	-	55,000	55,000
54010 General Liability Insurance	-	-	-	-	240,000	-	-	-	-	-	-	240,000	242,500
54020 Umbrella Liability Insurance	-	-	-	-	115,000	-	-	-	-	-	-	115,000	81,000
54030 Property Insurance	-	-	-	-	40,000	-	-	-	-	-	-	40,000	15,000
54040 Crime Insurance	-	-	-	-	16,800	-	-	-	-	-	-	16,800	16,800
54050 Public Officials Liability Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-
54060 Automotive Insurance	-	-	-	-	1,500	-	-	-	-	-	-	1,500	1,500
54070 Cyber Insurance	-	-	-	-	16,000	-	-	-	-	-	-	16,000	10,000
54100 Dues/Memberships	27,000	-	2,010	3,000	1,200	-	1,700	-	2,000	10,000	-	46,910	45,670
54200 Training/Registration	7,500	-	5,000	13,000	11,000	10,000	15,630	-	3,000	14,000	-	79,130	76,660
54300 Postage	5,250	-	100	3,000	100	700	200	-	-	-	200	9,550	8,750
54410 Travel Expense - Employee	8,000	-	5,500	3,000	8,000	1,000	6,500	-	1,500	10,000	-	43,500	35,000
54420 Travel Expense - Non-Employee	-	-	-	-	-	-	-	-	-	-	-	-	-
54430 Travel Expense-Mileage-Employee	1,500	-	200	3,000	1,000	200	500	-	2,000	2,500	-	10,900	10,900
54440 Travel Expense-Mileage-Non-Employee	-	-	-	-	-	-	-	-	-	-	-	-	-
54450 Travel Expense-Other-Metrolink Tickets	-	-	-	-	50	-	-	-	-	-	-	50	50
54500 Advertising	500	-	-	1,000	-	-	15,775	-	-	-	-	17,275	12,250
54520 Public Information Activities	-	-	-	-	-	-	-	-	-	60,000	-	60,000	60,000
54590 Printing - External	7,500	-	-	5,000	600	-	-	-	-	-	-	13,100	17,300
54595 Printing - Internal	10,000	-	200	-	-	-	-	-	-	-	-	10,200	15,500
54620 Contributions/Sponsorships	-	-	-	-	-	-	-	-	-	-	-	-	-
54640 Communications	-	-	-	-	-	48,500	-	-	-	-	20,000	68,500	78,650
54655 Record/Equipment Storage	20,000	-	-	-	-	-	-	-	-	-	-	20,000	55,000
54900 Bank charges	-	-	-	6,000	160	-	-	-	-	-	-	6,160	8,160
54910 Other Service Charges	-	-	-	-	-	-	-	-	-	-	-	-	-
54980 Depreciation Expense	-	-	-	-	-	-	-	-	-	-	-	-	-
55005 Office Expense	20,000	-	-	-	-	1,500	1,000	-	-	-	8,789	31,289	46,225
55410 Meeting Expense	3,000	-	500	2,000	500	200	15,000	-	1,000	2,500	-	24,700	24,700
56100 Building & Structures	-	-	-	-	-	-	-	-	-	-	-	-	-
56200 Improvements OTBS	-	-	-	-	-	-	-	-	-	-	469,428	469,428	180,000
56600 Office Furniture & Equipment	-	-	-	-	-	-	-	-	-	-	65,000	65,000	65,000
56650 Office Equipment/Software-Inventorial	20,000	-	10,000	-	-	279,833	-	-	-	-	17,200	327,033	330,382
56700 Computer Hardware & Software	-	-	-	-	-	49,000	-	-	-	-	-	49,000	13,000
Total	\$ 1,028,465	\$ 4,478	\$ 600,257	\$ 1,979,871	\$ 1,182,431	\$ 1,336,713	\$ 543,596	\$ 3,295	\$ 494,877	\$ 370,370	\$ 2,114,112	\$ 9,658,465	\$ 8,663,719
	\$ 1,028,465	\$ 4,478	\$ 600,257	\$ 1,979,871	\$ 1,182,431	\$ 1,336,713	\$ 543,596	\$ 3,295	\$ 494,877	\$ 370,370	\$ 2,102,112	\$ 9,646,465	
	\$ 266,750	\$ -	\$ 119,460	\$ 564,000	\$ 661,910	\$ 943,018	\$ 144,055	\$ -	\$ 173,828	\$ 219,000	\$ 1,892,924	\$ 4,984,945	

Task Descriptions:

0200 - Executive Administration and Support
0206 - Data Program Management

0400 - Financial Management
0450 - Management Services

0500 - Fund Administration
0503 - Legislation

0805 - Building Operation

Increase from Fiscal Year 2022 Budget

\$ 994,746

Attachment: Exhibit A - Indirect Fund 2022-2023 (8335 : Capital Projects and Reserves based on Policy

Capital Projects Plan

Fiscal Year	Item Description	Estimated Cost
2022/2023	SBCTA Network Switches	30,000
	Depot Parking Lot Slurry Seal/Stencil	100,000
	SBCTA Board Room AV Upgrade	180,000
	Repair of Exterior Coating of the Depot & Painting of all Exterior Trim	75,000
	Total Fiscal Year 2022/2023	385,000
2023/2024	Painting interior of SBCTA offices	120,000
	Network Infrastructure (Servers, Switches, Firewalls, etc.)	195,000
	Workstation Rotation Plan Group A	75,000
	Replace SBCTA Pool Vehicle	60,000
	SBCTA Office Carpet Replacement	165,000
	Heating, Ventilation, & Air Conditioning (HVAC) Equipment Upgrade -Phase I	170,000
	Total Fiscal Year 2023/2024	785,000
2024/2025	Applicant Tracking System (Could be part of Enterprise Resource Planning (ERP) system)	22,000
	Heating, Ventilation, & Air Conditioning (HVAC) Equipment Upgrade-Phase II	170,000
	Workstation Rotation Plan Group B	75,000
	Total Fiscal Year 2024/2025	267,000
2025/2026	On-premise Backup Appliance/Data Domains	50,000
	Heating, Ventilation, & Air Conditioning (HVAC) Equipment Upgrade-Phase III	170,000
	SBCTA Office Carpet Replacement	165,000
	Total Fiscal Year 2025/2026	385,000
2026/2027	Tile Lobby and Restrooms Interior Painting	12,500
	SBCTA Phone System	65,000
	Total Fiscal Year 2026/2027	77,500
2027/2028	Workstation Rotation Plan Group A	75,000
	Tile Lobby Exterior Door Restoration and Nearby Window Trim	12,500
	Parking Lot Slurry Seal/Stencil	100,000
	Pump House Chemical Treatment Equipment Upgrade	7,500
	Total Fiscal Year 2027/2028	195,000
2028/2029	Depot Elevator Modernization	125,000
	Workstation Rotation Plan Group B	75,000
	Replace Depot's Roof	75,000
	Total Fiscal Year 2028/2029	275,000
Total Capital Projects		\$ 2,369,500
Beginning Fund Balance		\$ 3,075,155
Estimated Revenues:		
Measure I (MSI)		4,742,103
Transportation Development Act (TDA)		3,409,448
Service Authority for Freeway Emergencies (SAFE)		368,759
Total revenues to fund indirect		8,520,310
Indirect expenditures		9,658,465
Amount available for Reserves		\$ 1,937,000
Reserve for Emergencies		\$ 500,000
Reserve for Capital Projects		\$ 1,437,000

Minute Action

AGENDA ITEM: 7

Date: May 11, 2022

Subject:

Authorized Signers for Bank Accounts

Recommendation:

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Associated Governments (SBCOG):

Approve the Executive Director, Chief Financial Officer and Director of Management Services, as authorized signers for all accounts with Wells Fargo Bank, National Association.

Background:

The current authorized signers with Wells Fargo Bank, National Association (N.A), are the Executive Director, Chief Financial Officer, and Deputy Executive Director. Due to the upcoming retirement of the Deputy Executive Director in June 2022, it is recommended to remove that authorized position and replace it with the Director of Management Services. This change will allow three authorized signers to remain on the account(s).

Financial Impact:

This item has no financial 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:

Hilda Flores, Chief Financial Officer

Approved
General Policy Committee
Date: May 11, 2022

Witnessed By:

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

Minute Action

AGENDA ITEM: 8

Date: May 11, 2022

Subject:

Renewal of Annual Insurance Policies

Recommendation:

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

A. Authorize the Director of Special Projects and Strategic Initiatives to approve and execute binding insurance coverage through the policies and premiums up to 10% over the estimate of \$630,564, and authorize the Executive Director to bind the policy should the amount exceed \$693,621, for the period of July 1, 2022 through June 30, 2023.

B. Authorize the issuance of Purchase Orders to process payments for securing the insurance policies.

Background:

The San Bernardino County Transportation Authority (SBCTA) utilizes a Board of Directors (Board) approved insurance broker for procurement of insurance related products. The current Board approved broker is Alliant Insurance Services, Inc. (Alliant) under Contract No. 19-1002035. Alliant, assists SBCTA on marketing and securing the annual insurance policies.

The majority of SBCTA's insurance program renews every July 1st and the following insurance policies are set to expire on June 30, 2022: Cyber Liability, Workers' Compensation, Property, Crime and Excess Liability. SBCTA's General Liability policy will not expire until September of 2022. For this renewal, SBCTA has directed Alliant to obtain premium indicators for the same program structure as purchased last year, which includes Excess General Liability, Automobile Liability, Employment Practices Liability and coverage for Public Officials Errors and Omissions Liability, and to explore risk pools and insurance products available in the current market.

As of today, premium quotes are not yet available for SBCTA's July 1, 2022 Cyber Liability, Workers' Compensation, Property, Crime and Excess Liability policy renewals. Alliant is estimating the renewal premiums at \$630,564. The estimate is based on their knowledge of the current market, their experience with the renewals of other public sector clients, as well as their conversations with the underwriting community. The estimate represents a 23% increase from last year's premium of \$509,904. The increase can be attributed to an overall continued tightening of the insurance market, reduced market capacity, upward trends in national jury verdicts, and carriers' desire to shy away from California public entities as well as the civil unrest events of recent years.

Alliant reached out to 14 insurance carriers (carriers) as part of the marketing effort for SBCTA's insurance program. Carriers that were approached for bids were selected on the basis of their historical premium rates, coverage criteria, and underwriting background. In addition, carriers were required to have experience with public agencies, adequate financial reserves, and

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

General Policy Committee Agenda Item

May 11, 2022

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a rating by A.M. Best Company of excellent or better. Interviews were conducted with several of the carriers. Alliant anticipates receipt of quotes from three of the carriers by the end of June; the other 11 carriers declined to quote.

It is also important to note that the exposure basis (building value) on the property insurance policy is increasing due to escalating building costs and properties being added to this policy with the completion of the Redlands Passenger Rail Project and the additional station core assets that were added in the current fiscal year.

Last year, staff identified a gap in the properties insured under this program when staff surveyed the cities that host Metrolink stations. The original station cooperative agreements, written when the Metrolink system was first developed, identified that the host cities were responsible for security and maintenance of the stations. However, these agreements were silent on the insurance requirements. As the system has grown to the east, additional insurance language has been added to the agreements requiring that the host city be responsible for insuring the station's assets. In an effort to be consistent, staff surveyed host cities of legacy stations to confirm how the assets were being insured.

It was identified that the majority of the stations' core assets were not being insured at that time and thus were added to SBCTA's property schedule for Fiscal Year (FY) 2021/2022. The Board directed staff to work with the host cities and reach an agreement that SBCTA would continue to secure property insurance for these core assets, and that SBCTA and the cities would split the cost of the property insurance equally going forward.

Staff has met with the city managers and outlined a path forward. SBCTA will continue to secure the coverage for the Metrolink core assets and the cost for this insurance will be shared equally between SBCTA and the host city, for their respective core asset property premium cost.

Table 1 is a breakdown of the core station assets, which SBCTA insured in FY 2021/2022, and what the equal cost sharing will look like in FY 2022/2023.

Table 1 – Rail Station Assets, Estimated Insurable Value, and Premium

City	FY 2022/2023 Core Station Property Insurance Costs Estimates		
	Insured Value	Insured Value Premium	City Share due in FY24
Fontana	\$ 4,389,000.00	\$ 6,247.68	\$ 3,123.84
Montclair	\$ 17,094,000.00	\$ 24,333.05	\$ 12,166.53
Ontario	\$ 5,544,000.00	\$ 7,891.80	\$ 3,945.90
Rancho Cucamonga	\$ 20,174,000.00	\$ 28,717.39	\$ 14,358.69
Redlands	\$ 8,316,000.00	\$ 11,837.70	\$ 5,918.85
Rialto	\$ 4,389,000.00	\$ 6,247.68	\$ 3,123.84
San Bernardino	\$ 33,690,638.52	\$ 47,958.12	\$ 19,010.44
Upland	\$ 4,004,000.00	\$ 5,699.63	\$ 2,849.82
Grand Total	\$ 97,600,638.52	\$ 138,933.04	\$ 64,497.90

General Policy Committee Agenda Item

May 11, 2022

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In addition, the property schedule also includes insuring the Arrow Maintenance Facility (AMF) and the Crew House, which was built as part of the Downtown San Bernardino Passenger Rail Project.

The table below provides a summary of the current year premiums and estimates for FY 2022/2023.

	Actual Premium Expiring 7/1/21 - 7/1/22	" Estimated" Premium 7/1/22 - 7/1/23	Change
Excess Liability: (General, Automobile, Public Officials E&O, Employment Practices)			
Policy Limits: \$10 Million			
Primary \$5M	Premium: \$184,311	\$239,604	+30%
Excess \$5M x \$5M	Premium: \$ 84,896	\$110,365	+30%
Total \$10M limit	Premium: \$269,207	\$349,969	+30%
Terrorism	No coverage	No coverage	
Cyber Liability (information security/ technology Errors & Omission, data breach)			
Policy Limits: \$1 Million Liability \$1Million Data Breach Response			
	Premium: \$7,872	\$13,800	+75%
Workers Compensation			
Policy Limits: Statutory for W/C and \$1Million for employers liability			
Exposure Base (payroll)	\$8,977,628	\$ 9,426,509	+05%
Rate per \$100 Payroll (avg.)	\$0.561	\$ 0.578	
	Premium: \$53,108	\$54,469	+03%
Property (including owned auto liability and physical damage)			
Policy Limits: Total Insured Value			
Total Insurable Values (TIV)	\$115,883,720	\$ 128,974,406	+11%
Rate per \$100 TIV	\$0.1158	\$0.1274	+10%
	Premium: \$134,179	\$164,313	+22%
Flood	No coverage	No coverage	
Earthquake	No coverage	No coverage	
Railroad	No coverage	No coverage	
Terrorism	Included	Included	
Vacant Buildings	Premium: \$5,365	\$5,902	+10%
2021 TIV and premium includes Arrow Maintenance Facility and RPRP platforms and several Station assets			
Crime (employee dishonesty, employee theft)			
Policy Limits: \$10 Million			
	Premium \$10,468	\$11,515	+10%

San Bernardino Council of Governments

San Bernardino County Transportation Authority

Subtotal Premium:	\$481,199	\$599,968	+25%
Broker Fee:	\$ 29,705	\$ 30,596	+3%
Total Premium & Broker Fee:	\$509,904	\$630,564	+23%

SBCTA staff recommends securing these insurance policies as they are necessary to protect the agency from significant losses, and proper insurance coverage is a requirement of the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan that was secured for the Interstate 10 (I-10) Corridor Contract 1 Project. Due to the changing insurance market conditions these estimated premiums may be exceeded, therefore, staff is requesting to bind the coverages even if the cost exceeds the estimate of \$630,564. If the premium exceeds this estimate by more than 10%, binding will require approval from the Executive Director. Staff will work to stay within this limit, but it is critical that coverage continue uninterrupted. If the estimate is exceeded, staff will return to the Board at a later date and report the actual cost and all of the efforts undertaken to minimize said cost.

Financial Impact:

This item has no financial impact on the Fiscal Year (FY) 2021/2022 Adopted Budget. The budgeted amount is included in the Proposed FY 2022/2023 Budget.

Reviewed By:

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

Responsible Staff:

Steven Keller, Risk Manager

Approved
General Policy Committee
Date: May 11, 2022

Witnessed By:

Minute Action

AGENDA ITEM: 9

Date: May 11, 2022

Subject:

New Policy No. 10111-3, California COVID-19 Supplemental Paid Sick Leave

Recommendation:

That the General Policy Committee recommend to the Board, acting as the San Bernardino County Transportation Authority and the San Bernardino Associated Governments:

Approve Policy No. 10111-3, California COVID-19 Supplemental Paid Sick Leave.

Background:

On February 9, 2022, Governor Newsom signed Senate Bill (SB) 114, legislation intended to ensure access to up to 80 hours of COVID-19 supplemental paid sick leave for eligible employees, including those advised to quarantine or isolate and those caring for COVID-impacted family members and children. Staff has prepared this policy to comply with the new legislation.

The California COVID-19 Supplemental Paid Sick Leave (SPSL) went into effect on February 19, 2022 and will expire on September 30, 2022. The SPSL leave is retroactive to January 1, 2022.

The State of California, Department of Industrial Relations, published the attached poster for covered employers to post in the workplace. San Bernardino County Transportation Authority (SBCTA) has shared the information with all employees and recommends the approval of Policy No. 10111-3 for further compliance.

Financial Impact:

This item is consistent with the Fiscal Year 2021/2022 Budget, which includes budget for leave time.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft policy.

Responsible Staff:

Colleen Franco, Director of Management Services

Approved
General Policy Committee
Date: May 11, 2022
Witnessed By:

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

San Bernardino County Transportation Authority	Policy	10111-3	
Adopted by the Board of Directors	June 1, 2022	Revised	N/A
California COVID-19 Supplemental Paid Sick Leave		Revision No.	0

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

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I. PURPOSE

This policy addresses the mandatory provisions of COVID-19 Supplemental Paid Sick Leave (SPSL) to employees who are unable to work or telework because of one or more enumerated qualifying reasons related to COVID-19.

II. STATEMENT OF POLICY

This policy is intended to provide all eligible and qualified employees with SPSL to which they are entitled under Labor Code § 248.6. The Executive Director is authorized to implement and interpret this policy on behalf of the agency.

III. REFERENCES

Labor Code §248.6

Policy 10111, Work Hours, Leaves, and Absences

IV. DEFINITIONS

Child: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*. This definition of a child is applicable regardless of age or dependency status.

Covered Employee: Any SBCTA employee who is unable to work or telework for one or more of the reasons related to COVID-19 as set forth in this policy.

COVID-19 Supplemental Paid Sick Leave (SPSL): Supplemental paid sick leave pursuant to Labor Code section 248.6.

Family Member: Any of the following:

- A “child”, as defined above.
- A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood *in loco parentis* when the employee was a minor child.
- A spouse.
- A registered domestic partner.
- A grandparent.
- A grandchild.
- A sibling.

V. SUPPLEMENTAL PAID SICK LEAVE

A. Eligibility

All employees unable to work (or telework) due to one of the reasons listed in Section V.B and V.C below, are covered by the new law. Full-time employees receive 40 hours (for each bank of leave) and part-time employee hours will be pro-rated based upon the number of hours the employee is normally scheduled to work.

B. Category One – Qualifying reasons for leave up to 40 hours (5 days) of SPSL can be used for the following reasons:

1. **Vaccine-Related:** The employee is attending a vaccine or booster appointment for themselves or a family member or have vaccine related symptoms or are caring for a family member with vaccine-related symptoms. SBCTA may require verification of continuing symptoms as a condition of granting more than the equivalent of 24 hours (3 days) of SPSL under this Category One.
2. **Caring for Yourself:** The employee is subject to quarantine or isolation period related to COVID-19 as defined by an order or guidance of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local public health officer with jurisdiction over the workplace¹; has been advised by a healthcare provider to isolate or quarantine due to COVID-19; or is experiencing COVID-19 symptoms and seeking a medical diagnosis.
3. **Caring for a Family Member:** The employee is caring for a family member who is subject to a COVID-19 quarantine or isolation period or has been advised by a healthcare provider to isolate or quarantine due to COVID-19, or is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

C. Category Two - Qualifying reasons for leave up to 40 hours (5 days) of SPSL can be used for the following reasons:

1. The employee tests positive for COVID-19.
2. The employee is caring for a family member who tested positive for COVID-19.

D. Rate of Pay

SPSL will be paid at the employee's regular rate of pay, or minimum wage, whichever is greater. However, in no event will such paid SPSL exceed \$511 per day and \$5,110 in the aggregate.

E. Interaction with Other Paid Leave

The employee may use SPSL under this policy before using any other accrued paid time off available under Policy 10111, Work Hours, Leaves and Absences, for the qualifying reasons stated above.

F. Procedure for Requesting Paid Sick Leave

Employees should make an oral or written request to their manager or the Director of Management Services specifying the need and specific reason for leave under this policy. Employees will be required to provide positive test results and/or supporting documentation as applicable to the Director of Management Services for using SPSL. SBCTA may require the employee to submit to a diagnostic test at no cost to the employee on or after the fifth day after the initial positive COVID-19 test and provide documentation of those results. Once SPSL has begun, the employee and his or her manager must

¹ If the covered employee is subject to more than one of the foregoing, the covered employee shall be permitted to use SPSL for the minimum quarantine or isolation period under the order or guidance that provides for the longest such minimum period.

determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive paid sick time.

G. Effective Dates

Employees are entitled to SPSL retroactive to January 1, 2022. Benefits under this policy will expire on September 30, 2022, except that a covered employee taking such leave at that time will be entitled to use the full amount of leave to which they are entitled.

Unless the underlying law is extended, this policy will expire by operation of the law on September 30, 2022, except that certain Covered Employees may continue to use SPSL after that date as described above.

H. Job Protections

No employee who appropriately utilizes SPSL under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

Please contact your manager or Management Services with any questions.

VI. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors	06/01/22

2022 COVID-19 Supplemental Paid Sick Leave

Effective February 19, 2022



9.b

Covered employees in the public or private sectors who work for employers with 26 or more employees are entitled to up to 80 hours of 2022 COVID-19 related paid sick leave from January 1, 2022 through September 30, 2022, immediately upon an oral or written request to their employer, with up to 40 of those hours available only when an employee or family member tests positive for COVID-19.

A full-time covered employee may take up to 40 hours of leave if the employee is unable to work or telework for any of the following reasons:

- **Vaccine-Related:** The covered employee is attending a vaccine or booster appointment for themselves or a family member* or cannot work or telework because they have vaccine--related symptoms or are caring for a family member with vaccine-related symptoms. An employer may limit an employee to 24 hours or 3 days of leave for each vaccination or booster appointment and any consequent side effects, unless a health care provider verifies that more recovery time is needed.
- **Caring for Yourself:** The employee is subject to quarantine or isolation period related to COVID-19 as defined by an order or guidance of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local public health officer with jurisdiction over the workplace; has been advised by a healthcare provider to quarantine; or is experiencing COVID-19 symptoms and seeking a medical diagnosis.
- **Caring for a Family Member*:** The covered employee is caring for a family member who is subject to a COVID-19 quarantine or isolation period or has been advised by a healthcare provider to quarantine due to COVID-19, or is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.

A full-time covered employee may take up to an additional 40 hours of leave if the employee is unable to work or telework for either of the following reasons:

- The covered employee tests positive for COVID-19
- The covered employee is caring for a family member* who tested positive for COVID-19.

* A family member includes a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.

Part-Time covered Employees: Part-time covered employees may take as leave up to the amount of hours they work over two weeks, with half of those hours available only when they or a family member* test positive for COVID-19.

Payment: If an employee took leave for one of the reasons identified above between January 1, 2022 and February 19, 2022, and that leave was either unpaid or compensated at a rate less than the employee's regular rate of pay, the employee may also request a retroactive payment. Payment is at the employee's regular or usual rate of pay, not to exceed \$511 per day and \$5,110 in total.

Retaliation or discrimination against a covered employee requesting or using COVID-19 supplemental paid sick leave is strictly prohibited. A covered employee who experiences such retaliation or discrimination can file a claim with the Labor Commissioner's Office. Locate the nearest district office by looking at the [directory on our website](http://www.dir.ca.gov/dlse/DistrictOffices.htm) <http://www.dir.ca.gov/dlse/DistrictOffices.htm> using the alphabetical listing of cities, locations, and communities or by calling 1-833-526-4636.

This poster must be displayed where employees can easily read it. If employees do not frequent a physical workplace, it may be disseminated to employees electronically.

Minute Action

AGENDA ITEM: 10

Date: May 11, 2022

Subject:

Amendment No. 3 to Contract No. 16-1001429 with the Local Agency Formation Commission for the Lease of Unit 150

Recommendation:

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

A. Approve Amendment No. 3 to Contract No. 16-1001429 with the Local Agency Formation Commission for the lease of Unit 150, effective July 24, 2022, through July 23, 2027.

B. Approve an increase of \$354,110 to the total revenue contract amount, for a new revenue contract value of \$824,526 for the term of the contract.

Background:

The San Bernardino County Transportation Authority (SBCTA) and the City of San Bernardino (City), as tenants-in-common of the Santa Fe Depot (Depot), share the responsibilities for the Depot as defined in Cooperative Agreement No. 04-040 (Cooperative Agreement). Pursuant to the Cooperative Agreement, SBCTA retains the exclusive right to enter into, amend, or terminate all leases at the Depot.

On July 6, 2016, the SBCTA Board of Directors (Board) approved Contract No. 16-1001429 (Contract) with the Local Agency Formation Commission (LAFCO) for the purpose of leasing Unit 150 at the Depot, consisting of approximately 3,513 rentable square feet.

On September 29, 2017, the Executive Director approved Amendment No. 1 to the Contract regarding property improvements. The square footage was also updated to 2,970.

