

AGENDA
Board of Directors Meeting
June 1, 2022

*******Start Time: 10:00 a.m. (CLOSED SESSION)*******
1170 W. 3rd Street, San Bernardino, CA 92410, 2nd Fl. (The Super Chief)

******Convene Regular Meeting at 10:15 a.m.******

LOCATION

San Bernardino County Transportation Authority
Santa Fe Depot – First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA

Board of Directors

President

Curt Hagman, Supervisor
County of San Bernardino

Vice-President

Art Bishop, Mayor Pro Tem
Town of Apple Valley

Daniel Ramos, Mayor Pro Tem
City of Adelanto

Paul Courtney, Mayor
City of Barstow

Rick Herrick, Mayor
City of Big Bear Lake

Eunice Ulloa, Mayor
City of Chino

Ray Marquez, Mayor
City of Chino Hills

Frank Navarro, Mayor
City of Colton

Acquanetta Warren, Mayor
City of Fontana

Darcy McNaboe, Mayor
City of Grand Terrace

Rebekah Swanson, Council Member
City of Hesperia

Larry McCallon, Mayor
City of Highland

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

John Dutrey, Mayor
City of Montclair

Edward Paget, Vice Mayor
City of Needles

Alan Wapner, Mayor Pro Tem
City of Ontario

L. Dennis Michael, Mayor
City of Rancho Cucamonga

Paul Barich, Mayor
City of Redlands

Deborah Robertson, Mayor
City of Rialto

John Valdivia, Mayor
City of San Bernardino

Joel Klink, Council Member
City of Twentynine Palms

Carlos A. Garcia, Council Member
City of Upland

Debra Jones, Mayor
City of Victorville

David Avila, Mayor
City of Yucaipa

Rick Denison, Mayor Pro Tem
Town of Yucca Valley

Paul Cook, Supervisor
County of San Bernardino

Janice Rutherford, Supervisor
County of San Bernardino

Dawn Rowe, Supervisor
County of San Bernardino

Joe Baca, Jr., Supervisor
County of San Bernardino

Michael Beauchamp, Caltrans
Ex-Officio Member

Ray Wolfe, *Executive Director*

Julianna Tillquist, *General Counsel*

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

AGENDA

Board of Directors

June 1, 2022

*****10:00 a.m. (CLOSED SESSION)*****

**1170 W. 3rd St., 2nd Fl. (The Super Chief)
San Bernardino, CA**

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)--4 cases

- a. SBCTA--*In re: Lumbermen's Mutual Casualty Company, In Liquidation*
Office of Special Deputy Receiver, Docket No. 12 CH 24227
Circuit Court of Cook County, Illinois
- b. SBCTA--*Daniel Hayler, Leticia Hayler v SBCTA*
U.S. District Court, Central District of California, Case No. 5:19-cv-02469-CJC-SP
- c. SBCTA--*Pulice Construction, Inc. v. SBCTA, et al.*
San Bernardino Superior Court Case No. CIVDS 2020473
- d. SANBAG--*Janet Irene Archer v. Oak Hills Roofing, SANBAG, et al.*
San Bernardino Superior Court Case No. CIVSB 2124776

**** Convene Regular Meeting at 10:15 a.m. ****

1170 W. 3rd Street, 1st Floor Lobby Board Room, San Bernardino

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 Curt Hagman)

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

Possible Conflict of Interest Issues

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

1. Information Relative to Possible Conflict of Interest

Pg. 20

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

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

CONSENT CALENDAR

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

Consent - Administrative Matters

2. April 2022 Procurement Report

Pg. 23

Receive the April 2022 Procurement Report.

Presenter: Shaneka Morris

This item was received by the General Policy Committee on May 11, 2022.

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

Pg. 32

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

Presenter: Lisa Lazzar

This item was received by the General Policy Committee on May 11, 2022.

4. Fiscal Year 2021/2022 Budget Amendments

Pg. 42

That 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 2021/2022 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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022.

- 5. Employer Retirement Contribution Advance Payment** Pg. 44
- That 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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022.**
- 6. Capital Projects and Reserves Based on Policy No. 20600 Funding Indirect Costs** Pg. 48
- That the Board, acting as the San Bernardino County Transportation Authority and the San Bernardino Associated Governments:
- 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 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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. SBCTA General Counsel has reviewed this item and the draft policy.**
- 7. Amendment No. 3 to Contract No. 16-1001429 with the Local Agency Formation Commission for the Lease of Unit 150** Pg. 59
- That 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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. SBCTA General Counsel and Risk Manager have reviewed this item and the draft amendment.**
- 8. New Policy No. 10111-3, California COVID-19 Supplemental Paid Sick Leave** Pg. 64
- That 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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. SBCTA General Counsel has reviewed this item and the draft policy.**

9. Renewal of Annual Insurance Policies

Pg. 69

That 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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. SBCTA General Counsel and Risk Manager have reviewed this item.

10. Correction of Policy Number for Participation of City Alternates Policy

Pg. 73

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

Approve revision to the Participation of City Alternates Policy to correct the typographical error in the assigned policy number, from Policy No. 10100 to Policy No 10010.

Presenter: Julianna Tillquist

This item was not reviewed by any other policy committee or technical advisory committee. The policy was originally adopted by the Board on May 4, 2022.

Consent - Project Delivery

11. Amendment No. 5 to Contract No. C14045 with AECOM Technical Services, Inc., for Professional Services for the State Route 60 Central Avenue Interchange Project

Pg. 77

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

A. Approve Amendment No. 5 to Contract No. C14045 (15-1001251) with AECOM Technical Services, Inc. (AECOM), for Professional Services on the State Route 60 Central Avenue Interchange Project, to increase the contract total for additional construction support in the amount of \$95,000, for a revised total contract amount of \$2,948,580.01.

B. Approve an exception to the Procurement and Special Risk Assessment Policy No. 11000 and extend the termination date of Professional Services Contract No. C14045 (15-1001251) with AECOM to December 31, 2023, which is beyond the five-year maximum term by approximately three years and eight months.

Presenter: Kristi Harris

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on May12, 2022. SBCTA General Counsel, Director of Special Projects and Strategic Initiatives, and Risk Manager have reviewed this item and the draft amendment.

12. California Department of Transportation's Interstate 15 Pavement Rehabilitation Project

Pg. 83

Receive information from California Department of Transportation - District 8, for project related to the Interstate 15 Pavement Rehabilitation Project.

Presenter: Sal Chavez

This item was received by the Mountain/Desert Policy Committee on May 20, 2022.

13. Cooperative Agreement with the California Department of Transportation for the Interstate 10 Eastbound Truck Climbing Lane Project Pg. 86

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

Authorize the Executive Director, or his designee, to finalize and execute Cooperative Agreement No. 22-1002782 with the California Department of Transportation (Caltrans) substantially in the form of the accompanying draft, subject to SBCTA General Counsel's final approval as to form, for the construction phase of the Interstate 10 Eastbound Truck Climbing Lane Project (Project), which specifies roles, responsibilities, and funding between the two agencies, including specifying SBCTA as the implementing agency for construction and responsible for locally funding the Project costs, and the payable not-to-exceed amount of \$50,000 to Caltrans for providing Department Furnished Materials as needed.

Presenter: Khalid Bazmi

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 12, 2022. SBCTA General Counsel and Risk Manager have reviewed this item and the draft cooperative agreement.

14. Award of Construction Management Services Contract for the Interstate 10 Eastbound Truck Climbing Lane Project Pg. 117

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

A. Award Contract No. 22-1002731 with Dynamic Engineering Services, Inc., for Construction Management Services for the Interstate 10 Eastbound Truck Climbing Lane Project in an amount not-to-exceed \$3,488,221.98 and a contract term through May 1, 2026.

B. Approve a contingency in the amount of \$523,000, for Construction Management Services Contract No. 22-1002731, to be released in accordance with SBCTA Procurement and Special Risk Assessment Policy No. 11000, VIII.B.6.

Presenter: Khalid Bazmi

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 12, 2022. SBCTA General Counsel, Acting Procurement Manager and Risk Manager have reviewed this item and the draft contract.

15. Interstate 215 University Parkway Interchange Project - Amendments to the Cooperative Agreements and Design Services Contract Pg. 196

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

A. Approve Amendment No. 1 to Cooperative Agreement No. 19-1002205 with the City of San Bernardino for the Interstate 215 (I-215) University Parkway Interchange Project (Project) and increase the total Project cost by \$2,509,100, consisting of an additional receivable amount from the City of San Bernardino of \$396,437 and additional Measure I Interchange Program Funds of \$2,112,663.

B. Approve Amendment No. 1 to Agreement No. 20-1002271 with HDR Engineering, Inc., for the Detailed Design phase of the Project, increasing the contract amount by \$400,000 for a new not-to-exceed contract amount of \$1,123,412.69 and a revised termination date of July 1, 2025.

C. Approve an exception to the Procurement and Special Risk Assessment Policy No. 11000 and extend the termination date of the Design and Environmental Services Contract No. 20-1002271 with HDR Engineering, Inc., to July 1, 2025, which is one (1) year beyond the five (5) year maximum term under Policy No. 11000.

Agenda Item 15 (cont.)

D. Authorize the Executive Director, or his designee, to execute Amendment No. 2 to Cooperative Agreement No. 16-1001479 with the California Department of Transportation, upon General Counsel's final approval as to form, for the Project Approval and Environmental Document, the Plans, Specifications, and Estimates, and Right-of-Way phases for the I-215 University Parkway Interchange Project to reflect the current cost and funding plan.

Presenter: Dennis Saylor

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 12, 2022. SBCTA General Counsel, Acting Procurement Manager and Risk Manager have reviewed this item and the draft amendments.

Consent - Regional/Subregional Planning

16. Contract No. 22-1002774 with Iteris, Inc. for the Traffic Performance Monitoring System Pg. 216

That 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

A minor change was made to the contract after it was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. The change altered invoicing from monthly to quarterly. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft contract.

Consent - Transit

17. Amendment No. 2 to Contract No. 19-1001998 with AMMA Transit Planning, Inc. for Transit and Specialized Transportation Planning Services Pg. 245

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

A. Approve Amendment No. 2 to Contract No. 19-1001998 with AMMA Transit Planning, Inc., increasing the contract amount by \$200,000 for a new not-to-exceed amount of \$780,000; and exercise the first of two (2) one-year options, extending the contract term through June 30, 2023.

B. Provide for Assignment of Contract No. 19-1001998 from Heather Menninger Visscher doing business as AMMA Transit Planning to AMMA Transit Planning, Inc.

Presenter: Nancy Strickert

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 12, 2022. SBCTA's General Counsel, Acting Procurement Manager and Risk Manager have reviewed this item and the draft amendment.

18. Distribution of Non-Operating Property in the Station Cooperative Agreements

Pg. 251

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

Direct staff to work with Metrolink Station host cities to update the station cooperative agreements for Montclair, Upland, Rancho Cucamonga, Fontana, Rialto, and Ontario to revise provisions concerning the distribution of proceeds upon termination of the agreements to be divided equally between the San Bernardino County Transportation Authority and the host cities. **Presenter: Ryan Aschenbrenner**

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 12, 2022. SBCTA General Counsel has reviewed this item.

19. Southern California Regional Rail Authority Preliminary Budget Request for Fiscal Year 2022/2023

Pg. 254

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

A. Approve the Southern California Regional Rail Authority Preliminary Budget Request for Fiscal Year (FY) 2022/2023, with a total SBCTA annual subsidy totaling \$39,149,420 for: Operating assistance in the amount of \$25,742,176, Rehabilitation assistance in the amount of \$10,900,080, and New Capital assistance in the amount of \$2,507,164.

B. Approve the funding allocations to support funding for Recommendation A, totaling \$39,149,420, to fund SBCTA's annual subsidy of the FY 2022/2023 Budget: \$17,798,962 of Coronavirus Aid, Relief and Economic Security Act funds, \$11,380,291 of Federal Transit Administration Section 5337 funds, \$7,233,705 of Valley Local Transportation Funds (LTF), \$1,742,400 of State Transit Assistance – Operator (STA-Op) funds, \$709,509 of American Rescue Plan Act funds, and \$284,553 of Senate Bill 1 State of Good Repair – Operator (SB1 SGR-Op) funds.

C. Allocate an additional \$4,237,902 of Measure I Metrolink/Rail Service Program funds for Arrow Service through October 2022 for continued testing and pre-revenue operation.

D. Allocate an additional \$2,590,645 of Valley LTF funds for the FY 2021/2022 Operations Budget to replace the surplus carry-over funds that were allocated previously, but that have been determined to be unavailable, for a zero net increase in total operating assistance allocation for FY 2021/2022.

E. Approve swapping previously allocated SB1 SGR-Op and STA-Op dollars that funded the FY 2021/2022 Budget subsidy between the Operating assistance and Rehabilitation assistance categories, resulting in no net increase to the FY 2021/2022 Budget subsidy, and maintaining the overall allocation amounts by fund source.

Presenter: Rebekah Soto

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 12, 2022.

20. Amendment No. 3 to Contract No. 16-1001440 with AECOM for Construction Management Services for the Redlands Passenger Rail Project

Pg. 283

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

A. Approve Amendment No. 3 to Contract No. 16-1001440 with AECOM Technical Services, Inc. for Construction Management Services for the Redlands Passenger Rail Project (Project), increasing the contract amount by \$750,000, for a new not-to-exceed amount of \$21,188,064; and exercise the final option year, extending the contract term through September 30, 2023.

Agenda Item 20 (cont.)

B. Approve contingency in an amount not-to-exceed \$75,000 for Contract No. 16-1001440 and authorize the Executive Director, or his designee, to release contingency as necessary for the Project.

Presenter: Victor Lopez

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 12, 2022. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft amendment.

21. Redlands Passenger Rail Project Quarterly Update

Pg. 289

Receive and file the Redlands Passenger Rail Project Quarterly Update.

Presenter: Victor Lopez

This item was received by the Transit Committee on May 12, 2022.

Consent - Council of Governments

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

Pg. 300

That 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 was received by the City/County Manager's Technical Advisory Committee on May 5, 2022 and was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022.

23. Presentation from Southern California Edison on Wildfire Risk Mitigation

Pg. 311

Receive information from Southern California Edison on wildfire mitigation efforts.

Presenter: Duane Baker

This item was received by the General Policy Committee on May 11, 2022.

Consent - Transportation Programming and Fund Administration

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

Pg. 335

That 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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. SBCTA General Counsel has reviewed this item and the draft policy revisions.

25. Bear Valley Road Bridge Over Mojave River Funding Agreement with the Town of Apple Valley Pg. 353

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

A. Allocate \$50,400 in Measure I Victor Valley Subarea Major Local Highway Projects Program Funds to the Town of Apple Valley for the Bear Valley Road Bridge Over Mojave River Project for the Phase I utility relocations.

B. Approve Funding Agreement No. 22-1002754 in the amount of \$50,400 with the Town of Apple Valley for the Bear Valley Road Bridge Over Mojave River Project for the Phase I utility relocations. **Presenter: Andrea Zureick**

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 20, 2022. SBCTA General Counsel and Risk Management have reviewed this item and the draft agreement.

Consent - Legislative/Public Outreach

26. State Legislative Update

Pg. 365

Receive and file the May 2022 State Legislative Update.

Presenter: Otis Greer

This item was received by the Legislative Policy Committee on May 11, 2022.

27. Federal Legislative Update

Pg. 388

Receive and file the May 2022 Federal Legislative Update.

Presenter: Otis Greer

This item was received by the Legislative Policy Committee on May 11, 2022.

28. Bill Recommendations

Pg. 390

Per Policy 10000, III.D., the Legislative Policy Committee (LPC) is authorized to, “Consistent with the Board-adopted platform, take official positions of support or opposition to State and Federal legislation or regulations on behalf of the Board of Directors and report all positions taken to the Board in a timely manner.”

At their May 11, 2022, meeting, the LPC, on behalf of the San Bernardino County Transportation Authority Board of Directors, adopted the following recommended positions on the current state legislation:

A. Approve an oppose position on Assembly Bill 1778 (Garcia) regarding a prohibition on freeway expansion projects.

B. Approve an oppose position on Assembly Bill 2237 (Friedman) regarding regional transportation improvement plans, sustainable communities strategies and climate goals.

C. Approve an oppose position on Assembly Bill 2438 (Friedman) regarding transportation funding; alignment with state plans and greenhouse gas emissions reduction standards.

D. Approve an oppose position on Assembly Bill 2594 (Ting) regarding vehicle registration and toll charges. **Presenter: Otis Greer**

This item was reviewed and unanimously recommended for approval by the Legislative Policy Committee on May 11, 2022.

Consent Calendar Items Pulled for Discussion

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

DISCUSSION ITEMS

Discussion - Project Delivery

29. Hearing to Consider Resolutions of Necessity for Property Interests for the Mt. Vernon Viaduct Project Pg. 443

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

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

B. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-099 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property owned by Labsuirs Real Estate, dba Empire Car Wash (Assessor's Parcel Number [APN] 0138-251-08 and 0138-251-09). The resolution must be approved by at least a two-thirds majority; and

C. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-100 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property owned by Alex Meruelo Living Trust (APN 0138-291-02, 0138-291-03, 0138-291-04, 0138-291-05 and 0138-291-19). The resolution must be approved by at least a two-thirds majority; and

D. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-101 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property owned by Arturo and Carmen Guzman, dba Quick Stop Tires and Wheels (APN 0138-283-40). The resolution must be approved by at least a two-thirds majority.

Presenter: Dennis Saylor

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 12, 2022. SBCTA General Counsel has reviewed this item and the draft Resolutions of Necessity.

Discussion - Transit

30. Hearing to Consider Resolutions of Necessity for Property Interests for the West Valley Connector Project Pg. 498

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

A. Conduct public hearings to consider condemnation of interests in real property described more particularly in each of the Resolutions of Necessity described below (referred to below collectively as the "Subject Property Interests"), which are required for the West Valley Connector Project.

B. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-153 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by MJ United, Inc., a California corporation (Assessor's Parcel Number [APN] 1049-011-05). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

Agenda Item 30 (cont.)

C. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-155 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by Daru Property Management, LLC, a California limited liability company (APN 1048-522-10). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

D. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-156 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by Alicia Rojas, Trustee of The Alicia Rojas Family Trust established December 15, 2008, and Luis Alberto Rojas, Trustee of the Luis Alberto Rojas Family Trust established December 15, 2008 (APNs 1049-063-03 & 04). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

E. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-157 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by Joao Ricardo Carvalho and Lisa Castro Carvalho, husband and wife, as joint tenants (APN 1049-063-05). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

F. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-158 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by B&G Plaza, a California general partnership (APN 1049-065-11). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

G. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-159 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by Judy Almaraz, Trustee of the Judy Almaraz Family Trust, dated June 3, 2008 (APN 1049-091-04). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

~~H. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-160 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by John Roubian, a married man, as his sole and separate property (APNs 1049-093-03 & 04). The Resolution must be approved by at least a two-thirds vote of the Board of Directors.~~

Presenter: Ramie Dawit

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 12, 2022. SBCTA General Counsel has reviewed this item and the draft resolutions.

Discussion - Administrative Matters

31. Election of Officers for Fiscal Year 2022/2023

Pg. 542

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

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

B. Conduct elections for Board President and Vice President.

Presenter: Curt Hagman

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

32. SBCTA Proposed Fiscal Year 2022/2023 Budget

Pg. 544

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

A. Conduct the Public Hearing for the Fiscal Year 2022/2023 Proposed Budget; and

B. Adopt the SBCTA Fiscal Year 2022/2023 Budget; and

C. Approve the Fiscal Year 2022/2023 Budget Action Plan.

The Proposed Fiscal Year 2022/2023 Annual Budget is being provided as a separate attachment.

Presenter: Hilda Flores

The proposed budget was presented for review at the Board of Directors Budget Workshop held during the Board meeting on May 4, 2022. Since the workshop, the proposed budget document has been updated to include, instead of eliminating, transfers within SBCOG funds. The net transfers for SBCOG remain at \$554,771 and total transfers increased to \$190,012,767. Explanation associated with transfer between SBCOG funds of \$130,614 is included on page 46 of the proposed budget document. Other minor and non-material changes have been made. All SBCTA policy committees have reviewed task descriptions and budget for activities under their purview.

33. Appropriations Limitation for Fiscal Year 2022/2023

Pg. 551

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

Adopt Resolution No. 23-020 establishing an appropriations limit of \$1,540,058,546 for Fiscal Year 2022/2023.

Presenter: Hilda Flores

This item has not received prior policy committee or technical advisory committee review. This item is being presented directly to the Board of Directors at its June 1, 2022, meeting, in conjunction with the adoption of the Fiscal Year 2022/2023 Budget. SBCTA General Counsel has reviewed this item and the draft resolution.

34. Executive Director and General Counsel Employment Contract Amendments

Pg. 564

Ratify the approval of the following employment contract amendments:

A. Amendment No. 8 to Employment Contract No. C12222 with Executive Director, Raymond W. Wolfe; and

B. Amendment No. 1 to Employment Contract No. 19-1002111 with General Counsel, Julianna K. Tillquist.

Presenter: Curt Hagman

The compensation set forth in this item for the Executive Director and General Counsel was reviewed and recommended for approval by the Board of Directors in Closed Session on April 6, 2022. This item was approved as part of the Consent Calendar at the May 4, 2022 Board of Directors meeting; however, in order to comply with Government Code § 54953, these employment contract amendments are being brought back to the Board to orally report the recommended actions and ratify the prior approval of said actions.

35. Mountain/Desert Policy Committee Membership

Pg. 570

Receive and file information regarding the Mountain/Desert Policy Committee Membership.

Presenter: Marleana Roman

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

Public Comment

Brief Comments from the General Public

Comments from Board Members

Brief Comments from Board Members

Executive Director's Comments

Brief Comments from the Executive Director

ADJOURNMENT

Additional Information

Attendance

Pg. 577

Acronym List

Pg. 579

Agency Reports

Mobile Source Air Pollution Reduction Review Committee Agency Report

Pg. 581

Committee Membership

Representatives on SCAG Committees

Pg. 584

Appointments to External Agencies

Pg. 585

Committee Membership

Pg. 587

Mission Statement

Mission Statement

Pg. 592

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



Important Dates to Remember...

June 2022

SBCTA Meetings – Cancelled: Mountain/Desert Policy Committee

SBCTA Meetings – Scheduled:

General Policy Committee	June 8	9:00 am	SBCTA Lobby, 1st Floor
Legislative Policy Committee	June 8	9:30 am	SBCTA Lobby, 1st Floor
Transit Committee	June 9	9:00 am	SBCTA Lobby, 1st Floor
Metro Valley Study Session	June 9	9:30 am	SBCTA Lobby, 1st Floor
I-10/I-15 Corridor Joint Sub-Committee	June 9	10:00 am	SBCTA Lobby, 1st Floor
Mountain/Desert Committee	CANCELLED	---	---

Other Meetings/Events:

None			
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For additional information, please call SBCTA at (909) 884-8276

Minute Action

AGENDA ITEM: 1

Date: June 1, 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
7	16-1001429-03	Local Agency Formation Commission	None
11	C14045-05 15-1001251-05	AECOM Technical Services, Inc. <i>Chuck Tran</i>	Arellano Associates Diaz Yourman & Associates ICF International Lin Consulting Overland Pacific & Cutler Psomas
13	22-1002782	California Department of Transportation	None
14	22-1002731	Dynamic Engineering Services, Inc. <i>Chia-Chi Wang, P.E., PMP, QSD</i>	David Evens & Associates, Inc. SYRUSA Engineering, Inc. Twining, Inc. ZT Consulting Group, Inc.
15	19-1002205-01	City of San Bernardino	None
	20-1002271-01	HDR Engineering, Inc. <i>Tom Kim</i>	Applied Earthworks Arellano Associates, LLC Wagner Engineering & Surveys
	16-1001479-02	California Department of Transportation	None
16	22-1002774	Iteris, Inc. <i>J. Joseph Berger</i>	None

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

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17	19-1001998-02	AMMA Transit Planning AMMA Transit Planning, Inc. Heather Menninger Visscher <i>Dennis Brooks</i>	None
18	N/A	City of Montclair City of Upland City of Rancho Cucamonga City of Fontana City of Rialto City of Ontario	None
19	N/A	Southern California Regional Rail Authority	None
20	16-1001440-03	AECOM Technical Services, Inc. <i>Chris Mockus</i>	None
25	22-1002754	Town of Apple Valley	None

Item No. 29 – Preview of the Hearing to Consider Resolutions of Necessity for Property Interests for the Mt. Vernon Viaduct Project

APN#	Principals & Agents
0138-251-08 0138-251-09	Labsuirs Real Estate, dba Empire Car Wash
0138-291-02 0138-291-03 0138-291-04 0138-291-05 0138-291-19	Alex Meruelo Living Trust
0138-283-40	Arturo and Carmen Guzman, dba Quick Stop Tires and Wheels

Item No. 30 – Preview of the Hearing to Consider Resolutions of Necessity for Property Interests for the West Valley Connector Project

APN#	Principals & Agents
1049-011-05	MJ United, Inc., a California corporation
1048-522-10	Daru Property Management, LLC, a California limited liability company
1049-063-03 1049-063 04	Alicia Rojas, Trustee of The Alicia Rojas Family Trust established December 15, 2008, and Luis Alberto Rojas, Trustee of the Luis Alberto Rojas Family Trust established December 15, 2008
1049-063-05	Joao Ricardo Carvalho and Lisa Castro Carvalho, husband and wife, as joint tenants
1049-065-11	B&G Plaza, a California general partnership
1049-091-04	Judy Almaraz, Trustee of the Judy Almaraz Family Trust, dated June 3, 2008
1049-093-03 1049-093-04	John Roubian, a married man, as his sole and separate property

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Item No.	Contract No.	Principals & Agents	Subcontractors
34	C12222-08	Raymond W. Wolfe	None
	19-1002111-01	Julianna K. Tillquist	None

Financial Impact:

This item has no direct impact on the budget.

Reviewed By:

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

Responsible Staff:

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Minute Action

AGENDA ITEM: 2

Date: June 1, 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 was 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 was received by the General Policy Committee on May 11, 2022.

Responsible Staff:

Shaneka Morris, Procurement Manager

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

Board of Directors Agenda Item
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Approved
Board of Directors
Date: June 1, 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 (8645 : 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 (8645 : 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 (8645 : 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 (8645 : 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 (8645 : April 2022 Procurement Report)

Minute Action

AGENDA ITEM: 3

Date: June 1, 2022

Subject:

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

Recommendation:

Receive and file Budget to Actual Report for the third 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

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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:

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

B. Expenditures:

1. 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:

1. Measure I Sales Tax revenue is over 80% of budget even though July and August receipts pertain to the prior fiscal year.
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. 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 State Route 210 and Interstate 215 Barton Road 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.