On July 1, 2020, the Board approved Amendment No. 2 to exclude certain costs from LAFCO's Common Area Maintenance (CAM) charges that provided no direct benefit to LAFCO, resulting in a reduction in lease revenue estimated at \$42,792 for the duration of the contract term.

Staff has continued to search for a more equitable and consistent manner in which to allocate LAFCO's CAM costs, which is calculated based on the relative square footage occupied by each tenant and includes operating costs such as insurance, common area utility, security, etc. SBCTA has agreed to restructure the Contract so that LAFCO's CAM is eliminated and the Base Rent is correspondingly increased to be all inclusive of the overall operating costs. This change will make LAFCO's rent costs more stable and predictable and reduce consultant staff time associated with calculating CAM charges.

Approval of Amendment No. 3 to Contract No. 16-1001429 will incorporate these changes to LAFCO's lease effective July 24, 2022, and allow LAFCO to exercise its first five (5) year option to extend. The amended expiration date shall be July 23, 2027.

Financial Impact:

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

Entity: San Bernardino County Transportation Authority

General Policy Committee Agenda Item
May 11, 2022
Page 2

Reviewed By:

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

Responsible Staff:

Ivan Ramirez, Management Analyst II

Approved
General Policy Committee
Date: May 11, 2022

Witnessed By:

San Bernardino County Transportation Authority

General Contract Information

Contract No: 16-1001429 Amendment No.: 3

Contract Class: Receivable Department: Administration

Customer ID: 02471 Customer Name: Local Agency Formation Commission (LAFCO)

Description: Lease of Unit 150 (Harvey House Space)

List Any Accounts Payable Related Contract Nos.: 16-1001574

Dollar Amount			
Original Contract	\$	474,241.00	Original Contingency \$ -
Prior Amendments	\$	(3,825.12)	Prior Amendments \$ -
Current Amendment	\$	299,376.00	Current Amendment \$ -
Total/Revised Contract Value	\$	769,791.88	Total Contingency Value \$ -
Total Dollar Authority (Contract Value and Contingency)			\$ 769,791.88

Contract Authorization

Board of Directors Date: 6/1/2022 Committee Item #

Contract Management (Internal Purposes Only)

Local						Lease																																																																													
Accounts Receivable																																																																																			
Total Contract Funding:		\$ 769,791.88				Funding Agreement No:		16-1001429																																																																											
Beginning POP Date:		6/1/2017				Ending POP Date:		7/23/2027		Final Billing Date: 7/23/2027																																																																									
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Ivan Ramirez

Duane Baker

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: Original contract value includes rental income (\$200,241), CAM charges (\$144,000), and loan (\$130,000) for renovation costs. The rent is adjusted based on CPI. Current amendment is reduction of CAM charges due to CAM being eliminated. Prior amendment of \$38,966.88 was due to increase cost of renovations.

Attachment: CSS (8506 : Amendment No. 3 to Contract No. 16-1001429 with the LAFCO)

AMENDMENT NO. 3 TO LEASE

Contract No: 16-1001429

THIS AMENDMENT NO. 3 TO LEASE (the "Amendment") is entered into on and is effective as of July 24, 2022, by and between San Bernardino County Transportation Authority (SBCTA) ("Landlord"), and Local Agency Formation Commission for San Bernardino County (LAFCO) ("Tenant"), on the basis of the following:

RECITALS

A. Landlord and Tenant previously entered into a Lease agreement, First Amendment, and Second Amendment (collectively, the "Lease") for the Premises described as 1170 W. 3rd Street, Suite 150, San Bernardino, California, also identified as Contract No. 16-1001429;

B. Tenant wishes to extend the Lease Term by exercising the first of its Options to Extend;

C. The parties agree to modify the tenancy to restructure the Lease as it pertains to operating expense reimbursements.

AGREEMENT

IT IS HEREBY AGREED by Landlord and Tenant on the basis of the foregoing and in consideration of the premises contained herein, as follows:

1. **Extension of Lease Term – Option Exercised.** Tenant hereby elects to exercise its first 5-year Option to Extend as set forth in Section 25 of the Lease, except to replace the beginning Rent adjustment as provided for in Section 2 of this Amendment. The amended Expiration Date shall be July 23, 2027.

2. **Base Rent Adjustment - Common Area Maintenance (CAM).** It is the intention of the parties to restructure the Lease so that the sections requiring Tenant to pay its share of Common Area Operating Expenses is eliminated, and that the Base Rent is correspondingly increased to be all-inclusive of those elements. Therefore, effective July 24, 2022, the monthly Base Rent shall be \$1.60 per rentable square foot, and shall increase annually thereafter as set forth in section 7(a) of the Lease. Sections 1.09 ("Tenant's Share of Common Area Operating Expenses") and that certain subsection of Section 6 ("Rent") entitled "Common Area Maintenance Expenses (CAM)", shall be deleted in their entirety and shall be of no further force or effect.

3. **Supremacy.** Except as otherwise expressly stated in this Amendment, all other provisions in the Lease, as previously amended, shall continue in full force and effect without modification. In the event of any conflict between the terms of this Amendment and those of the Lease, the terms of the Amendment shall govern.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Amendment as of the date first set forth above.

Landlord:

San Bernardino County
Transportation Authority

Tenant:

Local Agency Formation Commission
for San Bernardino County

By:
Curt Hagman, President

Date: _____

Date: _____

APPROVED AS TO FORM

Julianna K. Tillquist
General Counsel

DRAFT

Attachment: 16-1001429-03 PDF (8506 : Amendment No. 3 to Contract No. 16-1001429 with the LAFCO)

Minute Action

AGENDA ITEM: 11

Date: May 11, 2022

Subject:

Development Mitigation Annual Report for Fiscal Year Ending June 30, 2021

Recommendation:

Receive information on the Development Mitigation Annual Report for Fiscal Year ending June 30, 2021.

Background:

Preparation of the Development Mitigation Annual Report (DMAR) is an ongoing requirement of the San Bernardino County Transportation Authority (SBCTA) Congestion Management Program (CMP). The Valley and Victor Valley jurisdictions are required to provide information on development activity and the expenditure of development mitigation funds on projects contained in the Development Mitigation Nexus Study (Nexus Study) for Fiscal Year 2020/2021. The development fees collected are used by the jurisdictions as the local share of arterial, interchange, and railroad grade separation projects for which SBCTA provides the “public share.”

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

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

The City of San Bernardino (City) failed to submit a DMAR and is thus noted as “delinquent”. Multiple attempts have been made to collect this information starting in August 2021. Staff was reminded that compliance with the CMP through DMAR and Nexus Study Updates is a Measure I requirement. Should the City submit their DMAR and/or Nexus Study Update by **May 18, 2022**, it will be included in the report to the SBCTA Board of Directors on June 1, 2022. If SBCTA continues to be unable to collect the required information from the City, SBCTA will formally notify them that their program is out of compliance and proceed with action described in Appendix D (formerly Appendix F) of the CMP.

Based on the information that was provided to SBCTA by the remaining jurisdictions, \$48,824,932 in development mitigation fees for transportation projects was collected and \$12,055,687 of development mitigation fees was expended on Nexus Study projects during Fiscal Year ending June 30, 2021. Of the approximately \$48.8 million of transportation related development impact fees collected by local jurisdictions, a portion of the fees are associated with local projects that were not included in the Nexus Study, which addresses only regional projects.

Entity: San Bernardino County Transportation Authority

General Policy Committee Agenda Item

May 11, 2022

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Therefore, not all of the fees will be expended on Nexus Study projects. The \$48,828,996 of development mitigation represents an increase of 0.1% in development mitigation revenue from the \$48,772,014 collected in Fiscal Year 2019/2020, which was a decrease of 18.4% from the \$59,733,855 collected in Fiscal Year 2018/2019.

Since the implementation of the SBCTA Development Mitigation Program began in Fiscal Year 2006/2007, a total of \$520,342,660 has been collected and a total of \$250,291,418 in development mitigation has been expended on projects contained in the SBCTA Development Mitigation Nexus Study. It should be noted that some of the data on quantities of development (units and square footage) could not be included in the table because it did not fit standard development type categories. However, all the fees for these developments were included.

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

Table 1
City/Town Development Mitigation Summary Table
For the Year Ending June 30, 2021

City/Town	# of SF Units Permitted	# of MF & ADUs Permitted	Sq Ft of Commercial Permitted	Sq Ft of Office/ Institutional Permitted	Sq Ft of Industrial Permitted	Fees Collected in FY 20/21	Fees Expended on Nexus Projects in FY 20/21	Cumulative Dev. Mit. Revenue	Cumulative Dev. Mit. Expenditures On Nexus Projects
Adelanto	211	0	0	0	0	\$939,372	\$0	\$5,548,206	\$434,624
Apple Valley	81	19	862	8,008	0	\$605,003	\$0	\$12,319,192	\$8,981,193
Chino	143	145	0	3,949	2,421	\$4,193,791	\$802,740	\$66,205,547	\$3,601,722
Chino Hills	4	27	0	0	0	\$7,675	\$0	\$606,174	\$4,992,658
Colton	78	0	0	0	25,000	\$361,721	\$13,125	\$8,209,011	\$304,113
Fontana	611	32	46,293	40,729	2,325,275	\$6,788,854	\$632,756	\$78,012,997	\$49,252,991
Grand Terrace	1	0	0	0	0	\$4,063	\$0	\$2,028,859	\$292,790
Hesperia	216	16	7,000	6,000	0	\$2,332,864	\$302,260	\$27,573,794	\$28,444,977
Highland	8	0	5,753	0	103,468	\$729,317	\$0	\$7,706,274	\$0
Loma Linda	78	15	990,338	0	0	\$3,417,452	\$0	\$12,391,242	\$2,660,076
Montclair	0	0	16,353	16,923	49,618	\$253,465	\$0	\$3,992,384	\$234,305
Ontario	793	1,185	42,270	22,266	978,682	\$3,192,124	\$5,369,693	\$54,363,958	\$43,538,470
Rancho Cucamonga	20	527	1,575	21,339	743,735	\$8,174,413	\$0	\$60,158,152	\$7,901,709
Redlands	66	308	46,267	210,151	9,966	\$899,303	\$0	\$16,227,735	\$4,898,376
Rialto	141	20	61,682	0	127,007	\$1,202,967	\$2,226,909	\$42,353,083	\$20,220,649
San Bernardino	Delinquent							\$19,325,268	\$9,027,903
Upland	103	105	1,000	1,000	4,000	\$7,191,744	\$1,508,313	\$22,934,672	\$3,882,676
Victorville	606	0	40,900	0	106,000	\$3,917,418	\$819,008	\$31,140,567	\$36,791,678
Yucaipa	53	0	0	5,000	0	\$177,290	\$380,882	\$6,935,989	\$10,366,709
Total	3,213	2,399	1,260,293	335,365	4,475,172	\$44,388,837	\$12,055,687	\$478,033,106	\$235,827,619

Notes:

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

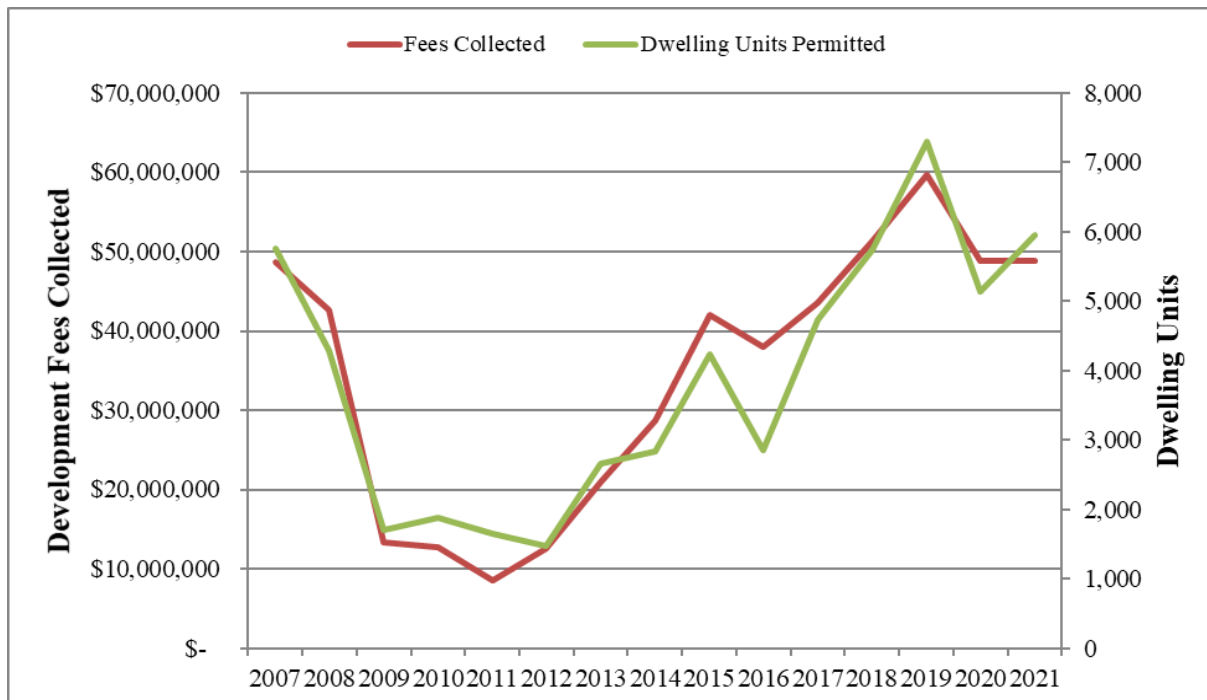
Table 2
San Bernardino County Development Mitigation Summary Table
For the Year Ending June 30, 2021

County Sphere/Subarea	# of SF Units Permitted	# of MF & ADUs Permitted	Sq Ft of Commercial Permitted	Sq Ft of Office/ Institutional Permitted	Sq Ft of Industrial Permitted	Fees Collected in FY 20/21*	Fees Expended on Nexus Projects in FY 20/21	Cum. Dev. Mit. Rev.**	Cum. Dev. Mit. Exp. On Nexus Projs***
Adelanto Sphere	0	0	0	0	0	\$0	\$0	\$0	\$0
Apple Valley Sphere	41	2	0	0	0	\$117,282	\$0	\$917,804	\$0
Chino Sphere	1	0	0	6,716	0	\$76,664	\$0	\$535,344	\$388
Colton Sphere	1	112	2,500	0	0	\$371,352	\$0	\$403,887	\$0
Devore/Glen Helen	1	2	0	0	0	\$14,943	\$0	\$169,332	\$148,337
Fontana Sphere	3	15	383	0	195,946	\$1,155,898	\$0	\$6,414,237	\$514,777
Hesperia Sphere	37	1	0	0	0	\$374,052	\$0	\$2,986,950	\$622,315
Loma Linda Sphere	0	0	0	14,190	0	\$61,159	\$0	\$250,083	\$0
Montclair Sphere	3	41	5,332	0	0	\$157,671	\$0	\$218,772	\$0
Redlands Sphere	14	1	0	2,358	0	\$126,898	\$0	\$1,154,827	\$0
Redlands Donut Hole	0	0	0	0	405,773	\$615,559	\$0	\$11,394,117	\$124,601
Rialto Sphere	2	0	158,466	0	0	\$968,168	\$0	\$10,666,954	\$1,635,297
San Bernardino Sphere	7	34	1,600	0	97,743	\$269,535	\$0	\$1,433,249	\$0
Upland Sphere	3	0	0	0	0	\$3,465	\$0	\$185,839	\$0
Victorville Sphere	20	0	0	0	0	\$127,512	\$0	\$1,099,864	\$0
Yucaipa Sphere	0	0	0	0	0	\$0	\$0	\$0	\$0
Total	133	208	168,281	23,264	699,462	\$4,440,159	\$0	\$37,831,261	\$3,045,715
GRAND TOTAL	3,346	2,607	1,428,574	358,629	5,174,634	\$48,828,996	\$12,055,687	\$515,864,367	\$250,219,417

Notes:

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

Figure 1
Development Mitigation Trends



General Policy Committee Agenda Item

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Financial Impact:

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

Reviewed By:

Input for this item was solicited via an email distributed to the Transportation Technical Advisory Committee (TTAC) in late August 2021 and a draft of the completed item was distributed to TTAC in April 2022. This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Ginger Koblasz, Senior Planner

Approved
General Policy Committee
Date: May 11, 2022

Witnessed By:

Minute Action

AGENDA ITEM: 12

Date: May 11, 2022

Subject:

2021 Update of the Development Mitigation Nexus Study

Recommendation:

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

Approve the 2021 Update to the San Bernardino County Transportation Authority Development Mitigation Nexus Study.

Background:

State law requires that San Bernardino County Transportation Authority (SBCTA) update the Congestion Management Program (CMP) every two years. The Development Mitigation Nexus Study (Nexus Study), Appendix G of the CMP, is also updated every two years as part of the CMP update. The Nexus Study is being updated so that jurisdictions have this information available for their transportation fee program updates according to the normal update cycles identified in the Nexus Study. Local jurisdictions in the Valley and Victor Valley collect development impact fees (DIF) for regional arterial, interchange, and rail/highway grade separation projects, and use those funds to match Measure I funding when these projects are developed and constructed. Appendix F of the CMP outlines the provisions and requirements of the Nexus Study, particularly the development and maintenance of the Nexus Study project lists and cost estimates. Appendix F was first adopted by the SBCTA Board of Directors and incorporated into the CMP in 2005.

The Nexus Study update has been underway since August 2021. Staff discussed the update with the Transportation Technical Advisory Committee (TTAC) and distributed a formal request for information. Jurisdictions were asked to update arterial and interchange project lists, including the addition or deletion of projects, modifications to project limits and changes to project costs. SBCTA staff updated the interchange and arterial project tables in the Nexus Study. A draft 2021 update of Table 3: Interchange Improvements and 2021 Costs, Including a Comparison to 2020 Nexus Study Costs, and Nexus Study Arterial Projects by jurisdiction were distributed to Valley and Victor Valley representatives on the TTAC in late August 2021.

In addition, Table 6: Railroad Grade Crossing Projects on Nexus Study Network, is included, which incorporates current project cost information. Nexus Study arterial project updates to the SBCTA Nexus Study as of 2021 can be found at ftp://gis.sanbag.ca.gov/Expires220630_CMP/ (please use Internet Explorer). Modifications included adding or deleting projects, modifying project scope (including project limits), adjusting project costs and updating the associated tables for each local jurisdiction.

The most important tables in the Nexus Study update are Tables 7 and 8 for 2021, which document the development share of total costs that need to be met or exceeded with the transportation DIF programs that are updated by the Valley and Victor Valley cities and the County of San Bernardino (County). For comparison purposes, Tables 7 and 8 from the 2020 Nexus Study update, are included in the attachment. The costs in Table 7 are for the cities, and

Entity: San Bernardino County Transportation Authority

General Policy Committee Agenda Item

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the costs in Table 8 are for the County spheres of influence. The overall mitigation cost increase is approximately 0.8% percent when compared to the 2020 Nexus Study. The 2020 change relative to 2017 was approximately a 0.8% percent increase. However, the changes vary from one jurisdiction to another.

A draft update of the Nexus Study Appendix G Tables 3 through 8, has been included as an attachment. Updated cost estimates for local arterial projects can be found at the following ftp site until June 30, 2022 (please use Internet Explorer):

ftp://gis.sanbag.ca.gov/Expires220630_CMP/.

Following approval of the updated Nexus Study, it will replace the public version currently available on SBCTA's public website and a request will be sent to Valley and Victor Valley jurisdictions to update their fee programs according to the schedule in Table 10 of the Nexus Study. Jurisdictions may defer any changes for one year following adoption of the 2021 Nexus Study update.

Financial Impact:

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

Reviewed By:

Input for this item was solicited via an email distributed to the Transportation Technical Advisory Committee (TTAC) in late August 2021 and a draft of the completed item was distributed to TTAC in March 2022. This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Ginger Koblasz, Senior Planner

Approved
General Policy Committee
Date: May 11, 2022

Witnessed By:



San Bernardino County Transportation Authority

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Phone: (909) 884-8276 Fax: (909) 885-4407

Web: www.SBCTA.ca.gov



•San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 •San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies

Development Mitigation Nexus Study Update to Tables 3 through 8

Appendix G of the SBCTA Congestion Management Program

prepared by the
San Bernardino County Transportation
Authority (SBCTA)

2021

Table 3
Interchange Improvements and 2021 Costs,
Inlcuding a Comparison to 2020 Nexus Study Costs






Interchange		Lead Agency	2020 Estimate (\$Millions)	2021 Estimate (\$Millions)	Federal Earmark/State Buy-Down (\$Millions)	Source of Cost Estimate	Year Estimate Prepared
	Ramona	Chino	\$30.00	\$30.00		SBCTA	2011
	Central	SBCTA	\$33.71	\$36.03		SBCTA	2020
	Mountain	Ontario/Chino	\$15.00	\$15.00		Ontario DIF & SBCTA	2012
	Euclid:						
	- Phase 1 (Widen WB exit)	Caltrans	\$0.52	\$0.52	\$0.26	Ontario DIF & SBCTA	2015
	- Phase 2 (Widen EB exit)	Ontario	\$0.69	\$0.69			2015
	- Phase 3 (Widen EB/ WB on-ramps)	Ontario	\$9.39	\$9.39			2015
	Grove	Ontario	\$50.81	\$50.81		Ontario DIF & SBCTA	2012
	Vineyard	Ontario	\$50.81	\$50.81		Ontario DIF & SBCTA	2012
	Archibald	SBCTA	\$23.19	\$27.70		SBCTA	2020
	Monte Vista	Montclair	\$33.01	\$33.15		SBCTA	2020
	Euclid	Upland	\$8.97	\$8.97		SBCTA	2020
	Grove/4th	Ontario	\$21.57	\$21.57	\$3.83	Ontario	2020
	Vineyard	Ontario	\$3.01	\$3.01		SBCTA	2020
	Cherry*	SBCTA	\$99.68	\$107.66	\$1.46	SBCTA	2017
	Beech	Fontana	\$114.00	\$114.00		Fontana	2011
	Citrus*	SBCTA	\$77.65	\$83.86		SBCTA	2013
	Alder	Fontana	\$99.00	\$99.00		Fontana	2011
	Cedar	County	\$111.35	\$109.83		SBCTA	2020
	Riverside						
	- Phase 1 (Ramps)*	SBCTA	\$52.70	\$52.70		SBCTA/ Rialto SBCTA	2014
	- Phase 2 (Bridge)	Rialto	\$23.01	\$37.95	\$8.80		2020
	Pepper:						
	- Pepper/Valley*	Colton/County	\$17.23	\$17.23	\$7.10	PAA	2011
	- Ramps/Bridge*	Colton/County	\$9.51	\$9.93		SBCTA	2019
	Mt. Vernon	Colton	\$55.13	\$71.59		SBCTA	2020
	Tippecanoe*	SBCTA	\$85.86	\$79.14	\$35.30	SBCTA	2015
	Mountain View	Loma Linda	\$25.45	\$25.45		SBCTA	2015
	California	Redlands	\$58.50	\$58.50		SBCTA	2011
	Alabama	SBCTA	\$15.17	\$14.38		SBCTA	2020
	University	Redlands	\$5.44	\$5.84		SBCTA	2020
	Wabash	County	\$40.00	\$40.00		County	2013
	Live Oak*	SBCTA	\$32.29	\$17.94		PAA	2011
	Wildwood	Yucaipa	\$52.64	\$1.75		Yucaipa	2020

Table 3 Continue

	Interchange	Lead Agency	2020 Estimate (\$Millions)	2021 Estimate (\$Millions)	Federal Earmark/State Buy-Down (\$Millions)	Source of Cost Estimate	Year Estimate Prepared
	6th/Arrow	Rancho	\$91.30	\$91.30		FTIP	2013
	Baseline*	Rancho	\$55.51	\$48.97	\$31.00	SBCTA	2016
	Duncan Canyon*	Fontana	\$39.53	\$39.53	\$2.10	Fontana	2013
	Sierra	Rialto	\$12.70	\$13.89		SBCTA	2011
	Ranchero*	Hesperia	\$64.26	\$64.26	\$7.80	Hesperia	2015
	Muscatel	Hesperia	\$71.00	\$71.00		Project DB	2011
	Eucalyptus	Hesperia	\$61.00	\$61.00		FTIP	2013
	Bear Valley	Victorville	\$25.00	\$25.00		Victorville	2009
	La Mesa/Nisqualli*	Victorville	\$121.50	\$121.50	\$9.40	Victorville	2015
	University	SB City	\$15.36	\$18.57		PSR-PDS	2020
	Campus	SB City	\$60.00	\$60.00		SB City	2015
	Palm	SB City	\$11.60	\$11.60		SB City	2015
	Waterman	SB City	\$53.80	\$5.89		SB City	2015
	Del Rosa	SB City	\$38.00	\$38.00		SB City	2015
	Baseline	SBCTA	\$34.90	\$32.07		Highland	2020
	5th	Highland	\$12.40	\$15.83		Highland	2020

*Completed Project: Escalated Cost

Definitions

PSR – Project Study Report

PPR – Project Programming Request provided by local jurisdiction or SBCTA

PAA – Project Advancement Agreement

FTIP – Federal Transportation Improvement Program

Table 4. Estimate of Development’s Percent Fair Share of Interchange Costs, by Interchange and Jurisdiction

Fwy.	Interchange	Fair Share %	2021 Cost (\$mill)	Buy Down	Chino	Chino Sphere	Montclair	Montclair Sphere	Upland	Upland Sphere	Ontario	Fontana	Fontana Sphere	Rancho Cucamonga	Rialto	Rialto Sphere	Colton	Colton Sphere	San Bernardino	San Bernardino Sphere	Loma Linda	Loma Linda Sphere	Redlands	Donut Hole	Redlands Sphere	Highland	Yucaipa	Hesperia	Hesperia Sphere	Victorville	Victorville Sphere	Adelanto	Apple Valley	Apple Valley Sphere
SR-60	Ramona	31.3%	\$30.00		53.6%	16.7%	7.7%	22.0%																										
	Central	58.8%	\$36.03		91.8%	0.9%	0.6%	6.7%																										
	Mountain	46.2%	\$15.00		49.6%						50.4%																							
	Euclid	44.5%	\$10.60		43.0%						57.0%																							
	Grove	48.3%	\$50.81		1.2%						98.8%																							
	Vineyard	60.3%	\$50.81		6.7%						93.3%																							
Archibald	66.1%	\$27.70								100.0%																								
I-10	Monte Vista	24.1%	\$33.15				73.5%			26.5%																								
	Euclid	17.4%	\$8.97						60.0%		40.0%																							
	Grove/4th	17.1%	\$21.57	(\$3.83)					13.7%		63.7%			22.6%																				
	Vineyard	60.0%	\$3.01								100.0%																							
	Cherry*	35.4%	\$107.66	(\$1.46)								36.0%	64.0%																					
	Beech	50.0%	\$114.00									69.9%	30.1%																					
	Citrus*	38.4%	\$83.86									99.4%	0.6%																					
	Alder	50.0%	\$99.00									71.2%				28.8%																		
	Cedar	30.0%	\$109.83									11.9%			19.5%	68.6%																		
	Riverside, Phase I*	27.4%	\$52.70	\$8.8											65.9%	7.9%	26.2%																	
	Riverside, Phase II	27.4%	\$37.95												65.9%	7.9%	26.2%																	
	Pepper, Phase I*	34.0%	\$17.23													1.8%	91.9%	2.2%	4.1%															
	Pepper, Phase II	34.0%	\$9.93	(\$7.1)												1.8%	91.9%	2.2%	4.1%															
	Mt. Vernon	5.1%	\$71.59													100.0%																		
	Tippecanoe*	34.6%	\$79.14	(\$35.3)														50.0%		50.0%														
	Mountain View	37.8%	\$25.45																20.0%		70.0%	6.1%	3.9%											
	California	47.8%	\$58.50																			37.9%	22.4%	14.6%	25.2%									
	Alabama	50.5%	\$14.38																					34.9%	65.1%									
	University	17.9%	\$5.84																					100.0%										
	Wabash	35.8%	\$40.00																					12.5%		87.5%								
	Live Oak*	37.0%	\$17.94																					1.0%				99.0%						
	Wildwood	50.0%	\$1.75																								99.0%							
I-15	6th/Arrow	50.0%	\$91.30										10.0%	90.0%																				
	Baseline*	50.0%	\$48.97	(\$13.0)								33.4%		66.6%																				
	Duncan Canyon*	77.3%	\$39.53	(\$2.1)								99.1%	0.9%																					
	Sierra	80.3%	\$13.89									27.9%	1.4%		64.6%	6.1%																		
	Ranchero*	57.5%	\$64.26	(\$7.8)																								93.2%	5.9%					0.9%
	Joshua/Muscatel	58.7%	\$71.00																									95.0%	5.0%					
	Eucalyptus	57.4%	\$61.00																									53.2%		46.8%				
	Bear Valley	31.3%	\$25.00																											53.0%			31.0%	1.0%
	La Mesa*	50.0%	\$121.50	(\$9.4)																											78.8%	1.6%		19.6%
I-215	University	15.8%	\$18.57	(\$0.7)												2.2%			42.9%	54.9%														
	Pepper/Linden	50.0%	\$60.00																100.0%															
	Palm	35.7%	\$11.60																	50.0%	50.0%													
SR-210	Waterman	18.2%	\$5.89																100.0%															
	Del Rosa	32.8%	\$38.00																63.0%	9.0%						28.0%								
	Baseline	41.9%	\$32.07																							100.0%								
	5th	44.1%	\$15.83																5.2%					1.4%			93.4%							
Total			\$1,236.38	(\$71.9)																														

Table 5. Estimate of Development’s Fair Share of Interchange Costs, by Interchange and Jurisdiction

Fwy.	Interchange	Fair Share %	2021 Cost (\$mill)	Buy Down	Chino	Chino Sphere	Montclair	Montclair Sphere	Upland	Upland Sphere	Ontario	Fontana	Fontana Sphere	Rancho Cucamonga	Rialto	Rialto Sphere	Colton	Colton Sphere	San Bernardino	San Bernardino Sphere	Loma Linda	Loma Linda Sphere	Redlands	Donut Hole	Redlands Sphere	Highland	Yucaipa	Hesperia	Hesperia Sphere	Victorville	Victorville Sphere	Adelanto	Apple Valley	Apple Valley Sphere	Sum of Fair Shares	
SR-60	Ramona	31.3%	\$30.00		\$5.03	\$1.57	\$0.72	\$2.07																										\$9.39		
	Central	58.8%	\$36.03		\$19.45	\$0.19	\$0.13	\$1.42																										\$21.19		
	Mountain	46.2%	\$15.00		\$3.44						\$3.49																							\$6.93		
	Euclid	44.5%	\$10.60		\$2.03						\$2.69																							\$4.72		
	Grove	48.3%	\$50.81		\$0.29						\$24.25																							\$24.54		
	Vineyard	60.3%	\$50.81		\$2.05						\$28.59																							\$30.64		
	Archibald	66.1%	\$27.70								\$18.31																								\$18.31	
I-10	Monte Vista	24.1%	\$33.15				\$5.87			\$2.12																									\$7.99	
	Euclid	17.4%	\$8.97						\$0.94		\$0.62																								\$1.56	
	Grove/4th	17.1%	\$21.57	(\$3.83)					\$0.42		\$1.93			\$0.69																					\$3.03	
	Vineyard	60.0%	\$3.01								\$1.80																								\$1.80	
	Cherry*	35.4%	\$107.66	(\$1.46)								\$13.53	\$24.06																					\$37.59		
	Beech	50.0%	\$114.00									\$39.84	\$17.16																					\$57.00		
	Citrus*	38.4%	\$83.86									\$32.01	\$0.19																					\$32.20		
	Alder	50.0%	\$99.00									\$35.24				\$14.26																		\$49.50		
	Cedar	30.0%	\$109.83									\$3.92				\$6.43	\$22.60																	\$32.95		
	Riverside, Phase I*	27.4%	\$52.70	\$8.8												\$11.10	\$1.33	\$4.42																\$16.85		
	Riverside, Phase II	27.4%	\$37.95													\$6.85	\$0.82	\$2.73																\$10.40		
	Pepper, Phase I*	34.0%	\$17.23														\$0.11	\$5.38	\$0.13	\$0.24														\$5.86		
	Pepper, Phase II	34.0%	\$9.93	(\$7.1)													\$0.02	\$0.88	\$0.02	\$0.04														\$0.96		
	Mt. Vernon	5.1%	\$71.59															\$3.65																	\$3.65	
	Tippecanoe*	34.6%	\$79.14	(\$35.3)																\$7.59		\$7.59													\$15.18	
	Mountain View	37.8%	\$25.45																	\$1.92		\$6.73	\$0.59	\$0.38										\$9.62		
	California	47.8%	\$58.50																			\$10.59	\$6.26	\$4.08	\$7.04									\$27.96		
	Alabama	50.5%	\$14.38																					\$2.53	\$4.73										\$7.26	
	University	17.9%	\$5.84																					\$1.05											\$1.05	
	Wabash	35.8%	\$40.00																					\$1.79		\$12.53									\$14.32	
	Live Oak*	37.0%	\$17.94																					\$0.07				\$6.57								\$6.64
	Wildwood	50.0%	\$1.75																									\$0.88								\$0.88
I-15	6th/Arrow	50.0%	\$91.30										\$4.57	\$41.09																					\$45.65	
	Baseline*	50.0%	\$48.97	(\$13.0)								\$6.01		\$11.98																					\$17.99	
	Duncan Canyon*	77.3%	\$39.53	(\$2.1)								\$28.70	\$0.26																						\$28.96	
	Sierra	80.3%	\$13.89									\$3.11	\$0.16		\$7.20	\$0.68																		\$11.15		
	Ranchero*	57.5%	\$64.26	(\$7.8)																								\$30.24	\$1.91				\$0.29	\$32.45		
	Joshua/Muscatel	58.7%	\$71.00																									\$39.59	\$2.09					\$41.68		
	Eucalyptus	57.4%	\$61.00																									\$18.63		\$16.39				\$35.01		
	Bear Valley	31.3%	\$25.00																										\$1.17	\$4.15		\$2.43	\$0.08	\$7.83		
La Mesa*	50.0%	\$121.50	(\$9.4)																										\$44.16	\$0.90		\$10.98		\$56.04		
I-215	University	15.8%	\$18.57	(\$0.7)												\$0.06			\$1.21	\$1.55														\$2.82		
	Pepper/Linden	50.0%	\$60.00																\$30.00															\$30.00		
	Palm	35.7%	\$11.60																\$2.07	\$2.07														\$4.14		
SR-210	Waterman	18.2%	\$5.89																\$1.07																\$1.07	
	Del Rosa	32.8%	\$38.00																\$7.85	\$1.12						\$3.49								\$12.46		
	Baseline	41.9%	\$32.07																							\$13.44								\$13.44		
	5th	44.1%	\$15.83																\$0.36				\$0.05			\$6.52								\$6.93		
Total			\$1,236.38	(\$71.9)	\$32.29	\$1.76	\$6.72	\$3.49	\$1.35	\$2.12	\$81.69	\$162.38	\$46.39	\$53.75	\$31.58	\$39.88	\$17.07	\$0.15	\$52.36	\$4.74	\$24.91	\$6.84	\$9.94	\$11.77	\$12.53	\$23.45	\$7.45	\$89.63	\$4.00	\$64.70	\$0.90	\$0.00	\$13.41	\$0.37	\$807.61	

Attachment: Nexus21_All_TableUpdates (8437 : 2021 Update of the Development Mitigation Nexus Study)

Table 6. Railroad Grade Crossing Projects on Nexus Study Network

Description	2021 Cost Estimate (\$1000s)	Buy Down	Location	Ratio Train Growth to 2030	Ratio Trip Growth to 2030	2021 Cost Allocation To Development (\$1000s)	Local Share
Olive Street in Colton on the San Bernardino Line	\$0		Colton	55%	43.6%	\$0	0.0%
Valley Boulevard in Colton on the San Bernardino Line	\$0		Colton	55%	43.6%	\$0	0.0%
Laurel Street in Colton (Replaces Valley)	\$60,647	(\$10,334)	Colton	55%	43.6%	\$9,861	19.6%
Fogg Street in Colton (Replaces Olive)	\$24,673		Colton	55%	43.6%	\$4,836	19.6%
Widen Mount Vernon Avenue grade separation in Colton on the Alhambra Line	\$0		Colton	55%	43.6%	\$0	0.0%
In Fontana on Citrus Avenue At Santa Fe Railroad, Construct Undercrossing For Existing 4 Lanes	\$0		Fontana	55%	32.1%	\$0	0.0%
Main Street in Grand Terrace on the San Bernardino Line	\$29,050		Grand Terrace	55%	39.9%	\$5,220	18.0%
In Hesperia on Rancho Road 7th Avenue To Danbury, Realign Road, Construct Railroad Undercrossing	\$32,015	(\$9,070)	Hesperia	55%	58.9%	\$6,084	26.5%
Mauna Loa/Lemon and BNSF Grade Separation (costs from feasibility study)	\$59,980		Hesperia	55%	58.9%	\$15,906	26.5%
Eucalyptus Road in Hesperia on the BNSF Line	\$0		Hesperia	55%	58.9%	\$0	0.0%
Beaumont Avenue in Loma Linda on the Yuma Line	\$24,901		Loma Linda	55%	38.8%	\$4,352	17.5%
Monte Vista Avenue in Montclair at the UPRR Crossing	\$31,460	(\$2,090)	Montclair	55%	18.9%	\$2,502	8.5%
Widen Central Avenue grade separation in Montclair on the Alhambra and Los Angeles Lines	\$0		Montclair	55%	18.9%	\$0	0.0%
Archibald Avenue in Ontario on the Los Angeles Line	\$59,486		Ontario	55%	44.4%	\$11,881	20.0%
North Milliken Avenue in Ontario on the Alhambra Line	\$40,621	(\$7,161)	Ontario	55%	44.4%	\$6,683	20.0%
South Milliken Avenue in Ontario on the Los Angeles Line	\$63,835	(\$2,482)	Ontario	55%	44.4%	\$12,254	20.0%
Vineyard Avenue in Ontario on the Alhambra Line	\$45,180	(\$2,074)	Ontario	55%	44.4%	\$8,609	20.0%
Haven Avenue in Rancho Cucamonga at Metrolink Crossing	\$21,069		Rancho	55%	28.7%	\$2,721	12.9%
Railroad crossing safety improvements at San Timoteo Road in Redlands on the Yuma Line	\$1,961		Redlands	55%	23.1%	\$204	10.4%
Palm Avenue in San Bernardino on the Cajon Line	\$23,667	(\$7,130)	San Bernardino	55%	32.4%	\$2,410	14.6%
Rialto Avenue in San Bernardino on the San Bernardino Line	\$25,803		San Bernardino	55%	32.4%	\$3,760	14.6%
Hunts Lane in San Bernardino/Colton on the Yuma Line	\$28,866	(\$9,499)	S. Bern./Colton	55%	38.0%	\$3,309	17.1%
Glen Helen Parkway in San Bernardino County on Cajon Line	\$30,978	(\$2,320)	County	55%	62.2%	\$8,021	28.0%

**Table 7. Summary of Fair Share Costs for Arterial, Interchange, and Railroad Grade Crossing Project Costs for Cities (through year 2030)
Cost in Millions of 2021 dollars**

Previous Fair Share

Jurisdiction	Ratio of Trip Growth to 2030 Trips (Development Share %)	Total Art. Cost (\$Mill)	2019/2020					
			Total Arterial Cost	Development Share of Total Arterial Cost	Public Share of Total Arterial Cost	Development Share Of Interchange Cost	Development Share Of Railroad Grade Separation Cost	Development Share of Total Cost
Adelanto	63.5%	\$89.42	\$222.08	\$141.02	\$81.05	\$0.00	\$0.00	\$141.02
Apple Valley	55.0%	\$140.39	\$311.98	\$171.72	\$140.27	\$13.41	\$0.00	\$185.13
Chino	35.2%	\$91.89	\$151.10	\$53.12	\$97.98	\$31.04	\$0.00	\$84.16
Chino Hills	13.7%	\$20.77	\$26.03	\$3.56	\$22.46	\$0.00	\$0.00	\$3.56
Colton	43.6%	\$36.48	\$64.35	\$28.03	\$36.32	\$15.02	\$16.35	\$59.40
Fontana	32.1%	\$233.45	\$438.69	\$140.89	\$297.80	\$159.87	\$0.00	\$300.76
Grand Terrace	39.9%	\$18.89	\$24.56	\$9.81	\$14.75	\$0.00	\$5.22	\$15.03
Hesperia*	58.9%	\$142.65	\$218.90	\$129.00	\$89.91	\$89.63	\$21.99	\$240.62
Highland	46.4%	\$96.18	\$202.05	\$93.77	\$108.27	\$23.22	\$0.00	\$116.99
Loma Linda	38.8%	\$54.41	\$102.57	\$39.83	\$62.74	\$26.08	\$4.35	\$70.26
Montclair	18.9%	\$6.02	\$10.00	\$1.89	\$8.11	\$6.69	\$2.50	\$11.08
Ontario	44.4%	\$180.24	\$233.46	\$103.62	\$129.84	\$78.70	\$39.43	\$221.75
Rancho Cucamonga	28.7%	\$60.04	\$131.83	\$37.83	\$94.00	\$55.93	\$2.72	\$96.48
Redlands*	23.1%	\$58.22	\$96.77	\$22.36	\$74.41	\$10.06	\$0.20	\$32.63
Rialto	40.9%	\$67.91	\$119.48	\$48.82	\$70.67	\$28.35	\$0.00	\$77.17
San Bernardino	32.4%	\$94.69	\$239.93	\$77.70	\$162.23	\$61.94	\$7.82	\$147.46
Upland*	39.4%	\$20.22	\$59.73	\$23.54	\$36.19	\$1.35	\$0.00	\$24.89
Victorville	49.0%	\$82.93	\$96.63	\$47.38	\$49.25	\$64.70	\$0.00	\$112.08
Yucaipa	30.9%	\$88.29	\$149.07	\$46.06	\$103.01	\$38.15	\$0.00	\$84.21
Total		\$1,583.09	\$2,899.22	\$1,219.95	\$1,679.26	\$704.15	\$100.59	\$2,024.69

Updated Fair Share

Jurisdiction	Ratio of Trip Growth to 2030 Trips (Development Share %)	Total Art. Cost (\$Mill)	2021					
			Total Arterial Cost	Development Share of Total Arterial Cost	Public Share of Total Arterial Cost	Development Share Of Interchange Cost	Development Share Of Railroad Grade Separation Cost	Development Share of Total Cost
Adelanto	63.5%	\$89.42	\$222.08	\$141.02	\$81.05	\$0.00	\$0.00	\$141.02
Apple Valley	55.0%	\$140.39	\$330.98	\$182.17	\$148.81	\$13.41	\$0.00	\$195.58
Chino	35.2%	\$91.89	\$246.59	\$86.69	\$159.90	\$32.29	\$0.00	\$118.98
Chino Hills	13.7%	\$20.77	\$42.03	\$5.76	\$36.27	\$0.00	\$0.00	\$5.76
Colton	43.6%	\$36.48	\$67.05	\$29.20	\$37.84	\$17.07	\$0.00	\$46.27
Fontana	32.1%	\$233.45	\$466.24	\$149.74	\$316.50	\$162.38	\$0.00	\$312.12
Grand Terrace	39.9%	\$18.89	\$24.56	\$9.81	\$14.75	\$0.00	\$0.00	\$9.81
Hesperia*	58.9%	\$142.65	\$218.90	\$129.00	\$89.91	\$89.63	\$0.00	\$218.63
Highland	46.4%	\$96.18	\$202.05	\$93.77	\$108.27	\$23.45	\$0.00	\$117.22
Loma Linda	38.8%	\$54.41	\$103.57	\$40.22	\$63.35	\$24.91	\$0.00	\$65.13
Montclair	18.9%	\$6.02	\$10.00	\$1.89	\$8.11	\$6.72	\$0.00	\$8.61
Ontario	44.4%	\$180.24	\$233.46	\$103.62	\$129.84	\$81.69	\$0.00	\$185.30
Rancho Cucamonga	28.7%	\$60.04	\$131.83	\$37.83	\$94.00	\$53.75	\$0.00	\$91.58
Redlands*	23.1%	\$58.22	\$96.77	\$22.36	\$74.41	\$9.94	\$0.00	\$32.30
Rialto	40.9%	\$67.91	\$125.13	\$51.12	\$74.00	\$31.58	\$0.00	\$82.70
San Bernardino	32.4%	\$94.69	\$239.93	\$77.70	\$162.23	\$52.36	\$0.00	\$130.06
Upland*	39.4%	\$20.22	\$59.73	\$23.54	\$36.19	\$1.35	\$0.00	\$24.89
Victorville	49.0%	\$82.93	\$96.50	\$47.31	\$49.18	\$64.70	\$0.00	\$112.01
Yucaipa	30.9%	\$88.29	\$153.97	\$47.57	\$106.40	\$7.45	\$0.00	\$55.02
Total		\$1,583.09	\$3,071.37	\$1,280.34	\$1,791.03	\$672.68	\$0.00	\$1,953.01

Table 7. Fair Share Change

Jurisdiction	Ratio of Trip Growth to 2030 Trips (Development Share %)	Total Art. Cost (\$Mill)	Change from 2019/2020					
			Total Arterial Cost	Development Share of Total Arterial Cost	Public Share of Total Arterial Cost	Development Share Of Interchange Cost	Development Share Of Railroad Grade Separation Cost	Development Share of Total Cost
Adelanto	63.5%	\$89.42	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Apple Valley	55.0%	\$140.39	\$19.00	\$10.46	\$8.54	\$0.00	\$0.00	\$10.46
Chino	35.2%	\$91.89	\$95.48	\$33.57	\$61.92	\$1.25	\$0.00	\$34.82
Chino Hills	13.7%	\$20.77	\$16.00	\$2.19	\$13.81	\$0.00	\$0.00	\$2.19
Colton	43.6%	\$36.48	\$2.69	\$1.17	\$1.52	\$2.04	-\$16.35	-\$13.13
Fontana	32.1%	\$233.45	\$27.56	\$8.85	\$18.71	\$2.51	\$0.00	\$11.36
Grand Terrace	39.9%	\$18.89	\$0.00	\$0.00	\$0.00	\$0.00	-\$5.22	-\$5.22
Hesperia*	58.9%	\$142.65	\$0.00	\$0.00	\$0.00	\$0.00	-\$21.99	-\$21.99
Highland	46.4%	\$96.18	\$0.00	\$0.00	\$0.00	\$0.23	\$0.00	\$0.23
Loma Linda	38.8%	\$54.41	\$1.00	\$0.39	\$0.61	-\$1.16	-\$4.35	-\$5.13
Montclair	18.9%	\$6.02	\$0.00	\$0.00	\$0.00	\$0.03	-\$2.50	-\$2.47
Ontario	44.4%	\$180.24	\$0.00	\$0.00	\$0.00	\$2.99	-\$39.43	-\$36.44
Rancho Cucamonga	28.7%	\$60.04	\$0.00	\$0.00	\$0.00	-\$2.18	-\$2.72	-\$4.90
Redlands*	23.1%	\$58.22	\$0.00	\$0.00	\$0.00	-\$0.12	-\$0.20	-\$0.32
Rialto	40.9%	\$67.91	\$5.64	\$2.31	\$3.34	\$3.22	\$0.00	\$5.53
San Bernardino	32.4%	\$94.69	\$0.00	\$0.00	\$0.00	-\$9.58	-\$7.82	-\$17.41
Upland*	39.4%	\$20.22	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Victorville	49.0%	\$82.93	-\$0.13	-\$0.07	-\$0.07	\$0.00	\$0.00	-\$0.07
Yucaipa	30.9%	\$88.29	\$4.90	\$1.52	\$3.39	-\$30.70	\$0.00	-\$29.19
Total		\$1,583.09	\$172.15	\$60.38	\$111.77	-\$31.47	-\$100.59	-\$71.68

**Table 8. Summary of Fair Share Costs for Arterial, Interchange, and Railroad Grade Crossing Project Costs for Sphere Areas (through 2030)
Costs in Millions of 2021 dollars**

Previous Fair Share

Jurisdiction	Ratio of Trip Growth to 2030 Trips (Fair Share %)	Total Art. Cost (\$Mill)	2019/2020					
			Total Arterial Cost	Development Share of Total Arterial Cost	Public Share of Total Arterial Cost	Development Share Of Interchange Cost	Development Share Of Railroad Grade Separation Cost	Development Share of Total Cost
Adelanto Sphere	63.0%	\$1.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Apple Valley Sphere	57.2%	\$13.77	\$10.95	\$6.26	\$4.69	\$0.37	\$0.00	\$6.63
Chino Sphere	36.7%	\$21.40	\$28.84	\$10.57	\$18.26	\$1.75	\$0.00	\$12.32
Colton Sphere	37.2%	\$6.53	\$6.95	\$2.59	\$4.37	\$0.15	\$0.00	\$2.73
Devore/Glen Helen	62.2%	\$14.63	\$17.69	\$11.00	\$6.69	\$0.00	\$0.00	\$11.00
Fontana Sphere	41.7%	\$61.34	\$70.58	\$29.47	\$41.12	\$44.56	\$0.00	\$74.03
Hesperia Sphere	41.5%	\$19.12	\$41.20	\$17.11	\$24.09	\$4.00	\$0.00	\$21.12
Loma Linda Sphere	72.3%	\$0.70	\$0.00	\$0.00	\$0.00	\$6.84	\$0.00	\$6.84
Montclair Sphere	36.6%	\$12.78	\$11.76	\$4.30	\$7.45	\$3.40	\$0.00	\$7.70
Redlands Sphere	35.5%	\$18.40	\$21.71	\$7.71	\$14.00	\$12.53	\$0.00	\$20.24
Redlands Donut Hole	62.0%	\$18.10	\$1.50	\$0.93	\$0.57	\$12.03	\$0.00	\$12.95
Rialto Sphere	37.6%	\$30.63	\$43.60	\$16.41	\$27.18	\$39.80	\$0.00	\$56.21
San Bernardino Sphere	23.1%	\$10.03	\$13.43	\$3.11	\$10.32	\$4.46	\$0.00	\$7.57
Upland Sphere	38.7%	\$12.60	\$7.15	\$2.77	\$4.39	\$2.11	\$0.00	\$4.88
Victorville Sphere	17.8%	\$23.75	\$26.71	\$4.74	\$21.97	\$0.90	\$0.00	\$5.64
Yucaipa Sphere	39.5%	\$1.40	\$0.88	\$0.35	\$0.53	\$0.00	\$0.00	\$0.35
Total		\$267.08	\$302.94	\$117.32	\$185.62	\$132.88	\$0.00	\$250.20