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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:

1. Operating transfers were recorded for the Freeway Service Patrol.
2. 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 was received by the General Policy Committee on May 11, 2022.

Responsible Staff:

Lisa Lazzar, Chief of Fiscal Resources

Approved
Board of Directors
Date: June 1, 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, 2022

	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)	-100.00%
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	146	-	-	0.00%
Regional & Subregional Planning	904,700	-	904,700	441,086	-	463,614	51.25%
Transit	28,896,770	14,252,346	43,149,116	7,559,100	630,799	34,959,217	81.02%
Project Delivery	39,110	(146)	38,964	25	-	38,939	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	15,209,096	826,065	40,315,834	71.54%
Other Financing Sources							
Transfers in	38,302,909	550,151	38,853,060	8,530,396	-	30,322,664	78.04%
Transfers out	(587,371)	(550,151)	(1,137,522)	(853,142)	-	(284,380)	25.00%
Total Other Financing Sources	37,715,538	-	37,715,538	7,677,254	-	30,038,284	79.64%
Revenues Over (Under) Expenditures	(1,744,881)	(14,252,346)	(15,997,227)	(3,929,254)	(826,065)	(11,241,908)	

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	21,276,273	128,584,251	32,342,240	-	96,242,011	74.85%
Total Expenditures	108,397,002	21,276,273	129,673,275	32,680,880	2,012	96,990,383	74.80%
Other Financing Sources							
Transfers in	-	26,386,268	26,386,268	26,386,268	-	-	0.00%
Transfers out	-	(5,112,674)	(5,112,674)	(5,112,674)	-	-	0.00%
Total Other Financing Sources	-	21,273,594	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	190,072	-	-	0.00%
Transit	9,592,166	-	9,592,166	3,922,984	100,000	5,569,182	58.06%
Project Delivery	88,280,344	(79,435)	88,200,909	46,874,995	-	41,325,914	46.85%
Fund Administration	875,088	-	875,088	596,787	-	278,301	31.80%
Total Expenditures	98,940,510	(79,435)	98,861,075	51,585,004	100,000	47,176,071	47.72%
Other Financing Sources							
Transfers in	-	41,135	41,135	41,135	-	-	0.00%
Transfers out	-	(120,570)	(120,570)	(120,570)	-	-	0.00%
Total Other Financing Sources	-	(79,435)	(79,435)	(79,435)	-	-	0.00%
Revenues Over (Under) Expenditures	-	-	(41,135)	(22,826,342)	(100,000)	22,926,342	

Attachment: Budget to Actual 3rd Qtr 2022 (8659 : Budget to Actual Report - 3rd Qtr 2021/2022)

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

	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	69,017,402	-	69,017,402	38,433,781	327,545	30,256,076	43.84%
Total Expenditures	69,017,402	-	69,017,402	38,433,781	327,545	30,256,076	43.84%
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	21,753,337	-	21,753,337	40,938,260	(327,545)	(18,857,378)	
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 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	18,220	1,200,023	945,493	4154	250,376	79.14%
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	120,570	50,125,570	33,640,947	-	16,484,623	67.11%
Total Expenditures	53,701,218	582,325	54,283,543	34,794,141	4,154	19,485,248	35.90%
Other Financing Sources							
Transfers in	-	144,373	144,373	144,373	-	-	0.00%
Transfers out	-	(5,583)	(5,583)	(5,583)	-	-	0.00%
Total Other Financing Sources	-	138,790	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 (8659 : Budget to Actual Report - 3rd Qtr 2021/2022)

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

	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	19,620	-	-	0.00%
Transfers out	-	(19,620)	(19,620)	(19,620)	-	-	0.00%
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	(117,351)	236,670,714	91,016,830	953,416	144,700,468	61.14%
Fund Administration	117,875,919	-	117,875,919	40,323,033	933,013	76,619,873	65.00%
Total Expenditures	446,770,483	(2,073,601)	444,696,882	152,469,135	5,022,701	287,205,046	64.58%
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)	2,073,601	(158,120,472)	16,299,357	(5,022,701)	(169,397,128)	
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)	-100.00%
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 (8659 : Budget to Actual Report - 3rd Qtr 2021/2022)

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

	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	(20,441,562)	14,844,721	14,688,999	155,722	-	0.00%
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	(18,051,562)	56,945,708	23,397,524	155,722	33,392,462	58.64%
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	19.36%
Operating Transfers in	-	5,074,033	5,074,033	5,074,033	-	-	0.00%
Operating Transfers out	-	(99,705,267)	(99,705,267)	(99,705,267)	-	-	0.00%
Proceeds from commercial paper	-	-	-	26,344,000	-	(26,344,000)	-100.00%
Total Other Financing Sources	-	(20,166,234)	(20,166,234)	4,871,061	-	(25,037,295)	0.00%
Revenues Over (Under) Expenditures	(7,234,358)	(2,114,672)	(9,349,030)	(3,499,908)	(155,722)	(5,693,400)	
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	100.00%
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 (8659 : Budget to Actual Report - 3rd Qtr 2021/2022)

Minute Action

AGENDA ITEM: 4

Date: June 1, 2022

Subject:

Fiscal Year 2021/2022 Budget Amendments

Recommendation:

That 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 2021/2022 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.

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

Board of Directors Agenda Item

June 1, 2022

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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 (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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022.

Responsible Staff:

Lisa Lazzar, Chief of Fiscal Resources

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Minute Action

AGENDA ITEM: 5

Date: June 1, 2022

Subject:

Employer Retirement Contribution Advance Payment

Recommendation:

That 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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022.

Responsible Staff:

Lisa Lazzar, Chief of Fiscal Resources

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Entity: San Bernardino County Transportation Authority



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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.

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) (8657 : 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	Interest	Discounted	
	Contributions	Credited	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: June 1, 2022

Subject:

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

Recommendation:

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

- 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 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. Recommendation A proposes to revise the policy to instead allocate Finance department indirect

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

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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.

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

San Bernardino Council of Governments
San Bernardino County Transportation Authority

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\$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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. SBCTA General Counsel has reviewed this item and the draft policy.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: June 1, 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

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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

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

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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

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 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.

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.
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
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	-	-	-	-	-	-	-	-	-	-	-	-	-
53400 Maintenance-Buildings	-	-	-	-	-	-	-	-	-	-	140,000	140,000	140,000
53450 Maintenance-Motor Vehicles	-	-	-	-	-	-	-	-	-	-	924,328	924,328	878,534
53465 Maintenance-Office Equipment	1,500	-	-	-	-	2,500	-	-	-	-	-	2,500	2,500
53610 Rentals-Buildings	-	-	-	-	-	-	-	-	-	-	-	1,500	1,500
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 (8655 : 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: June 1, 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 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 and the Proposed Fiscal Year 2022/2023 Budget.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item
June 1, 2022
Page 2

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. SBCTA General Counsel and Risk Manager have reviewed this item and the draft amendment.

Responsible Staff:

Ivan Ramirez, Management Analyst II

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

General Contract Information

Contract No: 16-1001429 Amendment No.: 3Contract Class: Receivable Department: AdministrationCustomer 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: 06/01/2022 Board Item # 8639

Contract Management (Internal Purposes Only)

Local						Lease																																																																													
Accounts Receivable																																																																																			
Total Contract Funding:		\$ 769,791.88				Funding Agreement No:		16-1001429																																																																											
Beginning POP Date:		06/01/2017				Ending POP Date:		07/23/2027		Final Billing Date:		07/23/2027																																																																							
Expiration Date:		07/23/2027																																																																																	
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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 (8639 : 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 (8639 : Amendment No. 3 to Contract No. 16-1001429 with the LAFCO)

Minute Action

AGENDA ITEM: 8

Date: June 1, 2022

Subject:

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

Recommendation:

That 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 Proposed Fiscal Year 2022/2023 Budget, which includes budget for leave time.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. SBCTA General Counsel has reviewed this item and the draft policy.

Responsible Staff:

Colleen Franco, Director of Management Services

Approved
Board of Directors
Date: June 1, 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



8.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: 9

Date: June 1, 2022

Subject:

Renewal of Annual Insurance Policies

Recommendation:

That 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 a rating by A.M. Best Company of excellent or better. Interviews were conducted with

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

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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

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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%

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San Bernardino County Transportation Authority

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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 was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. SBCTA General Counsel and Risk Manager have reviewed this item.

Responsible Staff:

Steven Keller, Risk Manager

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Minute Action

AGENDA ITEM: 10

Date: June 1, 2022

Subject:

Correction of Policy Number for Participation of City Alternates Policy

Recommendation:

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

Approve revision to the Participation of City Alternates Policy to correct the typographical error in the assigned policy number, from Policy No. 10100 to Policy No 10010.

Background:

On May 4, 2022, the Board of Directors, acting as the San Bernardino County Transportation Authority and San Bernardino Associated Governments (“Board”), adopted Policy No. 10100, Participation of City Alternates, to provide guidance regarding the participation of City alternates at Board and Committee meetings. After its adoption, staff realized that the policy was erroneously numbered as Policy No. 10100 rather than Policy No. 10010.

Staff is requesting the Board approve the revision of the Participation of City Alternates Policy to correct the assigned policy number from 10100 to 10010.

Financial Impact:

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

Reviewed By:

This item was not reviewed by any other policy committee or technical advisory committee. The policy was originally adopted by the Board on May 4, 2022.

Responsible Staff:

Julianna Tillquist, General Counsel

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

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

San Bernardino County Transportation Authority	Policy	1010010010
Adopted by the Board of Directors	May 4, 2022	Revised
		<u>06/01/2022</u>
Participation of City Alternates	Revision No.	<u>01</u>

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I. PURPOSE

The purpose of this policy is to establish the rules and procedures for attendance of City alternates at Board and Policy Committee meetings.

II. REFERENCES

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

III. POLICY

The Board of Directors provides for involvement of all county supervisors and representatives from each of the cities within the County. In addition to their regular member, member Cities also designate alternates. This allows Cities to participate in Board meetings when the regular member is unable to attend.

IV. PROCEDURES

- A. Alternates may participate in meetings of the Board of Directors and Metro Valley Study Session. Alternates may not participate in policy committee meetings, with the exception of Mountain/Desert Policy Committee.
- B. When attendance is taken at a meeting, the regular member or alternate answering as “present” will be that City’s representative for the entirety of the meeting except in the following circumstances:
 1. If the alternate answered “present” and the regular member subsequently arrives, the regular member shall represent the City for the remainder of the meeting; or,
 2. If the regular member answered “present” and then subsequently affirmatively cedes to the alternate, in which case the alternate shall represent the City for the remainder of the meeting.
- C. No City may have more than one representative participating in a meeting at the same time.
- D. In the event both a City’s representative and alternate participate in a single meeting, pursuant to IV.B., above, only one stipend and mileage reimbursement will be paid. The member and alternate may jointly advise the Clerk of the Board which shall receive the stipend and mileage reimbursement. In the event no such joint direction is provided, the individual answering “present” when attendance is taken shall receive the stipend and mileage reimbursement.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	05/04/2022
<u>1</u>	<u>Correction to Policy Number</u>	<u>06/01/2022</u>

San Bernardino County Transportation Authority	Policy	10010
Adopted by the Board of Directors	May 4, 2022	Revised
		06/01/2022
Participation of City Alternates	Revision No.	1

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V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	05/04/2022
1	Correction to Policy Number	06/01/2022

Minute Action

AGENDA ITEM: 11

Date: June 1, 2022

Subject:

Amendment No. 5 to Contract No. C14045 with AECOM Technical Services, Inc., for Professional Services for the State Route 60 Central Avenue Interchange Project

Recommendation:

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

A. Approve Amendment No. 5 to Contract No. C14045 (15-1001251) with AECOM Technical Services, Inc. (AECOM), for Professional Services on the State Route 60 Central Avenue Interchange Project, to increase the contract total for additional construction support in the amount of \$95,000, for a revised total contract amount of \$2,948,580.01.

B. Approve an exception to the Procurement and Special Risk Assessment Policy No. 11000 and extend the termination date of Professional Services Contract No. C14045 (15-1001251) with AECOM to December 31, 2023, which is beyond the five-year maximum term by approximately three years and eight months.

Background:

The State Route (SR) 60 Central Avenue Interchange Project (Project) proposes to widen the existing Central Avenue bridge over SR 60, widen both westbound and eastbound on-ramps, and improve both ramp intersections. The Project would improve local street circulation, facilitate freeway access for the City of Chino (City), and improve regional mobility. San Bernardino County Transportation Authority (SBCTA) and the City executed Cooperative Agreement No. R14050 in June 2014, whereby SBCTA would be the lead agency for all Project phases. Since then, the Project has progressed through the Project Initiation Document phase and Environmental & Preliminary Design phase. Currently, the Project is under construction and completion of work is planned for November 2022 with the Plant Establishment period through November 2023.

On March 25, 2015, SBCTA retained the services of AECOM Technical Services, Inc., (AECOM) under Professional Services Contract No. C14045, to perform Environmental and Design Services and deliver the Project through final design. The scope of work under Contract No. C14045 included preparation of the Project Study Report (PSR) under the Project Initiation Document phase, environmental studies and preliminary design under the Project Approval and Environmental Document (PA/ED) phase, final design under the Plans, Specifications, and Estimates (PS&E) phase, and Right-of-Way and construction design support. Project initiation work began in May 2015 to prepare the PSR. Amendments No. 1 and No. 2 were approved in September 2018 and December 2018, respectively, in order to address changes to the scope of the Project resulting from refinements as it progressed through preliminary design. Amendment No. 3 was approved in December 2019 to extend the performance period to allow the Project to progress through the end of the final design phase and to allow support during advertisement of the Project. Amendment No. 4 was approved in February 2020 to address further changes to the scope of the Project arising during the final design stages and to extend the performance period through construction.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

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In October 2020, bids were opened for the construction of the Project and the Notice to Proceed was issued to the contractor in February 2021. Since then, construction activities have proceeded accordingly with completion of the widening of the east half of the Central Avenue bridge to date. Since the construction of the Project began, design services from AECOM were needed to support construction Request for Information (RFI) inquiries from the contractor, perform design calculations to analyze changes to Project features, support utility coordination during construction, and support about 14 contract change orders from SBCTA's construction management team. Based on a review of the remaining design construction support budget for AECOM, staff is proposing to amend Contract No. C14045 and increase the contract in the amount of \$95,000, to supplement the construction design support budget for future design tasks through completion of the Project. Because most of the design support activities address unanticipated construction matters, staff is utilizing recent invoiced amounts from the past months to estimate the proposed budget augmentation to get the Project through completion. Staff is recommending the Board of Directors (Board) approve Amendment No. 5 to Contract No. C14045 and increase the contract amount by \$95,000 for an amended contract total of \$2,948,580.01. Staff is also recommending that the Board approve a contract time extension for Contract No. C14045 through December 31, 2023 to allow AECOM sufficient time to prepare the Project as-built plans and support closeout activities. This termination date places the contract duration approximately three years and eight months beyond the five-year contract term under SBCTA's Procurement and Special Risk Assessment Policy No. 11000. AECOM was selected through a competitive procurement process as the most qualified firm to perform design services for this Project based on a review of their proposal and an interview by a panel consisting of SBCTA, City, and California Department of Transportation (Caltrans) staff. AECOM has been providing competent services in execution of their contract. This amendment will provide the needed design support through construction closeout without disruption to the overall Project delivery. To date, the qualifications and performance, support processing this amendment with AECOM through Project completion. This amendment complies with Policy No. 11000, V.C.3.d, and V.C.f.iii, as AECOM is the best firm positioned to perform this work due to their unique knowledge of the Project.

Financial Impact:

This item is consistent with the Fiscal Year 2021/2022 Budget under Task No. 820, Sub-Task No. 893 (SR-60 Central Avenue Interchange).

Reviewed By:

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 12, 2022. SBCTA General Counsel, Director of Special Projects and Strategic Initiatives, and Risk Manager have reviewed this item and the draft amendment.

Responsible Staff:

Kristi Harris, Construction Manager

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Contract Summary Sheet

11.a

General Contract Information

Contract No: 15-1001251 Amendment No.: 5
 Contract Class: Payable Department: Project Delivery
 Vendor No.: 00091 Vendor Name: AECOM Technical Services, Inc.

Description: State Route 60 Central Avenue Interchange Project Professional Services Contract

List Any Related Contract Nos.: 15-1001091

Dollar Amount							
Original Contract		\$	2,012,549.64	Original Contingency		\$	201,255.0
Prior Amendments		\$	644,011.37	Prior Amendments		\$	-
Prior Contingency Released		\$	197,019.00	Prior Contingency Released (-)		\$	(197,019.0
Current Amendment		\$	95,000.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	2,948,580.01	Total Contingency Value		\$	4,236.0
	Total Dollar Authority (Contract Value and Contingency)					\$	2,952,816.0

Contract Authorization

Board of Directors Date: 06/01/2022 Board Item # 8632

Contract Management (Internal Purposes Only)

Other Contracts Local Sole Source? No No Budget Adjustment N/A
Design

Accounts Payable

Estimated Start Date: 04/06/2015 Expiration Date: 06/30/2022 Revised Expiration Date: 12/31/2023

NHS: N/A QMP/QAP: N/A Prevailing Wage: No

							Total Contract Funding:		Total Contingency:	
							\$	2,948,580.01	\$	4,236.00
GL	4120	40	0830	0893	52005	41100000	3	MSI	1,214,814.96	1,745.23
GL	6120	40	0830	0893	52005	42405002	3	City of Chino	1,733,765.05	2,490.77
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-

Paul Melocoton

Project Manager (Print Name)

Henry Stultz

Task Manager (Print Name)

Additional Notes:

Attachment: CSS 15-1001251-05 (8632 : Amendment No. 5 to Contract No. 15-1001251 with AECOM for the SR 60 Central Avenue Interchange)

AMENDMENT NO. 5 TO CONTRACT NO. C14045

FOR

PROFESSIONAL SERVICES FOR PROJECT INITIATION DOCUMENTS, PROJECT REPORT & ENVIRONMENTAL DOCUMENT, AND PLANS, SPECIFICATIONS & ESTIMATES FOR THE STATE ROUTE 60 CENTRAL AVENUE INTERCHANGE PROJECT

(AECOM TECHNICAL SERVICES, INC.)

This AMENDMENT No. 5 to Contract No. C14045 is made by and between AECOM Technical Services, Inc. ("CONSULTANT") and the San Bernardino County Transportation Authority ("SBCTA"). SBCTA and CONSULTANT are each a "Party" and collectively the "Parties" herein.

RECITALS:

- A. SBCTA, under Contract No. C14045 ("Contract"), engaged the services of CONSULTANT to provide professional services for preliminary engineering, environmental services, and preparation of plans, specifications, and estimates for the State Route (SR) 60 Central Avenue Interchange Project ("Project").
- B. On April 16, 2018, Project contingency in the amount of \$174,795.00 was authorized to allow CONSULTANT to develop landscape concepts, prepare material reports and geotechnical reports for proposed retaining walls due to addition of a third lane on both on-ramps, and address new changes to the California Department of Transportation (Caltrans) Ramp Metering Design Guidelines and Highway Design Manual.
- C. On August 16, 2018, Project contingency in the amount of \$22,224.00 was authorized to allow CONSULTANT to prepare final plans and specifications for a seismic retrofit of the existing bridge columns of the SR-60/Central Avenue Bridge.
- D. On September 12, 2018, the Parties entered into Amendment No. 1 to Contract to modify the subconsultant insurance provisions and increasing the contract price by \$99,906.00 for unanticipated work related to the addition of High Occupancy Vehicle (HOV) by-pass lanes for the Project.
- E. On December 5, 2018, the Parties entered into Amendment No. 2 to Contract increasing the contract price by \$244,741.62 to allow incorporation of additional design features in the final plans and specifications.
- F. In December 2019, the Parties entered into Amendment No. 3 to Contract extending its termination date from December 31, 2019 to April 30, 2020.
- G. In February 2020, the Parties entered into Amendment No. 4 to Contract to incorporate additional work and budget authorized pursuant to release of contingency in the amount of \$194,019.00 and added new design elements into the scope of work and increasing budget for new design elements totaling \$299,363.75.

- H. Parties desire to further amend Contract to increase contract amount by \$95,000 to allow work to supplement the design support during construction budget through Project closeout and extend contract termination date from June 30, 2022 through December 31, 2023.

NOW THEREFORE, the Parties agree to amend Contract No. C14045 as follows:

1. Section 4.1 is amended as follows:

“This Contract shall go into effect on April 1, 2015; contingent upon approval of SBCTA’s Awarding Authority, and CONSULTANT shall commence work after written notification to proceed by SBCTA’s Procurement Analyst. The Contract shall end on December 31, 2023, unless extended by written amendment.”

2. Section 5.11 is amended as follows:

“The total amount payable by SBCTA to CONSULTANT including the fixed fee shall not exceed \$2,948,580.01.”

3. The Recitals set forth above are incorporated herein by this reference.
4. Except as amended by this Amendment No. 5, all other provisions of the Contract, and amendments thereto, shall remain in full force and effect.
5. This Amendment No. 5 is effective on the date executed by SBCTA.

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

IN WITNESS WHEREOF, the authorized parties have signed below.

AECOM TECHNICAL SERVICES, INC.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Jeff G. Chapman
Vice President

By: _____
Curt Hagman
President, Board of Directors

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Juanda L. Daniel
Assitant General Counsel

CONCURRENCE

By: _____
Beatriz Valdez
Director of Special Projects and
Strategic Initiatives

Minute Action

AGENDA ITEM: 12

Date: June 1, 2022

Subject:

California Department of Transportation's Interstate 15 Pavement Rehabilitation Project

Recommendation:

Receive information from California Department of Transportation - District 8, for project related to the Interstate 15 Pavement Rehabilitation Project.

Background:

In late 2021, the California Department of Transportation (Caltrans), District 8, began construction on the Interstate 15 Pavement Rehabilitation Project (Project) from Oak Hills Road in the City of Hesperia to Bear Valley Road in the City of Victorville, a length of approximately nine (9) miles.

The Project will involve replacement of the existing asphalt concrete pavement, with concrete pavement in the southbound and northbound directions.

The Project's construction contract was awarded to Sully-Miller Contracting Company, in September 2021, for a contract amount of \$133,912,000. The Project construction duration will be approximately over three (3) years and is anticipated to be completed by spring 2025.

Financial Impact:

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

Reviewed By:

This item was received by the Mountain/Desert Policy Committee on May 20, 2022.

Responsible Staff:

Sal Chavez, Project Delivery Manager

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Entity: San Bernardino County Transportation Authority

Interstate 15 Pavement Rehabilitation Hesperia to Victorville



Fact Sheet

PROJECT DESCRIPTION

The project will rehabilitate and repave 59 lane miles and ramps and upgrade drainage systems on Interstate 15 (I-15) in San Bernardino County. The project spans from Oak Hill Road in Hesperia to just south of Bear Valley Road in Victorville.



PROJECT NEED

The purpose of this project is to improve the safety performance and smoother roadway on Interstate 15 from Oak Hill Road to just south of Bear Valley Road in Victorville. Drainage systems will be upgraded for better water flow. All work is anticipated to be complete by Spring 2025, weather dependent. Caltrans, District 8 is advising the traveling public to anticipate potential lane and ramp closures for the duration of the project.

TRAFFIC IMPACT

There will be lane and ramp closures, northbound and southbound, throughout the construction zone for the duration of the project. Connector closures may occur at the I-15 to US 395. Depending on the scope of work these lane and ramp closures will change accordingly with the possibility of reducing lanes to one available in each direction. Delays throughout the project area are anticipated.

PROJECT SCHEDULE

Construction hours will be 9 p.m. to 9 a.m., Monday through Saturday. Understand that schedules can change due to inclement weather. All work is anticipated to be complete by Spring of 2025.

Project Contact

Kimberly Cherry
Public Information Officer
(909) 383-6290
Kimberly.Cherry@dot.ca.gov

Emily Leinen
Public Information Officer
(909) 383-1910
Emily.Leinen@dot.ca.gov



Interstate 15 Pavement Rehabilitation Hesperia to Victorville



Frequently Asked Questions

Why is this project needed?

The purpose of this project is to improve the safety performance and smoother roadway on Interstate 15 from Oak Hill Road to just south of Bear Valley Road in Victorville. Drainage systems will be upgraded for better water flow.

How much is this costing? How long will it last?

The project is approximately \$122 million and is anticipated to be complete in Spring of 2025.

When will work occur?

Work hours will be Monday through Friday from 9:00 p.m. to 9:00 a.m.

How is traffic being controlled?

Lane and ramp closures in both directions during construction hours, possibly reduced to one lane. Potential I5/395. connector closures.

Do I have access of the road during closures?

Yes, but at times the lanes may be reduced to one lane in each direction.

What happens during an emergency? If you are having a life-threatening emergency, call 911. An emergency responder plan is in place and continuously updated. Depending on the emergency, emergency personnel are given access to the needed area.

How can I receive project information?

You can find project information on our Twitter and Facebook feeds. We update our social media accordingly.

You can contact the Public Information Officer: Kimberly Cherry (909) 383-6290 or Emily Leinen (909) 383-1910



Minute Action

AGENDA ITEM: 13

Date: June 1, 2022

Subject:

Cooperative Agreement with the California Department of Transportation for the Interstate 10 Eastbound Truck Climbing Lane Project

Recommendation:

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

Authorize the Executive Director, or his designee, to finalize and execute Cooperative Agreement No. 22-1002782 with the California Department of Transportation (Caltrans) substantially in the form of the accompanying draft, subject to SBCTA General Counsel's final approval as to form, for the construction phase of the Interstate 10 Eastbound Truck Climbing Lane Project (Project), which specifies roles, responsibilities, and funding between the two agencies, including specifying SBCTA as the implementing agency for construction and responsible for locally funding the Project costs, and the payable not-to-exceed amount of \$50,000 to Caltrans for providing Department Furnished Materials as needed.

Background:

The Interstate 10 (I-10) Eastbound Truck Climbing Lane Project (Project) will improve traffic operations along an approximately three-mile freeway segment by adding a truck lane along the eastbound direction of I-10. The Project starts at 16th Street in the City of Yucaipa and will terminate around County Line Road in the City of Calimesa. The Project will add a new eastbound freeway lane adjacent to the median, pave the median, add concrete median barriers, convert the existing outside eastbound freeway lane to a truck-climbing lane, and widen the Oak Glen Creek Bridge. The construction of the Project will be funded with State Trade Corridor Enhancement Program (TCEP) funds and Measure I funds.