Updated Fair Share

Jurisdiction	Ratio of Trip Growth to 2030 Trips (Fair Share %)	Total Art. Cost (\$Mill)	2021					
			Total Arterial Cost	Development Share of Total Arterial Cost	Public Share of Total Arterial Cost	Development Share Of Interchange Cost	Development Share Of Railroad Grade Separation Cost	Development Share of Total Cost
Adelanto Sphere	63.0%	\$1.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Apple Valley Sphere	57.2%	\$13.77	\$10.95	\$6.26	\$4.69	\$0.37	\$0.00	\$6.63
Chino Sphere	36.7%	\$21.40	\$28.84	\$10.57	\$18.26	\$1.76	\$0.00	\$12.33
Colton Sphere	37.2%	\$6.53	\$6.95	\$2.59	\$4.37	\$0.15	\$0.00	\$2.74
Devore/Glen Helen	62.2%	\$14.63	\$17.69	\$11.00	\$6.69	\$0.00	\$0.00	\$11.00
Fontana Sphere	41.7%	\$61.34	\$70.58	\$29.47	\$41.12	\$46.39	\$0.00	\$75.86
Hesperia Sphere	41.5%	\$19.12	\$41.20	\$17.11	\$24.09	\$4.00	\$0.00	\$21.12
Loma Linda Sphere	72.3%	\$0.70	\$0.00	\$0.00	\$0.00	\$6.84	\$0.00	\$6.84
Montclair Sphere	36.6%	\$12.78	\$11.76	\$4.30	\$7.45	\$3.49	\$0.00	\$7.79
Redlands Sphere	35.5%	\$18.40	\$21.71	\$7.71	\$14.00	\$12.53	\$0.00	\$20.24
Redlands Donut Hole	62.0%	\$18.10	\$1.50	\$0.93	\$0.57	\$11.77	\$0.00	\$12.69
Rialto Sphere	37.6%	\$30.63	\$43.60	\$16.41	\$27.18	\$39.88	\$0.00	\$56.29
San Bernardino Sphere	23.1%	\$10.03	\$13.43	\$3.11	\$10.32	\$4.74	\$0.00	\$7.85
Upland Sphere	38.7%	\$12.60	\$7.15	\$2.77	\$4.39	\$2.12	\$0.00	\$4.88
Victorville Sphere	17.8%	\$23.75	\$26.71	\$4.74	\$21.97	\$0.90	\$0.00	\$5.64
Yucaipa Sphere	39.5%	\$1.40	\$0.88	\$0.35	\$0.53	\$0.00	\$0.00	\$0.35
Total		\$267.08	\$302.94	\$117.32	\$185.62	\$134.93	\$0.00	\$252.25

Table 8. Fair Share Change

Jurisdiction	Ratio of Trip Growth to 2030 Trips (Fair Share %)	Total Art. Cost (\$Mill)	Change from 2019/2020					
			Total Arterial Cost	Development Share of Total Arterial Cost	Public Share of Total Arterial Cost	Development Share Of Interchange Cost	Development Share Of Railroad Grade Separation Cost	Development Share of Total Cost
Adelanto Sphere	63.0%	\$1.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Apple Valley Sphere	57.2%	\$13.77	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Chino Sphere	36.7%	\$21.40	\$0.00	\$0.00	\$0.00	\$0.01	\$0.00	\$0.01
Colton Sphere	37.2%	\$6.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Devore/Glen Helen	62.2%	\$14.63	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Fontana Sphere	41.7%	\$61.34	\$0.00	\$0.00	\$0.00	\$1.83	\$0.00	\$1.83
Hesperia Sphere	41.5%	\$19.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Loma Linda Sphere	72.3%	\$0.70	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Montclair Sphere	36.6%	\$12.78	\$0.00	\$0.00	\$0.00	\$0.09	\$0.00	\$0.09
Redlands Sphere	35.5%	\$18.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Redlands Donut Hole	62.0%	\$18.10	\$0.00	\$0.00	\$0.00	-\$0.26	\$0.00	-\$0.26
Rialto Sphere	37.6%	\$30.63	\$0.00	\$0.00	\$0.00	\$0.08	\$0.00	\$0.08
San Bernardino Sphere	23.1%	\$10.03	\$0.00	\$0.00	\$0.00	\$0.28	\$0.00	\$0.28
Upland Sphere	38.7%	\$12.60	\$0.00	\$0.00	\$0.00	\$0.01	\$0.00	\$0.01
Victorville Sphere	17.8%	\$23.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Yucaipa Sphere	39.5%	\$1.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total		\$267.08	\$0.00	\$0.00	\$0.00	\$2.05	\$0.00	\$2.05

Minute Action

AGENDA ITEM: 13

Date: May 11, 2022

Subject:

Contract No. 22-1002774 with Iteris, Inc. for the Traffic Performance Monitoring System

Recommendation:

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

Approve Contract No. 22-1002774 in the amount of \$375,160 with Iteris, Inc., for access to a traffic performance monitoring system and support services for the period of July 1, 2022, to June 30, 2027, with two optional one-year extensions, for a total not-to-exceed amount of \$550,452.

Background:

In 2014, the San Bernardino County Transportation Authority (SBCTA) instituted a mechanism to better monitor traffic performance on San Bernardino County's network of freeways and arterial streets. In effect, this was a substitute for requirements incorporated into the San Bernardino County (County) Congestion Management Program (CMP) since 1992, in which local jurisdictions were required to annually conduct traffic counts and report traffic level of service (LOS) on their systems.

The monitoring system that has been in place since that time uses mobile phone-based "probe data" that is archived on a 5-minute basis, together with a software system and user interface that enables the derivation of a variety of metrics useful for quantifying traffic speeds, delay, congestion levels, travel time, reliability, etc. The data and displays have been useful not just for general traffic monitoring but for congestion hot-spot identification, before/after analyses, benefit/cost analyses, and metrics/displays useful for grant applications for SBCTA projects and for responding to internal and external agency inquiries.

The source of probe-based data for the current system is the National Performance Management Research Data Set (NPMRDS), containing speeds aggregated in 5-minute increments as provided by the company HERE (HERE is not an acronym, but simply the name of the company) Technologies, now in partnership with INRIX (also not an acronym, just the name of the company). SBCTA has access to this archived and real-time data, courtesy of the California Department of Transportation (Caltrans), who carries five licenses, one of which is reserved for SBCTA. The current license expires in less than two years and will likely be renewed. Proposers were asked to explain the expected source(s) of data and whether access to NPMRDS data would be dependent on the SBCTA contract with Caltrans.

Iteris, Inc. (Iteris) was selected for the original contract under a five-year term with two optional one-year extensions. The original system was called iPeMS (Performance Measuring System that includes data on arterials and not just highways like the Caltrans' PeMS; the "i" did not have a specific meaning, but was simply used to differentiate it from the Caltrans system), and was later rebranded ClearGuide. The Iteris implementation was made less expensive because SBCTA received authorization to use HERE traffic data (also known as the National

Entity: San Bernardino County Transportation Authority

Performance Monitoring, a national probe-based dataset) through the license for HERE data held by Caltrans.

Having already taken advantage of the two optional one-year extensions, the current contract for SBCTA's probe-based monitoring system expires at the end of June 2022 with no remaining additional options to extend. Given that the system has been quite useful for SBCTA grant applications, projects, and planning activities, and given that the technology has advanced even further since the original procurement, SBCTA sought to procure a similar system for continuing applications. It was envisioned that the new contract would also have a duration of five years, with the potential for two one-year extensions.

To that end, SBCTA released Request for Proposals (RFP) 22-1002774, Traffic Performance Monitoring System, on March 2, 2022, with proposals due 15 days later, on March 17, 2022. There was no pre-proposal conference set for this RFP.

The minimum requirements for the system noted in the RFP 22-1002774 scope of work were as follows:

- Coverage of the countywide freeway and arterial network in the County as available through the NPMRDS network (or comparable network), shown here: <https://wego.here.com/traffic/explore?map=34.10491,-117.29223,13,traffic&x=ep>.
- Ability to utilize the NPMRDS data already archived and to be archived through June 30, 2022.
- Continuous archiving of data in 5-minute increments in a way that is compatible with the NPMRDS format and hosting of that data at an off-site, secure location.
- Provision of analysis software and user interface that allows for the calculation and display of a minimum set of traffic performance metrics in graphical and tabular form and ability to output those graphics and tables in a format usable for reports and presentations. A minimum set of metrics is provided in Table 1.
- Ability to define multiple segments (e.g., corridors) and direction for the display of tabular and graphical data, with auto-generated street names, times-of-day, and numerical scales that will enable easy interpretation of the information by the user. Ability to save 'corridors' for comparable analysis over time.
- Regionalized metrics, consisting of groups of facilities, such as all freeways or all arterials countywide and by geographic subarea (identify the process for defining geographic subareas, such as a city). This is to enable the establishment of traffic performance trends for the county and by subarea, such as percentage of miles congested and how that changes over time.
- Allowance for multiple users within SBCTA and for the ability to share generated reports with Caltrans District 8 staff and SBCTA's 25 member jurisdictions.
- Ability to permit selected outside users, with access controlled by SBCTA, is preferred.
- Traffic volume data is not required. However, consultants may propose the addition of link volume data, the additional metrics that would be included as part of that package, and the level of accuracy estimated for such data. If such additional data is proposed, the additional cost associated with the provision of this data must also be specified.

Table 1. Minimum Traffic Performance Metrics Required

Speed Measures:

- Average speed
- Minimum speed
- Maximum speed
- Median speed
- Free flow speed

Travel Time Measures

- Average travel time
- Median travel time
- Vehicle delay (relative to both free flow speed and speed limit)
- Congestion level by facility type

Reliability Measures

- Travel Time Index (based on free flow speed)
- Travel Time Index (based on speed limit)
- Planning Time Index
- Buffer Time Index

Data Quality Measures, such as:

- Number of samples
- Confidence rating, if available

A set of standard available reports were also to be proposed including, at a minimum:

- Ability to select time spans, days of week, and hours of day to be reported
- Time series analysis tables and graphics
- Contour diagrams (e.g. average speed by time of day and distance)
- Graphical designation of congestion levels
- Time comparison reports (i.e. two time periods compared against one another for the same segments or areas)

In addition to providing and implementing the data analysis and user interface software, a task order process was described whereby the consultant would be requested to provide analyses, outputs, graphics, etc. to support SBCTA activities, to be billed on a time-and-materials basis.

More than six hundred (600) firms were notified via Planet Bids of the release of this RFP. Twenty-three (23) firms downloaded the RFP documents (including Iteris, Inc.) and two (2) firms submitted questions prior to the closing date for questions. Ultimately, Iteris, Inc., was the only firm to submit a proposal.

As per SBCTA Policy 11000-Procurement and Special Risk Assessment and because one firm requested an extension to the deadline that was not granted, the procurement analyst evaluated San Bernardino County Transportation Authority

the factors relative to the procurement process including adequacy of notification to qualified competitors, requirements of the RFP, the amount of time provided to respond to the RFP, adequacy of the one proposal received, and urgency. This analysis included the following:

- 1) SBCTA procurement staff attempted 23 emails and phone calls to the 23 firms that downloaded the RFP, asking them why they did not ultimately submit a bid. Three of the firms responded to the inquiries indicating the following: too busy to submit a qualified proposal, not enough time to put a qualified team in place, and no experience with importing the required data and the restrictions of access to that data which will require additional time to research.
- 2) SBCTA procurement staff reviewed the scope and the schedule to ensure it was clear and that sufficient time was provided. Based on the requirement to provide stock software products for traffic monitoring analysis and not on developing a product with a later implementation phase, the response time was sufficient. Vendors qualified to do this work should have access to the data and to a software product that is already in production.
- 3) Evaluators, composed of SBCTA staff and Caltrans, indicated that the proposal received was very thorough, exceeded the requirements specified in the RFP as additional features were included to make the data more beneficial and more accessible, and the cost proposal was very competitive and lower than the independent cost estimate.

Pursuant to Policy 11000, this information was provided to the Executive Director requesting his approval to accept a single proposal. The Executive Director approved moving forward with the single proposal based on the analysis performed, but recommended additional time be granted for future software solicitations in order to increase the opportunity for competition.

In addition to the price being very competitive, considering an expected price escalation since 2015 when SBCTA first started contracting for similar services, the Iteris, Inc., proposal included several additional features that were not in the original scope of work but which will be very useful to SBCTA staff and member jurisdictions including:

1. **Regional Mobility Dashboard.** This is a new feature that provides insight into several mobility and reliability measures by aggregating roadway links in regions of choice. Both the current (last 30 days) and long-term trends (last year) are then generated and can be easily compared with other regions using interactive graphs and/or a map.
2. **Trend Map.** This is another tool in ClearGuide that can be used to visualize reliability metrics along a corridor (or on the entire network). Trend maps provide important performance indicators, capturing long term performance and robustness of the system instead of daily fluctuations. The Reliability Trend Map in ClearGuide is a powerful map based tool that shows network-wide color-coded map based on Travel Time Index (TTI) and Buffer Time Index (BTI) values.

3. **Bottlenecks.** The ClearGuide real-time bottleneck algorithm is unique in that it can detect multiple ‘branches’ of the same bottleneck and aggregate their delay values. Bottlenecks are visible on the ClearGuide real-time map, as an overlay on any of the other layers. The head node is illustrated by a blue push pin, and the queue length is shown by a thick blue line overlaid on the road, which becomes more detailed arrows when zooming further in.

The Iteris, Inc., proposal was for quarterly payments on an annual fee starting at \$67,000 for Fiscal Year 2022/2023, with an additional \$1,000 per year in other direct costs, and approximately 5% increase in fees for each of years 2 through 5. Staff is recommending that the SBCTA Board of Directors approve Contract No. 22-1002774 with Iteris, Inc., in the amount of \$375,160, for a total of five-years, with the option for two (2) one-year renewals, as their proposal was determined to exhibit a thorough understanding of the scope of work, proposed an overall solid team with high qualifications, and an excellent work plan.

Financial Impact:

This item has no financial impact on the Fiscal Year 2021/2022 Budget and has been included in the Fiscal Year 2022/2023 Proposed Budget.

Reviewed By:

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

Responsible Staff:

Ginger Koblasz, Senior Planner

Approved
General Policy Committee
Date: May 11, 2022

Witnessed By:

General Contract Information

Contract No: 22-1002774 Amendment No.: _____

Contract Class: Payable Department: Planning

Vendor No.: 01105 Vendor Name: Iteris, Inc.

Description: Traffic Performance Monitoring System

Dollar Amount							
Original Contract		\$	375,160.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	375,160.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	375,160.00

Contract Authorization

Board of Directors Date: 6/1/2022 Committee _____ Item # _____

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? No No Budget Adjustment _____

Local _____ Services _____

Accounts Payable												
Estimated Start Date:		7/1/2022		Expiration Date:		6/30/2027		Revised Expiration Date:				
N/A		N/A		No								
							Total Contract Funding:		Total Contingency:			
	Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	375,160.00	\$	-
GL:	4180	20	0203	0000	52005	41100000				300,128.00		-
GL:	4280	20	0203	0000	52005	41100000				75,032.00		-
GL:										-		-
GL:										-		-
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GL:										-		-
GL:										-		-

Ginger Koblasz

Steve Smith

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: CSS_22-1002774 [Revision 1] (8539 : Contract No. 22-1002774 with Iteris, Inc. for the Traffic Performance Monitoring System)

CONTRACT NO. 22-1002774**BY AND BETWEEN****SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY****AND****ITERIS, INC.****FOR****TRAFFIC PERFORMANCE MONITORING SYSTEM**

This contract ("Contract") is made and entered into by and between the San Bernardino County Transportation Authority ("SBCTA"), whose address is 1170 W. 3rd Street, 2nd Floor, San Bernardino, California 92410-1715, and Iteris, Inc. ("CONSULTANT"), whose address is 1700 Carnegie Avenue Suite 100 Santa Ana, CA 92705. SBCTA and CONSULTANT are each a "Party" and are collectively the "Parties".

RECITALS:

WHEREAS, SBCTA requires certain work services as described in Exhibit "A" of this Contract; and

WHEREAS, CONSULTANT has confirmed that CONSULTANT has the requisite professional qualifications, personnel and experience and is fully capable and qualified to perform the services identified herein; and

WHEREAS, CONSULTANT desires to perform all Work identified herein and to do so for the compensation and in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, the Parties agree as follows:

ARTICLE 1. PROJECT DESCRIPTION/SCOPE OF WORK

- 1.1 CONSULTANT agrees to perform the work and services set forth in Exhibit A "Scope of Work" ("Work") in accordance with all applicable professional standards which are generally accepted in the State of California, in accordance with the terms and conditions expressed herein, and in the sequence, time, and manner defined herein. The word "Work" includes, without limitation, the performance, fulfillment and discharge by CONSULTANT of all obligations, duties, tasks, and services imposed upon or assumed by CONSULTANT hereunder; and the Work performed hereunder shall be completed to the satisfaction of SBCTA, with SBCTA's satisfaction being based on prevailing applicable professional standards.

- 1.2 The Project Manager for this Contract is Ginger Koblasz or such other designee as shall be designated in written notice to CONSULTANT from time to time by the Department Director or his or her designee. The Project Manager shall have authority to act on behalf of SBCTA in administering this Contract, including giving notices (including, without limitation, notices of default and/or termination), technical directions and approvals and demanding performance and accepting work performed, but is not authorized to receive or issue payments or execute amendments to the Contract itself.

ARTICLE 2. CONTRACT TERM

The Contract term shall commence upon issuance of a written Notice To Proceed (NTP) issued by SBCTA's Procurement Analyst, and shall continue in full force and effect through June 30, 2027 until otherwise terminated, or unless extended as hereinafter provided by written amendment, except that all indemnity and defense obligations hereunder shall survive termination of this Contract. CONSULTANT shall not be compensated for any Work performed or costs incurred prior to issuance of the NTP.

SBCTA at its sole discretion may extend the original term of the Contract for two one-year option terms. The maximum term of this Contract, including the Option Term(s), if exercised, will not exceed June 30, 2029.

ARTICLE 3. COMPENSATION

- 3.1 Total compensation to CONSULTANT for full and complete performance of the Scope of Work identified herein and, in compliance with all the terms and conditions of this Contract, shall be on a Time & Materials basis for all obligations incurred in CONSULTANT's performance of Work, and for which CONSULTANT shall furnish all personnel, facilities, equipment, materials, supplies, and Services (except as may be explicitly set forth in this Contract as furnished by SBCTA) shall not exceed the amount set forth in section 3.2 below.
- 3.2 The total Contract Not-To-Exceed Amount is Three Hundred Seventy-Five Thousand, One Hundred and Sixty Dollars (\$375,160). All Work provided under this Contract is to be performed as set forth in Exhibit A "Scope of Work", and shall be reimbursed pursuant to Exhibit B "Price Proposal". The hourly labor rates identified in Exhibit B shall remain fixed for the term of this Contract and include CONSULTANT's direct labor costs, indirect costs, and profit. All expenses shall be reimbursed for the amounts identified in Exhibit B. Any travel expenses must be pre-approved by SBCTA and shall be reimbursed for per diem expenses at a rate not to exceed the currently authorized rates for state employees under the California Department of Human Resources rules. SBCTA will not reimburse CONSULTANT for any expenses not shown in Exhibit B or agreed to and approved by SBCTA as required under this Contract.

Escalation shall be at a specific rate, as shown on the Bureau of Labor Statistics Employment Cost Index for Total Compensation for private industry workers, Table 5, Private Industry Workers, Occupational Group "Professional and Related" or its successor. The Employment Cost Index will be annually adjusted, apply total benefits for the private industry economic sector, not to be seasonally adjusted, but will include a 12-month percent change. Escalation shall commence as of July 2023, and shall be applied each July 1st for the term of the Contract.

- 3.3 For personnel subject to prevailing wage rates as described in the California Labor Code, all wage increases that are the direct result of changes in the prevailing wage rates are reimbursable.
- 3.4 The Cost Principles and Procedures set forth in 48 CFR, Ch. 1, subch. E, Part 31, as constituted on the effective date of this Contract, shall be utilized to determine allowability of costs under this Contract and may be modified from time to time by written amendment of the Contract.
- 3.4.1 CONSULTANT agrees to comply with Federal Department of Transportation procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards..
- 3.4.2 Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR, Ch. 1, subch. E, Part 31, or 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, shall be repaid by CONSULTANT to SBCTA.
- 3.5 Any Work provided by CONSULTANT not specifically covered by the Scope of Work shall not be compensated without prior written authorization from SBCTA. It shall be CONSULTANT's responsibility to recognize and notify SBCTA in writing when services not covered by the Scope of Work have been requested or are required. All changes and/or modifications to the Scope of Work shall be made in accordance with the "CHANGES" Article in this Contract. Any additional services agreed to in accordance with this Contract shall become part of the Work.
- 3.6 All subcontracts in excess of \$25,000 shall contain the above provisions.

ARTICLE 4. INVOICING

- 4.1 Payment to CONSULTANT 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.
- 4.2 CONSULTANT 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 CONSULTANT 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 CONSULTANT. Any costs incurred by CONSULTANT in connection with the resubmission of a proper invoice shall be at CONSULTANT'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

For large files over 30 megabytes, invoices can be submitted using this link:
<https://sanbag-lfweb.sanbag.ca.gov/Forms/Invoice-submission>

- 4.3 CONSULTANT shall include a statement and release with each invoice, satisfactory to SBCTA, that CONSULTANT 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 CONSULTANT and its subconsultants for Work during the period will be satisfied upon making of such payment. SBCTA shall not be obligated to make payments to CONSULTANT until CONSULTANT furnishes such statement and release.
- 4.4 INTENTIONALLY OMITTED
- 4.5 No payment will be made prior to approval of any Work, nor for any Work performed prior to the NTP, nor for any Work under any amendment to the Contract until SBCTA's Awarding Authority takes action.
- 4.6 CONSULTANT agrees to promptly pay each subconsultant for the satisfactory completion of all Work performed under this Contract no later than ten (10) calendar days from the receipt of payment from SBCTA. CONSULTANT also agrees to return any retainage payments to each subconsultant within ten (10) calendar days after the subconsultant's work is satisfactorily completed. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause following written approval by SBCTA. SBCTA reserves the right to request documentation from CONSULTANT showing payment has been made to its subconsultants. SBCTA also reserves the right, at its own sole discretion, to issue joint checks to CONSULTANT and any subconsultant(s), which shall constitute payment to CONSULTANT in compliance with the terms of this Contract. This clause applies to both DBE and non-DBE subconsultants.
- 4.7 Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR, Ch. 1, subch. E, Part 31 are subject to repayment by CONSULTANT to SBCTA.

ARTICLE 5. TAXES, DUTIES AND FEES

Except to the extent expressly provided elsewhere in this Contract, CONSULTANT shall pay when due, and the compensation set forth herein, shall be inclusive of all: a) local, municipal, State, and federal sales and use taxes; b) excise taxes; c) taxes on personal property owned by CONSULTANT; and d) other governmental fees and taxes or charges of whatever nature applicable to CONSULTANT to enable it to conduct business.

ARTICLE 6. AVAILABILITY OF FUNDS

The award and performance of this Contract is contingent on the availability of funds. If funds are not appropriated and/or allocated and available to SBCTA for the continuance of Work performed by CONSULTANT, Work directly or indirectly involved may be suspended or terminated by SBCTA at the end of the period for which funds are available. When SBCTA becomes aware that any portion of Work will or may be affected by a shortage of funds, it will promptly notify CONSULTANT. Nothing herein shall relieve SBCTA from its obligation to compensate CONSULTANT for work

already performed pursuant to this Contract. No penalty shall accrue to SBCTA in the event this provision is exercised.

ARTICLE 7. PERMITS AND LICENSES

CONSULTANT shall, without additional compensation, keep current all governmental permits, certificates and licenses (including professional licenses) and required registrations necessary for CONSULTANT to perform Work identified herein.

ARTICLE 8. DOCUMENTATION AND RIGHT TO AUDIT

- 8.1 CONSULTANT shall maintain all records related to this Contract in an organized way in the original format, electronic and hard copy, conducive to professional review and audit, for a period of three (3) years from the date of final payment by SBCTA, or until the conclusion of all litigation, appeals or claims related to this Contract, whichever is longer. CONSULTANT shall provide SBCTA, the California State Auditor, or other authorized representatives of SBCTA access to Consultants' records which are directly related to this Contract for the purpose of inspection, auditing or copying during the entirety of the records maintenance period above. CONSULTANT further agrees to maintain separate records for costs of Work performed by amendment. CONSULTANT shall allow SBCTA and its representatives or agents to reproduce any materials as reasonably necessary.
- 8.2 The cost proposal and/or invoices for this Contract are subject to audit by SBCTA and/or any state or federal agency funding this Work at any time. After CONSULTANT receives any audit recommendations, the cost or price proposal shall be adjusted by CONSULTANT and approved by SBCTA's Project Manager to conform to the audit recommendations. CONSULTANT agrees that individual items of cost identified in the audit report may be incorporated into the Contract at SBCTA's sole discretion. Refusal by CONSULTANT to incorporate the audit or post award recommendations will be considered a breach of the Contract and cause for termination of the Contract. Any dispute concerning the audit findings of this Contract shall be reviewed by SBCTA's Chief Financial Officer. CONSULTANT may request a review by submitting the request in writing to SBCTA within thirty (30) calendar days after issuance of the audit report
- 8.3 Subcontracts in excess of \$25,000 shall contain this provision.

ARTICLE 9. RESPONSIBILITY OF CONSULTANT

- 9.1 CONSULTANT shall be responsible for the professional quality, technical accuracy, and assurance of compliance with all applicable federal, State and local laws and regulations and other Work furnished by CONSULTANT under the Contract. The Contract includes reference to the appropriate standards for Work performance stipulated in the Contract.
- 9.2 In addition to any other requirements of this Contract or duties and obligations imposed on CONSULTANT by law, CONSULTANT shall, as an integral part of its Work, employ quality control procedures that identify potential risks and uncertainties related to scope, schedule, cost, quality and safety of the Project and the Work performed by CONSULTANT within the areas of CONSULTANT's expertise. At any time during performance of the Scope of Work, should CONSULTANT observe, encounter, or identify any unusual circumstances or uncertainties which could pose potential risk to SBCTA or the Project, CONSULTANT shall

immediately document such matters and notify SBCTA in writing. CONSULTANT shall also similarly notify SBCTA in regard to the possibility of any natural catastrophe, or potential failure, or any situation that exceeds assumptions and could precipitate a failure of any part of the Project. Notifications under this paragraph shall be specific, clear and timely, and in a form which will enable SBCTA to understand and evaluate the magnitude and effect of the risk and/or uncertainties involved.