In April 2021, San Bernardino County Transportation Authority's (SBCTA) design consultants began the final design efforts for the Project. In February 2022, the California Department of Transportation (Caltrans), who is providing oversight review on the plans and specifications, reviewed and commented on the 95% Plans, Specifications, and Estimates (PS&E) package. With the review completed, preparation of the 100% PS&E package is underway. In anticipation of design approval in the next few months, SBCTA and Caltrans staff are proceeding with the review and execution of the cooperative agreement for the construction phase of the Project. Cooperative Agreement No. 22-1002782 defines the roles and responsibilities of each agency with regards to the construction of the Project and provides a summary of Project funding. Under this cooperative agreement, SBCTA will advertise, award, and administer (AAA) the construction contract while Caltrans will provide oversight review, inspections and may provide some specific Department Furnished Materials needed for the Project, up to a maximum cost of \$50,000, reimbursed by SBCTA. This agreement is also needed to request allocation of approximately \$24 million of State TCEP funding this summer.

This item and an initial version of Cooperative Agreement No. 22-1002782 was presented and approved unanimously, at the April 14, 2022 Metro Valley Study Session meeting. During the week of April 18, 2022, Caltrans staff indicated that a new section titled, Road Repair and Accountability Act of 2017, needed to be added to the agreement as it addresses reporting Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 1, 2022

Page 2

requirements for the \$24 million of State TCEP funds that were programmed for the Project. The updated agreement now includes the new section related to TCEP reporting, other minor clarifications and format changes, and is being brought back for Board approval.

Staff is recommending approval of Cooperative Agreement No. 22-1002782, in order to allow the Project to proceed to the construction phase.

Financial Impact:

This item is consistent with the Fiscal Year 2021/2022 Budget and the Proposed Fiscal Year 2022/2023 Budget, under Task 0820 (Freeway Projects), Subtask 0854 (I-10 EB TCL).

Reviewed By:

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 12, 2022. SBCTA General Counsel and Risk Manager have reviewed this item and the draft cooperative agreement.

Responsible Staff:

Khalid Bazmi, Construction Manager

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

General Contract Information

Contract No: 22-1002782 Amendment No.: _____

Contract Class: Payable Department: Project Delivery

Vendor No.: 00450 Vendor Name: California Department of Transportation

Description: I-10 Eastbound Truck Climbing Lane Project Construction Cooperative Agreement

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	50,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Prior Contingency Released		\$	-	Prior Contingency Released (-)		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	50,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	50,000.0

Contract Authorization

Board of Directors Date: 06/01/2022 Board Item # 8634

Contract Management (Internal Purposes Only)

Other Contracts Local Sole Source? N/A No Budget Adjustment N/A

Construction N/A

Accounts Payable

Estimated Start Date: 06/01/2022 Expiration Date: 12/31/2039 Revised Expiration Date: _____

NHS: N/A QMP/QAP: Yes Prevailing Wage: N/A

							Total Contract Funding:		Total Contingency:	
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$		\$
GL	4110	40	0820	0854	53701	41100000	650	MSI	50,000.00	-
GL								50,000.00	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-
GL								-	-	-

Paul Melocoton

Project Manager (Print Name)

Henry Stultz

Task Manager (Print Name)

Additional Notes:

Attachment: CSS 22-1002782 (8634 : I-10 EB TCL Caltrans Construction Cooperative Agreement)

Project No. 0815000050

EA 1F760

08-SBD-010-36.4-39.16

08-RIV-010-0-0.2

SBCTA Agreement No. 22-1002782

COOPERATIVE AGREEMENT COVER SHEET

Work Description

CONSTRUCTION OF AN APPROXIMATELY 3-MILE LONG TRUCK CLIMBING LANE ON I-10 EB FROM 16TH STREET IN THE CITY OF YUCAIPA TO THE COUNTY LINE ROAD IN THE CITY OF CALIMESA.

Contact Information

CALTRANS

Fereshteh Fard, Project Manager

464 West 4th Street

San Bernardino, CA 92401

Office Phone: (909) 501-9167

Email: ferry.fard@dot.ca.gov

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

Paul Melocoton, Project Manager

1170 West 3rd Street, Floor 2

San Bernardino, CA 92410

Office Phone: (909) 884-8276

Email: pmelocoton@gosbcta.com

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Project No. 0815000050

SBCTA Agreement No. 22-1002782

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Project No. 0815000050

EA 1F760

08-SBD-010-36.4-39.16

08-RIV-010-0-0.2

SBCTA Agreement No. 22-1002782

COOPERATIVE AGREEMENT (DRAFT)

This AGREEMENT, executed on and effective from _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

San Bernardino County Transportation Authority, a public entity, referred to hereinafter as SBCTA.

An individual signatory agency in this AGREEMENT is referred to as a PARTY. Collectively, the signatory agencies in this AGREEMENT are referred to as PARTIES.

RECITALS

1. PARTIES are authorized to enter into a cooperative agreement for improvements to the State Highway System per the California Streets and Highways Code, Sections 114 and 130.
2. For the purpose of this AGREEMENT, *Construction of an approximately 3-mile long truck climbing lane on I-10 EB from 16th Street in the City of Yucaipa to the County Line Road in the City of Calimesa.* will be referred to hereinafter as PROJECT. The PROJECT scope of work is defined in the project initiation and approval documents (e.g. Project Study Report, Design Engineering Evaluation Report, or Project Report).
3. All obligations and responsibilities assigned in this AGREEMENT to complete the following PROJECT COMPONENT will be referred to hereinafter as WORK:
 - CONSTRUCTION

Each PROJECT COMPONENT is defined in the CALTRANS Workplan Standards Guide as a distinct group of activities/products in the project planning and development process.

4. The term AGREEMENT, as used herein, includes this document and any attachments, exhibits, and amendments.

This AGREEMENT is separate from and does not modify or replace any other cooperative agreement or memorandum of understanding between the PARTIES regarding the PROJECT.

PARTIES intend this AGREEMENT to be their final expression that supersedes any oral understanding or writings pertaining to the WORK. The requirements of this AGREEMENT will preside over any conflicting requirements in any documents that are made an express part of this AGREEMENT.

If any provisions in this AGREEMENT are found by a court of competent jurisdiction to be, or are in fact, illegal, inoperative, or unenforceable, those provisions do not render any or all other AGREEMENT provisions invalid, inoperative, or unenforceable, and those provisions will be automatically severed from this AGREEMENT.

Except as otherwise provided in the AGREEMENT, PARTIES will execute a written amendment if there are any changes to the terms of this AGREEMENT.

PARTIES agree to sign a CLOSURE STATEMENT to terminate this AGREEMENT. However, all indemnification, document retention, audit, claims, environmental commitment, legal challenge, maintenance and ownership articles will remain in effect until terminated or modified in writing by mutual agreement or expire by the statute of limitations.

5. The following work associated with this PROJECT has been completed or is in progress:
 - CALTRANS approved the Mitigated Negative Declaration on November 10, 2020.
 - CALTRANS approved the Finding of No Significant Impact on November 10, 2020.
 - SBCTA is completing the R/W Certification. (Cooperative Agreement No. 1724).
 - SBCTA is completing the Plans, Specifications and Estimate. (Cooperative Agreement No. 1724).
6. In this AGREEMENT capitalized words represent defined terms, initialisms, or acronyms.
7. PARTIES hereby set forth the terms, covenants, and conditions of this AGREEMENT.

RESPONSIBILITIES

Sponsorship

8. A SPONSOR is responsible for establishing the scope of the PROJECT and securing the financial resources to fund the WORK. A SPONSOR is responsible for securing additional funds when necessary or implementing PROJECT changes to ensure the WORK can be completed with the funds obligated in this AGREEMENT.

PROJECT changes, as described in the CALTRANS Project Development Procedures Manual, will be approved by CALTRANS as the owner/operator of the State Highway System.

9. SBCTA is the SPONSOR for the WORK in this AGREEMENT.

Implementing Agency

10. The IMPLEMENTING AGENCY is the PARTY responsible for managing the scope, cost, schedule, and quality of the work activities and products of a PROJECT COMPONENT.

- SBCTA is the CONSTRUCTION IMPLEMENTING AGENCY.

CONSTRUCTION includes construction contract administration, surveying/staking, inspection, quality assurance, and assuring regulatory compliance. The CONSTRUCTION component budget identifies the capital costs of the construction contract/furnished materials (CONSTRUCTION CAPITAL) and the cost of the staff work in support of the construction contract administration (CONSTRUCTION SUPPORT).

11. SBCTA will provide a Quality Management Plan (QMP) for the WORK in every PROJECT COMPONENT that they are the IMPLEMENTING AGENCY of. The QMP describes the IMPLEMENTING AGENCY's quality policy and how it will be used. The QMP will include a process for resolving disputes between the PARTIES at the team level. The QMP is subject to CALTRANS review and approval.
12. Any PARTY responsible for completing WORK will make its personnel and consultants that prepare WORK available to help resolve WORK-related problems and changes for the entire duration of the PROJECT including PROJECT work that may occur under separate agreements.

Funding

13. Funding sources, PARTIES committing funds, funding amounts, and invoicing/payment details are documented in the Funding Summary section of this AGREEMENT.

PARTIES will amend this AGREEMENT by updating and replacing the Funding Summary, in its entirety, each time the funding details change. Funding Summary replacements will be executed by a legally authorized representative of the respective PARTIES. The most current fully executed Funding Summary supersedes any previous Funding Summary created for this AGREEMENT.

14. PARTIES will not be reimbursed for costs beyond the funds obligated in this AGREEMENT.

If an IMPLEMENTING AGENCY anticipates that funding for the WORK will be insufficient to complete the WORK, the IMPLEMENTING AGENCY will promptly notify the SPONSOR.

15. Unless otherwise documented in the Funding Summary, overall liability for project costs within a PROJECT COMPONENT will be in proportion to the amount contributed to that PROJECT COMPONENT by each fund type.
16. Unless otherwise documented in the Funding Summary, any savings recognized within a PROJECT COMPONENT will be credited or reimbursed, when allowed by policy or law, in proportion to the amount contributed to that PROJECT COMPONENT by each fund type.
17. WORK costs, except those that are specifically excluded in this AGREEMENT, are to be paid from the funds obligated in the Funding Summary. Costs that are specifically excluded from the funds obligated in this AGREEMENT are to be paid by the PARTY incurring the costs from funds that are independent of this AGREEMENT.

CALTRANS' Quality Management

18. CALTRANS, as the owner/operator of the State Highway System (SHS), will perform quality management work including Quality Management Assessment (QMA) and owner/operator approvals for the portions of WORK within the existing and proposed SHS right-of-way.
19. CALTRANS' Quality Management Assessment (QMA) efforts are to ensure that SBCTA's quality assurance results in WORK that is in accordance with the applicable standards and the PROJECT's quality management plan (QMP). QMA does not include any efforts necessary to develop or deliver WORK or any validation by verifying or rechecking WORK.

When CALTRANS performs QMA, it does so for its own benefit. No one can assign liability to CALTRANS due to its QMA.

20. CALTRANS, as the owner/operator of the State Highway System, will approve WORK products in accordance with CALTRANS policies and guidance and as indicated in this AGREEMENT.
21. SBCTA will provide WORK-related products and supporting documentation upon CALTRANS' request for the purpose of CALTRANS' quality management work.

CEQA/NEPA Lead Agency

22. CALTRANS is the CEQA Lead Agency for the PROJECT.
23. CALTRANS is the NEPA Lead Agency for the PROJECT.

Environmental Permits, Approvals and Agreements

24. PARTIES will comply with the commitments and conditions set forth in the environmental documentation, environmental permits, approvals, and applicable agreements as those commitments and conditions apply to each PARTY's responsibilities in this AGREEMENT.
25. Unless otherwise assigned in this AGREEMENT, the IMPLEMENTING AGENCY for a PROJECT COMPONENT is responsible for all PROJECT COMPONENT WORK associated with coordinating, obtaining, implementing, renewing, and amending the PROJECT permits, agreements, and approvals whether they are identified in the planned project scope of work or become necessary in the course of completing the PROJECT.
26. The PROJECT requires the following environmental permits/approvals:

ENVIRONMENTAL PERMITS/REQUIREMENTS	
404, US Army Corps Of Engineers	
401, Regional Water Quality Control Board	
National Pollutant Discharge Elimination System (NPDES), State Water Resources Control Board	
1602, CA Department of Fish and Wildlife	

CONSTRUCTION

27. As the CONSTRUCTION IMPLEMENTING AGENCY, SBCTA is responsible for all CONSTRUCTION WORK except those activities and responsibilities that are assigned to another PARTY and those activities that are excluded under this AGREEMENT.
28. CALTRANS will be responsible for completing the following CONSTRUCTION SUPPORT activities:

CALTRANS Work Breakdown Structure Identifier (If Applicable)	AGREEMENT Funded Cost
100.20.10.xx Quality Management	No

29. Physical and legal possession of the right-of-way must be completed prior to advertising the construction contract, unless PARTIES mutually agree to other arrangements in writing.
30. Right-of-way conveyances must be completed prior to WORK completion, unless PARTIES mutually agree to other arrangements in writing.
31. CALTRANS will not issue an encroachment permit to SBCTA for construction work until the following conditions are met:
- CALTRANS accepts the final plans, specifications, and estimate
 - CALTRANS accepts the Right-of-Way Certification
 - Any new or amended maintenance agreements required for the WORK are executed.
 - Any new or amended Freeway Agreement required for the WORK are executed.
32. SBCTA will require the construction contractor to furnish payment and performance bonds naming SBCTA as obligee, and CALTRANS as additional obligee, and to carry liability insurance in accordance with CALTRANS Standard Specifications.

33. SBCTA will advertise, open bids, award, and approve the construction contract in accordance with the California Public Contract Code and the California Labor Code. By accepting responsibility to advertise and award the construction contract, SBCTA also accepts responsibility to administer the construction contract.
34. If the lowest responsible construction contract bid is greater than the funding commitment to CONSTRUCTION CAPITAL, PARTIES must agree in writing on a course of action within fifteen (15) working days. If no agreement is reached within fifteen (15) work days the IMPLEMENTING AGENCY will not award the construction contract.
35. CALTRANS will not issue an encroachment permit to SBCTA's construction contractor until CALTRANS accepts:
- The payment and performance bonds
 - The CONSTRUCTION Quality Management Plan
36. The CONSTRUCTION Quality Management Plan (QMP) will describe how construction material verification and workmanship inspections will be performed at manufacturing sources and the PROJECT job-site. The construction material and Source Inspection QMP (SIQMP) are subject to review and approval by the State Materials Engineer.
37. The CONSTRUCTION Quality Management Plan will address the radiation safety requirements of the California Code of Regulations 17 CCR § 30346 when the work requires Gamma-Gamma Logging acceptance testing for Cast in Drilled Hole (CIDH) pile or whenever else it is applicable. In accordance with these regulations SBCTA, as the "well operator", will have a written agreement with any consultant or external entity performing these tests.
38. SBCTA will provide a Resident Engineer and CONSTRUCTION SUPPORT staff that are independent of the construction contractor. The Resident Engineer will be a Civil Engineer, licensed in the State of California, who is responsible for construction contract administration activities.

39. SBCTA will implement changes to the construction contract through Change Orders. PARTIES will review and concur on all Change Orders over \$25,000.
40. CALTRANS will review and concur with:
- Change Orders affecting public safety, public convenience, protected environmental resources, the preservation of property, all design and specification changes, and all major changes as defined in the CALTRANS Construction Manual. These Change Orders must receive written concurrence by CALTRANS prior to implementation.
 - The Stormwater Pollution Prevention Plan (SWPPP) or the Water Pollution Control Plan (WPCP).
41. SBCTA will administer and process all construction contract claims pursuant to the requirements set forth under Public Contract Code, Section 9204. In addition, all public works claims of \$375,000 or less shall be resolved in accordance with Public Contract Code Section 20104, et seq. and other applicable laws.
42. SBCTA is designated as the Legally Responsible Person pursuant to the Construction General Permit, State Water Resources Control Board (SWRCB) Order Number 2009-0009-DWQ, as defined in Appendix 5, Glossary, and assumes all roles and responsibilities assigned to the Legally Responsible Person as mandated by the Construction General Permit. SBCTA is required to comply with the CALTRANS MS4 National Pollutant Discharge Elimination System (NPDES) permit for all work within the State Highway System.
43. SBCTA will submit a written request to CALTRANS for any Department Furnished Materials (DFM) identified in the PROJECT plans, specifications, and estimate a minimum of forty-five (45) working days prior to the construction start of work. SBCTA will submit a written request to CALTRANS for any additional DFM deemed necessary during the PROJECT construction.

CALTRANS will make the DFM available at a CALTRANS-designated location.

44. As the CONSTRUCTION IMPLEMENTING AGENCY, SBCTA is responsible for maintenance of the State Highway System (SHS) within the PROJECT limits as part of the construction contract until the following conditions are met:

- Any required maintenance agreements are executed for the portions of SHS for which relief of maintenance is to be granted.
- CALTRANS approves a request from SBCTA for relief from maintenance of the PROJECT or a portion thereof.

45. Upon WORK completion, ownership or title to all materials and equipment constructed or installed for the operations and/or maintenance of the State Highway System (SHS) within SHS right-of-way as part of WORK become the property of CALTRANS.

CALTRANS will not accept ownership or title to any materials or equipment constructed or installed outside SHS right-of-way.

46. Within one hundred eighty (180) calendar days following the completion and acceptance of the PROJECT construction contract, SBCTA will furnish CALTRANS with a complete set of “As-Built” plans and Change Orders, including any changes authorized by CALTRANS, using an approved transfer mechanism, such as a CD ROM, flash drive, Filr. The submitted digital files must be completed in accordance with Caltrans specifications, policies, and manuals, including requirements in Sections 2 and 3, of Chapter 17 in the Project Development Procedures Manual, then current CADD User’s Manual (Section 4.3), Plans Preparation Manual, and CALTRANS practice. The plans will have the Resident Engineer’s name, contract number, and construction contract acceptance date printed on each plan sheet, and with the Resident Engineer’s signature only on the title sheet. The As-Built plans will be in Microstation DGN format, version 8.0. When applicable, the digital submittal must also include high accuracy locating and underground facilities data. In addition, SBCTA will provide one set of As-Built plans and addenda in TIFF format.

The submittal must also include all CALTRANS requested contract records, and land survey documents. The land survey documents include monument preservation documents and records of surveys prepared to satisfy the requirements of the California Land Surveyors Act (Business and Professions Code, Sections 8700 – 8805). Copies of survey documents and Records of Surveys filed in accordance with Business & Professions Code, Sections 8762 and 8771, will contain the filing information provided by the county in which filed.

Schedule

47. PARTIES will manage the WORK schedule to ensure the timely use of obligated funds and to ensure compliance with any environmental permits, right-of-way agreements, construction contracts, and any other commitments. PARTIES will communicate schedule risks or changes as soon as they are identified and will actively manage and mitigate schedule risks.
48. The IMPLEMENTING AGENCY for each PROJECT COMPONENT will furnish PARTIES with written monthly progress reports during the completion of the WORK.

Additional Provisions**Standards**

49. PARTIES will perform all WORK in accordance with federal and California laws, regulations, and standards; Federal Highway Administration (FHWA) standards; and CALTRANS standards. CALTRANS standards include, but are not limited to, the guidance provided in the:
- CADD Users Manual
 - CALTRANS policies and directives
 - Plans Preparation Manual
 - Project Development Procedures Manual (PDPM)
 - Workplan Standards Guide
 - Construction Manual
 - Construction Manual Supplement for Local Agency Resident Engineers
 - Local Agency Structure Representative Guidelines

Noncompliant Work

50. CALTRANS retains the right to reject noncompliant WORK. SBCTA agrees to suspend WORK upon request by CALTRANS for the purpose of protecting public safety, preserving property rights, and ensuring that all WORK is in the best interest of the State Highway System.

Qualifications

51. Each PARTY will ensure that personnel participating in WORK are appropriately qualified or licensed to perform the tasks assigned to them.

Consultant Selection

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

Encroachment Permits

53. CALTRANS will issue, upon proper application, the encroachment permits required for WORK within State Highway System (SHS) right-of-way. SBCTA, their contractors, consultants, agents and utility owners will not work within the SHS right-of-way without an encroachment permit issued in their name. CALTRANS will provide encroachment permits to SBCTA, their contractors, consultants, and agents at no cost. CALTRANS will provide encroachment permits to utility owners at no cost. If the encroachment permit and this AGREEMENT conflict, the requirements of this AGREEMENT will prevail.
54. The IMPLEMENTING AGENCY for a PROJECT COMPONENT will coordinate, prepare, obtain, implement, renew, and amend any encroachment permits needed to complete the WORK.

Protected Resources

55. If any PARTY discovers unanticipated cultural, archaeological, paleontological, or other protected resources during WORK, all WORK in that area will stop and that PARTY will notify all PARTIES within 24 hours of discovery. WORK may only resume after a qualified professional has evaluated the nature and significance of the discovery and CALTRANS approves a plan for its removal or protection.

Disclosures

56. PARTIES will hold all administrative drafts and administrative final reports, studies, materials, and documentation relied upon, produced, created, or utilized for the WORK in confidence to the extent permitted by law and where applicable, the provisions of California Government Code, Section 6254.5(e) will protect the confidentiality of such documents in the event that said documents are shared between PARTIES.

PARTIES will not distribute, release, or share said documents with anyone other than employees, agents, and consultants who require access to complete the WORK without the written consent of the PARTY authorized to release them, unless required or authorized to do so by law.

57. If a PARTY receives a public records request pertaining to the WORK, that PARTY will notify PARTIES within five (5) working days of receipt and make PARTIES aware of any disclosed public records.

Hazardous Materials

58. HM-1 is hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law, irrespective of whether it is disturbed by the PROJECT or not.

HM-2 is hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by the PROJECT.

The management activities related to HM-1 and HM-2, including and without limitation, any necessary manifest requirements and disposal facility designations are referred to herein as HM-1 MANAGEMENT and HM-2 MANAGEMENT respectively.

59. If HM-1 or HM-2 is found the discovering PARTY will immediately notify all other PARTIES.
60. CALTRANS, independent of the PROJECT, is responsible for any HM-1 found within the existing State Highway System right-of-way. CALTRANS will undertake, or cause to be undertaken, HM-1 MANAGEMENT with minimum impact to the PROJECT schedule.
- CALTRANS will pay, or cause to be paid, the cost of HM-1 MANAGEMENT for HM-1 found within the existing State Highway System right-of-way with funds that are independent of the funds obligated in this AGREEMENT.
61. If HM-1 is found within the PROJECT limits and outside the existing State Highway System right-of-way, responsibility for such HM-1 rests with the owner(s) of the parcel(s) on which the HM-1 is found. SBCTA, in concert with the local agency having land use jurisdiction, will ensure that HM-1 MANAGEMENT is undertaken with minimum impact to PROJECT schedule.

The cost of HM-1 MANAGEMENT for HM-1 found within the PROJECT limits and outside the existing State Highway System right-of-way will be paid from funds that are independent of the funds obligated in this AGREEMENT and will be the responsibility of the owner(s) of the parcel(s) where the HM-1 is located.

62. The CONSTRUCTION IMPLEMENTING AGENCY is responsible for HM-2 MANAGEMENT within the PROJECT limits.

SBCTA and CALTRANS will comply with the Soil Management Agreement for Aerially Deposited Lead Contaminated Soils (Soil Management Agreement) executed between CALTRANS and the California Department of Toxic Substances Control (DTSC). Under Section 3.2 of the Soil Management Agreement, CALTRANS and SBCTA each retain joint and severable liability for noncompliance with the provisions of the Soil Management Agreement. SBCTA will assume all responsibilities assigned to CALTRANS in the Soil Management Agreement during PROJECT COMPONENTS for which they are the IMPLEMENTING AGENCY except for final placement and burial of soil within the State right-of-way, per Section 4.5 of the Soil Management Agreement, which is subject to CALTRANS concurrence and reporting to DTSC which will be performed by CALTRANS.

63. CALTRANS' acquisition or acceptance of title to any property on which any HM-1 or HM-2 is found will proceed in accordance with CALTRANS' policy on such acquisition.

Claims

64. Any PARTY that is responsible for completing WORK may accept, reject, compromise, settle, or litigate claims arising from the WORK without concurrence from the other PARTY.
65. PARTIES will confer on any claim that may affect the WORK or PARTIES' liability or responsibility under this AGREEMENT in order to retain resolution possibilities for potential future claims. No PARTY will prejudice the rights of another PARTY until after PARTIES confer on the claim.
66. If the WORK expends state or federal funds, each PARTY will comply with the Federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards of 2 CFR, Part 200. PARTIES will ensure that any for-profit consultant hired to participate in the WORK will comply with the requirements in 48 CFR, Chapter 1, Part 31. When state or federal funds are expended on the WORK these principles and requirements apply to all funding types included in this AGREEMENT.

Accounting and Audits

67. PARTIES will maintain, and will ensure that any consultant hired by PARTIES to participate in WORK will maintain, a financial management system that conforms to Generally Accepted Accounting Principles (GAAP), and that can properly accumulate and segregate incurred PROJECT costs and billings.
68. PARTIES will maintain and make available to each other all WORK-related documents, including financial data, during the term of this AGREEMENT.

PARTIES will retain all WORK-related records for three (3) years after the final voucher.

PARTIES will require that any consultants hired to participate in the WORK will comply with this Article.

69. PARTIES have the right to audit each other in accordance with generally accepted governmental audit standards.

CALTRANS, the State Auditor, FHWA (if the PROJECT utilizes federal funds), and SBCTA will have access to all WORK -related records of each PARTY, and any consultant hired by a PARTY to participate in WORK, for audit, examination, excerpt, or transcription.

The examination of any records will take place in the offices and locations where said records are generated and/or stored and will be accomplished during reasonable hours of operation. The auditing PARTY will be permitted to make copies of any WORK-related records needed for the audit.

The audited PARTY will review the draft audit, findings, and recommendations, and provide written comments within thirty (30) calendar days of receipt.

Upon completion of the final audit, PARTIES have forty-five (45) calendar days to refund or invoice as necessary in order to satisfy the obligation of the audit.

Any audit dispute not resolved by PARTIES is subject to mediation. Mediation will follow the process described in the General Conditions section of this AGREEMENT.