ARTICLE 10. REPORTING AND DELIVERABLES

All reports and deliverables shall be submitted in accordance with Exhibit A "Scope of Work". At a minimum, CONSULTANT shall submit monthly progress reports with their monthly invoices. The report shall be sufficiently detailed for SBCTA to determine if CONSULTANT is performing to expectations and is on schedule; to provide communication of interim findings; and to sufficiently address any difficulties or problems encountered, so remedies can be developed.

ARTICLE 11. TECHNICAL DIRECTION

11.1 Performance of Work under this Contract shall be subject to the technical direction of SBCTA's Project Manager, identified in Section 1.2, upon issuance of the NTP and/or subsequently by written notice during the Contract. The term "Technical Direction" is defined to include, without limitation:

11.1.1 Directions to CONSULTANT which redirect the Contract effort, shift work emphasis between work areas or tasks, require pursuit of certain lines of inquiry, fill in details, or otherwise serve to accomplish the Scope of Work.

11.1.2 Provision of written information to CONSULTANT which assists in the interpretation of reports or technical portions of the Scope of Work described herein.

11.1.3 Review and, where required by the Contract, approval of technical reports and technical information to be delivered by CONSULTANT to SBCTA under the Contract.

11.1.4 SBCTA's Project Manager may modify this Contract for certain administrative modifications without issuing a written amendment. Administrative modifications are limited to: substitutions of personnel identified in the Contract, including Key Personnel and subconsultants; modifications to classifications, hourly rates and names of personnel in Exhibit B; and modifications of the address of the CONSULTANT. All such modifications will be documented in writing between the Parties.

11.2 Technical Direction must be within the Scope of Work under this Contract. SBCTA's Project Manager does not have the authority to, and may not, issue any Technical Direction which:

11.2.1 Increases or decreases the Scope of Work;

11.2.2 Directs CONSULTANT to perform Work outside the original intent of the Scope of Work;

11.2.3 Constitutes a change as defined in the "CHANGES" Article of the Contract;

- 11.2.4 In any manner causes an increase or decrease in the Contract price as identified in the “COMPENSATION” Article or the time required for Contract performance;
 - 11.2.5 Changes any of the expressed terms, conditions or specifications of the Contract, unless identified herein;
 - 11.2.6 Interferes with CONSULTANT’s right to perform the terms and conditions of the Contract unless identified herein; or
 - 11.2.7 Approves any demand or claims for additional payment.
- 11.3 Failure of CONSULTANT and SBCTA’s Project Manager to agree that the Technical Direction is within the scope of the Contract, or a failure to agree upon the Contract action to be taken with respect thereto, shall be subject to the provisions of the “DISPUTES” Article herein.
- 11.4 All Technical Direction shall be issued in writing by SBCTA’s Project Manager.
- 11.5 CONSULTANT shall proceed promptly with the performance of Technical Direction issued by SBCTA’s Project Manager, in the manner prescribed by this Article and within their authority under the provisions of this Article. If, in the opinion of CONSULTANT, any instruction or direction by SBCTA’s Project Manager falls within one of the categories defined in sections 11.2.1 through 11.2.7 above, CONSULTANT shall not proceed but shall notify SBCTA in writing within five (5) working days after receipt of any such instruction or direction and shall request SBCTA to modify the Contract accordingly. Upon receiving the notification from CONSULTANT, SBCTA shall:
- 11.5.1 Advise CONSULTANT in writing within thirty (30) calendar days after receipt of CONSULTANT’s letter that the Technical Direction is or is not within the scope of this Contract.
 - 11.5.2. Advise CONSULTANT within a reasonable time whether SBCTA will or will not issue a written amendment.

ARTICLE 12. CHANGES

- 12.1 The Work shall be subject to changes by additions, deletions, or revisions made by SBCTA. CONSULTANT will be advised of any such changes by written notification from SBCTA describing the change. This notification will not be binding on SBCTA until SBCTA’s Awarding Authority has approved an amendment to this Contract.
- 12.2 Promptly after such written notification of change is given to CONSULTANT by SBCTA, the Parties will attempt to negotiate a mutually agreeable adjustment to compensation or time of performance, and amend the Contract accordingly.

ARTICLE 13. EQUAL EMPLOYMENT OPPORTUNITY

- 13.1 During the term of this Contract, CONSULTANT 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. CONSULTANT agrees to comply with the provisions of Executive Orders 11246, 11375, 11625, 12138, 12432, 12250, Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act, and other applicable Federal, State and County laws and regulations and policies relating to equal employment and contracting opportunities, including laws and regulations hereafter enacted.

- 13.2 The CONSULTANT and all subconsultants shall comply with all provisions of Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin. In addition, CONSULTANT and all subconsultants will ensure their services are consistent with and comply with obligations and procedures outlined in SBCTA's current Board-adopted Title VI Program, including the Public Participation Plan and the Language Assistance Plan.

ARTICLE 14. CONFLICT OF INTEREST

CONSULTANT agrees that it presently has no interest, financial or otherwise, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of Work required under this Contract or be contrary to the interests of SBCTA as to the Project. CONSULTANT further agrees that in the performance of this Contract, no person having any such interest shall be employed. CONSULTANT is obligated to fully disclose to SBCTA, in writing, any conflict of interest issues as soon as they are known to CONSULTANT. CONSULTANT agrees that CONSULTANT's staff designated by SBCTA's Executive Director as "Consultants" under the Political Reform Act shall timely file Statements of Economic Interest with the SBCTA Clerk of the Board.

ARTICLE 15. KEY PERSONNEL

The personnel specified below are considered to be essential to the Work being performed under this Contract. Prior to diverting any of the specified individuals to other projects, or reallocation of any tasks or hours of Work that are the responsibility of key personnel to other personnel, CONSULTANT shall notify SBCTA in writing in advance and shall submit justifications (including proposed substitutions, resumes and payroll information to support any changes to the labor rates) in sufficient detail to permit evaluation of the impact on the Project. Diversion or reallocation of key personnel shall not be made without prior written consent of SBCTA's PM. CONSULTANT shall not substitute any key personnel without the prior written consent of SBCTA. In the event that the Parties cannot agree as to the substitution of key personnel, SBCTA may terminate this Contract. Key Personnel are:

Name	Job Classification/Function
Scott Perley	Principal-In-Charge
Steve Gaddy	Project Manager
Tiffany Symes	Senior Advisor

ARTICLE 16. REPRESENTATIONS

All Work supplied by CONSULTANT under this Contract shall be supplied by personnel who are qualified, careful, skilled, experienced and competent in their respective trades or professions. CONSULTANT agrees that they are supplying professional services, findings, and/or recommendations in the performance of this Contract and agrees with SBCTA that the same shall

conform to professional standards that are generally accepted in the profession in the State of California.

ARTICLE 17. PROPRIETARY RIGHTS/CONFIDENTIALITY

- 17.1 If, as a part of this Contract, CONSULTANT is required to produce materials, documents data, or information (“Products”), then CONSULTANT, if requested by SBCTA, shall deliver to SBCTA the original of all such Products, which shall become the sole property of SBCTA.
- 17.2 All materials, documents, data or information obtained from SBCTA's data files or any SBCTA-owned medium furnished to CONSULTANT in the performance of this Contract will at all times remain the property of SBCTA. Such data or information may not be used or copied for direct or indirect use outside of this Project by CONSULTANT without the express written consent of SBCTA.
- 17.3 Except as reasonably necessary for the performance of the Work, CONSULTANT agrees that it, its employees, agents and subconsultants will hold in confidence and not divulge to third parties, without prior written consent of SBCTA, any information obtained by CONSULTANT from or through SBCTA unless (a) the information was known to CONSULTANT prior to obtaining same from SBCTA, or (b) the information was at the time of disclosure to CONSULTANT, or thereafter becomes, part of the public domain, but not as a result of the fault or an unauthorized disclosure of CONSULTANT or its employees, agents, or subconsultants, or (c) the information was obtained by CONSULTANT from a third party who did not receive the same, directly or indirectly, from SBCTA and who had, to CONSULTANT's knowledge and belief, the right to disclose the same. Any materials and information referred to in this Article which are produced by CONSULTANT shall remain confidential until released in writing by SBCTA, except to the extent such materials and information become subject to disclosure by SBCTA under the California Public Records Act, or other law, or otherwise become public information through no fault of CONSULTANT, or its employees or agents.
- 17.4 CONSULTANT shall not use SBCTA's name or photographs in any professional publication, magazine, trade paper, newspaper, seminar or other medium without first receiving the express written consent of SBCTA.
- 17.5 All press releases, or press inquiries relating to the Project or this Contract, including graphic display information to be published in newspapers, magazines, and other publications, are to be made only by SBCTA unless otherwise agreed to in writing by both Parties.
- 17.6 CONSULTANT, its employees, agents and subconsultants shall be required to comply with SBCTA’s Confidentiality Policy; anyone who may have access to Personally Identifiable Information (“PII”) and/or Sensitive Security Information (“SSI”) will be required to execute a Confidentiality Agreement.

ARTICLE 18. TERMINATION

- 18.1 Termination for Convenience - SBCTA shall have the right at any time, with or without cause, to terminate further performance of Work by giving thirty (30) calendar days written notice to CONSULTANT specifying the date of termination. On the date of such termination stated in said notice, CONSULTANT shall promptly discontinue performance of Work and shall

preserve Work in progress and completed Work, pending SBCTA's instruction, and shall turn over such Work in accordance with SBCTA's instructions.

- 18.1.1 CONSULTANT shall deliver to SBCTA all deliverables prepared by CONSULTANT or its subconsultants or furnished to CONSULTANT by SBCTA. Upon such delivery, CONSULTANT may then invoice SBCTA for payment in accordance with the terms herein.
- 18.1.2 If CONSULTANT has fully and completely performed all obligations under this Contract up to the date of termination, CONSULTANT shall be entitled to receive from SBCTA as complete and full settlement for such termination a pro rata share of the Contract cost based upon the percentage of all contracted Work satisfactorily executed to the date of termination.
- 18.1.3 CONSULTANT shall be entitled to receive the actual costs incurred by CONSULTANT to return CONSULTANT's tools and equipment, if any, to it or its suppliers' premises, or to turn over Work in progress in accordance with SBCTA's instructions plus the actual cost necessarily incurred in effecting the termination.
- 18.2 Termination for Cause - In the event CONSULTANT shall file a petition in bankruptcy court, or shall make a general assignment for the benefit of its creditors, or if a petition in bankruptcy court shall be filed against CONSULTANT, or a receiver shall be appointed on account of its insolvency, or if CONSULTANT shall default in the performance of any express obligation to be performed by it under this Contract and shall fail to immediately correct (or if immediate correction is not possible, shall fail to commence and diligently continue action to correct) such default within ten (10) calendar days following written notice, SBCTA may, without prejudice to any other rights or remedies SBCTA may have, and in compliance with applicable Bankruptcy Laws: (a) hold in abeyance further payments to CONSULTANT; (b) stop any Work of CONSULTANT or its subconsultants related to such failure until such failure is remedied; and/or (c) terminate this Contract by written notice to CONSULTANT specifying the date of termination. In the event of such termination by SBCTA, SBCTA may take possession of the deliverables and finished Work by whatever method SBCTA may deem expedient. A waiver by SBCTA of one default of CONSULTANT shall not be considered to be a waiver of any subsequent default of CONSULTANT, of the same or any other provision, nor be deemed to waive, amend, or modify any term of this Contract.
 - 18.2.1 CONSULTANT shall deliver to SBCTA all finished and unfinished deliverables under this Contract prepared by CONSULTANT or its subconsultants or furnished to CONSULTANT by SBCTA within ten (10) working days of said notice.
- 18.3 All claims for compensation or reimbursement of costs under any of the foregoing provisions shall be supported by documentation submitted to SBCTA, satisfactory in form and content to SBCTA and verified by SBCTA. In no event shall CONSULTANT be entitled to any payment for prospective profits or any damages because of such termination.

ARTICLE 19. STOP WORK ORDER

Upon failure of CONSULTANT or its subconsultants to comply with any of the requirements of this Contract, SBCTA shall have the right to stop any or all Work affected by such failure until such failure is remedied or to terminate this Contract in accordance with Article "Termination".

ARTICLE 20. CLAIMS

SBCTA shall not be bound to any adjustments in the Contract amount or schedule unless expressly agreed to by SBCTA in writing. SBCTA shall not be liable to CONSULTANT for any claim asserted by CONSULTANT after final payment has been made under this Contract.

ARTICLE 21. INSURANCE

21.1 Prior to commencing the Work, subject to the provisions of Article 21.2 "General Provisions", and at all times during the performance of the Work and for such additional periods as required herein, CONSULTANT and all sub-consultants of every tier performing any Work under this contract shall, at CONSULTANT's and sub-consultant's sole expense, procure and maintain broad form insurance coverage at least as broad as the following minimum requirements specified below:

21.1.1 Professional Liability. The policies must include the following:

- A limit of liability not less than \$3,000,000 per claim
- An annual aggregate limit of not less than \$9,000,000
- Coverage shall be appropriate for the CONSULTANT's profession and provided services to include coverage for errors and omissions arising out of the CONSULTANT's professional services, or services of any person employed by the CONSULTANT, or any person for whose acts, errors, mistakes or omissions the CONSULTANT may be legally liable.
- If Coverage is on a claims made basis:
 - Policy shall contain a retroactive date for coverage of prior acts, which date will be prior to the date the CONSULTANT begins to perform Work under this Contract.
 - CONSULTANT shall secure and maintain "tail" coverage for a minimum of three (3) years after Contract completion.

21.1.2 Worker's Compensation/Employer's Liability. The policies must include the following:

- Coverage A. Statutory Benefits
- Coverage B. Employer's Liability
- Bodily Injury by accident - \$1,000,000 per accident
- Bodily Injury by disease - \$1,000,000 policy limit/\$1,000,000 each employee

Such policies shall contain a waiver of subrogation in favor of the parties named as Indemnitees below. Such insurance shall be in strict accordance with the applicable workers' compensation laws in effect during performance of the Work by CONSULTANT or any

subconsultant of any tier. All subconsultants of any tier performing any portion of the Work for CONSULTANT shall also obtain and maintain the same insurance coverage as specified in this subparagraph, with a waiver of subrogation in favor of CONSULTANT and all parties named as Indemnitees below. Where coverage is provided through the California State Compensation Insurance Fund, the requirement for a minimum A.M. Best rating does not apply.

21.1.3. Commercial General Liability. The policy must include the following:

- Consultant shall maintain commercial general liability (CGL) insurance (Insurance Services Office (ISO) Form CG 00 01), and if necessary excess/umbrella commercial liability insurance, with a combined limit of liability of not less than **\$5,000,000 each occurrence**.
- The policy shall, at a minimum, include coverage for any and all of the following: bodily injury, property damage, personal injury, broad form contractual liability (including coverage to the maximum extent possible for the indemnifications in this Contract), premises-operations (including explosion, collapse and underground coverage), duty to defend in addition to (without reducing) the limits of the policy(ies), and products and completed operations.
 - \$2,000,000 per occurrence limit for property damage or bodily injury
 - \$1,000,000 per occurrence limit for personal injury and advertising injury
 - \$2,000,000 per occurrence limits for products/completed operations coverage (ISO Form 20 37 10 01) if SBCTA's Risk Manager determines it is in SBCTA's best interests to require such coverage,
- If a general aggregate applies, it shall apply separately to this project. The contract number, and a brief explanation of the project/work must be indicated under "Description of Operations/Locations" (ISO Form CG 25 03 or CG 2504).
- Coverage is to be on an "occurrence" form. "Claims made" and "modified occurrence" forms are not acceptable.
- A copy of the declaration page or endorsement page listing all policy endorsements for the CGL policy must be included.

All subconsultants of any tier performing any portion of the Work for CONSULTANT shall also obtain and maintain the CGL insurance coverage with limits not less than:

- Each occurrence limit: \$2,000,000
- General aggregate limit: \$2,000,000
- Personal injury and advertising limit \$2,000,000
- Products-completed operations aggregate limit \$2,000,000

All subconsultants' and sub-subconsultants' deductibles or self-insured retentions must be acceptable to SBCTA's Risk Manager.

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

- If the CONSULTANT elects to include an umbrella or excess policy to cover any of the total limits required beyond the primary commercial general liability policy limits

and/or the primary commercial automobile liability policy limits, then the policy must include the following:

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

There shall be no statement limiting the coverage provided to the parties listed as additionally insureds or as indemnitees below.

21.1.5 Commercial Auto. The policy must include the following:

- A total limit of liability of not less than **\$5,000,000** each accident. This total limit of liability may be met by combining the limits of the primary auto policy with an umbrella or excess policy in accordance with subparagraph 4 (Umbrella/Excess CGL) of Section A of this Article.
- Such insurance shall cover liability arising out of any vehicle, including owned, hired, leased, borrowed and non-owned vehicles assigned to or used in performance of the CONSULTANT services.
- Combined Bodily Injury and Property Damage Liability insurance. The commercial automobile liability insurance shall be written on the most recent edition of ISO Form CA 00 01 or equivalent acceptable to SBCTA.

21.1.6 Pollution Liability Intentionally Omitted

21.1.7 Cyber/Technology Liability Insurance - The Policy must include the following:

- Policy form appropriate to the Consultant's profession and work hereunder, with limits not less than \$2,000,000 per occurrence.
- Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by the Consultant in this agreement and shall include, but not be limited to, claims involving infringement of intellectual property, copyright, trademark, invasion of privacy violations, information theft, release of private information, extortion and network security.
- The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations.
- The Policy shall include, or be endorsed to include, property damage liability coverage for damage to, alteration of, loss of, or destruction of electronic data and/or information "property" of SBCTA in the care, custody, or control of the CONSULTANT. If not covered under the CONSULTANT's liability policy, such

“property” coverage of SBCTA may be endorsed onto the CONSULTANT’s Cyber Liability Policy as covered property as follows:

- Cyber Liability coverage in an amount sufficient to cover the full replacement value of damage to, alteration of, loss of, or destruction of electronic data and/or information “property” of SBCTA that will be in the care, custody, or control of CONSULTANT.

21.1.8 INTENTIONALLY OMITTED

21.2. General Provisions

- 21.2.1 Qualifications of Insurance Carriers. If policies are written by insurance carriers authorized and admitted to do business in the state of California, then the insurance carriers must have a current A.M. Best rating of A-VIII or better, and if policies are written by insurance carriers that are non-admitted but authorized to conduct business in the State of California, then they must meet the current A.M. Best rating of A-X or better, unless otherwise approved in writing by SBCTA’s Risk Manager.
- 21.2.2 Additional Insured Coverage. All policies, except those for Workers’ Compensation and Professional Liability insurance, shall be endorsed by ISO Form CG 20 10 11 85, or if not available, then ISO Form CG 20 38, to name San Bernardino County Transportation Authority and its officers, directors, members, employees, and agents, as additional insureds (“Additional Insureds”). With respect to general liability arising out of or connected with work or operations performed by or on behalf of the CONSULTANT under this Contract, coverage for such Additional Insureds shall not extend to liability to the extent prohibited by section 11580.04 of the Insurance Code. The additional insured endorsements shall not limit the scope of coverage for SBCTA to vicarious liability, but shall allow coverage for SBCTA to the full extent provided by the policy.
- 21.2.3 Proof of Coverage. Evidence of insurance in a form acceptable to SBCTA’s Risk Manager, including declarations pages of each policy, certificates of insurance and the required additional insured endorsements, shall be provided to SBCTA’s Procurement Analyst prior to issuance of the NTP or prior to commencing any Work, as SBCTA specifies. Certificate(s) of insurance, as evidence of the required insurance shall: be executed by a duly authorized representative of each insurer; show compliance with the insurance requirements set forth in this Article; set forth deductible amounts applicable to each policy; list all exclusions which are added by endorsement to each policy; and also include the Contract Number and the SBCTA Project Manager’s name on the face of the certificate. If requested in writing by SBCTA, CONSULTANT shall submit complete copies of all required insurance policies within ten (10) business days of a written request by SBCTA.
- 21.2.4 Deductibles and Self-Insured Retention. Regardless of the allowance of exclusions or deductibles by SBCTA, CONSULTANT shall be responsible for any deductible or self-insured retention (SIR) amount and shall warrant that the coverage provided to SBCTA is consistent with the requirements of this Article. CONSULTANT will pay, and shall require its sub-CONSULTANTS to pay, all deductibles, co-pay obligations,

premiums and any other sums due under the insurance required in this Article. Any deductibles or self-insured retentions must be declared to and approved in writing by SBCTA's Risk Manager. Without SBCTA's Risk Manager's expressed written approval, no deductibles or SIR will be allowed. At the option of SBCTA, if the deductible or SIR is approved and it is greater than \$10,000 or one (1) percent of the amount of coverage required under this Contract, whichever is less, the CONSULTANT shall guarantee that either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to SBCTA, its directors, officials, officers, employees and agents; or, (2) the CONSULTANT shall procure a bond guaranteeing the amount of the deductible or self-insured retention. SBCTA shall have the right to review any and all financial records that SBCTA, at its sole discretion, deems necessary to approve any deductible or SIR. SBCTA will have the right, but not the obligation, to pay any deductible or SIR due under any insurance policy. If SBCTA pays any sums due under any insurance required above, SBCTA may withhold said sums from any amounts due to CONSULTANT. The CONSULTANT's policies will neither obligate nor prohibit SBCTA or any other Additional Insured from paying any portion of any Consultant deductible or SIR.

- 21.2.5 CONSULTANT's and Subconsultants' Insurance will be Primary. All policies required to be maintained by the CONSULTANT or any subconsultant, with the exception of Professional Liability and Worker's Compensation shall be endorsed, with a form at least as broad as ISO Form CG 20 01 04 13, to be primary coverage, and any coverage carried by any of the Additional Insureds shall be excess and non-contributory. Further, none of CONSULTANT's or subconsultants' pollution, automobile, general liability or other liability policies (primary or excess) will contain any cross-liability exclusion barring coverage for claims by an additional insured against a named insured.
- 21.2.6 Waiver of Subrogation Rights. To the fullest extent permitted by law, CONSULTANT hereby waives all rights of recovery under subrogation against the Additional Insureds named herein, and any other consultant, subconsultant or sub-subconsultant performing work or rendering services on behalf of SBCTA in connection with the planning, development and construction of the Project. To the fullest extent permitted by law, CONSULTANT shall require similar written express waivers and insurance clauses from each of its subconsultants of every tier. CONSULTANT shall require all of the policies and coverages required in this Article to waive all rights of subrogation against the Additional Insureds (ISO Form CG 24 04 05 09). Such insurance and coverages provided shall not prohibit CONSULTANT from waiving the right of subrogation prior to a loss or claim.
- 21.2.7 Cancellation. If any insurance company elects to cancel or non-renew coverage for any reason, CONSULTANT will provide SBCTA thirty (30) days prior written notice of such cancellation or nonrenewal. If the policy is cancelled for nonpayment of premium, CONSULTANT will provide SBCTA ten (10) days prior written notice. In any event, CONSULTANT will provide SBCTA with a copy of any notice of termination or notice of any other change to any insurance coverage required herein which CONSULTANT receives within one business day after CONSULTANT

receives it by submitting it to SBCTA at procurement@gosbcta.com, to the attention of SBCTA's Procurement Analyst, and by depositing a copy of the notice in the U.S. Mail in accordance with the notice provisions of this Contract.

- 21.2.8 Enforcement. SBCTA may take any steps as are necessary to assure CONSULTANT's compliance with its insurance obligations as identified within this Article. Failure to continuously maintain insurance coverage as provided herein is a material breach of contract. In the event the CONSULTANT fails to obtain or maintain any insurance coverage required, SBCTA may, but is not required to, maintain this coverage and charge the expense to the CONSULTANT or withhold such expense from amounts owed CONSULTANT, or terminate this Contract. The insurance required or provided shall in no way limit or relieve CONSULTANT of its duties and responsibility under the Contract, including but not limited to obligation to indemnify, defend and hold harmless the Indemnitees named below. Insurance coverage in the minimum amounts set forth herein shall not be construed to relieve CONSULTANT for liability in excess of such coverage, nor shall it preclude SBCTA from taking other actions as available to it under any other provision of the Contract or law. Nothing contained herein shall relieve CONSULTANT or any subconsultant of any tier of their obligations to exercise due care in the performance of their duties in connection with the Work, and to complete the Work in strict compliance with the Contract.
- 21.2.9 No Waiver. Failure of SBCTA to enforce in a timely manner any of the provisions of this Article shall not act as a waiver to enforcement of any of these provisions at a later date.
- 21.2.10 Subconsultant Insurance. Insurance required of the CONSULTANT shall be also provided by subconsultants or by CONSULTANT on behalf of all subconsultants to cover their services performed under this Contract. CONSULTANT may reduce types and the amounts of insurance limits provided by subconsultant(s) to be proportionate to the amount of the subconsultant's contract and the level of liability exposure for the specific type of work performed by the subconsultant. CONSULTANT shall be held responsible for all modifications, deviations, or omissions in these insurance requirements as they apply to subconsultant.
- 21.2.11 Higher limits. If CONSULTANT maintains higher limits than the minimums shown above, SBCTA shall be entitled to coverage for the higher limits maintained by CONSULTANT. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to SBCTA.
- 21.2.12 Special Risks or Circumstances. SBCTA reserves the right to modify any or all of the above insurance requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

ARTICLE 22. INDEMNITY

- 22.1 To the extent, but only to the extent, that CONSULTANT's Work falls within the scope of Civil Code Section 2782.8, the following indemnification is applicable:

CONSULTANT shall indemnify and defend (with legal counsel reasonably approved by SBCTA) SBCTA, and its authorized officers, employees, agents and volunteers (collectively "Indemnitees") from any and all losses, damages, liability, actions, and/or costs for claims that

arise out of, pertain to, or are related to the negligence, recklessness, or willful misconduct of the professional.

- 22.2 For all other Work, CONSULTANT agrees to indemnify, defend (with legal counsel reasonably approved by SBCTA) and hold harmless SBCTA, and its authorized officers, employees, agents and volunteers (“Indemnitees”) from any and all claims, actions, losses, damages and/or liability (Claims) arising out of this Contract from any cause whatsoever, including acts, errors, or omissions of any person and for any costs or expenses incurred by SBCTA 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. CONSULTANT’s indemnification obligation applies to SBCTA’s “active” as well as “passive” negligence, but does not apply to SBCTA’s “sole negligence” or “willful misconduct” within the meaning of Civil Code section 2782.

ARTICLE 23. ERRORS AND OMISSIONS

CONSULTANT shall be responsible for the professional quality, technical accuracy, and coordination of all Work required under this Contract. CONSULTANT shall be liable for SBCTA’s costs resulting from errors or deficiencies in Work furnished under this Contract, including, but not limited to, any fines, penalties, damages, and costs required because of an error or deficiency in the Work provided by CONSULTANT under this Contract.

ARTICLE 24. OWNERSHIP OF DOCUMENTS

All deliverables, including but not limited to, drawings, reports, worksheets, and other data developed by CONSULTANT under this Contract shall become the sole property of SBCTA when prepared, whether delivered to SBCTA or not.

ARTICLE 25. SUBCONTRACTS

- 25.1 CONSULTANT shall not subcontract performance of all or any portion of Work under this Contract, except to those subconsultants listed in CONSULTANT's proposal, without first notifying SBCTA in writing of the intended subcontracting and obtaining SBCTA’s written approval of the subcontracting and the subconsultant. The definition of subconsultant and the requirements for subconsultants hereunder shall include all subcontracts at any tier.
- 25.2 CONSULTANT agrees that any and all subconsultants of CONSULTANT performing Work under this Contract will comply with the terms and conditions of this Contract applicable to the portion of Work performed by them. CONSULTANT shall incorporate all applicable provisions of this Contract into their subcontracts regardless of the tier. If requested by SBCTA, CONSULTANT shall furnish SBCTA a copy of the proposed subcontract for SBCTA’s approval of the terms and conditions thereof and shall not execute such subcontract until SBCTA has approved such terms and conditions. SBCTA’s approval shall not be unreasonably withheld.
- 25.3 Approval by SBCTA of any Work to be subcontracted and the subconsultant to perform said Work will not relieve CONSULTANT of any responsibility or liability in regard to the acceptable and complete performance of said Work. Any substitution of subconsultants must be approved in writing by SBCTA. CONSULTANT shall have sole responsibility for

managing all of their subconsultants, including resolution of any disputes between CONSULTANT and its subconsultants.

ARTICLE 26. RECORD INSPECTION AND AUDITING

SBCTA or any of its designees, representatives or agents shall at all times have access during normal business hours to CONSULTANT's operations and products wherever they are in preparation or progress, and CONSULTANT shall provide sufficient, safe, and proper facilities for such access and inspection thereof. Inspection or lack of inspection by SBCTA shall not be deemed to be a waiver of any of their rights to require CONSULTANT to comply with the Contract or to subsequently reject unsatisfactory Work or products.

ARTICLE 27. INDEPENDENT CONTRACTOR

CONSULTANT is and shall be at all times an independent contractor. Accordingly, all Work provided by CONSULTANT shall be done and performed by CONSULTANT under the sole supervision, direction and control of CONSULTANT. SBCTA shall rely on CONSULTANT for results only, and shall have no right at any time to direct or supervise CONSULTANT or CONSULTANT's employees in the performance of Work or as to the manner, means and methods by which Work is performed. All personnel furnished by CONSULTANT pursuant to this Contract, and all representatives of CONSULTANT, shall be and remain the employees or agents of CONSULTANT or of CONSULTANT's subconsultant(s) at all times, and shall not at any time or for any purpose whatsoever be considered employees or agents of SBCTA.

ARTICLE 28. ATTORNEY'S FEES

If any legal action is instituted to enforce or declare any Party's rights under the Contract, each Party, including the prevailing Party, must bear its own costs and attorneys' fees. This Article shall not apply to those costs and attorneys' fees directly arising from any third party legal action against a Party hereto and payable under the "Indemnity" provision of the Contract.

ARTICLE 29. GOVERNING LAW AND VENUE

This Contract shall be subject to the law and jurisdiction of the State of California. The Parties acknowledge and agree that this Contract was entered into and intended to be performed in whole or substantial part in San Bernardino County, California. The Parties agree that the venue for any action or claim brought by any Party to this Contract will be the Superior Court of California, San Bernardino County. Each Party hereby waives any law or rule of court which would allow them to request or demand a change of venue. If any action or claim concerning this Contract is brought by any third party, the Parties hereto agree to use their best efforts to obtain a change of venue to the Superior Court of California, San Bernardino County.

ARTICLE 30. FEDERAL, STATE AND LOCAL LAWS

CONSULTANT warrants that in the performance of this Contract, it shall comply with all applicable federal, State and local laws, ordinances, rules and regulations.

ARTICLE 31. PRECEDENCE

- 31.1 The Contract consists of these Contract Articles, Exhibit A “Scope of Work”, and Exhibit B “Price Proposal”, SBCTA’s Request for Proposal and CONSULTANT’s proposal, all of which are incorporated into this Contract by this reference.
- 31.2 The following order of precedence shall apply: first, the Contract Articles; second, Exhibits A and B; third, SBCTA’s Request for Proposal; and last, CONSULTANT’s proposal. In the event of a conflict between the Contract Articles and the Scope of Work, the Contract Articles will prevail.
- 31.3 In the event of an express conflict between the documents listed in this Article, or between any other documents which are a part of the Contract, CONSULTANT shall notify SBCTA in writing within three (3) business days of its discovery of the conflict and shall comply with SBCTA's resolution of the conflict.

ARTICLE 32. 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 not made during regular business hours; or (c) on the fourth business day after deposit of such notice into the United States Mail. 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. CONSULTANT shall notify SBCTA of any contact information changes within ten (10) business days of the change.

To CONSULTANT	To SBCTA
1700 Carnegie Avenue, Suite 100	1170 W. 3rd Street, 2nd Floor
Santa Ana, CA 92705	San Bernardino, CA 92410-1715
Attn: Scott Perley	Attn: Ginger Koblasz
Email: sperley@iteris.com	Email: gtkoblasz@gosbcta.com
Phone: (570) 470-4081	Phone: (909) 884-8276
2 nd Contact: Steve Gaddy	Copy: Procurement Manager
Email: sgaddy@iteris.com	Email: procurement@gosbcta.com

ARTICLE 33. DISPUTES

- 33.1 In the event any dispute, other than an audit, arises between the Parties in connection with this Contract (including but not limited to disputes over payments, reimbursements, costs, expenses, Work to be performed, Scope of Work and/or time of performance), the dispute shall be decided by SBCTA’s Procurement Manager within thirty (30) calendar days after notice thereof in writing, which notice shall include a particular statement of the grounds of the dispute. If CONSULTANT does not agree with the decision, then CONSULTANT shall have ten (10) calendar days after receipt of the decision in which to file a written appeal thereto with SBCTA’s Executive Director. If the Executive Director fails to resolve the dispute in a manner acceptable to CONSULTANT, then such dispute may be reviewed by a court of competent jurisdiction.

33.2 During resolution of the dispute, CONSULTANT shall proceed with performance of this Contract with due diligence.

ARTICLE 34. GRATUITIES

CONSULTANT, its employees, agents, or representatives shall not offer or give to any officer, official, agent or employee of SBCTA, any gift, entertainment, payment, loan, or other gratuity.

ARTICLE 35. REVIEW AND ACCEPTANCE

All Work performed by CONSULTANT shall be subject to periodic review and approval by SBCTA at any and all places where such performance may be carried on. Failure of SBCTA to make such review or to discover defective work shall not prejudice the rights of SBCTA at the time of final acceptance. All Work performed by CONSULTANT shall be subject to periodic and final review and acceptance by SBCTA upon completion of all Work.

ARTICLE 36. CONFIDENTIALITY

Any SBCTA communications or materials to which CONSULTANT or its subconsultants or agents have access, or materials prepared by CONSULTANT under the terms of this Contract, shall be held in confidence by CONSULTANT, who shall exercise reasonable precautions to prevent the disclosure of confidential information to anyone except as expressly authorized by SBCTA. Any communications with or work product of SBCTA's legal counsel to which CONSULTANT or its subconsultants or agents have access in performing work under this Contract shall be subject to the attorney-client privilege and attorney work product doctrine and shall be confidential. CONSULTANT shall not release any reports, information or promotional material or allow for the use of any photos related to this Contract for any purpose without prior written approval of SBCTA.

ARTICLE 37. EVALUATION OF CONSULTANT

CONSULTANT's performance may be evaluated by SBCTA periodically throughout the Contract performance period, such as at the completion of certain milestones as identified in Scope of Work and/or at the completion of the Contract. A copy of the evaluation will be given to CONSULTANT for their information. The evaluation information shall be retained as part of the Contract file and may be used to evaluate CONSULTANT if they submit a proposal on a future RFP issued by SBCTA.

ARTICLE 38. SAFETY

CONSULTANT shall strictly comply with OSHA regulations and local, municipal, state, and federal safety and health laws, orders and regulations applicable to CONSULTANT's operations in the performance of Work under this Contract. CONSULTANT shall comply with all safety instructions issued by SBCTA or their representatives.

ARTICLE 39. DRUG FREE WORKPLACE

CONSULTANT agrees to comply with the Drug Free Workplace Act of 1990 per Government Code section 8350 et seq.

ARTICLE 40. ASSIGNMENT

CONSULTANT shall not assign this Contract in whole or in part, voluntarily, by operation of law, or otherwise, without first obtaining the written consent of SBCTA. SBCTA's exercise of consent shall be within its sole discretion. Any purported assignment without SBCTA's prior written consent shall be void and of no effect, and shall constitute a material breach of this Contract. Subject to the foregoing, the provisions of this Contract shall extend to the benefit of and be binding upon the successors and assigns of the Parties.

ARTICLE 41. AMENDMENTS

The Contract may only be changed by a written amendment duly executed by the Parties. Work authorized under an amendment shall not commence until the amendment has been duly executed.

ARTICLE 42. PREVAILING WAGES

42.1 The State of California's General Prevailing Wage Rates are not applicable to this Contract.

ARTICLE 43. CONTINGENT FEE

CONSULTANT warrants by execution of this Contract that no person or selling agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by CONSULTANT for the purpose of securing business. For breach or violation of this warranty, SBCTA has the right to terminate this Contract without liability, pay only for the value of the Work actually performed, or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

ARTICLE 44. FORCE MAJEURE

CONSULTANT shall not be in default under this Contract in the event that the Work performed by CONSULTANT is temporarily interrupted or discontinued for any of the following reasons: 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 CONSULTANT and which CONSULTANT could not reasonably be expected to have prevented or controlled. "Other catastrophic events" does not include the financial inability of CONSULTANT to perform or failure of CONSULTANT to obtain either any necessary permits or licenses from other governmental agencies or the right to use the facilities of any public utility where such failure is due solely to the acts or omissions of CONSULTANT.

ARTICLE 45. WARRANTY

CONSULTANT warrants that all Work performed shall be in accordance with the Contract and all applicable professional standards. In the event of a breach of this provision, CONSULTANT shall take the necessary actions to correct the breach at CONSULTANT's sole expense. If CONSULTANT does not take the necessary action to correct the breach, SBCTA, without waiving any other rights or remedies it may have, may take the necessary steps to correct the breach, and the CONSULTANT shall promptly reimburse SBCTA for all expenses and costs incurred.

ARTICLE 46. ENTIRE DOCUMENT

- 46.1 This Contract constitutes the sole and only agreement governing the Work and supersedes any prior understandings, written or oral, between the Parties respecting the Work. All previous proposals, offers, and other communications, written or oral, relative to this Contract, are superseded except to the extent that they have been expressly incorporated into this Contract.
- 46.2 No agent, official, employee or representative of SBCTA has any authority to bind SBCTA to any affirmation, representation or warranty outside of, or in conflict with, the stated terms of this Contract, and CONSULTANT hereby stipulates that it has not relied, and will not rely, on same.
- 46.3 Both Parties have been represented or had the full opportunity to be represented by legal counsel of their own choosing in the negotiation and preparation of this Contract. Therefore, the language in all parts of this Contract will be construed, in all cases, according to its fair meaning, and not for or against either Party.

ARTICLE 47. COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

CONSULTANT shall comply with all applicable provisions of the Americans with Disabilities Act in performing Work under this Contract.

ARTICLE 48. EFFECTIVE DATE

The date that this Contract is executed by SBCTA shall be the Effective Date of the Contract.

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

IN WITNESS WHEREOF, the Parties hereto have executed this Contract below.

**ITERIS, INC., A DELAWARE
CORPORATION**

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
J. Joseph Bergera
Chief Executive Officer

Date: _____

By: _____
Curt Hagman
President, Board of Directors

Date: _____

APPROVED AS TO FORM

By: _____
Douglas L. Groves
Chief Financial Officer

Date: _____

By: _____
Julianna K. Tillquist
General Counsel

Date: _____

CONCURRENCE

By: _____
Shaneka M. Morris
Procurement Manager

Date: _____

Attachment: 22-1002774 (8539 : Contract No. 22-1002774 with Iteris, Inc. for the Traffic Performance Monitoring System)

EXHIBIT “A”
“SCOPE OF WORK”

San Bernardino County Traffic Performance Monitoring System Scope of Work

Introduction and Overview

In 2014, SBCTA instituted a mechanism to better monitor traffic performance on San Bernardino County's network of freeways and arterial streets. In effect, this was a substitute for requirements incorporated into the county's Congestion Management Program (CMP) since 1992, in which local jurisdictions were required to annually conduct traffic counts and report traffic level of service (LOS) on their systems.

The monitoring system that has been in place since that time uses mobile phone-based "probe data" that is archived on a 5-minute basis, together with a software system and user interface that enables the derivation of a variety of metrics useful for quantifying traffic speeds, delay, congestion levels, travel time, reliability, etc. The data and displays have been useful not just for general traffic monitoring but for congestion hot-spot identification, before/after analyses, benefit/cost analyses, and metrics/displays useful for grant applications for SBCTA projects and for responding to internal and external agency inquiries.

The source of probe-based data for the current system is the National Performance Management Research Data Set (NPMRDS), containing speeds aggregated in 5-minute increments as provided by the company HERE, now in a partnership with INRIX. SBCTA has accessed this real-time and archived data thanks to Caltrans, who carries five licenses, one of which is reserved for SBCTA. The current license expires in less than two years and will likely be renewed. Proposers should explain the expected source(s) of data and whether access to NPMRDS data would be dependent on the SBCTA contract with Caltrans.

The current contract for SBCTA's probe-based monitoring system expires at the end of June, 2022. Given that the system has been quite useful for SBCTA projects and planning activities, and given that the technology has advanced even further since the original procurement, SBCTA wishes to procure a similar system for continuing application. It is envisioned that the new contract will have a duration of five years, with the potential for three one-year extensions. It is currently envisioned that the **NPMRDS data will continue to be used; however, SBCTA is open to datasets that offer additional capabilities, as long of some level of consistency is maintained with previously archived data.**

The minimum requirements for the system are as follows:

- Coverage of the countywide freeway and arterial network in San Bernardino County as available through the NPMRDS network (or comparable network), shown here: <https://wego.here.com/traffic/explore?map=34.10491,-117.29223,13,traffic&x=ep>. Please zoom in to level 16 to see all arterial and local roads available.
- Ability to utilize the **NPMRDS data already archived and to be archived through June 30, 2022.**
- **Continuous archiving of data in 5-minute increments in a way that is compatible with the NPMRDS format and hosting of that data at an off-site, secure location.**

- Provision of analysis software and user interface that allows for the calculation and display of a minimum set of traffic performance metrics in graphical and tabular form and ability to output those graphics and tables in a format usable for reports and presentations. A minimum set of metrics is provided in Table 1.
- Ability to define multiple segments (e.g. corridors) and direction for the display of tabular and graphical data, with auto-generated street names, times-of-day, and numerical scales that will enable easy interpretation of the information by the user. Ability to save 'corridors' for comparable analysis over time.
- Regionalized metrics, consisting of groups of facilities, such as all freeways or all arterials countywide and by geographic subarea (identify the process for defining geographic subareas, such as a city). This is to enable the establishment of traffic performance trends for the county and by subarea, such as percentage of miles congested and how that changes over time. Specify what metrics are available on a regional basis.
- Allowance for multiple users within SBCTA and for the ability to share generated reports with Caltrans District 8 staff and SBCTA's 25 member jurisdictions.
- Ability to permit selected outside users, with access controlled by SBCTA, is preferred. Please provide a pricing structure and terms for addition of outside users, in addition to the baseline cost for SBCTA access only.
- Traffic volume data is not required. However, consultants may propose the addition of link volume data, the additional metrics that would be included as part of that package, and the level accuracy estimated for such data. If such additional data are proposed, the additional cost associated with the provision of this data must also be specified.

Table 1. Minimum Traffic Performance Metrics Required

Speed Measures:

- Average speed
- Minimum speed
- Maximum speed
- Median speed
- Free flow speed

Travel Time and Quality of Flow Measures

- Average travel time
- Median travel time
- Vehicle delay (relative to both free flow speed and speed limit)
- Congestion level by facility type

Reliability Measures

- Travel Time Index (based on free flow speed)
- Travel Time Index (based on speed limit)
- Planning Time Index
- Buffer Time Index

Data Quality Measures, such as:

- Number of samples
- Confidence rating, if available

A set of standard available reports shall also be proposed. It is expected that the following will be provided, as a minimum:

- Ability to select time spans, days of week, and hours of day to be reported
- Time series analysis tables and graphics
- Contour diagrams (e.g. average speed by time of day and distance)
- Graphical designation of congestion levels
- Time comparison reports (i.e. two time periods compared against one another for the same segments or areas)

In addition to providing and implementing the data analysis and user interface software, a task order process is described whereby the consultant would be requested to provide analyses, outputs, graphics, etc. to support SBCTA activities, to be billed on a time-and-materials basis.

1.0 Project Management

- At least monthly meetings are expected during the period of system setup. The ideal will be for a seamless transition from the current system to the system that would be in place for the next 5-8 years.
- Following system setup, a technical support relationship is expected, with access to system technicians to answer questions and troubleshoot where necessary.
- Submit invoices and supporting progress reports. Proposals should state the expected frequency of billing for the system and its maintenance (e.g. quarterly). Other planning/analysis tasks should be billed monthly. These tasks may be concentrated primarily in the first year of the contract, but could extend into subsequent years.
- Provide technical documentation and user information about the system, so that SBCTA staff can understand the nature of the calculations incorporated into the software and have instructions for analysis and reporting features.
- Provide an initial training session for SBCTA staff, make up to four presentations to SBCTA staff and technical committees in Year 1 and up to one presentation per year in subsequent years. The SBCTA Project Manager will make the determination whether to grant extensions and provide that determination to the Consultant in writing (hard copy or email)

Deliverables:

- Progress reports and invoices
- Meeting materials and presentations

2.0 Implementation of the Traffic Performance Monitoring System

- The minimum requirements for the system have been identified in the Introduction. Proposals should describe the system architecture, metrics, and features that satisfy those minimum requirements as well as additional features that are proposed to be provided. The metrics enabled by the system need to be identified and defined, along with the range and format of reports that can be produced.
- Any software license or related contractual documentation proposed for execution by SBCTA needs to be included as an attachment to the proposal.
- The system for archiving data needs to be described and the cost structure for archiving data must be identified in the cost proposal.

Deliverables:

- Operational Traffic Performance Monitoring System that satisfies minimum requirements.
- Access to on-line technical documentation and user manual

- Training session(s) for SBCTA staff
- Up to four presentations in Year 1 to SBCTA staff and technical committees and up to one presentation per year in subsequent years.
- A clear and comprehensive Users Guide

3.0 Data Analysis and Reports

- **System demonstration:** While SBCTA staff is anticipating generating reports directly from the system once it is implemented, the Consultant shall prepare a set of reports and graphical outputs (in electronic form) that demonstrate both that the system is working and that highlight the range of capabilities that the system is able to provide. Proposals should describe what type of system demonstrations will be provided to SBCTA staff as part of system establishment.
- **Analysis task orders:** Subsequent task orders may be prepared and authorized by the Project Manager to generate analytics and outputs to support SBCTA activities over the contract period. Billing for completion of these task orders will occur on a time and materials basis. This will be separate from the billing for system development, maintenance, hosting, and system demonstration.
- **Baseline performance for Year 1:** Consultants should propose what they believe to be an appropriate set of analytics, graphics, and reports to use as a “baseline” for overall highway system performance from Year 1 data. For example, to support updates to SBCTA’s Countywide Transportation Plan and Congestion Management Plan, plots of AM and PM peak hour average speed by direction across the monitored network could be generated by geographic subarea for a particular time period, such as for a month of selected weekdays within each of the four quarters of Year 1. The ideal would be to generate such data in a way that it is compatible with either TransCAD format or GIS network format. Proposers should comment on the ability to provide these capabilities, the types of network outputs and what is required for this to occur. The time(s) of year and geographies represented will be discussed between the Consultant and SBCTA staff, it is possible that such monitoring reports could be established on an annual basis, but this will be subject to the benefit and cost of such reports, with work issued under the task order process.

Deliverables:

- Analysis and outputs as mutually agreed by SBCTA and Consultant as incorporated into task orders assigned by the SBCTA Project Manager.

EXHIBIT B PRICE PROPOSAL



Key Personnel

Price List for Time and Materials

Contract No. : 22-1002774

Name	Classification/Title	Job Function	Hourly Rate	Hours	Total
Steve Gaddy	Sr. Manager	Project Manager	\$185	0	\$0
Scott Perley	VP, Consulting Solutions	Principal-in-charge	\$325	0	\$0
Tiffany Symes	Sr. Dir. Product Mgt	Senior Advisor	\$300	0	\$0
Michael Darter	Sr. Software Developer	Technical Lead	\$255	0	\$0
TOTAL					\$0

Other Direct Cost Schedule (ODC)

All ODC's are to be proposed at cost-without mark-ups.

Type of ODC	Unit Cost	Estimated Budget Amount
Travel	\$ 1,000 per trip	\$ 5,000 (1 per year)
TOTAL		\$ 5,000

Annual Subscription Cost for First 5 Years

Year	Amount
FY22/23	\$ 67,000
FY23/24	\$ 70,300
FY24/25	\$ 73,860
FY25/26	\$ 77,560
FY26/27	\$ 81,440
TOTAL	\$ 370,160

Annual Subscription Cost Two 1 Year Extensions

Year	Amount
FY27/28	\$ 85,512
FY28/29	\$ 89,780

Proposer

3/16/2022

Signature of Authorized Person

Date

Minute Action

AGENDA ITEM: 14

Date: May 11, 2022

Subject:

Amendments to Policy No. 40001 and Policy No. 31701 Regarding State and Federal Fund Allocations

Recommendation:

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

Approve revisions to Policy No. 40001 and Policy No. 31701, as attached, to consolidate policies regarding the allocation of State and Federal funds and to add a new policy concerning the allocation of State and Federal funds to transit operators.

Background:

In April 2022 the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved a principle that allocations of State and Federal funds in the Victor Valley and North Desert Subareas for transit purposes should only supplement, not supplant, funds available for transit purposes and directed staff to incorporate this principle into SBCTA policy. Staff identified two policies that had terms concerning allocations of State and Federal funds and is recommending that these terms be consolidated into one policy.

Policy No. 40001, San Bernardino Valley Subarea (VS) Measure I 2010-2040 Strategic Plan, is a general policy establishing the requirements for overall administration of the programs included in the San Bernardino Valley Expenditure Plan as part of Measure I 2010-2040. It includes policies regarding project selection, cash flow management, budgeting, allocation, and expenditure. It also includes two sections about State and Federal fund allocation priorities that are recommended to be removed, as discussed below. There are no comparable general policies for the other Subareas.

Policy No. 31701, Allocation of Federal Local Assistance Funds, was first approved by the Board in 1997 and provides policies concerning the management of project selection in calls for projects and allowances for cost overruns. Staff recommends amending this policy to: 1) apply more generally to State and Federal funds over which the Board has allocation authority; 2) incorporate the State and Federal fund allocation policies that are currently contained in Policy No. 40001; 3) incorporate the principle approved by the Board and referenced above concerning allocations to transit operators; and 4) update to current format and references. Although SBCTA does not currently award State and Federal funds through calls for projects, staff recommends retaining these policies for future reference if needed.

It should be noted that the principle approved by the Board concerning transit allocations referenced the Victor Valley and North Desert Subareas specifically because those are the only Subareas where transit funds are being used for non-transit purposes. As such, staff recommends the policy language remain general as it will not negatively impact the other Subareas since they already comply with the policy.