70. If the WORK expends state or federal funds, each PARTY will undergo an annual audit in accordance with the Single Audit Act in the Federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as defined in 2 CFR, Part 200.
71. When a PARTY reimburses a consultant for WORK with state or federal funds, the procurement of the consultant and the consultant overhead costs will be in accordance with the Local Assistance Procedures Manual, Chapter 10.

Interruption of Work

72. If WORK stops for any reason, each PARTY will continue with environmental commitments included in the environmental documentation, permits, agreements, or approvals that are in effect at the time that WORK stops, and will keep the PROJECT in environmental compliance until WORK resumes.

Penalties, Judgements and Settlements

73. The cost of awards, judgements, fines, interest, penalties, attorney's fees, and/or settlements generated by the WORK are considered WORK costs.
74. The cost of legal challenges to the environmental process or are considered WORK costs.
75. Any PARTY whose action or lack of action causes the levy of fines, interest, or penalties will indemnify and hold all other PARTIES harmless per the terms of this AGREEMENT.

Environmental Compliance

76. If during performance of WORK additional activities or environmental documentation is necessary to keep the PROJECT in environmental compliance, PARTIES will amend this AGREEMENT to include completion of those additional tasks.

ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (SB 1)

77. As the IMPLEMENTING AGENCY, SBCTA will prepare and submit to CALTRANS a Completion Report, in accordance with California Transportation Commission (CTC) SB1 Accountability and Transparency Guidelines.

SBCTA must submit a Completion Report for the construction component to CALTRANS for approval within four (4) months of Construction Contract Acceptance or when the project becomes operable, whichever is sooner. Thereafter, CALTRANS will have two (2) months to review and approve the report prior to submission to the CTC. The Completion Report should not be delayed due to claims, plant establishment periods, ongoing environmental mitigation monitoring, or other reasons.

SBCTA must submit a Final Delivery Report to CALTRANS for approval within four (4) months of conclusion of all remaining project activities beyond the acceptance of the construction contract. Thereafter, CALTRANS will have two (2) months to review and approve the report prior to submission to the CTC. The Final Delivery Report will reflect final project expenditures, any changes that occurred after submittal of the Completion Report, and an updated evaluation of the benefits.

78. In those instances where PARTIES have signed a PROJECT scope, cost, and schedule and benefit baseline data agreement (BASELINE AGREEMENT), PARTIES agree to abide by the terms and conditions of that PROJECT BASELINE AGREEMENT. The PROJECT BASELINE AGREEMENT is made a part of this AGREEMENT, by reference.
79. Notwithstanding anything to the contrary in this AGREEMENT, PARTIES are not permitted to make changes to the scope, cost, schedule or benefits of the PROJECT, unless approved by CTC.
80. PARTIES will meet the requirements of The Road Repair and Accountability Act of 2017 (SB 1), Chapter 5, Statutes of 2017, California Transportation Commission (CTC) SB1 Accountability and Transparency Guidelines, and the CTC's Trade Corridor Enhancement Program (TCEP) guidelines.

PARTIES agree that contributed funds originating from the TCEP can be expended on any item identified in the PROJECT phase that is funded with TCEP. In the event of a cost overrun, CALTRANS shall contribute an amount not exceeding what is proportional to their original TCEP funding contribution. This original TCEP funding contribution is identified in the Project Programming Request (PPR), which was submitted with PROJECT BASELINE AGREEMENT

GENERAL CONDITIONS

81. All portions of this AGREEMENT, including the Recitals Section, are enforceable.

Venue

82. PARTIES understand that this AGREEMENT is in accordance with and governed by the Constitution and laws of the State of California. This AGREEMENT will be enforceable in the State of California. Any PARTY initiating legal action arising from this AGREEMENT will file and maintain that legal action in the Superior Court of the county in which the CALTRANS district office that is signatory to this AGREEMENT resides, or in the Superior Court of the county in which the PROJECT is physically located.

Exemptions

83. All CALTRANS' obligations under this AGREEMENT are subject to the appropriation of resources by the Legislature, the State Budget Act authority, programming and allocation of funds by the California Transportation Commission (CTC).

Indemnification

84. Neither CALTRANS nor any of its officers and employees, are responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by SBCTA, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon SBCTA under this AGREEMENT. It is understood and agreed that SBCTA, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of their officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by SBCTA, its contractors, sub-contractors, and/or its agents under this AGREEMENT.
85. Neither SBCTA nor any of its officers and employees, are responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this AGREEMENT. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless SBCTA and all of their officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under this AGREEMENT.

Non-parties

86. PARTIES do not intend this AGREEMENT to create a third party beneficiary or define duties, obligations, or rights for entities not signatory to this AGREEMENT. PARTIES do not intend this AGREEMENT to affect their legal liability by imposing any standard of care for fulfilling the WORK different from the standards imposed by law.
87. PARTIES will not assign or attempt to assign obligations to entities not signatory to this AGREEMENT without an amendment to this AGREEMENT.

Ambiguity and Performance

88. Neither PARTY will interpret any ambiguity contained in this AGREEMENT against the other PARTY. PARTIES waive the provisions of California Civil Code, Section 1654.

A waiver of a PARTY's performance under this AGREEMENT will not constitute a continuous waiver of any other provision.

89. A delay or omission to exercise a right or power due to a default does not negate the use of that right or power in the future when deemed necessary.

Defaults

90. If any PARTY defaults in its performance of the WORK, a non-defaulting PARTY will request in writing that the default be remedied within thirty (30) calendar days. If the defaulting PARTY fails to do so, the non-defaulting PARTY may initiate dispute resolution.

Dispute Resolution

91. PARTIES will first attempt to resolve AGREEMENT disputes at the PROJECT team level as described in the Quality Management Plan. If they cannot resolve the dispute themselves, the CALTRANS District Director and the Executive Officer of SBCTA will attempt to negotiate a resolution. If PARTIES do not reach a resolution, PARTIES' legal counsel will initiate mediation. PARTIES agree to participate in mediation in good faith and will share equally in its costs.

Neither the dispute nor the mediation process relieves PARTIES from full and timely performance of the WORK in accordance with the terms of this AGREEMENT. However, if any PARTY stops fulfilling its obligations, any other PARTY may seek equitable relief to ensure that the WORK continues.

Except for equitable relief, no PARTY may file a civil complaint until after mediation, or forty-five (45) calendar days after filing the written mediation request, whichever occurs first.

PARTIES will file any civil complaints in the Superior Court of the county in which the CALTRANS District Office signatory to this AGREEMENT resides or in the Superior Court of the county in which the PROJECT is physically located.

92. PARTIES maintain the ability to pursue alternative or additional dispute remedies if a previously selected remedy does not achieve resolution.

Prevailing Wage

93. When WORK falls within the Labor Code § 1720(a)(1) definition of "public works" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code § 1771, PARTIES will conform to the provisions of Labor Code §§ 1720-1815, and all applicable provisions of California Code of Regulations, Title 8, Division 1, Chapter 8, Subchapter 3, Articles 1-7. PARTIES will include prevailing wage requirements in contracts for public work and require contractors to include the same prevailing wage requirements in all subcontracts.

Work performed by a PARTY's own employees is exempt from the Labor Code's Prevailing Wage requirements.

If WORK is paid for, in whole or part, with federal funds and is of the type of work subject to federal prevailing wage requirements, PARTIES will conform to the provisions of the Davis-Bacon and Related Acts, 40 U.S.C. §§ 3141-3148.

When applicable, PARTIES will include federal prevailing wage requirements in contracts for public works. WORK performed by a PARTY's employees is exempt from federal prevailing wage requirements.

SIGNATURES

PARTIES are authorized to enter into this AGREEMENT and have delegated to the undersigned the authority to execute this AGREEMENT on behalf of the respective agencies and hereby covenants to have followed all the necessary legal requirements to validly execute this AGREEMENT. By signing below, the PARTIES each expressly agree to execute this AGREEMENT electronically.

The PARTIES acknowledge that executed copies of this AGREEMENT may be exchanged by facsimile or email, and that such copies shall be deemed to be effective as originals.

**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

Michael D. Beauchamp
District Director

Verification of funds and authority:

Corina Harriman
District Budget Manager

Certified as to financial terms and policies:

Darwin Salmos
HQ Accounting Supervisor

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

(NOT FOR SIGNATURE AT THIS TIME)

Raymond Wolfe
Executive Director

Approved as to form:

Juanda L. Daniel
Assistant General Counsel

FUNDING SUMMARY NO. 01

FUNDING TABLE					
<u>IMPLEMENTING AGENCY</u> →			<u>SBCTA</u>		Totals
Source	Party	Fund Type	CONST. SUPPORT	CONST. CAPITAL	
STATE	CALTRANS	SB 1 (TCEP)	0	24,074,000	24,074,000
LOCAL	SBCTA	Measure I	4,859,000	0	4,859,000
LOCAL	SBCTA	Measure I	0	1,331,000	1,331,000
Totals			4,859,000	25,405,000	30,264,000

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<u>SPENDING SUMMARY</u>					
Fund Type	CONST. SUPPORT		CONST. CAPITAL		Totals
	CALTRANS	<u>SBCTA</u>	<u>SBCTA</u>	DFM CALTRANS	
SB 1 (TCEP)	0	0	24,074,000	0	24,074,000
Measure I	0	4,859,000	0	0	4,859,000
Measure I	0	0	1,281,000	50,000	1,331,000
Totals	0	4,859,000	25,355,000	50,000	30,264,000

Funding

1. If there are insufficient funds available in this AGREEMENT to place the PROJECT right-of-way in a safe and operable condition, the appropriate IMPLEMENTING AGENCY will fund these activities until such time as PARTIES amend this AGREEMENT.

That IMPLEMENTING AGENCY may request reimbursement for these costs during the amendment process.

2. If there are insufficient funds in this AGREEMENT to implement the obligations and responsibilities of this AGREEMENT, including the applicable commitments and conditions included in the PROJECT environmental documentation, permits, agreements, and/or approvals that are in effect at a time that WORK stops, each PARTY accepts responsibility to fund their respective WORK until such time as PARTIES amend this AGREEMENT.

Each PARTY may request reimbursement for these costs during the amendment process.

ICRP Rate

3. The cost of any engineering support performed by CALTRANS includes all direct and applicable indirect costs. CALTRANS calculates indirect costs based solely on the type of funds used to pay support costs. State and federal funds administered by CALTRANS are subject to the current Program Functional Rate. All other funds are subject to the current Program Functional Rate and the current Administration Rate. The Program Functional Rate and Administration Rate are adjusted periodically.

In accordance with California Senate Bill 848, the Administration Rate is capped at 10 percent until January 1, 2023, for Self-Help Counties with a countywide sales tax measure dedicated to transportation improvements.

4. If the WORK is funded with state or federal funds, any PARTY seeking CALTRANS reimbursement of indirect costs must submit an indirect cost rate proposal and central service cost allocation plan (if any) in accordance with Local Assistance Procedures Manual, 2 CFR, Part 200 and Chapter 5. These documents are to be submitted annually to CALTRANS' Audits and Investigations for review and acceptance prior to CALTRANS' reimbursement of indirect costs.

5. Travel, per diem, and third-party contract reimbursements for WORK are to be paid from the funds in this AGREEMENT only after the contractor performs the work and incurs said costs.

Payments for travel and per diem will not exceed the rates paid rank and file state employees under current California Department of Human Resources (CalHR) rules current at the effective date of this AGREEMENT.

If SBCTA invoices for rates in excess of CalHR rates, SBCTA will fund the cost difference and reimburse CALTRANS for any overpayment.

6. In accordance with the CALTRANS Federal-Aid Project Funding Guidelines, PARTIES must obtain approval from the Federal Highway Administration prior to any PROJECT funding changes that that will change the federal share of funds.
7. Notwithstanding the terms of this AGREEMENT, PARTIES agree to abide by the STIP guidelines that require the PARTIES to apportion the project cost increases and savings in the same proportion as the current programmed ratio of funds that are not strictly a one-time only grant. In the alternate, PARTIES may be able to apportion cost increases and savings according to a cost sharing arrangement between the PARTIES that is approved by the CTC.

Invoicing and Payment

8. PARTIES will invoice for funds where the SPENDING SUMMARY shows that one PARTY provides funds for use by another PARTY. PARTIES will pay invoices within forty-five (45) calendar days of receipt of invoice when not paying with Electronic Funds Transfer (EFT). When paying with EFT, SBCTA will pay invoices within five (5) calendar days of receipt of invoice.
9. If SBCTA has received EFT certification from CALTRANS then SBCTA will use the EFT mechanism and follow all EFT procedures to pay all invoices issued from CALTRANS.
10. When a PARTY is reimbursed for actual cost, invoices will be submitted each month for the prior month's expenditures. After all PROJECT COMPONENT WORK is complete, PARTIES will submit a final accounting of all PROJECT COMPONENT costs. Based on the final accounting, PARTIES will invoice or refund as necessary to satisfy the financial commitments of this AGREEMENT.

11. If an executed Program Supplement Agreement (PSA) or STIP Planning, Programming, and Monitoring Program Fund Transfer Agreement (PPM) exists for this PROJECT then SBCTA will abide by the billing and payment conditions detailed for the fund types identified in the PSA or PPM.
12. If CALTRANS reimburses SBCTA for any costs later determined to be unallowable, SBCTA will reimburse those funds.

CONSTRUCTION Support

13. No invoicing or reimbursement will occur for the CONSTRUCTION SUPPORT PROJECT COMPONENT.

CONSTRUCTION Capital

14. SBCTA will invoice and CALTRANS will reimburse for actual costs incurred and paid.

Department Furnished Materials (DFM)

15. CALTRANS will invoice SBCTA the estimated cost of Department Furnished Materials (DFM) as shown in the Funding Summary of this AGREEMENT. SBCTA will reimburse CALTRANS the invoiced amount at least forty-five (45) working days prior to the commencement of CONSTRUCTION expenditures. Based on the final accounting, CALTRANS will invoice or refund SBCTA as necessary to satisfy the financial commitments associated with DFM in this AGREEMENT.

Minute Action

AGENDA ITEM: 14

Date: June 1, 2022

Subject:

Award of Construction Management Services Contract for the Interstate 10 Eastbound Truck Climbing Lane Project

Recommendation:

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

A. Award Contract No. 22-1002731 with Dynamic Engineering Services, Inc., for Construction Management Services for the Interstate 10 Eastbound Truck Climbing Lane Project in an amount not-to-exceed \$3,488,221.98 and a contract term through May 1, 2026.

B. Approve a contingency in the amount of \$523,000, for Construction Management Services Contract No. 22-1002731, to be released in accordance with SBCTA Procurement and Special Risk Assessment Policy No. 11000, VIII.B.6.

Background:

The Interstate 10 (I-10) Eastbound Truck Climbing Lane Project (Project) will improve traffic operations along an approximately three-mile freeway segment by adding a truck lane along the eastbound I-10. The Project starts at 16th Street in the City of Yucaipa and will terminate around County Line Road in the City of Calimesa. The Project will add a new freeway lane to the inside of the freeway, pave the median, add concrete median barriers, and widen the Oak Glen Creek Bridge.

In January 2022, the Board of Directors (Board) authorized the release of Request for Proposals (RFP) No. 22-1002731 for Construction Management (CM) Services. RFP No. 22-1002731 was released to solicit firms to assist San Bernardino County Transportation Authority (SBCTA) in providing CM services for the Project. The solicitation was issued in accordance with SBCTA Procurement and Special Risk Assessment Policy No. 11000. On January 6, 2022, RFP No. 22-1002731 was released and the notice was received by over 612 entities and was downloaded by nine firms. On January 18, 2022, a pre-proposal meeting was held virtually and was attended by over 20 individuals representing various firms including prime and sub-consulting firms. There were a total of four addendums issued, one providing the list of attendees of the pre-proposal meeting, two responding to questions received from various firms, and the last addendum extended the proposal due date by a week.

On February 15, 2022, six proposals were received from the following firms (in alphabetical order). Staff reviewed each submittal and deemed each proposal responsive to the requirements outlined in the RFP.

- AECOM Technical Services, Inc.
- Dynamic Engineering Services, Inc.
- EXP U.S. Services, Inc.
- Falcon Engineering Services, Inc.
- Kleinfelder Construction Services
- Southstar Engineering & Consulting, Inc.

Entity: San Bernardino County Transportation Authority

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The Evaluation Committee consisted of three SBCTA staff members and one California Department of Transportation (Caltrans) staff member. Each committee member thoroughly reviewed each proposal and independently scored each firm against the scoring criteria outlined in the RFP, which was: Qualifications of the Firm - 35%, Proposed Staffing and Project Organization - 35%, and Work Plan - 30%. On March 3, 2022, the committee met and ranked the firms based on total score. At the completion of discussions, the panel members invited the top three firms to an in-person interview at SBCTA. The firms invited to an interview were (in alphabetical order):

- Dynamic Engineering Services, Inc.
- EXP U.S. Services, Inc.
- Kleinfelder Construction Services

After careful consideration of the presentation of the firms and responses to interview questions made by the committee, Dynamic Engineering Services, Inc. is being recommended to be awarded CM Services Contract No. 22-1002731. Dynamic Engineering Services, Inc. is considered the best qualified firm for the Project as they were able to successfully demonstrate a thorough understanding of the scope of work and proposed a qualified team, clear concise work plan, and innovative approach, showing the ability to perform all work and or services necessary to complete the Project.

Subsequent to the Evaluation Committee's recommendation for selection, staff negotiated the final cost and scope with Dynamic Engineering Services, Inc. Staff recommends approval of CM Services Contract No. 22-1002731, for a total not-to-exceed amount of \$3,488,221.98 and a contract termination date of May 1, 2026.

Staff is also recommending that the Board approve a roughly 15% contingency budget in the amount of \$523,000, to be released in accordance with SBCTA Procurement and Special Risk Assessment Policy No. 11000, VIII.B.6. The contingency is to cover contract time extensions that may be caused due to delays in delivery of construction materials, and regulatory requirements that may delay construction activity at the Oak Glen Creek.

Financial Impact:

This item is consistent with the Fiscal Year 2021/2022 Budget and the Proposed Fiscal Year 2022/2023 Budget under Task 0820 (Freeway Projects), Sub-Task 0854 (I-10 EB TCL)

Reviewed By:

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 12, 2022. SBCTA General Counsel, Acting Procurement Manager and Risk Manager have reviewed this item and the draft contract.

Responsible Staff:

Khalid Bazmi, Construction Manager

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Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

San Bernardino County Transportation Authority

Contract Summary Sheet

14.a

General Contract Information

Contract No: 22-1002731 Amendment No.: _____
 Contract Class: Payable Department: Project Delivery
 Vendor No.: 02924 Vendor Name: Dynamic Engineering Services, Inc.
 Description: I-10 Eastbound Truck Climbing Lane Construction Management Services
 List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	3,488,221.98	Original Contingency		\$	523,000.0
Prior Amendments		\$	-	Prior Amendments		\$	-
Prior Contingency Released		\$	-	Prior Contingency Released (-)		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	3,488,221.98	Total Contingency Value		\$	523,000.0
	Total Dollar Authority (Contract Value and Contingency)					\$	4,011,221.9

Contract Authorization

Board of Directors Date: 06/01/2022 Board Item # 8633

Contract Management (Internal Purposes Only)

Other Contracts Local Sole Source? No No Budget Adjustment N/A
 Construction Management

Accounts Payable

Estimated Start Date: 06/01/2022 Expiration Date: 05/01/2026 Revised Expiration Date: _____

NHS: N/A QMP/QAP: N/A Prevailing Wage: Yes

							Total Contract Funding:		Total Contingency:	
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$		\$
GL	4110	40	0820	0854	53702	41100000	5	MSI Valley FWY	3,488,221.98	523,000.00
GL								3,488,221.98		523,000.00
GL								-		-
GL								-		-
GL								-		-
GL								-		-
GL								-		-
GL								-		-
GL								-		-
GL								-		-
GL								-		-

Khalid Bazmi

Henry Stultz

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: CSS 22-1002731 (8633 : I-10 Eastbound Truck Climbing Lane Award Construction Management Services)

CONTRACT No. 22-1002731**BY AND BETWEEN****SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY****AND****DYNAMIC ENGINEERING SERVICES, INC.****FOR****CONSTRUCTION MANAGEMENT SERVICES FOR THE INTERSTATE 10 EAST
BOUND TRUCK CLIMBING LANE**

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 **Dynamic Engineering Services, Inc.** ("CONSULTANT"), whose address is: 11762 De Palma Road, Suite 1C88, Corona, CA 92883. SBCTA and CONSULTANT are each a "Party" and collectively the "Parties".

RECITALS:

WHEREAS, SBCTA requires Work 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. INTRODUCTION

- 1.1 The work to be performed under this Contract is described in Exhibit A, entitled "Scope of Work", and the CONSULTANT's Approved Cost Proposal dated **March 28, 2022** (Exhibit B). If there is any conflict between the Approved Cost Proposal and the Contract Articles, the Contract Articles take precedence.

- 1.2 CONSULTANT agrees to indemnify and hold harmless SBCTA, its officers, agents and employees from any and all claims, demands, costs, or liability arising from or connected with the services provided hereunder due to negligent acts, errors, or omissions of the CONSULTANT. CONSULTANT will reimburse SBCTA for any expenditure, including reasonable attorney fees, incurred by SBCTA in defending against claims ultimately determined to be due to negligent acts, errors, or omissions of the CONSULTANT.
- 1.3 CONSULTANT and the agents and employees of CONSULTANT, in the performance of this Contract, shall act in an independent capacity and not as officers or employees or agents of SBCTA.
- 1.4 Without the written consent of SBCTA, this Contract is not assignable by CONSULTANT, either in whole or in part.
- 1.5 No alteration or variations of the terms of this Contract shall be valid unless made in writing and signed by the Parties hereto; and no oral understanding or agreement not incorporated herein shall be binding on any of the Parties hereto.
- 1.6 The consideration to be paid to CONSULTANT as provided herein shall be in compensation for all of CONSULTANT's expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.
- 1.7 The SBCTA Construction Manager for this Contract is Khalid Bazmi, or such other designee as shall be designated in written notice to CONSULTANT from time to time by the Department Director of SBCTA or his or her designee. The SBCTA Construction 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, demanding performance and accepting work performed, and as otherwise authorized by SBCTA policies, but is not authorized to receive or issue payments or to execute amendments to the Contract.

ARTICLE 2. PROJECT DESCRIPTION/SCOPE OF WORK

CONSULTANT agrees to perform the work and services set forth in Exhibit A "Scope of Work", ("Work"), in accordance with all applicable professional architectural, engineering, construction management, land surveying and/or materials testing 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", as used herein, includes without limitation the performance, fulfillment and discharge by CONSULTANT of all obligations, duties, tasks, and Work imposed upon or assumed by CONSULTANT hereunder; and the Work performed hereunder shall be completed to the satisfaction of SBCTA, with their satisfaction being based on prevailing applicable professional standards.

ARTICLE 3. CONSULTANT's REPORTS OR MEETINGS

- 3.1 CONSULTANT shall submit progress reports at least once a month. The report should 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 special problems encountered, so remedies can be developed.

- 3.2 CONSULTANT's Project Manager shall meet with SBCTA, as needed, to discuss progress on the Contract.

ARTICLE 4. PERFORMANCE PERIOD

- 4.1 This Contract shall go into effect on May 04, 2022 contingent upon approval by SBCTA's Awarding Authority, and CONSULTANT shall commence work after written notification to proceed by SBCTA's Procurement Analyst. The Contract shall end on May 1, 2026, unless extended by written amendment.
- 4.2 CONSULTANT is advised that any recommendation for contract award is not binding on SBCTA until the Contract is fully executed and approved by SBCTA's Awarding Authority.

ARTICLE 5. ALLOWABLE COSTS AND PAYMENTS

- 5.1 Total compensation to CONSULTANT for full and complete performance of the Work in compliance with all the terms and conditions of this Contract shall be on a Specified Rates of Compensation basis for all obligations incurred in, or application to, 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), and shall not exceed \$3,488,221.98 unless authorized by a contract amendment.
- 5.2 CONSULTANT shall be paid at an agreed and supported specific fixed hourly, daily, weekly or monthly rate, for each class of employee engaged directly in the Work. Such rates of pay include the CONSULTANT's estimated costs and net fee (profit). The specific rates of compensation, except for an individual acting as a sole proprietor, are to include an hourly breakdown, direct salary costs, fringe benefits, indirect costs, and net fee as set forth in Exhibit B.
- 5.3 Specific tasks have been assigned to CONSULTANT as identified in the attached Scope of Work.
- 5.4 In addition, CONSULTANT will be reimbursed for incurred (actual) direct costs other than specific rates of compensation identified in Exhibit B.
- 5.5 Reimbursement for transportation and subsistence costs shall not exceed the rates specified in Exhibit B. Any travel expenses must be preapproved in writing by SBCTA and shall be reimbursed per diem at a rate not to exceed the currently authorized rates for state employees under the State Department of Personnel Administration rules. SBCTA will not reimburse CONSULTANT for any expenses not identified in Exhibit B or agreed to and approved by SBCTA as required under this Contract.
- 5.6 When milestone cost estimates are included in Exhibit B, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from SBCTA's Construction Manager before exceeding such cost estimate.
- 5.7 Progress payments will be made monthly in arrears based on services provided and allowable costs incurred. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in the Scope of Work, SBCTA shall have the right to delay payment or terminate this Contract in accordance with the Termination provisions of this Contract.

- 5.8 CONSULTANT shall not commence performance of Work until this Contract has been approved by SBCTA's Awarding Body, and a NTP has been issued by SBCTA's Procurement Analyst. No payment will be made prior to approval of any Work, nor for any Work performed prior to approval of this Contract.
- 5.9 CONSULTANT will be reimbursed, as promptly as fiscal procedures will permit upon receipt by SBCTA of an itemized invoice in triplicate. Invoices shall be submitted no later than 45 calendar days after the performance of Work for which CONSULTANT is billing. Invoices shall follow the format stipulated by SBCTA and shall reference this contract number. Each invoice shall detail the Work performed on each milestone and each project as applicable. Credits due SBCTA that include any equipment purchased under this Contract must be reimbursed by CONSULTANT prior to the expiration or termination of this Contract. Invoices shall follow the format stipulated by SBCTA and shall reference this Contract number and Project title. Invoices should be e-mailed to SBCTA at the following address:
ap@gosbcta.com
- 5.10 CONSULTANT shall include a statement and release with each invoice, satisfactory to SBCTA, that CONSULTANT has fully performed the Work invoiced pursuant to this 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 performed 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.
- 5.11 All subcontracts in excess of \$25,000 shall contain the provisions of this Article.