Financial Impact:

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

Entity: San Bernardino County Transportation Authority

General Policy Committee Agenda Item
May 11, 2022
Page 2

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item and the draft policy revisions.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
General Policy Committee
Date: May 11, 2022
Witnessed By:

San Bernardino County Transportation Authority	Policy	40001
Adopted by the Board of Directors –April 1, 2009	Revised	6/03/2006 /01/2022
San Bernardino Valley Subarea (VS) Measure I 2010-2040 Strategic Plan	Revision No.	<u>45</u>

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

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I. PURPOSE

The purpose of this policy is to establish the requirements for overall administration of the programs included in the San Bernardino Valley Expenditure Plan as part of Measure I 2010-2040. The Valley Subarea policies establish the process for identification of need, fund budgeting, fund allocation, and expenditure requirements for all programs in the Valley, including Freeway, Freeway Interchange, Major Street, Local Street, Metrolink/Rail, Express Bus/Bus Rapid Transit, Senior and Disabled Transit, and Traffic Management Systems. This policy also provides direction on the use of State and federal funds in the San Bernardino Valley Subarea, as well as the provisions governing cost-buy down for projects with a development share contribution.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

III. DEFINITIONS

Allocation: An action by the SBCTA Board of Directors to assign a specific amount of Measure I funds from a Measure I program to a project. Allocations occur in the context of the SBCTA annual budgeting process and project financial planning in the 10-Year Delivery Plan.

Budgeting: An action by the SBCTA Board of Directors to assign specific amounts of Measure I 2010-2040 funds to Measure I programs for a given fiscal year. The budgeting decision is made annually by the Board of Directors for purposes of preparing the subsequent year's annual budget.

Capital Project Needs Analysis (CPNA): A five-year plan of capital project needs focusing on the Valley Major Street Program and Valley Freeway Interchange Program. The CPNA includes estimates of project costs to be incurred by funding type, fiscal year, and phase for the five year period following the beginning of the subsequent fiscal year.

Development Mitigation Fair Share Loan: A term loan agreement between SBCTA and a local jurisdiction documenting loans from SBCTA to fund 2/3 of the required development share (local share) for projects. Loans may be from a jurisdiction's Measure I Local Street Program "pass through" funds or a jurisdiction's arterial portion of Measure I Major Street Program funds, with a commitment to reimburse with Development Impact Fees as they are collected.

Jurisdiction Master Agreement: An agreement between SBCTA and a local jurisdiction documenting the mutual commitments for allocation and expenditure of Measure I 2010-2040 funds for the jurisdiction under the Arterial Sub-program of the Major Street Program in the Valley Subarea.

Project Funding Agreement (or Cooperative Agreement): An agreement between SBCTA and a local jurisdiction documenting the allocation of Measure I 2010-2040 funds to the jurisdiction for a project under

the Valley Freeway Interchange Program or the Rail-Highway Grade Separation Sub-program of the Major Street Program and specifying the conditions of performance by SBCTA and the local jurisdiction associated with that project.

IV. POLICIES FOR THE SAN BERNARDINO VALLEY SUBAREA

A. Program Equity

Policy VS-1: SBCTA shall ensure that all San Bernardino Valley Programs receive their percentage allocation of Measure I revenue in accordance with the Measure I 2010-2040 Expenditure Plan.

Policy VS-2: The SBCTA Board of Directors shall have full discretion over the budgeting and allocation of Measure I 2010-2040 revenue between Valley Programs on an annual basis subject to Policy VS-1.

Policy VS-3: No longer applicable.

B. Identification of Needs

Policy VS-4: SBCTA staff shall request and local jurisdictions shall submit by September 30 of each year a five-year Capital Project Needs Analysis (CPNA) for the Valley Major Street Program and, where the local jurisdiction is the lead agency, for the Valley Freeway Interchange Program. The CPNA for the Major Street Program should include the amount of Major Street Program – Arterial Sub-program funds that are used as collateral for a development mitigation fair share loan. All CPNAs submitted by local jurisdictions shall be approved by the City Council/Board of Supervisors and shall be coordinated with the Five Year Capital Improvement Plan required as part of the Valley Local Streets Program policies (see Policy 40003).

Policy VS-5: Approximately every two years, SBCTA staff shall be responsible for preparation of a 10-Year Delivery Plan, to be approved by the Board, that will incorporate the needs and plans for all the Measure I programs in the Valley, including the needs identified by local jurisdictions for the Valley Freeway Interchange and Valley Major Street Programs, except that SBCTA staff may prepare information on funding needs and schedules to be incorporated directly into the 10-Year Delivery Plan.

Policy VS-6: No longer applicable.

Policy VS-7: All CPNAs and the 10-Year Delivery Plan shall identify the requested amount of Measure I and any additional federal, State, or private funding by phase and year for the five-year period and 10-year period, respectively, following the beginning of the subsequent fiscal year.

C. Cash Flow Analysis

Policy VS-8: SBCTA staff shall prepare an estimate of projected Measure I, State, federal and private funding as part of the annual budgeting process and/or preparation of the 10-Year Delivery Plan.

Policy VS-9: SBCTA staff shall conduct, as part of the 10-Year Delivery Plan development, a cash flow analysis of all Measure I 2010-2040 Valley Programs based on information submitted by local jurisdictions, the funding needs of the SBCTA-administered programs, and the assessment of Measure I, State, federal, and private funding.

Policy VS-10: At a minimum, the cash flow analysis shall include the following considerations:

- All Measure I 2010-2040 San Bernardino Valley program needs identified in CPNAs
- Needs pursuant to Project Advancement and Advance Expenditure Agreements
- Needs related to Bond or other debt repayment
- Revenue committed to projects or programs in previous cycles
- Ability to leverage additional State, federal, and private funding sources.

Policy VS-11: The cash flow analysis shall be completed for presentation to the SBCTA Board of Directors as part of the 10-Year Delivery Plan development.

Policy VS-12: The 10-Year Delivery Plan and its cash flow analysis shall provide input to any SBCTA agency bonding and Program borrowing decisions.

D. Fund Budgeting

Policy VS-13: The SBCTA Board of Directors shall annually approve a Measure I revenue estimate for the subsequent fiscal year and a distribution of those estimated revenues by subarea and program as part of agency budgeting.

Policy VS-14: The SBCTA Board of Directors shall provide information on funding availability to local jurisdictions as part of the budgeting process, so that jurisdictions can prepare their own budget documents for the subsequent fiscal year.

E. Fund Allocation

Policy VS-15: The SBCTA Board shall approve allocations of funding to specific San Bernardino Valley Measure I projects as guided by the 10-Year Delivery Plan and the most current information on State, federal, and local funding programs.

Policy VS-16: No longer applicable.

F. Fund Expenditure

Policy VS-17: SBCTA-administered projects may begin expenditure of funds following the budgeting and allocation approvals by the SBCTA Board of Directors.

Policy VS-18: A local jurisdiction may begin expenditure of funds following the execution of a Project Funding Agreement/Cooperative Agreement or a Jurisdiction Master Agreement by both SBCTA and the jurisdiction, as appropriate to the project type and pursuant to Policies 40002, 40005, and 40006.

Policy VS-19: The Project Funding Agreement/Cooperative Agreement shall be based on the SBCTA Board-approved fund allocation and shall document the scope of the project, its cost, and the terms by which reimbursement shall occur.

Policy VS-20: The Jurisdiction Master Agreement references the annual Fund Allocation and Project List, which shall represent the SBCTA Board-approved allocation of funds to projects in the Arterial Sub-program (see Policy VS-15) of the Major Streets Program and the CPNA, respectively.

G. ~~Removed (refer to Policy 31701, Allocation of State and Federal Funds)Use of State and Federal Funds for Measure I 2010-2040 Projects – General~~

~~Policy VS-21: The SBCTA Board shall assure reasonable equity in the shares of projected State and federal transportation funds allocated and expended within geographic areas of the county, subject to the eligibility of funds for the specified programs within those geographic areas.~~

~~Policy VS-22: The SBCTA Board of Directors has discretion to program State and federal funds to projects based on needs and priorities that exist at the time the decisions are made, subject to the eligibility of projects for each funding source and approvals by appropriate State and federal authorities.~~

~~Policy VS-23: SBCTA shall implement strategies that maximize the use of State and federal funds when projects are planned and delivered. This may include borrowing against future revenues streams, such as with Grant Anticipation Revenue Vehicles (GARVEE bonds) for federal funds.~~

~~Policy VS-24: SBCTA will aggressively advocate for its share of State and federal dollars to deliver Measure I projects.~~

H. ~~Removed (refer to Policy 31701, Allocation of State and Federal Funds)Use of State and Federal Funds for Measure I 2010-2040 Projects – Specific Sources~~

~~Policy VS-25: CMAQ funds (or funds in any successor program to CMAQ) necessary to continue previously approved regional programs, including Freeway Service Patrol (FSP), rideshare activities, and Valley-wide Signal Synchronization shall be set aside for those purposes.~~

~~Policy VS-26: CMAQ funds (or funds in any successor program to CMAQ) shall be considered as a significant source to fund transit capital projects and start-up operating expenses in accordance with CMAQ criteria. Allocation of CMAQ funding to transit capital projects is to be made by SBCTA in a manner consistent with the 10-Year Delivery Plan and plans developed by the transit operators and approved by the SBCTA Board of Directors.~~

~~Policy VS-27: Remaining CMAQ funds may be allocated to High Occupancy Vehicle facility components of the Valley Freeway projects listed in the Measure I Expenditure Plan, subject to eligibility criteria.~~

~~Policy VS-28: All of the STP funds apportioned to the urbanized areas of the San Bernardino Valley shall be allocated to the Valley Freeway Program projects listed in the Measure I Expenditure Plan.~~

~~Policy VS-29: SBCTA shall work closely with Caltrans to identify projects that are eligible to receive State Interregional Improvement Program (IIP) funds to assist in timely delivery of those projects. This may include projects within as well as outside urbanized areas.~~

I. Cost Buy-down for Projects with a Development Share Contribution

Policy VS-30: State, federal, or private funds may be used to buy down either the total cost of a project, the public share of the project cost, or the development share of the project cost based on the following criteria:

1. Funds that buy down the total cost of the project (after which the development fair share percentage is applied) include railroad contributions, State grants and Federal Congressional earmarks (through appropriations process, competition, etc.) from transportation sources that are not allocated or approved by SBCTA (e.g., IM, Demo, grants obtained by Caltrans, SHOPP, STIP-IIP); TCRP, TCEP, PNRS, TIGER, BUILD, or INFRA with local agency listed as lead recipient; PUC; HSIP; and HBP).
2. Funds considered part of the public share of the project cost include apportionments or allocations of State or federal transportation funds to SBCTA for funding of projects, whether managed by SBCTA or local agency (e.g., TCRP, INFRA, BUILD, PNRS, SCCP, TCEP, CMIA, TCIF, SLPP (non-competitive), LPP (competitive)), and State allocation and Federal apportionment by SBCTA (e.g., STIP-RIP, CMAQ, LPP (formula), HIP, STP, TEA (SBCTA Allocation), TDA).
3. Funds that buy down the development share of the project cost include other state or federal appropriations of funding to a project from a non-transportation source (e.g., HUD, BIA, DOD) or SLPP/LPP competitive programs that have a DIF match requirement.

Fund definitions:

- ARRA = federal American Recovery and Reinvestment Act
- ATP = Caltrans Active Transportation Program
- BIA = Bureau of Indian Affairs or individual tribal contributions
- BUILD = Better Utilizing Investments to Leverage Development
- CMAQ = federal Congestion Mitigation and Air Quality
- CMIA = Corridor Mobility Improvement Account (Proposition 1B)
- Earmark or Demo = Demonstration project or similar project earmarked for a local jurisdiction in federal appropriations
- DOD = Department of Defense
- FAST Act = federal Fixing America's Surface Transportation Act
- HBP = federal Highway Bridge Program
- HIP = Highway Infrastructure Program
- HSIP = state Highway Safety Improvement Program
- HUD = federal Housing and Urban Development
- IM = federal Interstate Maintenance
- INFRA = Infrastructure for Rebuilding America Grants Program
- LPP = Local Partnership Program
- LTF = state Local Transportation Funds
- MAP-21 = federal Moving Ahead for Progress in the 21st Century Act
- PNRS = federal Projects of National and Regional Significance
- PUC = California Public Utilities Commission
- SAFETEA-LU = federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
- SCCP = Solutions for Congested Corridors Programs
- SHOPP = state State Highway Operation and Protection Program

- SLPP = State/Local Partnership Program (Proposition 1B)
- STIP-IIP = State Transportation Improvement Program – Interregional Improvement Program
- STIP-RIP = State Transportation Improvement Program – Regional Improvement Program
- STP = federal Surface Transportation Program
- TCEP = Trade Corridor Enhancement Program
- TCIF = Trade Corridor Improvement Funds (Proposition 1B)
- TCRP = Caltrans Traffic Congestion Relief Program
- TDA = state Transportation Development Act
- TEA = Transportation Enhancement Activities (supplanted by ATP)
- TIGER = federal Transportation Investment Generating Economic Recovery

J. Measure I Reserve

Policy VS-31: SBCTA shall budget for a reserve for the Valley subarea equivalent to 20% of the annual Measure I revenue from the following programs: Freeway, Freeway Interchange, Major Street, Traffic Management Systems, Metrolink/Rail, and Express Bus/BRT.

Policy VS-32: The 20% reserve shall be established with the first year of Measure I 2010-2040 apportionment and this amount shall be escalated annually to remain proportional to the growth in annual Measure I revenue.

Policy VS-33: The reserve may be used to:

- Advance federal or State funds that require reimbursement.
- Manage cash flow for non pass-through programs.
- Cover cost overruns for SBCTA projects or to cover unforeseen expenses associated with projects that received an allocation of Measure I 2010-2040 funds.
- Leverage other State or federal funds to which SBCTA might otherwise lose access.

Policy VS-34: Should Measure I reserves be used, revenue accrual within the year or revenue from the subsequent year's budget will be used to replenish the reserve.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Amended to include policies VS-31 through VS-34 establishing and maintaining a Measure I reserve.	07/07/2010
2	Amended to clarify funds that buy down total project cost versus funds that are applied to the public share and development share of costs in VS-30	03/04/15
3	Amended to update the Measure I budgeting, allocation, and expenditure process. Fund definitions also updated. Eliminated the requirement to make adjustments across programs for the time-value of money. Included reference to the 10-Year Delivery Plan. Approved by the BOD 9/6/17, Agenda Item 11.	09/06/17
4	Amended to clarify CPNA submittal requirements, remove reference to time value of money calculations, and define treatment of new fund sources in application of cost buy-down policies. Approved by the BOD 6/3/20, Agenda Item 25.	06/03/20
5	<u>Amended to removed State and Federal fund allocation policies. Policies moved to Policy 31701, Allocation of State and Federal Funds.</u>	<u>06/01/22</u>

San Bernardino County Transportation Authority	Policy	40001
Adopted by the Board of Directors April 1, 2009	Revised	06/01/2022
San Bernardino Valley Subarea (VS) Measure I 2010-2040 Strategic Plan	Revision No.	5

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I. PURPOSE

The purpose of this policy is to establish the requirements for overall administration of the programs included in the San Bernardino Valley Expenditure Plan as part of Measure I 2010-2040. The Valley Subarea policies establish the process for identification of need, fund budgeting, fund allocation, and expenditure requirements for all programs in the Valley, including Freeway, Freeway Interchange, Major Street, Local Street, Metrolink/Rail, Express Bus/Bus Rapid Transit, Senior and Disabled Transit, and Traffic Management Systems. This policy also provides direction on the use of State and federal funds in the San Bernardino Valley Subarea, as well as the provisions governing cost-buy down for projects with a development share contribution.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

III. DEFINITIONS

Allocation: An action by the SBCTA Board of Directors to assign a specific amount of Measure I funds from a Measure I program to a project. Allocations occur in the context of the SBCTA annual budgeting process and project financial planning in the 10-Year Delivery Plan.

Budgeting: An action by the SBCTA Board of Directors to assign specific amounts of Measure I 2010-2040 funds to Measure I programs for a given fiscal year. The budgeting decision is made annually by the Board of Directors for purposes of preparing the subsequent year's annual budget.

Capital Project Needs Analysis (CPNA): A five-year plan of capital project needs focusing on the Valley Major Street Program and Valley Freeway Interchange Program. The CPNA includes estimates of project costs to be incurred by funding type, fiscal year, and phase for the five year period following the beginning of the subsequent fiscal year.

Development Mitigation Fair Share Loan: A term loan agreement between SBCTA and a local jurisdiction documenting loans from SBCTA to fund 2/3 of the required development share (local share) for projects. Loans may be from a jurisdiction's Measure I Local Street Program "pass through" funds or a jurisdiction's arterial portion of Measure I Major Street Program funds, with a commitment to reimburse with Development Impact Fees as they are collected.

Jurisdiction Master Agreement: An agreement between SBCTA and a local jurisdiction documenting the mutual commitments for allocation and expenditure of Measure I 2010-2040 funds for the jurisdiction under the Arterial Sub-program of the Major Street Program in the Valley Subarea.

Project Funding Agreement (or Cooperative Agreement): An agreement between SBCTA and a local jurisdiction documenting the allocation of Measure I 2010-2040 funds to the jurisdiction for a project under the Valley Freeway Interchange Program or the Rail-Highway Grade Separation Sub-program of the

Major Street Program and specifying the conditions of performance by SBCTA and the local jurisdiction associated with that project.

IV. POLICIES FOR THE SAN BERNARDINO VALLEY SUBAREA

A. Program Equity

Policy VS-1: SBCTA shall ensure that all San Bernardino Valley Programs receive their percentage allocation of Measure I revenue in accordance with the Measure I 2010-2040 Expenditure Plan.

Policy VS-2: The SBCTA Board of Directors shall have full discretion over the budgeting and allocation of Measure I 2010-2040 revenue between Valley Programs on an annual basis subject to Policy VS-1.

Policy VS-3: No longer applicable.

B. Identification of Needs

Policy VS-4: SBCTA staff shall request and local jurisdictions shall submit by September 30 of each year a five-year Capital Project Needs Analysis (CPNA) for the Valley Major Street Program and, where the local jurisdiction is the lead agency, for the Valley Freeway Interchange Program. The CPNA for the Major Street Program should include the amount of Major Street Program – Arterial Sub-program funds that are used as collateral for a development mitigation fair share loan. All CPNAs submitted by local jurisdictions shall be approved by the City Council/Board of Supervisors and shall be coordinated with the Five Year Capital Improvement Plan required as part of the Valley Local Streets Program policies (see Policy 40003).

Policy VS-5: Approximately every two years, SBCTA staff shall be responsible for preparation of a 10-Year Delivery Plan, to be approved by the Board, that will incorporate the needs and plans for all the Measure I programs in the Valley, including the needs identified by local jurisdictions for the Valley Freeway Interchange and Valley Major Street Programs, except that SBCTA staff may prepare information on funding needs and schedules to be incorporated directly into the 10-Year Delivery Plan.

Policy VS-6: No longer applicable.

Policy VS-7: All CPNAs and the 10-Year Delivery Plan shall identify the requested amount of Measure I and any additional federal, State, or private funding by phase and year for the five-year period and 10-year period, respectively, following the beginning of the subsequent fiscal year.

C. Cash Flow Analysis

Policy VS-8: SBCTA staff shall prepare an estimate of projected Measure I, State, federal and private funding as part of the annual budgeting process and/or preparation of the 10-Year Delivery Plan.

Policy VS-9: SBCTA staff shall conduct, as part of the 10-Year Delivery Plan development, a cash flow analysis of all Measure I 2010-2040 Valley Programs based on information submitted by local jurisdictions, the funding needs of the SBCTA-administered programs, and the assessment of Measure I, State, federal, and private funding.

Policy VS-10: At a minimum, the cash flow analysis shall include the following considerations:

- All Measure I 2010-2040 San Bernardino Valley program needs identified in CPNAs
- Needs pursuant to Project Advancement and Advance Expenditure Agreements
- Needs related to Bond or other debt repayment
- Revenue committed to projects or programs in previous cycles
- Ability to leverage additional State, federal, and private funding sources.

Policy VS-11: The cash flow analysis shall be completed for presentation to the SBCTA Board of Directors as part of the 10-Year Delivery Plan development.

Policy VS-12: The 10-Year Delivery Plan and its cash flow analysis shall provide input to any SBCTA agency bonding and Program borrowing decisions.

D. Fund Budgeting

Policy VS-13: The SBCTA Board of Directors shall annually approve a Measure I revenue estimate for the subsequent fiscal year and a distribution of those estimated revenues by subarea and program as part of agency budgeting.

Policy VS-14: The SBCTA Board of Directors shall provide information on funding availability to local jurisdictions as part of the budgeting process, so that jurisdictions can prepare their own budget documents for the subsequent fiscal year.

E. Fund Allocation

Policy VS-15: The SBCTA Board shall approve allocations of funding to specific San Bernardino Valley Measure I projects as guided by the 10-Year Delivery Plan and the most current information on State, federal, and local funding programs.

Policy VS-16: No longer applicable.

F. Fund Expenditure

Policy VS-17: SBCTA-administered projects may begin expenditure of funds following the budgeting and allocation approvals by the SBCTA Board of Directors.

Policy VS-18: A local jurisdiction may begin expenditure of funds following the execution of a Project Funding Agreement/Cooperative Agreement or a Jurisdiction Master Agreement by both SBCTA and the jurisdiction, as appropriate to the project type and pursuant to Policies 40002, 40005, and 40006.

Policy VS-19: The Project Funding Agreement/Cooperative Agreement shall be based on the SBCTA Board-approved fund allocation and shall document the scope of the project, its cost, and the terms by which reimbursement shall occur.

Policy VS-20: The Jurisdiction Master Agreement references the annual Fund Allocation and Project List, which shall represent the SBCTA Board-approved allocation of funds to projects in the Arterial Sub-program (see Policy VS-15) of the Major Streets Program and the CPNA, respectively.

G. Removed (refer to Policy 31701, Allocation of State and Federal Funds)

H. Removed (refer to Policy 31701, Allocation of State and Federal Funds)

I. Cost Buy-down for Projects with a Development Share Contribution

Policy VS-30: State, federal, or private funds may be used to buy down either the total cost of a project, the public share of the project cost, or the development share of the project cost based on the following criteria:

1. Funds that buy down the total cost of the project (after which the development fair share percentage is applied) include railroad contributions, State grants and Federal Congressional earmarks (through appropriations process, competition, etc.) from transportation sources that are not allocated or approved by SBCTA (e.g., IM, Demo, grants obtained by Caltrans, SHOPP, STIP-IIP); TCRP, TCEP, PNRS, TIGER, BUILD, or INFRA with local agency listed as lead recipient; PUC; HSIP; and HBP).
2. Funds considered part of the public share of the project cost include apportionments or allocations of State or federal transportation funds to SBCTA for funding of projects, whether managed by SBCTA or local agency (e.g., TCRP, INFRA, BUILD, PNRS, SCCP, TCEP, CMIA, TCIF, SLPP (non-competitive), LPP (competitive)), and State allocation and Federal apportionment by SBCTA (e.g., STIP-RIP, CMAQ, LPP (formula), HIP, STP, TEA (SBCTA Allocation), TDA).
3. Funds that buy down the development share of the project cost include other state or federal appropriations of funding to a project from a non-transportation source (e.g., HUD, BIA, DOD) or SLPP/LPP competitive programs that have a DIF match requirement.

Fund definitions:

- ARRA = federal American Recovery and Reinvestment Act
- ATP = Caltrans Active Transportation Program
- BIA = Bureau of Indian Affairs or individual tribal contributions
- BUILD = Better Utilizing Investments to Leverage Development

- CMAQ = federal Congestion Mitigation and Air Quality
- CMIA = Corridor Mobility Improvement Account (Proposition 1B)
- Earmark or Demo = Demonstration project or similar project earmarked for a local jurisdiction in federal appropriations
- DOD = Department of Defense
- FAST Act = federal Fixing America's Surface Transportation Act
- HBP = federal Highway Bridge Program
- HIP = Highway Infrastructure Program
- HSIP = state Highway Safety Improvement Program
- HUD = federal Housing and Urban Development
- IM = federal Interstate Maintenance
- INFRA = Infrastructure for Rebuilding America Grants Program
- LPP = Local Partnership Program
- LTF = state Local Transportation Funds
- MAP-21 = federal Moving Ahead for Progress in the 21st Century Act
- PNRS = federal Projects of National and Regional Significance
- PUC = California Public Utilities Commission
- SAFETEA-LU = federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
- SCCP = Solutions for Congested Corridors Programs
- SHOPP = state State Highway Operation and Protection Program
- SLPP = State/Local Partnership Program (Proposition 1B)
- STIP-IIP = State Transportation Improvement Program – Interregional Improvement Program
- STIP-RIP = State Transportation Improvement Program – Regional Improvement Program
- STP = federal Surface Transportation Program
- TCEP = Trade Corridor Enhancement Program
- TCIF = Trade Corridor Improvement Funds (Proposition 1B)
- TCRP = Caltrans Traffic Congestion Relief Program
- TDA = state Transportation Development Act
- TEA = Transportation Enhancement Activities (supplanted by ATP)
- TIGER = federal Transportation Investment Generating Economic Recovery

J. Measure I Reserve

Policy VS-31: SBCTA shall budget for a reserve for the Valley subarea equivalent to 20% of the annual Measure I revenue from the following programs: Freeway, Freeway Interchange, Major Street, Traffic Management Systems, Metrolink/Rail, and Express Bus/BRT.

Policy VS-32: The 20% reserve shall be established with the first year of Measure I 2010-2040 apportionment and this amount shall be escalated annually to remain proportional to the growth in annual Measure I revenue.

Policy VS-33: The reserve may be used to:

- Advance federal or State funds that require reimbursement.
- Manage cash flow for non pass-through programs.
- Cover cost overruns for SBCTA projects or to cover unforeseen expenses associated with projects that received an allocation of Measure I 2010-2040 funds.
- Leverage other State or federal funds to which SBCTA might otherwise lose access.