ARTICLE 6. TERMINATION

- 6.1 Termination for Convenience—SBCTA's Executive Director 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.
- 6.1.1 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.
- 6.1.2 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.

- 6.1.3 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.

6.2 Termination for Cause

- 6.2.1 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 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 products 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 this Contract.
- 6.2.2 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.

- 6.3 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.

- 6.3.1 All subcontracts in excess of \$25,000 shall contain the above provisions.

ARTICLE 7. FUNDING REQUIREMENTS

- 7.1 It is mutually understood between the Parties that this Contract may have been written before ascertaining the availability of funds or appropriation of funds for the mutual benefit of both Parties, in order to avoid program or fiscal delays that would occur if the Contract were executed after that determination was made.
- 7.2 This Contract is valid and enforceable only if sufficient funds are made available to SBCTA for the purpose of this Contract. In addition, this Contract is subject to any additional restrictions, limitations, conditions, or any statute enacted by Congress, State Legislature, or SBCTA governing board that may affect the provisions, terms, or funding of this Contract in any manner.

- 7.3 It is mutually agreed that if sufficient funds are not appropriated, this Contract may be amended to reflect any reduction in funds.
- 7.4 SBCTA has the option to void the Contract under the 30-day cancellation clause, or by mutual agreement to amend the Contract to reflect any reduction of funds.

ARTICLE 8. CHANGE IN TERMS

- 8.1 This Contract may be amended or modified only by mutual written agreement of the Parties.
- 8.2 CONSULTANT shall only commence Work covered by an amendment after the amendment is executed and the NTP has been provided by SBCTA's Procurement Analyst.
- 8.3 There shall be no change in CONSULTANT's Project Manager or members of the project team, as listed in the approved cost proposal, which is part of this Contract without prior written approval of SBCTA.

ARTICLE 9. DISADVANTAGED BUSINESS ENTERPRISE

Intentionally Omitted

ARTICLE 10. COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS

- 10.1 CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq. shall be used to determine the cost allowability of individual items.
- 10.2 CONSULTANT also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- 10.3 Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 49 CFR, Part 18 and 48 CFR Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., are subject to repayment by CONSULTANT to SBCTA.
- 10.4 All subcontracts in excess of \$25,000 shall contain the above provision.

ARTICLE 11. 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 annul 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 12. RETENTION OF RECORDS/AUDIT

- 12.1 CONSULTANT, and subconsultants shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the Contract, including but not to, the costs of administering the Contract. All Parties shall make such materials available at their respective offices at all reasonable times during the Contract period and for three years from the date of final payment under the Contract. The state, State Auditor, SBCTA, Federal Highway Administration, or any other duly authorized representative of the SBCTA shall have access to any books, records, and documents of CONSULTANT that are pertinent to the Contract for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested.
- 12.2 Subcontracts in excess of \$25,000 shall contain this provision.

ARTICLE 13. DISPUTES

- 13.1 Any dispute, other than audit, concerning a question of fact arising under this Contract that is not disposed of by agreement shall be decided by a committee consisting of SBCTA's Procurement Manager and SBCTA's Executive Director, who may consider written or verbal information submitted by CONSULTANT.
- 13.2 Not later than 30 days after completion of all Work under the Contract, CONSULTANT may request review by SBCTA's Executive Director of unresolved claims or disputes, other than audit. The request for review will be submitted in writing.
- 13.3 Neither the pendency of a dispute nor its consideration by SBCTA's Executive Director, will excuse CONSULTANT from full and timely performance in accordance with the terms of this Contract.

ARTICLE 14. AUDIT REVIEW PROCEDURES

- 14.1 Any dispute concerning a question of fact arising under an interim or post audit of this Contract that is not disposed of by agreement shall be reviewed by SBCTA's Chief Financial Officer.
- 14.2 Not later than 30 days after issuance of final audit report, CONSULTANT may request a review by SBCTA's Chief Financial Officer of unresolved audit issues. The request for review must be submitted in writing.
- 14.3 Neither the pendency of a dispute nor its consideration by SBCTA will excuse CONSULTANT from full and timely performance in accordance with the terms of this Contract.

ARTICLE 15. SUBCONTRACTING

- 15.1 Nothing contained in this Contract or otherwise shall create any contractual relation between SBCTA and any subconsultant(s), and no subcontract shall relieve CONSULTANT of its responsibilities and obligations hereunder. CONSULTANT agrees to be fully responsible to SBCTA for the acts and omissions of its subconsultant(s) and of persons directly employed by CONSULTANT. CONSULTANT's obligation to pay its subconsultant(s) is independent of SBCTA's obligation to make payments to the CONSULTANT.

- 15.2 CONSULTANT shall perform the Work contemplated with resources available within its own organization, and no portion of the Work pertinent to this Contract shall be subcontracted without prior written authorization by SBCTA, except that which is expressly identified in the approved Cost Proposal.
- 15.3 CONSULTANT shall pay its subconsultant(s) within ten (10) calendar days from receipt of each payment made to CONSULTANT by SBCTA.
- 15.4 Any subcontract in excess of \$25,000 entered into as a result of this Contract shall contain all the provisions stipulated in this Contract to be applicable to subconsultants.
- 15.5 Any substitution of subconsultants must be approved in writing by SBCTA prior to the start of Work by the subconsultant.

ARTICLE 16. EQUIPMENT PURCHASE

- 16.1. Prior authorization in writing by SBCTA shall be required before CONSULTANT enters into any unbudgeted purchase order or subcontract exceeding \$5,000 for supplies, equipment, or CONSULTANT services. CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.
- 16.2. When seeking SBCTA's prior written authorization for purchase of any item, service or consulting work not covered in CONSULTANT's Cost Proposal and exceeding \$5,000, CONSULTANT must submit three competitive quotations with the request, or the absence of bidding must be adequately justified.
- 16.3. Any equipment purchased as a result of this Contract is subject to the following: "CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of \$5,000 or more. If the purchased equipment needs replacement and is sold or traded in, SBCTA shall receive a proper refund or credit at the conclusion of the Contract, or if the Contract is terminated, CONSULTANT may either keep the equipment and credit SBCTA in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established SBCTA procedures, and credit SBCTA in an amount equal to the sales price. If CONSULTANT elects to keep the equipment, fair market value shall be determined at CONSULTANT's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to SBCTA and CONSULTANT. If it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by SBCTA."
- 16.4 All subcontracts in excess \$25,000 shall contain the above provisions.

ARTICLE 17. INSPECTION OF WORK

CONSULTANT and any subconsultant shall permit SBCTA and the State, to review and inspect the project activities and files at all reasonable times during the performance period of this Contract including review and inspection on a daily basis.

ARTICLE 18. SAFETY

- 18.1 CONSULTANT shall comply with OSHA regulations applicable to CONSULTANT regarding necessary safety equipment or procedures. CONSULTANT shall comply with safety instructions issued by SBCTA or other SBCTA representative. CONSULTANT personnel shall wear hard hats and safety vests at all times while working on the construction project site.
- 18.2 Pursuant to the authority contained in Section 591 of the Vehicle Code, SBCTA has determined that such areas are within the limits of the Project and are open to public traffic. CONSULTANT shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. CONSULTANT shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.
- 18.3 Any subcontract entered into as a result of this Contract shall contain all of the provisions of this Article.
- 18.4 CONSULTANT must have a Division of Occupational Safety and Health (CAL-OSHA) permit(s), as outlined in California Labor Code Sections 6500 and 6705, prior to the initiation of any practices, work, method, operation, or process related to the construction or excavation of trenches which are five feet or deeper.

ARTICLE 19. INSURANCE

- 19.1 Prior to commencing the Work, subject to the provisions of Article 19.2 “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:
- 19.1.1 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.

19.1.2 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 Indemnites 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 Indemnites below. Where coverage is provided through the California State Compensation Insurance Fund, the requirement for a minimum A.M. Best rating does not apply.

19.1.3 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 **\$7,000,000 each occurrence**. If the contract value is equal to or in excess of \$25,000,000, then the combined limit of liability shall be no less than **\$25,000,000 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/location. The project name 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: \$1,000,000
- General aggregate limit: \$2,000,000
- Personal injury and advertising limit \$1,000,000
- 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.

19.1.4 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.

19.1.5 Commercial Auto. The policy must include the following:

- A total limit of liability of not less than **\$5,000,000** each accident. This total limits 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.

19.1.6 Pollution Liability The policy must include the following if it is determined by SBCTA's Risk Manager to be in SBCTA's best interests to require such policy:

- \$2,000,000 per claim or occurrence limits/\$4,000,000 in the aggregate

- If the services involve mold identification / remediation, the policy shall not contain a mold exclusion and the definition of “Pollution” shall include microbial matter including mold.
- If the services involve lead-based paint or asbestos identification/remediation, the policy shall not contain lead-based paint or asbestos exclusions.

19.1.7 Railroad Protective Liability The policy must include the following:

- Should the CONSULTANT need to perform activities in a railroad right-of-way, SBCTA’s Risk Manager and/or a railroad operator may require CONSULTANT to provide Railroad Protective Liability.
- In such a case, the policy shall be in amounts and coverages and from issuers, acceptable to SBCTA’s Risk Manager in his/her sole discretion.
- Depending on facts and circumstances, and the terms and conditions of the policy involved, SBCTA’s Risk Manager may choose to find that the CONSULTANT satisfactorily meets this requirement by obtaining one of the following: a) an acceptable Railroad Protective Liability specific policy; b) a waiver of any railroad liability exclusion from the CONSULTANT’s existing general liability policy; or c) acceptable general liability insurance without a railroad exclusion.

19.2 General Provisions

19.2.1 Qualifications of Insurance Carriers - If policies are written by insurance carriers authorized and admitted to do business in the state of California, then the insurer 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.

19.2.2 No Representations or Warranties - SBCTA makes no representation or warranty that the coverage, limits of liability, or other terms specified for the insurance policies required under this contract are adequate to protect the CONSULTANT against its undertakings under this Contract or its liability to any third party, nor will they preclude SBCTA from taking any actions as are available to it under this Contract or otherwise at law.

19.2.3 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, agents and volunteers, 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.

- 19.2.4 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 Construction 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.
- 19.2.5 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's deductible or SIR.
- 19.2.6 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.
- 19.2.7 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.

- 19.2.8 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.
- 19.2.9 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.
- 19.2.10 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.
- 19.2.11 Non-Limitation of Insurance Requirements - The insurance coverage provided and limits required under this Contract are minimum requirements and are not intended to limit the CONSULTANT's indemnification obligations under the Contract, nor do the indemnity obligations limit the rights of the Indemnified Parties to the coverage afforded by their insured status. To the extent required by Law in connection with Work to be performed, the CONSULTANT shall obtain and maintain, or cause to be

obtained and maintained, in addition to the insurance coverage expressly required under this Contract, such other insurance policies for such amounts, for such periods of time and subject to such terms, as required by Law and any other agreements with which the CONSULTANT is required to comply, including any Third-Party Agreements. Liability insurance coverage will not be limited to the specific location designated as the Site, except that if the CONSULTANT arranges project-specific general liability, excess liability, or workers' compensation coverage, limitations of coverage to the Site will be permitted subject to SBCTA approval and use of the broadest available site-specific endorsements. No liability policy will contain any provision or definition that would serve to eliminate so-called "third-party-over action" claims, including any exclusion for bodily injury to an employee of the insured or of any Sub-CONSULTANT. The CONSULTANT acknowledges and will at all times comply with the provisions of Labor Code Section 3700 which require every employer in the State to be insured against liability for workers' compensation, or to undertake self-insurance in accordance with the provisions of that code.

- 19.2.12 **Review of Coverage** – SBCTA may at any time review the coverage, form, and amount of insurance required under this contract, and may require the CONSULTANT to make changes in such insurance reasonably sufficient in coverage, form, and amount to provide adequate protection against the kind and extent of risk that exists at that time. SBCTA may change the insurance coverages and limits required under this contract by notice to the CONSULTANT, whereupon the CONSULTANT will, within sixty (60) days of such notice date, procure the additional and/or modified insurance coverages. Upon such change any additional cost (at actual cost) from such change will be paid by SBCTA and any reduction in cost will reduce the Contract Price pursuant to a Change Order.
- 19.2.13 **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 subconsultants 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.
- 19.2.14 **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.
- 19.2.15 **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.
- 19.2.16 **Project Specific Insurance** - All insurance coverage required to be provided by CONSULTANT, with the exception of automobile liability and worker's compensation, shall apply specifically and exclusively for the Project and extend to all aspects of the Work, with coverage limits dedicated solely to the Project. Use of other

insurance programs is acceptable, provided that coverage under such programs provides dedicated Project-specific limits and identified premiums and meets all requirements described in contract.

ARTICLE 20. INDEMNITY

20.1 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 officers, employees, agents and volunteers 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 design professional to the maximum extent permitted by Civil Code Section 2782.8.

20.2 For all other Work and obligations under this Contract, CONSULTANT agrees to indemnify, defend (with legal counsel reasonably approved by SBCTA) and hold harmless SBCTA, Caltrans, City of Yucaipa and its officers, employees, agents and volunteers ("Indemnitees") from any and all claims, actions, losses, damages and/or liability (Claims) arising out of or related to any act or omission of CONSULTANT or any of its officers, employees, agents, subconsultants or volunteers, and for any costs or expenses incurred by SBCTA on account of any such Claims 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 21. OWNERSHIP OF DATA

21.1 Upon completion of all Work under this Contract, ownership and title to all reports, documents, plans, specifications, and estimates produced as part of this Contract will automatically be vested in SBCTA, and no further agreement will be necessary to transfer ownership to SBCTA. CONSULTANT shall furnish SBCTA all necessary copies as needed to complete the review and approval process.

21.2 It is understood and agreed that all calculations, drawings and specifications, whether in hard copy or machine-readable form, are intended for one-time use in the construction of the project for which this Contract has been entered into.

21.3 CONSULTANT is not liable for claims, liabilities, or losses arising out of or connected with the modification or misuse by SBCTA of the machine-readable information and data provided by CONSULTANT under this Contract; further, CONSULTANT is not liable for claims, liabilities, or losses arising out of or connected with any use by SBCTA of the project documentation for other projects or additions to this project, or for the completion of this project by others, except only such use as may be authorized in writing by CONSULTANT.

21.4 Applicable patent rights provisions regarding rights to inventions shall be included in the Contract as appropriate (48 CFR 27, subpart 27.3).

- 21.5 SBCTA may permit copyrighting reports or other agreement products. If copyrights are permitted, the Contract shall provide that the FHWA shall have the royalty-free nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes.
- 21.6 Any subcontract in excess of \$25,000 entered into as a result of this Contract, shall contain all of the provisions of this Article.

ARTICLE 22. CLAIMS FILED BY SBCTA's CONSTRUCTION CONTRACTOR

- 22.1 If claims are filed by SBCTA's construction contractor relating to Work performed by CONSULTANT's personnel, and additional information or assistance from CONSULTANT's personnel is required in order to evaluate or defend against such claims, CONSULTANT agrees to make its personnel available for consultation with SBCTA and legal staff, and for testimony, if necessary, at depositions, administrative proceedings, trial or arbitration proceedings.
- 22.2 CONSULTANT's personnel that SBCTA considers essential to assist in defending against construction contractor claims will be made available on reasonable notice from SBCTA. Consultation or testimony will be reimbursed at the same rates, including travel costs, that are being paid for the CONSULTANT's personnel services under this Contract.
- 22.3 Services of the CONSULTANT's personnel in connection with SBCTA's construction contractor claims will be performed pursuant to a written contract amendment, if necessary, extending the termination date of this Contract in order to resolve the construction claims.
- 22.4 Any subcontract in excess of \$25,000 entered into as a result of this Contract, shall contain all of the provisions of this Article.

ARTICLE 23. CONFIDENTIALITY OF DATA

- 23.1 All financial, statistical, personal, technical, or other data and information relative to SBCTA's operations which are designated confidential by SBCTA and made available to CONSULTANT in order to carry out this Contract, shall be protected by CONSULTANT from unauthorized use and disclosure. CONSULTANT agrees to inform itself and makes its employees, agents, and subconsultants aware of the requirements of SBCTA's privacy and confidentiality policies and to abide by the same. CONSULTANT further agrees to require all employees, agents, and subconsultants to sign an SBCTA Confidentiality Agreement as directed by SBCTA personnel.
- 23.2 Neither permission to disclose information on one occasion, nor public hearing held by SBCTA relating to the Contract shall authorize CONSULTANT to further disclose such information or disseminate the same on any other occasion.
- 23.3 CONSULTANT shall not comment publicly to the press or any other media, including social media, regarding the Contract or SBCTA's actions on the same, except to SBCTA's staff, CONSULTANT's own personnel involved in the performance of this Contract, at public hearings, or in response to questions from a SBCTA Board Committee or other public meeting approved by SBCTA.

- 23.4 CONSULTANT shall not issue any news release or public relations item of any nature whatsoever regarding Work performed or to be performed under this Contract without first obtaining SBCTA's review and written permission.
- 23.5 Any SBCTA communications or materials to which CONSULTANT or its subconsultants or agents have access and 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.
- 23.6 Any subcontract entered into as a result of this Contract shall contain all of the provisions of this Article.

ARTICLE 24. NATIONAL LABOR RELATIONS BOARD CERTIFICATION

In accordance with Public Contract Code Section 10296, CONSULTANT hereby states under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against CONSULTANT within the immediately preceding two-year period, because of CONSULTANT's failure to comply with an order of a federal court that orders CONSULTANT to comply with an order of the National Labor Relations Board.

ARTICLE 25. EVALUATION OF CONSULTANT

CONSULTANT's performance may be evaluated by SBCTA. A copy of the evaluation will be sent to CONSULTANT for comments. The evaluation and any comments submitted shall be retained as part of the Contract file. This information may be used when evaluating the firm on future proposal submittals.

ARTICLE 26. RETENTION OF FUNDS

- 26.1 Any subcontract entered into as a result of this Contract shall contain all of the provisions of this Article.
- 26.2 SBCTA shall hold retainage from CONSULTANT and shall make prompt and regular incremental acceptances of portions, as determined by SBCTA, of the Work, and pay retainage to CONSULTANT based on these acceptances. CONSULTANT, or subconsultant, shall return all monies withheld in retention from a subconsultant within thirty (30) days after receiving payment for Work satisfactorily completed and accepted, including incremental acceptances of portions of the Work by SBCTA. Federal law (49 CFR 26.20) requires that any delay or postponement of payment over thirty (30) days may take place only for good cause and with SBCTA's prior written approval. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the CONSULTANT or subconsultant in the event of a dispute involving late payment or non-payment by the CONSULTANT, deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE consultants and subconsultants.

ARTICLE 27. RESPONSIBILITY OF CONSULTANT

- 27.1 CONSULTANT shall be responsible for the professional quality, technical accuracy, and the assurance of compliance with all applicable federal, State, and local laws and regulations, and other Work furnished by the CONSULTANT under the Contract. The Contract includes reference to the appropriate standards for design or other standards for Work performance stipulated in the Contract.
- 27.2 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. Risks that may be encountered include, but are not limited to, soil conditions, constructability, factors of safety, impact on adjacent properties, public safety, and environmental considerations. 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 as to the possibility of any natural catastrophe, potential failure, or any situation that exceeds environmental, design, and/or construction assumptions and could precipitate a failure of any structure or other part of the Project. Notifications under this paragraph shall be specific, clear and timely, and in a form which enables SBCTA to understand and evaluate the magnitude and effect of the risk and/or uncertainties involved.
- 27.3 When a modification to a construction contract is required because of an error or deficiency in the design Work provided under this Contract, CONSULTANT shall be responsible for any and all additional costs associated with the construction contract or the construction of the Project.
- 27.4 SBCTA shall advise CONSULTANT of their responsibility and collect the amount due, including but not limited to, withholding of payments, if the recoverable cost will exceed the administrative cost involved or is otherwise in SBCTA's best interest. SBCTA shall include in the Contract Audit File a written statement of the reasons for the decision to recover or not recover the costs from CONSULTANT.
- 27.5 CONSULTANT shall document the results of the Work to the satisfaction of SBCTA, and if applicable, Caltrans and FHWA. This may include preparation of progress and final reports, plans, specifications and estimates, or similar evidence of attainment of SBCTA's objectives.
- 27.6 As applicable, the responsible consultant/engineer shall sign all plans, specifications, estimates (PS&E) and engineering data furnished by him/her, certify as-built drawings, and where appropriate, indicate his/her California registration or license number.

ARTICLE 28. TECHNICAL DIRECTION

- 28.1 Performance of Work under this Contract shall be subject to the technical direction of SBCTA's Construction Manager, who will be identified in writing to CONSULTANT upon issuance of the NTP and/or subsequently by written notice during the Contract. The term "Technical Direction" is defined to include, without limitation:

- 28.1.1 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 contractual Scope of Work.
 - 28.1.2 Provision of written information to CONSULTANT which assists in the interpretation of drawings, reports, or technical portions of the Scope of Work described herein.
 - 28.1.3 Review and, where required by the Contract, approval of technical reports, drawings, specifications and technical information to be delivered by CONSULTANT to SBCTA under the Contract.
 - 28.1.4 SBCTA may modify this Contract for certain administrative modifications without issuing a written amendment. Administrative modifications as defined herein are limited to: substitutions of personnel identified in this Contract, including Key Personnel and project personnel and subconsultants; modifications to hourly rates, classifications, and names of personnel in Exhibit B; and modifications of the address of the CONSULTANT. All administrative modifications shall be documented in writing between the Parties.
- 28.2 Technical Direction must be within the Scope of Work under this Contract. SBCTA's Construction Manager does not have the authority to, and may not, issue any Technical Direction which:
- 28.2.1 Increases or decreases the Scope of Work;
 - 28.2.2 Directs CONSULTANT to perform Work outside the original intent of the Scope of Work;
 - 28.2.3 In any manner causes an increase or decrease in the Contract price as identified in this Contract, or the time required for Contract performance unless expressly authorized by SBCTA policy;
 - 28.2.4 Changes any of the expressed terms, conditions or specifications of the Contract, unless identified herein;
 - 28.2.5 Interferes with the CONSULTANT's right to perform the terms and conditions of the Contract; or
 - 28.2.6 Approves any demand or claim for additional payment.
- 28.3 Failure of CONSULTANT's Project Manager and SBCTA's Construction 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, shall be subject to the provisions of the "DISPUTES" Article herein.
- 28.4 All Technical Direction shall be issued in writing by SBCTA's Construction Manager.
- 28.5 CONSULTANT shall proceed promptly with the performance of Technical Direction issued by SBCTA's Construction 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 Construction Manager falls within one of the categories

defined in 27.2.1 through 27.2.6, 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 the CONSULTANT, SBCTA shall:

28.5.1 Advise CONSULTANT in writing within thirty (30) calendar days after receipt of the CONSULTANT's letter that the Technical Direction is or is not within the scope of this Contract.

28.5.2 Advise CONSULTANT within a reasonable time whether SBCTA will or will not issue a written amendment.

ARTICLE 29. KEY PERSONNEL

The key personnel shall be the personnel listed in the cost proposal accepted by SBCTA. Prior to diverting any of the specified individuals to other projects or reallocating 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 rate) 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. 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 the Contract.

ARTICLE 30. 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 and engineering and environmental principles and standards that are generally accepted in the profession in the State of California.

ARTICLE 31. 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 32. 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 33. STATEMENT OF COMPLIANCE

33.1 CONSULTANT's signature affixed herein, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California that CONSULTANT has, unless

exempt, complied with, the nondiscrimination program requirements of Government Code Section 12990 and 2 California Code of Regulations Section 8103.

- 33.2 During the performance of this Contract, CONSULTANT and its subconsultants shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (over 40), sexual orientation or military or veteran status. CONSULTANT and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. CONSULTANT and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code § 12900 et seq.) and the applicable regulations promulgated there under (2 California Code of Regulations §§ 7286.0 et seq.). CONSULTANT and subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. 33.3 The contractor and all subcontractors 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, the contractor and all subcontractors 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 34. STATE PREVAILING WAGE RATES

- 34.1 CONSULTANT shall comply with the State of California's General Prevailing Wage Rate requirements in accordance with California Labor Code Section 1770, and all Federal, State, and local laws and ordinances applicable to the Work.
- 34.2 Any subcontract entered into as a result of this Contract if for more than \$25,000 for public works construction or more than \$15,000 for the alteration, demolition, repair, or maintenance of public works, shall contain all of the provisions of this Article.
- 34.3 When prevailing wages apply to services described in the Scope of Work, transportation and subsistence costs shall be reimbursed at the minimum rates set by the Department of Industrial Relations (DIR) as outlined in the applicable Prevailing Wage Determination. See <http://www.dir.ca.gov>.

ARTICLE 35. CONFLICT OF INTEREST

- 35.1 CONSULTANT shall disclose any financial, business, or other relationship with SBCTA that may have an impact upon the outcome of this Contract, or any ensuing SBCTA construction project. CONSULTANT shall also list current clients who may have a financial interest in the outcome of this Contract, or any ensuing SBCTA construction project, which will follow.
- 35.2 CONSULTANT hereby certifies that it does not now have, nor shall it acquire, any financial or business interest that would conflict with the performance of services under this Contract. 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.

- 35.3 Any subcontract in excess of \$25,000 entered into as a result of this Contract shall contain all of the provisions of this Article.
- 35.4 CONSULTANT hereby certifies that neither CONSULTANT, its employees, nor any firm affiliated with CONSULTANT providing services on this project prepared the Plans, Specifications, and Estimate for any construction project included within this Contract. An affiliated firm is one subject to the control of the same persons through joint ownership or otherwise.
- 35.5 CONSULTANT further certifies that neither CONSULTANT nor any firm affiliated with CONSULTANT will bid on any construction subcontracts included within the construction contract. Additionally, CONSULTANT certifies that no person working under this Contract is also employed by the construction contractor for any project included within this Contract.
- 35.6 Except for subconsultants whose services are limited to materials testing, no subconsultant who is providing services on this Contract shall have provided services on the design of any project included within this Contract.

ARTICLE 36. REBATES, KICKBACKS OR OTHER UNLAWFUL CONSIDERATION

CONSULTANT warrants that this Contract was not obtained or secured through rebates, kickbacks or other unlawful consideration, either promised or paid to any SBCTA employee. For breach or violation of this warranty, SBCTA shall have the right in its discretion; to terminate the Contract without liability; to pay only for the value of the Work actually performed; or to deduct from the Contract price or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

ARTICLE 37. NOTIFICATION

All notices hereunder and communications regarding the interpretation of the terms of this Contract and changes thereto, shall be effected by the mailing thereof by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

To Dynamic Engineering Services, Inc	To SBCTA
11762 De Palma Road, Suite 1C88	1170 W. 3rd Street, 2nd Floor
Corona, CA 92883	San Bernardino, CA 92410-1715
Attn: Chia-Chi Wang	Attn: Khalid Bazmi
Email: ccwang@dynamicsesi.com	Email: Kbazmi@gosbcta.com
	cc: Procurement Manager
	Email: procurement@gosbcta.com
Phone: (951) 471-8890	Phone: (909) 884-8276

ARTICLE 38. 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 “TERMINATION” provision herein.

ARTICLE 39. 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 40. 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 costs resulting from errors or deficiencies in Work furnished under this Contract, including but not limited to any fines, penalties, damages, and costs associated with a modification to a construction contract required because of an error or deficiency in the Work provided by CONSULTANT under this Contract.

ARTICLE 41. 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 CONSULTANT shall promptly reimburse SBCTA for all expenses and costs incurred.

ARTICLE 42. 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 under 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 43. 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 44. 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 45. 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 46. PRECEDENCE

- 46.1 The Contract consists of the Contract Articles, Exhibit A "Scope of Work", and Exhibit B "Approved Cost Proposal", SBCTA's Request For Proposal and CONSULTANT's proposal, all of which are incorporated into this Contract by this reference.
- 46.2 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.
- 46.3 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 47. 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 48. 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 49. DRUG FREE WORKPLACE

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

ARTICLE 50. 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 51. 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 52. ENTIRE DOCUMENT

- 52.1 This Contract constitutes the sole and only agreement governing the Work and supersedes any prior or contemporaneous understandings, written or oral, between the Parties respecting the Project. 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.
- 52.2 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.
- 52.3 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 53. CONTRACT

This Contract constitutes the entire agreement which is made and concluded in duplicate between the two Parties. Each Party, for and in consideration of the payments to be made, conditions mentioned, and work to be performed, agrees to diligently perform in accordance with the terms and conditions of this Contract as evidenced by the signatures below.

ARTICLE 54. 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 on the day and year written below.

**DYNAMIC ENGINEERING
SERVICES, INC, A CALIFORNIA
CORPORATION**

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Victor O. Moore
Chief Executive Officer

By: _____
Curt Hagman
President, Board of Directors

Date: _____

Date: _____

By: _____
Chia-Chi Wang
Secretary

Date: _____

APPROVED AS TO FORM

By: _____
Juanda L. Daniel
Assistant General Counsel

Date: _____

CONCURRENCE

By: _____
Beatriz Valdez
Acting Procurement Manager

Date: _____

EXHIBIT A - "SCOPE OF WORK"

EXHIBIT A
SCOPE OF WORK
INDEX

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A. DESCRIPTION OF SERVICES

The San Bernardino County Transportation Authority (SBCTA) will utilize the services of CONSULTANT to support the construction activities for the Project. The CONSULTANT will provide construction management, materials testing, and construction surveying for the Project. A description of the Project is given below.

Interstate 10 (I-10) Eastbound Truck Climbing Lane (EB TCL) Project

The I-10 EB TCL Project will extend the existing eastbound truck climbing lane near 16th Street in the City of Yucaipa to County Line Road in the City of Calimesa, a total of approximately three miles. The scope of the project includes paving the inside shoulder and median area using Continuously Reinforced Concrete Pavement (CRCP) for the traversable sections and striping the existing outside lane as a truck climbing lane. The project would also construct a concrete median barrier along the length of the project, widen the Oak Glen Creek Bridge with cast in place "T" girders, pier walls, and footings with cast in steel piles. Construction is estimated at 18 months.

Services

Services are anticipated to generally include, but are not limited to the following: participation in the evaluation of scheduling of the proposed project; constructability reviews; construction project advertising, bid analysis, and award; construction inspection; construction surveying, materials testing, source inspection, contractor interface and contract administration; office engineering; and other assorted duties as appropriate in managing construction of a Caltrans improvement project.

CONSULTANT shall assign a full-time Resident Engineer to coordinate all contract and personnel activities for all phases of construction. Other Resident Engineer(s) and inspection personnel may be assigned to direct and coordinate all project specific field activities and responsibilities as needed for satisfactory performance on the project. The Resident Engineer assigned for this project shall be licensed as a Professional Civil Engineer in the State of California at the time of proposal submittal through the duration of the contract. The Consultant is expected to provide a Structures Representative, Survey personnel, and Materials Testing/Source Inspection personnel to administer the construction support services requested herein and to assign qualified field personnel to perform the requested services. Furthermore, the Resident Engineer shall act as the public outreach liaison to assist the Authority's Public Information Office in implementing the Public Outreach Program established for this project.

Insofar as the Consultant's approach described in the Proposal, the scope of responsibility and the total number of personnel assigned to each phase is left to the discretion of the CONSULTANT. The Proposal shall include a staffing plan, an organization chart and a resource loaded schedule that establish the firm's ability to adequately and appropriately staff and manage the project both during pre-construction period and during the construction phase. CONSULTANT will be required to provide a resource loaded staffing plan broken down for the entire duration of the project with the proposal and on a monthly basis during the course of construction showing resources and costs to SBCTA through project completion.

CONSULTANT shall provide qualified construction management and inspection, materials testing and source inspection, construction surveying and public relations liason personnel to perform a wide variety of construction management, support and contract administration duties as outlined in this Scope of Services for the Project.

The CONSULTANT shall report to and receive direction from SBCTA through the Construction Manager, or his designees. The SBCTA Construction Manager is responsible for coordination of all SBCTA construction activities and for coordinating the efforts of the total construction team. The SBCTA Construction Manager will be the main contact and primary source of information between SBCTA, cities, outside agencies, supporting consultants and the public for the construction project.

B. PERFORMANCE REQUIREMENTS

Construction Management: CONSULTANT shall furnish a Project Manager to coordinate CONSULTANT operations with SBCTA. The Project Manager shall be responsible for all matters related to CONSULTANT personnel and operations. The Project Manager may also serve as the Resident Engineer.

CONSULTANT shall also furnish a Resident Engineer. The Resident Engineer shall be assigned to direct and coordinate construction activities under this contract. Other Assistant Resident Engineers may be assigned to each specific project responsibilities as needed. The Resident Engineer shall be a Civil Engineer registered in the State of California and shall be in responsible charge of construction management and construction activity within the Project.

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

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

If CONSULTANT personnel are on leave of absence, the Project Manager shall provide equally qualified replacement personnel until the assigned personnel returns to the Project approved by SBCTA.

The typical workday includes all hours worked by the construction Contractor. If necessary, overtime for CONSULTANT personnel may be required. The construction Contractor's operations may be restricted to specific hours during the week, which shall become the normal workday for CONSULTANT personnel. The Project Manager, with prior concurrence from SBCTA, shall have the authority to increase, decrease, or eliminate CONSULTANT personnel work hours dependent on the schedule and requirements of the construction Contractor. All overtime required by CONSULTANT personnel shall be approved and authorized by SBCTA prior to each occurrence.

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

CONSULTANT shall monitor for Contractor's compliance with the labor standards provisions of the projects and the related wage determination decisions of the Secretary of Labor.

CONSULTANT personnel shall assist SBCTA and local agencies in obtaining compliance with the safety and accident prevention provisions of the Project. Local agencies will retain jurisdictional control for traffic control.

All services required herein shall be performed in accordance with California Department of Transportation guidelines, regulations, policies, procedures, manuals, and standards, except as noted in the special provisions.

Materials Testing & Source Inspection: The number of field testing and source inspection personnel assigned to the Project will vary throughout the duration of the construction contract. CONSULTANT certified materials testing and source inspection personnel will be assigned as needed by the Resident Engineer to meet the required numbers and frequencies of testing based on schedule of the construction contractor.

Materials Testing /Source Inspection Services will be provided on an on-call basis. The duration of assignments could vary from a minimum of a few hours to the full term of the Project. CONSULTANT personnel will be available within one (1) day of written notification by SBCTA.

It is the intent of SBCTA to maintain a consistency of material testing/source inspection quality throughout each phase of each project. CONSULTANT is therefore encouraged to provide, where ever and whenever possible, the same personnel for the duration of construction of each project.

On days when work is not performed by the construction contractor, such as rainy or unsuitable weather days, CONSULTANT will not provide services unless authorized by the SBCTA Construction Manager.

Consultant shall be responsible for finalizing a Source Inspection Quality Management Plan (SIQMP) to match the project requirements, assist SBCTA in gaining Caltrans approval, and manage the SIQMP. The SIQMP shall meet SBCTA and Caltrans requirements. Consultant shall provide Structural Materials Representative (SMR), Steel inspectors, Non-destructive Steel Inspectors, Coating Inspectors, Precast Concrete Inspectors and other source inspectors as needed.

All CONSULTANT personnel will be knowledgeable of, and comply with, all applicable local, state, and federal regulations. All personnel shall cooperate and consult with SBCTA during the course of the contract; and perform other duties as may be required to assure that the construction is being performed in accordance with the Project plans and specifications. CONSULTANT's personnel will keep records and document the work as directed by the Resident Engineer.

All services required herein will be performed in accordance with Caltrans regulations, policies, procedures, manuals, and standards.

Construction Surveying: CONSULTANT will furnish surveying crew(s) to perform construction surveys for the Project. The number of survey crew(s) assigned to the Project may vary throughout the duration of the construction contract to meet the Project needs. CONSULTANT personnel will be assigned as needed by the Resident Engineer to meet the schedule of the construction contractor.

Construction surveying services will be provided on an on-call basis. It is the intent of SBCTA to maintain a consistency of construction survey quality throughout each phase of each project. Therefore, CONSULTANT is encouraged to provide the same field personnel for the duration of construction. It is important that the Field Party Chief(s) assigned to a project be completely familiar with the survey requirements and the assignments for the Project.

Construction surveying will not be performed when conditions such as weather, traffic, and other factors prevent safe and efficient operation.

CONSULTANT personnel will:

- Be knowledgeable of, and comply with all, applicable local, Caltrans, state, and federal regulations.
- Cooperate and consult with SBCTA officials during the course of the contract.
- Perform duties as may be required to assure construction is performed in accordance with the Project plans and specifications.
- Keep records and document work as directed by SBCTA Construction Manager.

All services required herein will be performed in accordance with Caltrans regulations, policies, procedures, manuals, and standards.

C. DUTIES AND RESPONSIBILITIES

1. Pre-construction Services

a. Schedule

CONSULTANT shall review the proposed Project schedule, compare it to the Project plans and specifications, and provide recommendations to SBCTA, as appropriate, to ensure efficiency of Contractor and CONSULTANT operations and safe and expeditious completion of the Project.

b. Budget

CONSULTANT shall review the Project estimate, quantities and provide recommendations to SBCTA, as appropriate, to ensure efficient utilization of funds and control of project costs.

c. Constructability Review

CONSULTANT shall review Project plans and special provisions for possible errors and deficiencies and report such findings to SBCTA in a format provide by SBCTA.

d. Utility Relocation assistance

2. Bid Process

a. Bid Documents

CONSULTANT shall assist SBCTA, as requested, with the following tasks:

- 1) Review of bid documents
- 2) Preparation of bid tabulations

b. Pre-construction Meetings

CONSULTANT shall assist SBCTA in conducting one, or more, pre-construction meetings with all involved parties on the Project. Parties may include, but are not limited to, the Contractor, design engineer, Caltrans, County and City staff, utility companies, and developers.

c. Contract Award

CONSULTANT shall assist SBCTA, as requested, with the following tasks:

- 1) Review of bid for completeness and responsiveness
Perform bid analysis
- 2) Development of contractor payment schedules, and other procedural items.
Checking Contractor references, licenses, insurance, and sureties.
- 3) Coordination with prospective Contractor for award of construction contract(s).

All processes will be consistent with procedures outlined by the California Department of Transportation for Special Funded Programs and Local Assistance Procedure Manuals.

3. Project Administration

- a. CONSULTANT shall administer Project construction contracts using Caltrans Construction Manual as a guideline.
- b. CONSULTANT shall conduct regular Project coordination meetings with Contractor, SBCTA, local agencies, and design engineer, as appropriate.
- c. CONSULTANT shall prepare Contractor progress payments and maintain payment records and supporting documentation. All progress payments shall be reviewed by SBCTA for approval.
- d. CONSULTANT shall provide reports as needed to comply with specific funding requirements.
- e. CONSULTANT shall establish and maintain Project records in accordance with the Caltrans Construction Manual. Project record keeping shall include, but are not limited to, correspondence, memoranda, contract documents, change orders, claims, SBCTA and engineer directives, meeting minutes, shop drawings, supplementary drawings, and requests for payment. CONSULTANT shall maintain a record of the names, addresses, and telephone and fax numbers of the Contractors, subcontractors, and principal material suppliers.
- f. CONSULTANT shall establish and maintain a filing system in hard copies files and in electronic forms for each Project using the Caltrans Construction Manual as a guideline. Electronic data documentation will be required to be uploaded weekly to the SBCTA Major Projects Portal
- g. CONSULTANT shall monitor Contractors' construction schedules on an ongoing basis and alert SBCTA to conditions that may lead to delays in completion of the Project.
- h. CONSULTANT shall prepare and submit a monthly Activity Summary Report for the Project in a format approved by SBCTA. The activity report shall include among other items status of SWPPP issues, RFIs, contract change orders, and notice of potential claims; construction activities completed, ongoing, and upcoming; status of Project budget and schedule, and other highlights and critical issues.
- i. CONSULTANT shall review and ensure compliance with environmental requirements.
- j. CONSULTANT shall participate in partnering sessions with the Contractor, SBCTA, and Local Agencies, as required.
- k. CONSULTANT shall ensure that the Project meets all provisions of the SBCTA Construction Materials Quality Assurance Program and Caltrans Quality Assurance Program Manual.
- l. CONSULTANT shall review Contractors' certified payroll records and ensure compliance with the requirements of the construction contract.
- m. CONSULTANT shall ensure that the Project meets all provisions of the Storm Water Pollution Prevention Plan (SWPPP).
- n. CONSULTANT shall assure that the Project meets all applicable regulations of the Air Quality Management District (AQMD) and State Water Resource Control Board (SWRCB).
- o. CONSULTANT shall maintain redlined as-built plans on an ongoing basis throughout the duration of the Project. Redlined plans shall show all changes made to the original contract plans, each change identified with the name of the

approver, date of change approval , and CCO number, if applicable

4. Construction Coordination

- a. CONSULTANT shall provide a minimum of one qualified Resident Engineer to effectively manage the Project.
- b. CONSULTANT Resident Engineer shall act as a prime point of contact between Contractor, Caltrans, SBCTA, CONSULTANT's construction surveyor, CONSULTANT's materials inspector, CONSULTANTS Structural Material Representative (SMR) and utility companies. CONSULTANT may, when requested by SBCTA, act as point of contact between design engineers, cities, and the public. CONSULTANT shall ensure coordination with property owners adjacent to Project right-of-way to ensure timely communication regarding property-condition survey and construction activities and scheduling.
- c. CONSULTANT shall maintain regular contact with SBCTA's Construction Manager.
- d. CONSULTANT shall coordinate utility relocations with utility companies and their designees, as well as the utility inspector.
- e. CONSULTANT shall proactively review Project plans and special provisions for possible errors and deficiencies prior to construction of any specific element and report such findings to SBCTA. Should SBCTA determine that changes are necessary, CONSULTANT shall assist in implementation and processing of change orders in accordance with contract documents.
- f. CONSULTANT shall proactively review Project plans and special provisions; monitor, coordinate, and track construction progress schedule and RFIs; and communicate with various agencies prior to construction of any specific elements to ensure the Project proceeds on schedule and according to the order of work in the plans and special provisions. CONSULTANT shall expedite work, as required, to maintain schedule in conjunction with the overall construction staging program.
- g. CONSULTANT shall coordinate review of shop drawings and Requests for Information (RFI) with the SBCTA Construction Manager. CONSULTANT shall log and track all submittals and requests.
- h. CONSULTANT shall provide a qualified SWPPP Coordinator who along with the Resident Engineer shall review and certify contractor prepared Storm Water Pollution Prevention Plans (SWPPP) and coordinate approval with SBCTA and the State Water Resource Control Board. The SWPPP Coordinator shall be at a minimum a Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer (QSD) and a Qualified SWPPP Practitioner (QSP). CONSULTANT shall provide at a minimum weekly SWPPP monitoring and shall cooperate with all monitoring agency inspections and field reviews.
- i. CONSULTANT shall coordinate the implementation of any changes with the SBCTA Construction Manager and the design engineer.
- j. CONSULTANT shall review and approve falsework and shoring plans.
- k. CONSULTANT shall review and approve Traffic Control Plans and forward to SBCTA for Caltrans/City/County approvals, as necessary.
- l. CONSULTANT shall coordinate all Project construction activities with other on-going projects within and adjacent to the Project limits.

5. Construction Inspection

- a. CONSULTANT shall coordinate all required inspections necessary for the Project. CONSULTANT shall ensure that appropriate City and local agencies are notified and present as required throughout the Project. CONSULTANT shall notify SBCTA immediately regarding any directives, recommendations, notices, etc. received from agencies other than SBCTA.
- b. CONSULTANT shall perform daily on-site observations of the progress and quality of construction to determine if the work being performed is in general conformance with the contract documents, all applicable laws, codes, and ordinances.
- c. CONSULTANT shall exercise reasonable care and diligence to discover and promptly report to SBCTA any and all defects or deficiencies in the materials or workmanship used in the Project.
- d. CONSULTANT personnel assigned to the Project shall be thoroughly familiar with Caltrans Standard Specifications, Caltrans Standard Plans, Caltrans Temporary Pedestrian Facilities Handbook, Caltrans Erosion Control and Highway Planting requirements, safety standards and State Water Resources Control Board requirements. CONSULTANT personnel shall have the ability to read and interpret construction plans and specifications. CONSULTANT personnel shall also have knowledge of State of California Construction Safety Orders (CalOSHA) and traffic control practices as specified in the Work Area Traffic Control Handbook (WATCH), Construction Policy Bulletin CPB 17-1, "Permanent Pedestrian Facilities Construction Inspection Documentation, California Manual on Uniform Traffic Control (MUTCD). In addition, CONSULTANT personnel shall be thoroughly familiar with the construction requirements of Caltrans' Storm Water Pollution Prevention Program.
- e. Assignments to be performed by CONSULTANT personnel shall include, but are not limited to, the following:
 - 1) Paving and subgrade inspection, sub-surface & finish surface drainage inspection, structures and foundation inspection, signing and striping inspection, quantity calculations, ADA certification, checking grade and alignment, construction traffic control, inspection and duties that may be required to determine that construction of the Project is being performed in accordance with the contract documents.
 - 2) Identifying actual and potential problems associated with the Project and recommending sound engineering solutions.
 - 3) Perform basic sampling of construction materials in the field per California Test Method 105 and 125 by both the prime and subconsultant personnel.
 - 4) Maintaining awareness of safety and health requirements. Monitoring Contractors' compliance with applicable regulations and construction contract provisions for the protection of the public and Project personnel.
 - 5) Preparing complete and accurate daily reports, calculations, project records, payment quantity documents, reports, and correspondence related to Project activities.

- 6) Preparing construction sketches, drawings, and cross-sections, as necessary.
- 7) Assisting in the preparation of as-built plans.
- 8) Providing inspections for environmental compliance.
- 9) Maintaining awareness of water discharge requirements. Monitoring Contractors' compliance with applicable regulations and construction contract provisions.
- 10) Monitoring Contractors' compliance with applicable regulations required by AQMD.
- 11) Other duties as may be required or reasonably requested.

6. Project Support

a. Construction Surveys

CONSULTANT shall perform construction surveying services, field calculations, and home office calculations to support construction of the Project. CONSULTANT may be requested to review available survey data, construction plans, and right-of-way plans to confirm compatibility and to identify discrepancies prior to and during construction of proposed projects. The Resident Engineer will assign survey work to the CONSULTANT as needed by issuing a "Request for Survey Services". Requests may include, but not be limited to, the following types of surveys and related services:

1) Construction Surveys

CONSULTANT shall perform construction staking and calculations as needed.

- a) Survey calculations and adjustments shall be performed with established and computed coordinates based on the California Coordinate System.
- b) Cross-section data collection shall be performed by conventional and terrain line interpolation survey methods.
- c) Survey data will include topography, cross-section, and other survey data in computer formats compatible with the Caltrans computer survey and design systems.
- d) Prepare and maintain survey documents. Survey documents include survey field notes, maps, drawings, and other survey documents.
- e) Perform construction staking, including but not limited to:
 - i. Utility relocations
 - ii. Clearing limits
 - iii. Slope staking
 - iv. Storm drain and sanitary sewer
 - v. Drainage structures
 - vi. Curbs, gutters, and sidewalk

- vii. Horizontal and vertical control for structures and portions of structures (bents, abutments, wingwalls, etc.)
- viii. Rough grade
- ix. Finish grade
- f) Monitor for settlement, if required.
- g) Global Positioning Satellite (GPS) equipment shall be made available if required by SBCTA

2) Grid Grades

Grid grade data shall provide pavement elevations at the station line, the left edge of pavement, the right edge of pavement, and the right edge of travel way at 25 foot intervals for travel lanes.

3) Open Ended Traverses and Profile Data Sheets

Separate open-ended traverse calculations and point maps shall depict plan data for station lines, utility lines, wall layout lines, and abutment/bent alignment. Specific information to be shown will be part numbers, coordinates, bearings, and curve data.

Profile data sheets are required for all profiles shown on the plans identifying vertical design elements such as grade, point of intersection (PI) location, beginning of vertical curve (BVC) location, end of vertical curve (EVC) location, and curve length.

4) Three Line Profiles

Separate profile plots are required for the left edge of pavement, the right edge of pavement, and the edge of shoulder for all travel lanes.

5) Right of Way Lines

Existing right of way and easements will be established from Local Agency's record information and existing monumentation.

- a) Right of way monumentation shall be renewed and restored in accordance with Section 10.4 of the Caltrans "Survey Manual" and the State of California Land Surveyor's Act.
- b) Corner records and records of surveys shall be prepared and filed in accordance with the applicable standards and the State of California Land Surveyor's Act and the California Subdivision Map Act.
- c) Perpetuate existing monumentation, which includes restoring, renewing, referencing, and resetting existing boundary related monumentation. In addition, stake areas where construction disturbs the existing right of way, preparing and filing required maps and records.

New right of way and easements will be established from plans, right of way maps, utility drawings, and Local Agency record information, and existing monumentation.

- a) Right of Way Surveys, which includes research and preparation filing of required maps and records. In addition, locate and set

monuments for right of way and easement lines, staking for right of way and easement fences.

- b) Final monumentation, which includes setting of centerline points of control upon completion of construction (only with written direction from SBCTA).
- 6) Special Design – Data Surveys
Includes drainage, utility, and surveys required for special field studies.
- 7) Control Survey
Includes Project control surveys, aerial mapping control surveys, horizontal and vertical control surveys. In addition control surveys will include restoration, renewal, reference, relocation, and resetting of existing control monumentation. The CONSULTANT will be required to provide horizontal and vertical control at the end of each bridge.
- 8) Topographic Surveys
Topographic surveys will normally be compiled by ground survey methods only.

CONSULTANT will provide all necessary Project related surveys and construction staking, including horizontal and vertical control, right of way, and easements. CONSULTANT shall coordinate all staking and verify accuracy. CONSULTANT shall ensure timely coordination of all staking requests from the Contractor.
- b. Materials Testing, Source Inspection and Geotechnical Services
 - 1) CONSULTANT will provide experienced personnel, equipment, and facilities to perform various construction materials sampling and testing. Laboratory and field materials testing will be used to ensure that structure and roadway construction work conforms to California State Department of Transportation (Caltrans) standards, specifications, and special provisions for material quality and workmanship.
 - 2) All field and laboratory testing is to be performed in accordance with California Test Methods.
 - 3) CONSULTANT will be responsible for the accuracy and completeness of all test data compilation and results.
- c. Public Outreach
General Public Outreach Plan will be provided and administered by SBCTA.
 - 1) SBCTA's primary goal is to assure the public that SBCTA is a public agency that delivers quality transportation projects and trustworthy, accurate and timely public information.
 - 2) SBCTA will provide the primary outreach effort with supplemental support as requested from CONSULTANT. This will be a targeted approach with incremental outreach based on construction schedule and staging. The primary target audiences identified for this Project include, but are not limited to:
 - a) LOCAL AGENCY
 - b) SBCTA Board

- c) LOCAL AGENCY and area Emergency Service Providers
 - d) School Transportation Coordinator(s)
 - e) Local Business Community
 - i) Specific businesses with expanding priority based on proximity to work zone and detours
 - ii) Chamber of Commerce
 - f) Commuters
 - g) Recreational Travelers
 - h) Trucking Industry
 - i) Local media
 - i) Print
 - ii) Radio
 - iii) Television
- 3) In the weeks prior to the selection of a construction contractor, SBCTA may coordinate an Emergency Responders Project Briefing to highlight the Project details and possible access challenges for consideration by the Project team.
 - 4) Following the emergency responders briefing, SBCTA may coordinate a Chamber of Commerce Project Briefing to highlight the Project benefits, possible construction schedule and traffic management plan.
 - 5) Just prior to the start of field construction activities, SBCTA and CONSULTANT (includes all PR subs) may coordinate a groundbreaking media event with the LOCAL AGENCY to ceremoniously open the Project. CONSULTANT will be called up on to develop (with input from SBCTA) and maintain a task list of deliverables for this event. CONSULTANT will acquire the necessary items authorized for the event. CONSULTANT will be responsible for set up and breakdown of the event site.
 - 6) Prior to construction beginning, SBCTA and CONSULTANT may coordinate a community meeting to share Project information, construction scheduling, detour information and expected challenges with the general public. CONSULTANT will be called up on to develop (with input from SBCTA) and maintain a task list of deliverables for this event. CONSULTANT will acquire the necessary items authorized for the event. CONSULTANT will be responsible for set up and breakdown of the event site. Staffing this event will be determined based on availability.
 - 7) Near the completion of the construction Project, SBCTA and CONSULTANT will coordinate a ribbon-cutting media event. CONSULTANT will be called upon in a similar fashion to the groundbreaking event.
 - 8) At various stages throughout the Project, SBCTA will request support from CONSULTANT for the following items:
 - a) Establish and maintain stakeholder and/or 'interested parties' list(s) – used for sharing Project updates during Project construction. May need to be filtered to specific audiences (i.e. emergency responders, city government, etc.)