Policy VS-34: Should Measure I reserves be used, revenue accrual within the year or revenue from the subsequent year's budget will be used to replenish the reserve.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Amended to include policies VS-31 through VS-34 establishing and maintaining a Measure I reserve.	07/07/2010
2	Amended to clarify funds that buy down total project cost versus funds that are applied to the public share and development share of costs in VS-30	03/04/15
3	Amended to update the Measure I budgeting, allocation, and expenditure process. Fund definitions also updated. Eliminated the requirement to make adjustments across programs for the time-value of money. Included reference to the 10-Year Delivery Plan. Approved by the BOD 9/6/17, Agenda Item 11.	09/06/17
4	Amended to clarify CPNA submittal requirements, remove reference to time value of money calculations, and define treatment of new fund sources in application of cost buy-down policies. Approved by the BOD 6/3/20, Agenda Item 25.	06/03/20
5	Amended to removed State and Federal fund allocation policies. Policies moved to Policy 31701, Allocation of State and Federal Funds.	06/01/22

San Bernardino County Transportation Authority	Policy No.	31701
Adopted by the Board of Directors _____ July 2, 1997	Revised	01/04/1706/01/2022
Allocation of <u>State and Federal Local Assistance Funds</u>	Revision No.	<u>32</u>

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I. PURPOSEPOLICY

A. The Board of Directors has the responsibility for allocation of certain State and Federallocal assistance funds authorized in the federal transportation act (i.e., Transportation Enhancement Activities, Surface Transportation Program, Congestion Mitigation/Air Quality Program, or any other funding program authorized in a federal transportation act) to projects within San Bernardino County. The purpose of this policy is to provide guidance to staff in recommending projects for funding and in the administration of funding allocations.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

Policy 40023, Determination of Proportional Shares (PS) of State and Federal Funds between Subareas

III. DEFINITIONS

Allocation – An action by the Board to assign funds to a specific project.

Apportionment – A share of a State or Federal fund that is assigned to a subarea.

Award – An allocation by the Board resulting from a competitive process.

Congestion Mitigation and Air Quality Program (CMAQ) – CMAQ funds are authorized to fund transportation projects or programs located in nonattainment or maintenance areas that contribute to attainment of ambient air quality standards. CMAQ eligibility is conditional upon analyses showing that the project will reduce emissions of criteria pollutants. Activities typically eligible for funding by CMAQ include high occupancy vehicle (HOV) lanes, transit improvements, travel demand management strategies, traffic flow improvements such as signal synchronization, and public fleet conversions to cleaner fuels. SBCTA receives annual apportionments of CMAQ and is the agency responsible for selecting projects.

Highway Infrastructure Program (HIP) – Federal HIP funds are eligible for activities included under section 133(b) of title 23 of the United States Code. HIP funds may be used for construction of highways, bridges, and tunnels, among other activities that are noted in each fiscal year's funding notice announced by the Federal Highway Administration (FHWA). SBCTA receives apportionments of HIP and is the agency responsible for selecting projects.

Surface Transportation Program (STP) –Federal STP funds provide flexible funding that may be used for projects on any federal aid highway, bridge projects on any public road, transit capital projects, and public bus terminal and facilities, and more. STP funds are apportioned to SBCTA in five apportionments – one for each of the three urban areas of the county (Riverside-San Bernardino, Los Angeles-Long Beach-Anaheim, Victorville-Hesperia), one for all other areas of the county, and one for any area of the county. The apportionments to the urban areas and all other areas are based on

relative populations through the State. The apportionment to any area of the county is based upon a formula that considers a mixture of population and highway miles. SBCTA receives annual apportionments of STP and is the agency responsible for selecting projects. The Fixing America's Surface Transportation Act (FAST Act) changed the name of the long-standing Surface Transportation Program to the Surface Transportation Block Grant Program (STBG). However, the program is still most commonly referred to as STP, so wherever STP is referenced in this policy, it refers to the current Federal Surface Transportation Program, regardless of the name.

IV. POLICIES FOR THE ALLOCATION OF STATE AND FEDERAL FUNDS

A. Use of State and Federal Funds for Measure I 2010-2040 Projects - General

1. The Board of Directors shall assure reasonable equity in the shares of projected State and Federal transportation funds allocated and expended within geographic areas of the county, subject to the eligibility of funds for the specified programs within those geographic areas, in accordance with Policy 40023, Determination of Proportional Shares (PS) of State and Federal Funds between Subareas.
2. The Board of Directors has discretion to program State and Federal funds to projects based on needs and priorities that exist at the time the decisions are made, subject to the eligibility of projects for each funding source and approvals by appropriate State and Federal authorities.
3. SBCTA shall implement strategies that maximize the use of State and Federal funds when projects are planned and delivered. This may include borrowing against future revenues streams, such as with Grant Anticipation Revenue Vehicles (GARVEE bonds) for Federal funds.
4. SBCTA will aggressively advocate for its share of State and Federal dollars to deliver Measure I projects.

B. Use of State and Federal Funds for Measure I 2010-2040 Projects – Specific Sources

1. CMAQ funds (or funds in any successor program to CMAQ) necessary to continue previously approved regional programs, including Freeway Service Patrol (FSP), rideshare activities, and Valley-wide Signal Synchronization shall be set aside for those purposes.
2. CMAQ funds (or funds in any successor program to CMAQ) shall be considered as a significant source to fund transit capital projects and start-up operating expenses in accordance with CMAQ criteria. Allocation of CMAQ funding to transit capital projects is to be made by SBCTA in a manner consistent with the 10-Year Delivery Plan and plans developed by the transit operators and approved by the Board of Directors.
 - a) -Allocations of State and Federal funds to transit operators shall only supplement, not supplant, funds available for transit purposes. In the case that funds primarily available for transit purposes are not claimed by the transit operator and are allocated to jurisdictions for local streets and roads, an equal amount of State and Federal funds shall be removed from near-term planned allocations to the transit operator.
3. Remaining CMAQ funds may be allocated to High Occupancy Vehicle facility or Managed Lane components of the Freeway projects listed in the Measure I Expenditure Plan, subject to eligibility criteria.
4. STP and HIP funds apportioned to the San Bernardino Valley Subarea shall be allocated to the Valley Freeway Program projects listed in the Measure I Expenditure Plan.
5. SBCTA shall work closely with Caltrans to identify projects that are eligible to receive State Interregional Improvement Program (IIP) funds to assist in timely delivery of those projects. This may include projects within as well as outside urbanized areas.

C. Competitive Awards of State and Federal Funds

1. ~~B.~~In the instance of a competitive project evaluation whereby the evaluation of proposed projects results in insufficient funds to fully cover the next ranked project on the eligibility list, ~~the following process will be applied:~~

~~1. When a proposed project can only be partially funded because recommended allocations to higher-scoring projects have reduced the balance of unallocated local assistance funds to less than the amount requested in the application, staff will administratively offer the project sponsor an opportunity to provide the balance of project funding from other available funding sources under the following conditions:~~

~~a) The amount of additional funding needed to cover the full cost of the project as stated in the original application is less than 50 percent of the total project cost or less than \$100,000.~~

~~ab) The original application submitted by the project sponsor shall be considered the "best and final offer". No re-scoping of the project to reduce cost is permitted, nor will the project be re-scored to account for a changed percentage of local matching funds.~~

~~be) Within one week of the opportunity notification by staff, an authorized representative of the funding agency and project sponsor must provide the commitment to fully fund the project.~~

~~2. When the balance of remaining local assistance funds is less than 50 percent of the total cost of the highest scoring project to which an allocation has not been recommended, the next highest scoring, less costly project may be recommended for full funding, if the fund balance is sufficient, or for partial funding under the conditions stated in preceding paragraph 31071.1.2.~~

~~2C. Surface Transportation Fund (STP) funding awarded to a project shall not exceed 88.5 percent of the engineer's estimate of project cost. Projects awarded State and/or Federal STP funding shall be eligible for a one-time administrative augmentation of the smaller of the 10 percent of the previously STP award amount, or \$500,000, if the augmentation is required to complete the project. Any increases that exceed this limit would require approval by the Board of Directors.~~

VII. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	07/02/97
1	- Revised title from "Surface Transportation Program Project Cost Over-Runs". - Added paragraph 31071.1.1 through paragraph 31071.1.2. - Added paragraph 31071.2 REVISION HISTORY	03/07/01
2	Revised to be consistent with SB1305. Change approved by the Board on January 4, 2017, Agenda Item 6.	01/04/17
3	<u>Revised to consolidate allocation policies.</u>	<u>06/01/22</u>

San Bernardino County Transportation Authority	Policy No.	31701	
Adopted by the Board of Directors	July 2, 1997	Revised	06/01/2022
Allocation of State and Federal Funds		Revision No.	3

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Program to the Surface Transportation Block Grant Program (STBG). However, the program is still most commonly referred to as STP, so wherever STP is referenced in this policy, it refers to the current Federal Surface Transportation Program, regardless of the name.

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2. The Board of Directors has discretion to program State and Federal funds to projects based on needs and priorities that exist at the time the decisions are made, subject to the eligibility of projects for each funding source and approvals by appropriate State and Federal authorities.
3. SBCTA shall implement strategies that maximize the use of State and Federal funds when projects are planned and delivered. This may include borrowing against future revenues streams, such as with Grant Anticipation Revenue Vehicles (GARVEE bonds) for Federal funds.
4. SBCTA will aggressively advocate for its share of State and Federal dollars to deliver Measure I projects.

B. Use of State and Federal Funds for Measure I 2010-2040 Projects – Specific Sources

1. CMAQ funds (or funds in any successor program to CMAQ) necessary to continue previously approved regional programs, including Freeway Service Patrol (FSP), rideshare activities, and Valley-wide Signal Synchronization shall be set aside for those purposes.
2. CMAQ funds (or funds in any successor program to CMAQ) shall be considered as a significant source to fund transit capital projects and start-up operating expenses in accordance with CMAQ criteria. Allocation of CMAQ funding to transit capital projects is to be made by SBCTA in a manner consistent with the 10-Year Delivery Plan and plans developed by the transit operators and approved by the Board of Directors.
 - a) Allocations of State and Federal funds to transit operators shall only supplement, not supplant, funds available for transit purposes. In the case that funds primarily available for transit purposes are not claimed by the transit operator and are allocated to jurisdictions for local streets and roads, an equal amount of State and Federal funds shall be removed from near-term planned allocations to the transit operator.
3. Remaining CMAQ funds may be allocated to High Occupancy Vehicle facility or Managed Lane components of the Freeway projects listed in the Measure I Expenditure Plan, subject to eligibility criteria.
4. STP and HIP funds apportioned to the San Bernardino Valley Subarea shall be allocated to the Valley Freeway Program projects listed in the Measure I Expenditure Plan.
5. SBCTA shall work closely with Caltrans to identify projects that are eligible to receive State Interregional Improvement Program (IIP) funds to assist in timely delivery of those projects. This may include projects within as well as outside urbanized areas.

C. Competitive Awards of State and Federal Funds

1. In the instance of a competitive project evaluation whereby the evaluation of proposed projects results in insufficient funds to fully cover the next ranked project on the eligibility list, staff will administratively offer the project sponsor an opportunity to provide the balance of project funding from other available funding sources under the following conditions:
 - a) The original application submitted by the project sponsor shall be considered the “best and final offer”. No re-scoping of the project to reduce cost is permitted, nor will the project be re-scored to account for a changed percentage of local matching funds.
 - b) Within one week of the opportunity notification by staff, an authorized representative of the funding agency and project sponsor must provide the commitment to fully fund the project.

2. Projects awarded State and/or Federal funding shall be eligible for a one-time administrative augmentation of the smaller of 10 percent of the award amount, or \$500,000, if the augmentation is required to complete the project. Any increases that exceed this limit would require approval by the Board of Directors.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	07/02/97
1	<ul style="list-style-type: none"> - Revised title from "Surface Transportation Program Project Cost Over-Runs". - Added paragraph 31071.1.1 through paragraph 31071.1.2. - Added paragraph 31071.2 REVISION HISTORY 	03/07/01
2	Revised to be consistent with SB1305. Change approved by the Board on January 4, 2017, Agenda Item 6.	01/04/17
3	Revised to consolidate allocation policies.	06/01/22

Minute Action

AGENDA ITEM: 15

Date: May 11, 2022

Subject:

San Bernardino County Transportation Authority/San Bernardino Council of Governments
Equity Work Update and approval of Scope of Work

Recommendation:

That the General Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority and the San Bernardino Associated Governments:

- A. Receive a report on equity programs and projects.
- B. Note the dissolution of the Equity Ad Hoc Committee.
- C. Approve moving forward with an Equity Policy Framework recommended by the Equity Ad Hoc Committee for a not-to-exceed budget of \$150,000.

Background:

In the summer of 2020, the social unrest nationwide led to many government agencies responding to the notion of inequity in a variety of ways. The County of San Bernardino (County) led the charge locally by declaring racism a public health crisis. In doing so, the County called on other government entities to recognize social inequity and address as appropriate.

Upon reflection of the role that transportation has historically played in creating inequities, the San Bernardino County Transportation Authority (SBCTA)/San Bernardino Associated Governments (SBCOG) Board of Directors (Board) responded to the call. The agency passed Resolution No. 21-037 in which the Board formally “Resolved” to undertake:

1. *Examining the practices that SBCTA uses in planning, evaluating, procuring and building transportation projects.*
2. *Creating tools that can be used by all of our members to better understand how issues of equity impact the built environment.*
3. *Providing the regional forum where efforts that work toward promoting a fair and just region; eliminating barriers that reduce opportunities for residents; and meaningfully advancing justice, equity, diversity, and inclusion can be discussed.¹*

Along with the passage of this resolution, the Board created an Equity Ad Hoc Committee to dive deep into examining the practices of the agency and look for opportunities to create tools and programs that would allow for equity-conscious decision-making moving forward.

¹ Resolution No. 21-037

The Equity Ad Hoc Committee provided direction specific to issues, policies, and project through the lens of equity.

Equity Ad Hoc Committee Members:

- Dennis Michael, City of Rancho Cucamonga
- Acquanetta Warren, City of Fontana
- John Valdivia, City of San Bernardino
- Rick Denison, Town of Yucca Valley
- Darcy McNaboe, City of Grand Terrace
- Art Bishop, Town of Apple Valley
- Joe Baca, County Supervisor 5th District

SBCTA/SBCOG staff sought to provide meaningful recommendations and an approach to this very broad topic. Staff proposed to the Equity Ad Hoc Committee that the focus for SBCTA/SBCOG ought to be that which the agency has authority over – essentially “The Built Environment.” Additionally, the Equity Ad Hoc Committee determined that socio-economic status would be the main indicator for all work related to equity. The reason being is that this indicator is a high-level umbrella of many other indicators including but not limited to race. This has been the foundation of the equity work, projects, and programs that are moving forward.

Equity Ad Hoc Committee Actions

The Equity Ad Hoc Committee met monthly from February 2021-March 2022 and provided direction on the approach (as discussed above), and on the initiatives, projects, and programs SBCTA/SBCOG has moved forward.

- **Regional Equity Study – Started October 2021 and is currently underway.**
 - Summary: A region-wide study is the starting point for determining communities within jurisdictions that are affected by inequities. By drilling down to the Census Tract level and identifying disadvantaged communities demographically and geospatially, SBCOG can better understand the specific challenges faced by the specific disadvantaged communities. In understanding the challenges, SBCOG can better provide recommendations and options regarding policy and project intervention to address the challenges.
- **Outdoor Equity Program – Awaiting grant award notice.**
 - Summary: The San Bernardino Outdoor Equity Program will take low-income and at-risk youth on various nature trips to create opportunities for outdoor experiential learning, awareness-building and leadership development. The program will focus on developing these youth as leaders who can then help lead outdoor programming for others.
- **Toll Lanes Equity Program – Working on the creation of a program.**
 - Summary: Equity Program to be implemented upon opening of the Interstate 10 (I-10) Toll Lanes

- **Partnership with the Equity Element Group for the Countywide Vision – Ongoing**
 - Summary: A county-led effort that SBCTA/SBCOG partner with as needed. The partnership includes providing information and/or leading collaboration with the cities.
- **Help Small Businesses compete and complete government contracts – Ongoing**
 - Summary: SBCTA/SBCOG is working with local and state agency partners to find the best avenue in which to move forward.

SBCTA/SBCOG Equity Moving Forward

The Equity Ad Hoc Committee provided direction to ensure equity is taken into account for every project, program, and policy SBCTA/SBCOG has put in place moving forward. The creation of an Equity Policy Framework that would guide staff indefinitely as projects and programs are planned will ensure that staff consistently addresses the barriers to equity as we plan, construct, and implement the will of the Board of Directors.

- **Equity Policy Framework – Proposed as a part of this item and will commence upon Board approval.**
 - The goal is to create/establish a policy framework for how SBCTA/SBCOG does business through the lens of equity. It will establish policy to ensure the agencies are meeting identified needs when implementing projects, programs, and outreaching for them.
 - Scope of Work is attached to this item for reference.
 - Staff will utilize the “Consultant Bench” and the Contract Task Order (CTO) process to enter into the contract. SBCTA has master agreements with Michael Baker International, and Fehr and Peers. These two bench consultants will have the opportunity to submit a proposal for the work under the CTO process.
 - The cost estimate is \$150,000 and the work would be completed in 12 months.

With the creation and implementation of the Equity Policy Framework, the direction the Equity Ad Hoc Committee had been providing would be addressed. So, along with the Equity Policy Framework approval, the Equity Ad Hoc Committee recommends dissolution of that body and that the General Policy Committee be the governing body regarding questions and issues regarding equity moving forward.

In addition to these programs and projects staff is currently working on, a major focus moving forward will be establishing and cultivating relationships with the non-profits in the region. They will likely be the best partners we can find to work with in implementing further equity work.

Financial Impact:

This item has no financial impact on the Fiscal Year (FY) 2021/2022 Budget and is consistent with the Proposed FY 2022/2023 Budget.

Reviewed By:

This item is not scheduled for review by any other policy committee and is scheduled to be received by the City/County Managers Technical Advisory Committee on May 5, 2022.

San Bernardino Council of Governments

San Bernardino County Transportation Authority

General Policy Committee Agenda Item
May 11, 2022
Page 4

Responsible Staff:

Monique Reza-Arellano, Council of Governments and Equity Programs Manager

Approved
General Policy Committee
Date: May 11, 2022

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

EQUITY POLICY FRAMEWORK SCOPE OF WORK

SBCTA/SBCOG holds equality among the residents and businesses of the San Bernardino region in highest esteem. Under direction of the Board of Directors, a policy framework will be created and established to ensure that equity is a common factor taken into account through all projects, processes, and dealings of the agency. The policy framework will be the foundation upon which staff will ensure equality is a focus when moving forward projects and processes.

Goal of Equity Policy Framework

1. Establishes an equity policy framework for SBCOG/SBCTA that helps guide the agency towards its equity goals when implementing projects, designing programs, and performing public outreach.
2. Creates and establishes relationships with Community Based Organizations.

Scope of Work

1. (70%) Identify Specific Equity Goals for policy. Conduct workshops and interviews to identify and clarify regional equity goals. Contractor will attend a total of 11 workshops to request input and solicit ideas, and provide summaries of feedback to SBCOG.
 - a. Create agenda, presentations, and collateral for 11 workshops. Create presentation and surveys specific to audience for each workshop. Workshops will be held initially to receive input as well as following completion of goals list to report back to all interested stakeholders.
 - b. Identify and engage a comprehensive list of stakeholders, including:
 - i. Member Agency Policy Makers
 - ii. Member Agency Staff Members
 - c. Conduct workshops to solicit ideas, feedback, and opinions on equity goals, opportunities, and barriers among several stakeholder groups:
 - i. Up to 4 workshops engaging policymakers, such as the Board of Directors or other elected staff
 - ii. Up to 7 workshops engaging SBCTA/SBCOG or other agency staff, with each workshop focusing on a relevant department
 - d. Conduct up to 4 interviews with key Community Based Organizations
 - e. Based on input from respective workshops, develop a goals list that is relevant to the authority SBCTA/SBCOG has over equity within the built environment and within its operating policies and procedures. Board of Directors to have final approval of policy framework goals.

Deliverable:

1. List and contact information of agency stakeholders
2. List and contact information of Community Based Organizations
3. Presentations for workshops
4. Surveys to receive input from stakeholders
5. Report on workshop outcomes including attendees and input received.
6. Report on interview outcomes including attendees and input received
7. Draft and final goals list

**Use of the Regional Equity Study Data. The RES will provides data for existing condition and affected census tracts. This data and data analysis will be useful in identifying regional needs and CBOs*

2. (15%) Under Represented Communities outreach strategy

- a. Identify historically underrepresented communities in the county and measure how they are impacted by equity issues over which COG/CTA has influence.* Provide strategy and recommendations for how to approach these communities. The information gained here will be heavily taken from interviews with CBOs in Task 1.
 - i. Create Comprehensive CBO list
 - ii. Create Comprehensive Non-Profit List

Deliverable

1. Report including strategy for engaging underrepresented communities in the county.

**Use of the Regional Equity Study Data. The RES will provides data for existing condition and affected census tracts. This data and data analysis will be useful in identifying regional needs and CBOs*

3. (15%) Equity Framework Development and Toolkit– Create Policy Framework for including Equity in policies and processes for SBCTA/SBCOG. Framework will include flowchart / “interview” process for consideration at start of projects, common remedies to identified gaps, and a clear statement of Equity goals and desired outcomes.

Deliverable

1. Policy framework toolkit including
 - Reports analysis of existing practices, policies, and processes.
 - Recommendations for updating policies, practices, and procedures
 - Process for how to implement updates
-

Attachment No. 1 to Agenda Item No. 1-
San Bernardino County Transportation Authority/
San Bernardino Council of Governments Equity Programs

Equity Program Update

Monique Reza-Arellano
SBCOG and Equity Programs Manager



San Bernardino County
Transportation Authority




San Bernardino
Council of Governments

- 2020
 - Public and civil unrest nationwide
 - County of SB declared Racism a Public Health Crisis
- 2021
 - SBCTA/SBCOG Resolution No. 21-037 adopted

NOW THEREFORE BE IT RESOLVED, that the San Bernardino County Transportation Authority (SBCTA) and SBCOG are committed to programs and practices that provide services and opportunities equitably and will further this commitment by:

1. Examining the practices that SBCTA uses in planning, evaluating, procuring and building transportation projects.
2. Creating tools that can be used by all of our members to better understand how issues of equity impact the built environment.
3. Providing the regional forum where efforts that work toward promoting a fair and just region; eliminating barriers that reduce opportunities for residents; and meaningfully advancing justice, equity, diversity, and inclusion can be discussed.



Background

Attachment: Equity Update PowerPoint - PDF (8593 : SBCTA/SBCOG Equity Work Update and Approval of SOW)

- Dennis Michael, City of Rancho Cucamonga
- Acquanetta Warren, City of Fontana
- John Valdivia, City of San Bernardino
- Rick Denison, Town of Yucca Valley
- Darcy McNaboe, City of Grand Terrace
- Art Bishop, Town of Apple Valley
- Joe Baca, County Supervisor 5th District



Equity Ad Hoc Committee

- Equity Ad Hoc Committee Direction
 - Built Environment
 - Socio-Economic Status
 - Programs
 - Studies
 - Equity Policy Framework



Addressing Equity

- Regional Equity Study (RES)
 - Geospatial/Data Study with UCR's Center for Social Development
 - Began October 2021
 - On Schedule
- SB 1000 – General Plan Environmental Justice Element
 - Build off of RES
 - Currently in Stakeholder and Public Outreach phase
 - Provide a toolkit to Local Agencies



Equity Studies

- Outdoor Equity Program (Close to Grant Award)
- Toll Lanes Equity Program
- Small Business
- Partner with Equity Element Group for Countywide Vision
- Community Events



Equity Programs

Equity Policy Framework

- Identify Specific Equity Goals for Policy
- Create an Under-Represented Communities Outreach Strategy
- Develop an Equity Policy Framework and Toolkit



Future Equity Considerations

- Staff Recommendations
 - Receive the report
 - Approve the Scope of Work for the Equity Policy Framework contract, and approve a not-to-exceed budget of \$150,000 to complete
 - Note the Dissolution of the Equity Ad Hoc Committee



Staff Recommendations

Questions?



Minute Action

AGENDA ITEM: 16

Date: May 11, 2022

Subject:

Presentation from Southern California Edison on Wildfire Risk Mitigation

Recommendation:

Receive a presentation from Southern California Edison on wildfire mitigation efforts.

Background:

On April 13, 2022, during a regular meeting of the General Policy Committee, a question was raised regarding efforts to mitigate wildfire risk from downed power lines. Representatives from Southern California Edison (SCE) will provide a presentation on what they have been doing to help protect against the risk of wildfire caused by downed power lines.

Financial Impact:

This item has no financial 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:

Duane Baker, Deputy Executive Director

Approved
General Policy Committee
Date: May 11, 2022
Witnessed By:

Entity: San Bernardino Council of Governments

Additional Information

GENERAL POLICY COMMITTEE ATTENDANCE RECORD – 2022

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Paul Cook Board of Supervisors	X	X	X	X								
Dawn Rowe Board of Supervisors	X		X	X								
Curt Hagman Board of Supervisors	X	X	X	X								
Art Bishop Town of Apple Valley	X	X	X	X								
Ray Marquez City of Chino Hills	X	X	X									
Frank Navarro City of Colton	X	X	X	X								
Acquanetta Warren City of Fontana	X	X	X	X								
Darcy McNaboe City of Grand Terrace	X	X	X	X								
Larry McCallon City of Highland	X	X	X									
Edward Paget City of Needles		X		X								
Alan Wapner City of Ontario	X	X		X								
Debra Jones City of Victorville	X	X	X	X								

Communication: Attendance (Additional Information)

X = Member attended meeting.
Shaded box = No meeting.

* = Alternate member attended meeting.

Empty box = Member did not attend meeting.

Crossed out box = Not a Board Member at the time.

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

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

Acronym List

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments



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