- b) Development of a Project fact sheet (include Project description, Project budget, Project schedule, SBCTA contact information, LOCAL AGENCY contact information, photos, logos, etc.)
 - c) Weekly media advisories (use SBCTA template). CONSULTANT (or sub) will make weekly contact with Project team to establish what road or lane closures (and associated detours if applicable) will be taking place, develop the advisory, send to SBCTA Public Information Office for approval, submit to webmaster for posting, distribute to appropriate media and stakeholder list.
 - d) Emergency notices – when needed.
 - e) Develop web content for project tab on SBCTA website. This page should include same elements of fact sheet with expanded detail when possible. If the information is dynamic, please provide updates to SBCTA Public Information Office for approval prior to submitting to webmaster.
- 9) All requests for speaking to government councils, boards, chambers of commerce or similar business or social groups shall be directed to the SBCTA Public Information Office before agreeing to appear.
 - 10) All media inquiries shall be directed to the SBCTA Public Information Office.

d. Permits

CONSULTANT shall review the Project for permit compliance and coordinate with SBCTA and the design engineer to ensure that necessary permits are obtained. CONSULTANT shall assist SBCTA in the coordination, timely processing and verification of approval for all permits. CONSULTANT shall maintain permits and permit documentation on site.

7. Cost and Schedule

- a. CONSULTANT shall monitor and track the following:
 - 1) Contract pay item quantities and payments
 - 2) Contract change orders
 - 3) Supplemental work items
 - 4) Agency furnished materials
 - 5) Contingency balance
 - 6) Project budget
- b. CONSULTANT shall review and monitor Contractor's schedule by keeping a is own updated schedule to "shadow" that of the contractor and inform SBCTA of any significant changes or deviations in the schedule.
- c. CONSULTANT shall provide and maintain a Project staffing plan of field office personnel based on the Contractor submitted baseline schedule update. In cooperation with SBCTA, the staffing plan shall be periodically updated to reflect Project progress and needs.

8. Contract Change Orders and Claims

- a. CONSULTANT shall receive and evaluate requests for changes and/or substitutions by the Contractor. Contract Change Orders submitted to SBCTA shall be accompanied by CONSULTANT recommendations. Where applicable,

CONSULTANT shall convey proposed changes to design engineer, or other Project consultants. If the requested changes are accepted, CONSULTANT shall negotiate and prepare appropriate Contract Change Orders.

- b. CONSULTANT shall attempt to avoid unnecessary Contract Change Orders. When a Contract Change Order is necessary, CONSULTANT shall consult with SBCTA prior to its preparation. Unless directed otherwise by SBCTA, the preferred method of payment for Contract Change Orders should be as follows
 - 1) Agreed Price
 - 2) Adjustment in compensation to a bid item
 - 3) Time and materials or Force Account

CONSULTANT shall perform force account analysis to validate cost submitted by the Contractor for contract change orders with agreed unit price, lump sum price, and adjustment in components. Analysis shall be based on realistic production and resource needs to complete the work.

- c. CONSULTANT shall attempt to identify all potential claims, track and monitor unresolved claims. The CONSULTANT shall implement appropriate claims avoidance processes where in the best interests of SBCTA as determined by SBCTA's Construction Manager.
- d. CONSULTANT shall assist SBCTA, as requested, in the identification, resolution, and final disposition of claims filed by the Contractor or third parties against SBCTA or the Project.

9. Safety

In addition to the requirements specified elsewhere in this contract, the following shall also apply:

- a. CONSULTANT shall implement and conduct a comprehensive safety program including regular tail-gate safety meetings for CONSULTANT personnel. CONSULTANT shall provide SBCTA with monthly status of safety reports.
- b. CONSULTANT shall comply with State of California Construction Safety Orders and provisions of the Caltrans Construction Manual.
- c. CONSULTANT shall provide appropriate safety training for all CONSULTANT field personnel.
- d. CONSULTANT shall provide all necessary safety equipment as required for CONSULTANT personnel.

10. Project Close Out

- a. CONSULTANT shall prepare a list of items to be completed and/or corrected by the Contractor for final completion of the Project.
- b. CONSULTANT shall collect and furnish as-built information to the design engineer for preparation of as-built drawings including pre-stress drawings and pile logs, as applicable.
- c. CONSULTANT shall review and verify completeness of as-built drawings.
- d. CONSULTANT shall conduct a final walk-through with SBCTA, Local Agencies, Contractors, and design engineers.

- e. CONSULTANT shall prepare final construction reports including the Project Completion Report.
- f. CONSULTANT shall prepare and deliver to SBCTA all Project files.
- g. CONSULTANT shall assist SBCTA and Contractor in obtaining final release of all Project permits.
- h. Project closeout services will be completed within two months of project acceptance.

D. DELIVERABLES

- 1. Inspector daily reports, extra work diaries and Resident Engineers' daily diaries.
- 2. Monthly Project Summary Reports and SIQMP Monthly Reports.
- 3. Monthly update of all files to SBCTA Portal.
- 4. Monthly Contractor progress payments, back-up documentation, and Contractor payment records.
- 5. Contractor final payment documents, delivered to SBCTA no later than ten (10) working days after Acceptance by SBCTA of the completed construction Project.
- 6. Project Completion Report documents per Local Assistance Procedure Manual and Caltrans Construction Manual.
- 7. All Project files, Project reports, Record As-builts, correspondence, memoranda, shop drawings, Project logs, schedule updates, change order data, claims and claim reports, and Contractor payment records per Caltrans Construction Manual.
- 8. Certified payrolls and fringe benefit statements for all employees, CONSULTANT and Contractor, who are subject to the State and/or Federal prevailing wage rates.
- 9. American For Disabilities Act certification of project per Caltrans Standards.
- 10. All material test results will be provided in accordance with the applicable Standard Specifications and Special Provisions, and test methods. Failing tests will be immediately reported to the Resident Engineer or Structures Representative. All test results will be recorded on the appropriate forms. The test documents will be legible and show the identity of the tester where appropriate. A notebook containing all test results and reports will be maintained by CONSULTANT throughout the duration of the Project and delivered to SBCTA with the Project files.
- 11. Record of Survey and Right of Way Monumentations and recording with County (only with SBCTA written authorization).
- 12. Unless otherwise specified in the survey request, the deliverables shall conform to the following:
 - a. Survey points, lines, and monuments shall be established, marked, identified, and referenced as required by survey request and requirements herein.
 - b. Survey notes, drawings, calculations, and other survey documents and information shall be completed as required by the survey request and the requirements herein.
 - c. All original survey documents resulting from this contract, including original field notes, adjustment calculations, final results, and appropriate intermediate documents, shall be delivered to the Resident Engineer and shall become the property of SBCTA. A copy of all survey documents furnished by SBCTA shall be retained by CONSULTANT for future reference.

When the survey is performed with a total station survey system, the original field notes shall be a hard copy in a readable format of the data (observations) as originally collected and submitted by the survey party. The hard copy shall be signed by the Party Chief. If the Party Chief is not licensed, the person in “responsible charge” will be required to sign.

- d. Deliverables to the Resident Engineer shall follow the format specified below:
 - 1) Horizontal Control
 - 2) Alpha numeric hard copy point listing with adjusted California Coordinate System northing and easting and the appropriate descriptions.
 - 3) Vertical Control
 - 4) Alpha numeric hard copy benchmark listing with adjusted elevations compatible with the design datum.
 - 5) Topography
 - 6) Alpha numeric hard copy listing, hard copy drawing, and computer aided drawing and design (CADD) digital drawing. The CADD drawing shall be compatible with the systems utilized by Caltrans.
- e. Data collection method used to collect cross-section data and the coding (feature description) of terrain data for cross-sections shall conform to the survey request requirements. Deliverables shall depend on the data collection method as follows:
 - 1) Conventional Cross – Sections (each cross – section):
For each cross - section and alpha numeric listing, a hard copy drawing, and a computer formatted file compatible with the systems utilized by Caltrans.
 - 2) Terrain Line Interpolation Cross – Section Data (each terrain line interpolation survey):
Terrain line interpolation cross – sections shall include an alpha numeric listing, a hard copy plan view drawing of the terrain lines, and a computer input file. The computer input file shall be provided in a format compatible with the systems utilized by Caltrans.
 - 3) Data Collector Data
If specified in the survey request, the raw data from the data collector shall be provided in a format conforming to the survey request requirements.
 - 4) Other—As specified in the survey request.

E. EQUIPMENT AND MATERIALS TO BE PROVIDED BY CONSULTANT

1. CONSULTANT shall provide all necessary equipment including software, materials, supplies, miscellaneous tools, phones, vehicles, and safety equipment required for its personnel to perform the services accurately, efficiently, and safely. The above noted items are not to be included in Attachment B of Consultants Cost Proposal and are part of the consultants overhead. Only those items authorized by SBCTA in Attachment B, CONSULTANT Cost Proposal, shall be reimbursed by SBCTA.
2. CONSULTANT personnel shall be provided with vehicles suitable for the location and nature of the work involved. Vehicles shall be equipped with flashing yellow lights, either permanently or temporarily affixed.

3. CONSULTANT personnel shall be provided with a mobile radio, cellular phone, or other means to assure full-time communication. If a radio system is to be used, CONSULTANT shall provide a base station at the field office.
4. CONSULTANT personnel shall be provided with all applicable standard plans, specifications, and other standards as appropriate (see item G below).
5. For Materials Testing, CONSULTANT and its staff will be fully equipped at all times to perform the services required, including but not limited to the following:
 - a. An on-site mobile laboratory or laboratory in close proximity to the Project will be required. The type and location of the lab should be such that it can meet the needs of the Project in an efficient, time effective manner. The laboratory is to be fully staffed, equipped, and supplied to conduct all required soils, materials, and concrete breaking tests in a timely manner.
 - b. Field personnel will be provided with all necessary safety equipment to permit work to be performed safely and efficiently within operating highway and construction zone environments.
 - c. All equipment to be calibrated as per Section 3-10 and 3-11 of Caltrans' Quality Assurance Program Manual.
6. For construction surveying, CONSULTANT and staff shall have adequate equipment and supplies to complete the required survey work. Equipment and supplies shall, include, but not be limited to:
 - a. Survey vehicles:
Survey vehicles will be suitable to perform the required work in varying terrain and conditions encountered on the Project. Vehicles shall be fully equipped with all necessary tools, instruments, supplies, and safety equipment required to perform the work accurately, efficiently, and safely. Vehicles shall be equipped with a flashing yellow beacon light.
 - b. Data Processing Systems:
Data processing systems shall include hardware and software to:
 - 1) Performing survey and staking calculations from the design plans and specifications;
 - 2) Reduce survey data collected with conventional and total station survey systems;
 - 3) Perform network adjustments for horizontal and vertical control surveys;
 - 4) Format survey data to be compatible with the Caltrans computer survey and data system.
 - c. Drafting equipment and supplies.
 - d. Digital calculators.
 - e. Hand tools as appropriate for the requested survey work.
 - f. Traffic cones (minimum 25). Traffic cones shall be 28 inches in height (minimum).
 - g. Traffic control devices as required to perform the requested survey work. Traffic control devices include signs, sign bases, flags, and hand held signs.
 - h. Leveling instruments and equipment:

- 1) Self-leveling level. Precision: Standard deviations in one mile of double run leveling 0.005 feet or less.
- 2) Suitable level rods for the work to be performed.
- i. Distance measuring instruments and equipment:
 - 1) Electronic distance measurer (EDM). Precision: standard deviation 3 mm plus 3 PPM, or less; Range: Minimum one mile under average atmospheric conditions.
 - 2) Prisms, sufficient to perform the required work.
 - 3) Tapes; steel, cloth.
- j. Angle measuring instruments and equipment:
 - 1) Theodolite for non-control surveys; Precision: direct circle reading to three seconds, or equivalent, horizontal and vertical.
 - 2) Targets as required to perform the work.
- k. When required for efficient survey operations, total station survey systems consisting of an electronic angle measuring instrument, EDM, and electronic data collector shall be provided. The angle measuring instruments and EDM shall conform to the requirements for the equipment previously listed.
- l. Radio or cellular communications equipment for communication between field office and field crews.
- m. Caltrans manuals, standards, forms, and other policies and procedures to be followed to perform the required work.

F. MATERIALS TO BE FURNISHED BY SBCTA

1. SBCTA will provide three (3) copies of all Project construction documents including plans, and special provisions, and one (1) copy of all other reports, designer prepared resident engineer files, and contracts. In addition, SBCTA will provide one (1) full size (24" x 36") sets of plans for use in the construction field office as record documents.
2. SBCTA will provide copies of all previously secured permits and Project authorizations.
3. SBCTA Construction Management Forms including SBCTA Construction Materials Quality Assurance Program, sample SIQMP and appropriate forms for recording test data in accordance with Caltrans practices and procedures outlined in the "Manual of Test".

G. STANDARDS

All construction inspection, surveys, materials sampling and testing, and contract administration shall be in accordance with the Project bid documents, special provisions, plans, and current Caltrans Manuals including:

1. Construction Manual and its revisions
2. Bridge Construction Records and Procedures Manual
3. Quality Assurance Program Manual
4. Manual of Traffic Controls for Construction and Maintenance Work Zones
5. Caltrans Standard Specifications and Standard Plans
6. Caltrans Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Preparation Manual

7. Manual of Test (3 volumes)
8. Survey Manual
9. District 8 Standard Staking Procedures Manual

Work not covered by the manuals shall be performed in accordance with accepted professional standards.

Surveys performed by CONSULTANT shall conform to the requirements of the Land Surveyor's Act. In accordance with the Land Surveyor's Act, "responsible charge" for the work shall reside with the Licensed Land Surveyor or a pre-January 1, 1982, Registered Professional Civil Engineer in the State of California.

Unless otherwise specified in the survey request, control surveys shall conform to second order (modified) accuracy standards as specified in the Caltrans "Survey Manual".

Additional standards for specific survey work may be included in the applicable request for survey. Such standards supplement the standards specified herein. If additional standards conflict with the standards specified herein, the "Survey Request's" standard shall govern.

The Resident Engineer and SBCTA will decide all questions, which may arise as to the quality or acceptability of deliverables furnished and work performed for this contract. Any CONSULTANT employee who does not perform adequately will be replaced if directed by the SBCTA Construction Manager.

H. AVAILABILITY AND WORK HOURS

The typical workday includes all hours worked by SBCTA's construction Contractor including nights and weekends. The construction Contractor's operations may be restricted to specific hours during the week, which will become the normal workday for CONSULTANT's personnel. On days when work is not performed by the construction contractor, such as rainy or unsuitable weather days, CONSULTANT services will not be provided unless authorized by the SBCTA Construction Manager.

Unless otherwise directed by SBCTA, the normal work week will consist of 40 hours. From time to time, overtime may be required. However, overtime will be worked only when approved in writing by SBCTA.

I. LIMITATIONS TO AUTHORITY

CONSULTANT does not have the authority to:

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

J. THIRD PARTY RELATIONSHIPS

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

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

K. CONSTRUCTION SITE SAFETY

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

1. CONSULTANT will conform to the safety provisions of the Caltrans Construction Manual.
2. CONSULTANT's field personnel will wear white hard hats with proper suspension, orange vests with reflective tape, sleeved shirt, long pants, and leather boots with ankle support and rubber soled shoes at all times while working in the field.
3. CONSULTANT will provide appropriate safety training for all CONSULTANT's personnel, including work on and near highways.
4. All safety equipment will be provided by CONSULTANT.

L. BASIS FOR SURVEY AND MONUMENT STAKING

SBCTA will designate the existing horizontal and vertical control monuments that are the basis of CONSULTANT performed surveys. SBCTA will provide the California Coordinate System values and/or elevation values for these monuments. CONSULTANT shall adjust CONSULTANT performed surveys to be the designated control monuments and the values.

Monuments established by CONSULTANT shall be marked by CONSULTANT with furnished disks, plugs, tags. In addition, CONSULTANT shall identify CONSULTANT established monuments by tagging or stamping the monuments with the license or registration number of CONSULTANT'S surveyor who is in "responsible charge" of the work.

M. PERSONNEL QUALIFICATIONS AND RESPONSIBILITIES

The quantity and qualifications of field personnel to be assigned will be determined by the scope of the Project and the degree of difficulty of required tasks to be performed. Again, all personnel and personnel assignments are subject to approval by SBCTA. While some areas of responsibility may overlap, as a guideline, CONSULTANT personnel assigned to the Project should have the following qualifications:

1. Project Manager
 - a. A minimum of six (6) years' project management experience on similar construction projects is desired.

- b. Accessible to SBCTA at all times during normal working hours.
- c. A thorough understanding of Caltrans construction practices and procedures.
- d. A thorough understanding of Cal-OSHA practices and procedures.
- e. The Project Manager will assume the following functional responsibilities:
 - 1) Review, monitor, train, and provide general direction for CONSULTANT personnel.
 - 2) Assign personnel to projects on an as-needed basis.
 - 3) Administer personal leave.
 - 4) Prepare monthly reports for delivery to SBCTA.

2. Resident Engineer

- a. A minimum of eight (8) years' resident engineer experience on similar construction projects is desired.
- b. Licensed Professional Civil Engineer in the State of California.
- c. Ability to work independently, make effective decisions concerning construction work in progress, and solve field problems.

Accessible to SBCTA at all times including weekends and holidays.

- d. Certified as a Qualified SWPPP Developer or Practitioner is desired.
- e. A thorough understanding of Cal-OSHA practices and procedures.
- f. A thorough understanding of American with Disability Act (ADA) and Caltrans ADA requirements. Completion of Caltrans Temporary Pedestrian Facilities training within last 6 months.
- g. A thorough understanding of Caltrans field methods, practices, and construction office procedures. The Resident Engineer will assume the following functional responsibilities:
 - 1) Monitor and provide daily direction to CONSULTANT Resident Engineers and inspection personnel.
 - 2) Assign field personnel to specific project tasks.
 - 3) Monitor and track Contractor progress.
 - 4) Prepare daily, weekly and monthly reports as required.
 - 5) Coordinate utility relocations with appropriate agencies and the utility inspector.
 - 6) Act as prime field contact between various project Contractors and SBCTA's Construction Manager.

3. Assistant Resident Engineer

- a. A minimum of four (4) years' experience on similar construction projects is desired.
- b. Licensed Professional Civil Engineer in the State of California.
- c. Ability to work independently, make effective decisions concerning construction work in progress, and solve field problems.
- d. Accessible to SBCTA at all times including weekends and holidays.

- e. Certified as a Qualified SWPPP Developer or Practitioner is desired.
- f. A thorough understanding of Cal-OSHA practices and procedures.
- g. A thorough understanding of American with Disability Act (ADA) and Caltrans ADA requirements. Completion of Caltrans Temporary Pedestrian Facilities training within last 6 months.
- h. Thorough understanding of Caltrans field methods, practices, and construction office procedures. The Assistant Resident Engineer shall act under the direction of the Resident Engineer and will assume the following functional responsibilities:
 - 1) Monitor and provide daily direction to CONSULTANT inspection personnel.
 - 2) Assign field personnel to specific project tasks.
 - 3) Monitor and track Contractor progress.
 - 4) Prepare daily, weekly and monthly reports as required.
 - 5) Coordinate utility relocations with appropriate agencies.

4. Lead Field Inspector

- a. A minimum of six (6) years' construction inspection experience in public works or similar projects or a four-year degree in the field of civil engineering, transportation and four years of similar construction experience is desired.
- b. A thorough understanding of Cal-OSHA practices and procedures.
- c. Knowledge of Caltrans construction practices, physical characteristics and properties of highway construction materials, and approved methods and equipment used in making physical tests of construction materials.
- d. Ability to work independently, make effective decisions concerning construction work in progress, and solve field problems.
- e. Ability to direct the efforts of subordinate inspectors.
- f. Ability to use an automatic level and transit for the purpose of verifying line and grade.
- g. Certified as a Qualified SWPPP Developer or Practitioner is desired.
- h. A thorough understanding of American with Disability Act (ADA) and Caltrans ADA requirements. Completion of Caltrans Temporary Pedestrian Facilities training within last 6 months.
- i. Understanding of Caltrans field and construction office procedures. The Lead Field Inspector will assume the following functional responsibilities:
 - 1) Assist in inspections to assure compliance with contract plans, specifications, and special provisions on all phases of construction.
 - 2) Assist in the preparation of contract change orders, contract estimates, progress pay estimates, and other documents or reports required for the Project.
 - 3) Coordinate field testing of materials to monitor compliance with Project specifications and Caltrans Quality Assurance Program.
 - 4) Maintain accurate and timely Project records. Perform quantity calculations for progress pay estimates.

- 5) Perform analytical calculations such as basic earthwork, grading, profiles, and special staking procedures.
- 6) Provide input for the redesign of facilities to fit existing field conditions.
- 7) Monitor and track Contractor progress. Prepare daily, weekly, and monthly reports as required.

5. Field Inspector

- a. Two (2) years' construction inspection experience in public works or similar projects or a four-year degree in the field of civil transportation engineering is desired.
- b. A thorough understanding of Cal-OSHA practices and procedures.
- c. Knowledge of construction practices, physical characteristics and properties of construction materials, and approved methods and equipment used in making physical tests of construction materials.
- d. Ability to work independently. Ability to make minor decisions concerning construction work in progress and to solve field and office problems.
- e. Ability to use an automatic level and transit for the purpose of verifying line and grade.
- f. Certified as a Qualified SWPPP Developer or Practitioner is desired.
- g. A thorough understanding of American with Disability Act (ADA) and Caltrans ADA requirements. Completion of Caltrans Temporary Pedestrian Facilities training within last 6 months.
- h. Understanding of Caltrans construction methods and practices. The Field Inspector will assume the following functional responsibilities:
 - 1) Assist in inspections to assure compliance with contract plans, specifications, and special provisions on all phases of project construction.
 - 2) Assist in preparation of contract change orders, contract estimates, progress pay estimates, and other documents or reports required for the Project.
 - 3) Coordinate field testing of materials to monitor compliance with Project specifications and Caltrans Quality Assurance Program.
 - 4) Perform quantity calculations for progress pay estimates and maintain Project records.
 - 5) Perform analytical calculations such as basic earthwork, grading, profiles, and special staking procedures.
 - 6) Provide input for the redesign of facilities to fit existing field conditions.
 - 7) Perform construction materials sampling.
 - 8) Perform labor compliance interviews of the Contractors' personnel.

6. Structural Representative

- a. A minimum of six (6) years' of bridge or structural construction inspection as related to major public works projects and a four-year degree in civil engineering is desired.
- b. A minimum of four (4) years as a Structural Representative on major public works

projects.

- c. Licensed Professional Civil Engineer in the State of California.
- d. Knowledge of stress analysis, structural mechanics, and strength of materials.
- e. A thorough understanding of Cal-OSHA practices and procedures.
- f. Knowledge of Caltrans and Greenbook construction practices and the physical characteristics and properties of various bridge construction materials including concrete.
- g. Experience in the following areas: foundations, pile driving, concrete prestressing, bridge deck construction, cast-in-place wall construction, falsework, and shoring.
- h. Ability to work independently. Ability to perform duties in the construction field office and effectively make decisions concerning construction work in progress and solving field problems.
- i. Ability to direct the efforts of subordinate inspectors.
- j. Ability to use an automatic level and transit for the purpose of verifying line and grade.
- k. Thorough understanding of Caltrans field methods, practices, and construction office procedures. The Structural Representative shall assume the following functional responsibilities:
 - 1) Assist in inspections to assure compliance with contract plans, specifications, and special provisions on all phases of structural construction such as bridges, foundations, walls, falsework, shoring, and drainage structures.
 - 2) Make grade, alignment, quantity, falsework, and shoring calculations.
 - 3) Assist in the preparation of contract change orders, contract estimates, progress pay estimates, and other documents or reports required for the Project. Coordinate the sampling and testing of construction materials to monitor compliance with contract specifications.
 - 4) Monitor and track Contractor progress. Prepare daily, weekly, and monthly reports as required.
 - 5) Coordinate with Resident Engineer, as well as the Construction Staking and Material Testing consultants.
 - 6) Direct the daily activities of subordinate inspectors.

7. Structural Inspector

- a. A minimum of four (4) years' of bridge design or structural construction inspection as related to Caltrans or major public works projects and a four-year degree in civil or structural engineering is desired.
- b. Knowledge of stress analysis, structural mechanics, and strength of materials.
- c. A thorough understanding of Cal-OSHA practices and procedures.
- d. Knowledge of construction practices and the physical characteristics and properties of various highway bridge construction materials including concrete.
- e. Experience in one or more of the following areas: pile driving, concrete prestressing, bridge deck construction, retaining wall construction, falsework, and

shoring.

- f. Ability to work independently and make minor decisions concerning construction work in progress and to solve field and office problems.
- g. Ability to use an automatic level and transit for the purpose of verifying line and grade.
- h. Understanding of Caltrans construction methods and practices. The Structural Inspector will assume the following functional responsibilities:
 - 1) Assist in inspections to assure compliance with contract plans, specifications, and special provisions on all phases of structural construction such as bridges, foundation, walls, falsework, shoring, and drainage structures.
 - 2) Make grade, alignment, quantity, falsework, and shoring calculations.
 - 3) Assist in the preparation of contract change orders, contract estimates, progress pay estimates, and other documents or reports required for the Project.
 - 4) Sampling and testing of construction materials to monitor compliance with contract specifications and Caltrans Quality Assurance Program.

8. Office Engineer

- a. A minimum of two (2) years' experience as an office engineer on similar construction projects is desired.
- b. Knowledge of Caltrans Office of Highway Construction forms used to administer construction projects.
- c. Knowledge of Caltrans system of document organization.
- d. Knowledge of construction records and accounting procedures.
- e. Knowledge of documentation, procedures, and reporting for federally funded projects.
- f. Knowledge of laws and regulations governing the payment of prevailing wages.
- g. The Office Engineer will assume the following functional responsibilities:
 - 1) Process monthly progress pay estimates, monthly status reports, extra work reports, and weekly statements of working days.
 - 2) Prepare and process contract change orders.
 - 3) Monitor construction budget and schedule.
 - 4) Prepare, maintain, and/or file project documents including labor and equipment records, correspondence, memoranda, meeting minutes, claims, personnel records, labor compliance reports, and daily, weekly, and monthly reports.
 - 5) Perform routine calculations and checking of quantities.
 - 6) Coordinate all office activities and functions with SBCTA representatives.

9. Materials Testing/Source Inspection Project Manager

- a. A minimum four (4) years' project management experience on a similar highway/bridge construction project is desired.

- b. Licensed Civil Engineer in the State of California.
- c. Ability to use typical computer programs including word processing and spreadsheets.
- d. The Materials Testing/Source Inspection Project Manager will assume the following functional responsibilities:
 - 1) Review, monitor, train, and provide general direction for CONSULTANT's laboratory, field and source inspection personnel.
 - 2) Assign personnel to projects on an as-needed basis in coordination with the Resident Engineer.
 - 3) Administer personal leave, subject to approval of the Resident Engineer.
 - 4) Prepare monthly reports for delivery to the Resident Engineer.
 - 5) Provide direction, administration, and responsibility for Materials Certification per Caltrans Construction Manual, Section 8-01.
 - 6) Assist SBCTA and Resident Engineer in preparing the project specific Source Inspection Quality Management Plan (SIQMP) for Caltrans review and approval. (Reference Caltrans "Source Inspection Quality Management Plan (SIQMP Outline dated 04/17/12).
 - 7) Serve as project Structural Materials Representative (SMR) per Caltrans requirements.
 - 8) Provide direction, administration, and responsibility for implementation of the approved SIQMP per Caltrans Construction Procedures Directive (CPD) 08-5 and FHWA Title 23 requirements.

Material testing/source inspection personnel will be certified by a California Registered Civil Engineer as being experienced and competent in the test procedures required for the work involved (and possess a current certificate of proficiency (Form MR-0111) in accordance with Quality Assurance Program Manual (Section 3-5). Independent certification of Caltrans test procedures may be performed at the discretion of the SBCTA Construction Manager.

10. Materials Technicians

CONSULTANT personnel provided under this contract will have a variety of skills and experience appropriate for the level of tasks to be assigned. Field personnel shall be certified by Caltrans and should have a minimum of two (2) years' experience in conducting material sampling and testing of the type required for the projects involved and possess the following additional capabilities:

- a. Have the ability to establish specific locations for appropriate tests when construction contract administration personnel are not available.
- b. Be familiar with construction practices and be fully aware of construction activities at the Project site.
- c. Have knowledge of and comply with safety and health regulations and requirements applicable to the Project.
- d. Specific qualifications for technicians are as follows:
 - 1) CONSTRUCTION TECHNICIAN I
 - a) Performs a variety of semi-skilled activities. Examples of duties

assigned to this classification are:

- i. Conducting quality control tests such as soil densities, sieve analysis tests, operation scales and inspecting spread operations.
- ii. Sampling and transporting produced construction materials from point of application or production to testing laboratory.
- b) Knowledge and Skills Required
 - i. Knowledge of tools, equipment and vehicles utilized in construction.
 - ii. Knowledge of standard equipment and materials used for the sampling and testing of construction material.
 - iii. Knowledge of basic mathematics used in the computation of a variety of construction items.
 - iv. Knowledge of record keeping, preparing of documents and reports.

2) CONSTRUCTION TECHNICIAN II

- a) Performs a variety of skilled activities. Examples of duties assigned to this classification are:
 - i. Inspecting minor construction items, sampling and inspection of steel reinforcement, sampling and inspection of concrete placing operation.
 - ii. Collect and analyze soil samples of construction materials to determine compaction and moisture content.
 - iii. Inspection and sampling of all phases of asphalt concrete and PCC paving operation, including plant inspection.
 - iv. Confers with construction engineers and contractors regarding construction in progress and is conformance to specifications and construction plans.
 - v. Answers questions and resolves problems.
 - vi. Inspects construction in progress to ensure conformance with specification, agreements, and established requirements.
 - vii. Keeps daily diary of work progress.
 - viii. Prepares reports on all field inspections and submits project quantities on a daily basis.
 - ix. Keeps accurate documentation for force accounts and possible claims.
- b) Knowledge and Skills Required
 - i. All knowledge and skills required of lower classification.

- ii. Knowledge of currently accepted methods, procedures and techniques used in highway construction inspection, survey, materials testing, and quality control equipment.
- iii. Skill in interpersonal relations as applied to contact with contractors, representatives of other governmental jurisdictions, and other SBCTA/Caltrans staff.

3) CONSTRUCTION TECHNICIAN III

- a) Exercises considerable independent judgment within general Caltrans standards and guidelines. Examples of duties assigned to this classification are:
 - i. Inspect Project construction on an ongoing basis to assure compliance with contract and in accordance with State and local standards.
 - ii. Perform a variety of structural material tests and inspections.
 - iii. Reviews construction plans and verified that these are in accordance with designated specifications and other requirements.
 - iv. Participates in the preparation of completed work estimates, to calculate compensation due contractor.
 - v. Examines and verifies numeric data and material specifications on project cost source documents, utilizing geometry and trigonometry calculations.
 - vi. Supervises all work activities involved in construction projects, laboratory, and quality control work.
 - vii. Recommends approval of proposed Project changes.
- b) Knowledge and Skills Required
 - i. All knowledge and skills required of lower classifications.
 - ii. Knowledge of the principles and practices of Civil Engineering as applied to the construction of state highways.
 - iii. Skill in analyzing and evaluating a wide variety of highly technical engineering data, including construction plans, field survey and quality control documents.
 - iv. Skill in interpreting and implementing Caltrans standards, policies, procedures and regulations.
 - v. Skill in interpersonal relations, as applied to contacts with contractors, representatives of other governmental jurisdictions, and other SBCTA/Caltrans staff.

11. Construction Surveying Project Manager

- a. A minimum four (4) years' project management experience on similar construction projects is desired.

- b. Licensed Surveyor or pre-January 1, 1982 Registered Professional Engineer in the State of California.
- c. Accessible to the Resident Engineer and SBCTA at all times during normal working hours as specified in this Scope of Services.
- d. Under the direction of the Resident Engineer, the Survey Project Manager will be responsible for:
 - 1) Review, monitor, train, and provide general direction for CONSULTANT survey personnel.
 - 2) Assign personnel to projects on an as-needed basis.
 - 3) Administer personal leave, subject to approval of the Resident Engineer.
 - 4) Prepare monthly reports for delivery to the Resident Engineer.

12. Field Party Chief(s)

- a. The person(s) holding the position of Party Chief shall meet at least one of the following licensing requirements:
 - 1) A licensed Land Surveyor in the State of California.
 - 2) A pre-January 1, 1982, Registered Professional Civil Engineer in the State of California.
 - 3) An experienced surveyor who serves as chief under the direction or supervision of a person who is a licensed Land Surveyor or pre-January 1, 1982 Registered Professional Civil Engineer in the State of California. The direction or supervision shall place the supervisor in “responsible charge” of the work. “Responsible Charge” is defined in Chapter 15 of the Business and Professions Code (the Land Surveyor’s Act) and Title 16, Chapter 5, of the California Administrative Code (regulations adopted by the Board of Registration for Professional Engineers and Land Surveyors).
- b. The Party Chief(s) should have a minimum two (2) years’ survey experience on similar construction projects and possess the following additional capabilities:
 - 1) Thorough knowledge of construction survey practices and the ability to read and interpret plans and specifications.
 - 2) Ability to make effective decisions concerning field problems and work in progress.
 - 3) Familiarity with typical coordinate geometry computer programs.
 - 4) Familiarity with safety requirements for surveying near traffic.
- c. The Party Chief(s) will assume the following responsibilities:
 - 1) Perform construction staking services for Project construction.
 - 2) Administer day to day activities for the survey party.
 - 3) Perform analytical survey calculations for items such as grading, horizontal and vertical control, right of way, and minor in-field design.
 - 4) Maintain continuous communication with the Resident Engineer, field personnel, and construction administration staff.

13. Survey Crews

- a. Qualifications for survey crew members should include the following:
 - 1) A minimum of one (1) year of survey experience on similar construction projects is desired.
 - 2) Fundamental knowledge of construction survey practices and the ability to read and interpret plans and specifications.
 - 3) Ability to assist Party Chiefs and office personnel in all required surveying work.
 - 4) One survey crew member must have the ability to assume temporary leadership of the survey party in the absence of the Party Chief.
- b. Under the direction of the Resident Engineer and the Party Chief, the survey crew members will assume the following responsibilities:
 - 1) Perform basic calculations to support construction staking.
 - 2) Maintain continuous communication with Party Chiefs and office personnel.

END OF SCOPE OF WORK

EXHIBIT B

I-10 EB Truck Climbing Lane Project
 22-1002731
 Dynamic Engineering Services, Inc.

Contract Totals			
	Dynamic Engineering Se	Hours	Cost
	Labor Costs	10088	\$1,597,431
	Other Direct Costs		\$ 86,666
Sub total		10088	\$ 1,684,097.11
	DEA	Hours	Cost
	Labor Costs	929	\$ 181,309.56
	Other Direct Costs		\$ 1,000.00
Sub total		929	\$ 182,309.56
	SYRUSA	Hours	Cost
	Labor Costs	5575	\$ 1,243,249.51
	Other Direct Costs		\$ 7,000.00
Sub total		5575	\$ 1,250,249.51
	Twining	Hours	Cost
	Labor Costs	971	\$ 154,630.76
	Other Direct Costs		\$ 122,028.00
Sub total		970.5	\$ 276,658.76
	ZT Consulting Group	Hours	Cost
	Labor Costs	510	\$ 68,807.04
	Other Direct Costs		\$ 26,100.00
Sub total		510	\$ 94,907.04
Contract Grand Total Amount		18,073	\$ 3,488,221.98

Cost/Price Form for Cost Plus Fixed Fee RFP

14.d

Consultant Dynamic Engineering Services, Inc.

Contract No. 22-1002731

Date 3/25/2022

Direct Labor Classification/Title	Key Personal	Hours	Labor Rate Range		Average Hourly Rate	Total Direct Labor
			Low	High		
Project Manager/Resident Engineer	Chia-Chi Wang	2,256	75.00	85.00	\$80.00	\$180,480.00
Roadway Inspector*	TBD	2,880	65.00	75.00	\$70.00	\$201,600.00
Electrical Inspector*	TBD	304	65.00	75.00	\$70.00	\$21,280.00
Office Engineer/Support	TBD	2,520	28.00	32.00	\$30.00	\$75,600.00
Assist RE	Carny Ho	1,272	65.00	75.00	\$70.00	\$89,040.00
SWPPP Coordinator	TBD	288	65.00	75.00	\$70.00	\$20,160.00
Safety Inspector*	TBD	144	75.00	85.00	\$80.00	\$11,520.00
LC Monitoring	Chia-Chi Wang	160	75.00	85.00	\$80.00	\$12,800.00
Overtime Allocation	TBD	264	97.50	112.50	\$105.00	\$27,720.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00

10,088

Labor Costs

a) Subtotal Direct Labor Costs	\$ 640,200.00
b) Anticipated Salary Increases (see page 2 for sample)	\$ 6,693.00
c) TOTAL DIRECT LABOR COSTS [(a)+(b)]	\$ 646,893.00

Fringe Benefits

d) Fringe Benefits (Rate <u>34.610%</u> %)	e) Total Fringe Benefits [(c)x(d)]	\$ 223,889.67
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Indirect Costs

f) Overhead (Rate <u>89.880%</u> %)	g) Overhead [(c)x (f)]	\$ 581,427.43
h) General and Administrative (Rate <u>0.000%</u> %)	i) Gen & Admin [(c) x (h)]	\$ -
	j) Total Indirect Costs [(g)+(i)]	\$ 581,427.43

Fixed Fee (Profit)

n) (Rate <u>10.00%</u> %)	k) Fixed fee [(c) + (e) + (j)] x (n)	\$ 145,221.01
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Total Loaded Labor Costs

1,597,431.11

Other Direct Costs (ODC)

l) Travel/ Mileage Costs (supported by consultant actual costs)	\$ 14,976.00
m) Equipment Rental and Supplies (itemize) See attached Itemized ODC	\$ 17,690.00
n) Permit Fees (itemize), Plan sheets (each), Test Holes (each, Etc.	\$
o) Subconsultant Costs (attach detailed cost proposal in same format as prime consultant estimate for each subconsultant	\$ 54,000.00

p) Total Other Direct Costs [(l) + (m) + (n) + (o)]	\$ 86,666.00
Total cost [(c) + (e) + (j) + (k) + (p)]	\$ 1,684,097.11

Notes:

- Employees subject to prevailing wage requirements to be marked with an *.

Attachment: Exhibit B (22-1002731) Cost Proposal 1 of 6 - summary (8633 : I-10 Eastbound Truck Climbing Lane Award Construction

Consultant Dynamic Engineering Services, Inc Contract No. 22-1002731 Date 3/25/2022

1. Calculate average hourly rate for 1st year of contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal Per Cost Proposal	Total Hours cost Proposal	Avg Hourly Rate	5year Contract Duration
\$640,200.00 /	10088	= \$ 63.46	Year 1 avg Hourly rate

2. Calculate hourly rate for all years (increase the Average Hourly rate for a year by proposed escalation%)

Average hourly rate	Proposed Escalation				
Year 1 \$ 63.46 +	0%	=	\$ 63.46	Year 2 Avg Hourly Rate	
Year 2 \$ 63.46 +	3%	=	\$ 65.36	Year 3 Avg Hourly Rate	
Year 3 \$ 65.36 +	3%	=	\$ 67.32	Year 4 Avg Hourly Rate	
Year 4 \$ 67.32 +	3%	=	\$ 69.34	Year 5 Avg Hourly Rate	

3. Calculate estimated hour per year (multiply estimate % each year by total hours)

Estimated % Completed Each year	Total Hours Per Cost Proposal	Total Hours per Year	
Year 1 5.0% *	10088	= 504.4	Estimated Hours Year 1
Year 2 60.0% *	10088	= 6052.8	Estimated Hours Year 2
Year 3 35.0% *	10088	= 3530.8	Estimated Hours Year 3
Year 4 *	10088	= 0.0	Estimated Hours Year 4
Year 5 *	10088	= 0.0	Estimated Hours Year 5
Total 100.0%	Total	= 10088	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number hours)

Avg Hourly Rate (Calculated above)	Estimated hours (Calculated above)	Cost Per Year	
Year 1 \$ 63.46 *	504.4	= \$ 32,009.22	Estimated Hours Year 1
Year 2 \$ 63.46 *	6052.8	= \$ 384,110.69	Estimated Hours Year 2
Year 3 \$ 65.36 *	3530.8	= \$ 230,773.09	Estimated Hours Year 3
Year 4 \$ 67.32 *	0.0	= \$ -	Estimated Hours Year 4
Year 5 \$ 69.34 *	0.0	= \$ -	Estimated Hours Year 5
Total Direct Labor Cost with Escalation =		\$ 646,893.00	
Direct Labor Subtotal before Escalation =		\$ 640,200.00	
Estimated Total of Direct Labor Salary Increase =		\$ 6,693.00	Transferred to page 1

Notes:

- This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
- This escalation calculation is for determining the total contract amount only. The actual allowable escalation is per Contract Section ????
- Estimated yearly percent completed from resource loaded schedule

**I-10 East Bound Truck Climbing Lane Project
Dynamic Engineering Services, Inc.**

Consultant or Subconsultant Dynamic Engineering Services, Inc.Contract No. 22-1002731Date 03/28/22

SCHEDULE OF OTHER DIRECT COST ITEMS			
Description of Items	Unit	Unit Cost	Total
A. 3" Binders	30	\$ 15.00	\$ 450.00
B. 2" Binders	20	\$ 10.00	\$ 200.00
C. Pens/Pencils/Coloring pencils (Dozen)	12	\$ 20.00	\$ 240.00
D. Drafting papers various sizes (Dozen)	14	\$ 200.00	\$ 2,800.00
E Post it notes/Highlighters/Straight Edges/Tape Dispensers/ Whiteout/Scissors/ Staple Removers/Stapler Remover/paper clips and binder clips (Actual Costs)	FA	\$ 2,000.00	\$ 2,000.00
F Insurance Premiun Increase	1	\$ 10,000.00	\$ 10,000.00
G Printing, Contract Plan and SSP	10	\$ 200.00	\$ 2,000.00
H Specialty Services (Scheduling)	300	\$ 180.00	\$ 54,000.00
I Mileage Reimbursement (miles over 25 miles each way)	25600	\$ 0.585	\$ 14,976.00
320 WD * (1+0.6) * 50 miles/WD = 25600			
TOTAL ODC's =			\$ 86,666.00

IMPORTANT NOTES:

1. List direct cost items with estimated costs. These costs should be competitive in their respective industries and supported with appropriate documentations.
2. Proposed items should be consistently billed directly to all clients (Commercial entities, Federal Govt., State Govt., and Local Govt. Agency), and not just when the client will pay for them as a direct cost.
3. Items when incurred for the same purpose, in like circumstance, should not be included in any indirect cost pool or in overhead rate.
4. Items such as special tooling, will be reimbursed at actual cost with supporting documentation (invoice)
5. Items listed above that would be considered "tools of the trade" are not reimbursable as other direct costs.
6. Travel related costs should be pre-approved by the contracting agency. The rates should not exceed the State Department of Personnel Administration (DPA) requirements.
7. If mileage is claimed, the rate should be supported by the consultants calculation of their actual costs for company vehicles. In addition, the claimed should be supported by mileage logs.
8. If a consultant proposes rental costs for a vehicle, the company must demonstrate that this is their standard procedures for all of their contracts and that they do not own any vehicles that could be used for the same purpose.

Cost/Price Form for Cost Plus Fixed Fee RFP

14.d

Consultant David Evans and Associates, Inc.

Contract No. 22-1002731

Date 3/22/2022

Direct Labor Classification/Title	Key Personal	Hours	Labor Rate Range		Average Hourly Rate	Total Direct Labor
			Low	High		
Survey Manager	Robert D. Vasquez, PLS	40	80.00	100.00	\$90.00	\$3,600.00
Sr Project Surveyor	Brian Gilloly, PLS	0	70.00	90.00	\$80.00	\$0.00
Project Surveyor	Doug Fulde, PLS	0	60.00	75.00	\$67.50	\$0.00
Survey Analyst	Steven Steinhoff, LSIT	0	50.00	60.00	\$55.00	\$0.00
Survey CADD	Jeremy Schiff, LSIT	0	35.00	50.00	\$42.50	\$0.00
Project Coordinator	Felicia Mantz	24	30.00	40.00	\$35.00	\$840.00
Admin	Carina Vitug	15	25.00	35.00	\$30.00	\$450.00
PLS Party Chief *	Jerry Woodrow, PLS	150	60.00	75.00	\$67.50	\$10,125.00
Survey Party Chief *	Robert Muro	350	55.00	65.00	\$60.00	\$21,000.00
Survey Instrumentman *	Michael Balderston	350	52.00	62.00	\$57.00	\$19,950.00
Survey Apprentice *	Kyle Yenulonis	0	41.00	51.00	\$46.00	\$0.00

Labor Costs

a) Subtotal Direct Labor Costs	\$ 55,965.00
b) Anticipated Salary Increases (see page 2 for sample)	\$ 3,449.20
c) TOTAL DIRECT LABOR COSTS [(a)+(b)]	\$ 59,414.20

Fringe Benefits

d) Fringe Benefits (Rate <u>60.000%</u> %)	e) Total Fringe Benefits [(c)x(d)]	\$ 35,648.52
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Indirect Costs

f) Overhead (Rate <u>117.420%</u> %)	g) Overhead [(c)x (f)]	\$ 69,764.15
h) General and Administrative (Rate <u>0.000%</u> %)	i) Gen & Admin [(c) x (h)]	\$ -
j) Total Indirect Costs [(g)+(i)]		\$ 69,764.15

Fixed Fee (Profit)

n) (Rate <u>10.00%</u> %)	k) Fixed fee [(c) + (e) + (j)] x (n)	\$ 16,482.69
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Total Loaded Labor Costs

181,309.56

Other Direct Costs (ODC)

l) Travel/ Mileage Costs (supported by consultant actual costs)	\$ 1,000.00
m) Equipment Rental and Supplies (itemize)	\$
n) Permit Fees (itemize), Plan sheets (each), Test Holes (each, Etc.	\$
o) Subconsultant Costs (attach detailed cost proposal in same format as prime consultant estimate for each subconsultant)	\$
p) Total Other Direct Costs [(l) + (m) + (n) + (o)]	\$ 1,000.00
Total cost [(c) + (e) + (j) + (k) + (p)]	\$ 182,309.56

Notes:

- Employees subject to prevailing wage requirements to be marked with an *.

Attachment: Exhibit B (22-1002731) Cost Proposal 1 of 6 - summary (8633 : I-10 Eastbound Truck Climbing Lane Award Construction

Consultant David Evans and Associates, Inc. Contract No. 22-1002731 Date 3/22/2022

1. Calculate average hourly rate for 1st year of contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal Per Cost Proposal	Total Hours cost Proposal	Avg Hourly Rate	5year Contract Duration
\$ 55,965.00 /	929	= \$ 60.24	Year 1 avg Hourly rate

2. Calculate hourly rate for all years (increase the Average Hourly rate for a year by proposed escalation%)

Average hourly rate	Proposed Escalation				
Year 1 \$ 60.24 +	4%	=	\$ 62.65	Year 2 Avg Hourly Rate	
Year 2 \$ 62.65 +	4%	=	\$ 65.16	Year 3 Avg Hourly Rate	
Year 3 \$ 65.16 +	4%	=	\$ 67.77	Year 4 Avg Hourly Rate	
Year 4 \$ 67.77 +	4%	=	\$ 70.48	Year 5 Avg Hourly Rate	

3. Calculate estimated hour per year (multiply estimate % each year by total hours)

Estimated % Completed Each year	Total Hours Per Cost Proposal	Total Hours per Year	
Year 1 25.0% *	929	= 232.3	Estimated Hours Year 1
Year 2 25.0% *	929	= 232.3	Estimated Hours Year 2
Year 3 25.0% *	929	= 232.3	Estimated Hours Year 3
Year 4 25.0% *	929	= 232.3	Estimated Hours Year 4
Year 5 25.0% *	929	= 0.0	Estimated Hours Year 5
Total 100.0%	Total	= 929	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number hours)

Avg Hourly Rate (Calculated above)	Estimated hours (Calculated above)	Cost Per Year	
Year 1 \$ 60.24 *	232.3	= \$ 13,990.74	Estimated Hours Year 1
Year 2 \$ 62.65 *	232.3	= \$ 14,550.46	Estimated Hours Year 2
Year 3 \$ 65.16 *	232.3	= \$ 15,133.41	Estimated Hours Year 3
Year 4 \$ 67.77 *	232.3	= \$ 15,739.58	Estimated Hours Year 4
Year 5 \$ 70.48 *	0.0	= \$ -	Estimated Hours Year 5
Total Direct Labor Cost with Escalation =		\$ 59,414.20	
Direct Labor Subtotal before Escalation =		\$ 55,965.00	
Estimated Total of Direct Labor Salary Increase =		\$ 3,449.20	Transferred to page 1

Notes:

- This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
- This escalation calculation is for determining the total contract amount only. The actual allowable escalation is per Contract Section ????
- Estimated yearly percent completed from resource loaded schedule

**I-10 East Bound Truck Climbing Lane Project
Dynamic Engineering Services, Inc.**

Consultant or Subconsultant DEAContract No. 22-1002731Date 03/28/22

SCHEDULE OF OTHER DIRECT COST ITEMS			
Description of Items	Unit	Unit Cost	Total
A. Mileage Reimbursement by IRA rate	1710	\$ 0.585	\$ 1,000.35
B.			
C.			
D.			
E.			
F.			
G.			
H.			
I.			
TOTAL ODC's =			\$ 1,000.35

IMPORTANT NOTES:

1. List direct cost items with estimated costs. These costs should be competitive in their respective industries and supported with appropriate documentations.
2. Proposed items should be consistently billed directly to all clients (Commercial entities, Federal Govt., State Govt., and Local Govt. Agency), and not just when the client will pay for them as a direct cost.
3. Items when incurred for the same purpose, in like circumstance, should not be included in any indirect cost pool or in overhead rate.
4. Items such as special tooling, will be reimbursed at actual cost with supporting documentation (invoice)
5. Items listed above that would be considered "tools of the trade" are not reimbursable as other direct costs.
6. Travel related costs should be pre-approved by the contracting agency. The rates should not exceed the State Department of Personnel Administration (DPA) requirements.
7. If mileage is claimed, the rate should be supported by the consultants calculation of their actual costs for company vehicles. In addition, the claimed should be supported by mileage logs.
8. If a consultant proposes rental costs for a vehicle, the company must demonstrate that this is their standard procedures for all of their contracts and that they do not own any vehicles that could be used for the same purpose.

Cost/Price Form for Cost Plus Fixed Fee RFP

14.d

Consultant SYRUSA Engineering, Inc.

Contract No. TBD

Date 3/16/2022

Direct Labor Classification/Title	Key Personal	Hours	Labor Rate Range		Average Hourly Rate	Total Direct Labor
			Low	High		
Structures Representative	Faisal Zahlout/Jose Corona	1,200	120.00	130.00	\$125.00	\$150,000.00
Structure Inspector	Robert Bersbach/Ryan Vantine/Adriana Jimenz	1,775	85.00	95.00	\$90.00	\$159,750.00
Roadway Inspector	Robert Bersbach/Ryan Vantine/Adriana Jimenz	2,600	85.00	90.00	\$87.50	\$227,500.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00

Labor Costs

a) Subtotal Direct Labor Costs	\$ 537,250.00
b) Anticipated Salary Increases (see page 2 for sample)	\$ 953.25
c) TOTAL DIRECT LABOR COSTS [(a)+(b)]	\$ 538,203.25

Fringe Benefits

d) Fringe Benefits (Rate <u>0.000%</u> %)	e) Total Fringe Benefits [(c)x(d)]	\$ -
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Indirect Costs

f) Overhead (Rate <u>110.000%</u> %)	g) Overhead [(c)x (f)]	\$ 592,023.58
h) General and Administrative (Rate <u>0.000%</u> %)	i) Gen & Admin [(c) x (h)]	\$ -
j) Total Indirect Costs [(g)+(i)]		\$ 592,023.58

Fixed Fee (Profit)

n) (Rate <u>10.00%</u> %)	k) Fixed fee [(c) + (e) + (j)] x (n)	\$ 113,022.68
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Total Loaded Labor Costs

1,243,249.51

Other Direct Costs (ODC)

l) Travel/ Mileage Costs (supported by consultant actual costs)	\$
m) Equipment Rental and Supplies (itemize)	\$ 7,000.00
n) Permit Fees (itemize), Plan sheets (each), Test Holes (each, Etc.	\$
o) Subconsultant Costs (attach detailed cost proposal in same format as prime consultant estimate for each subconsultant)	\$
p) Total Other Direct Costs [(l) + (m) + (n) + (o)]	\$ 7,000.00
Total cost [(c) + (e) + (j) + (k) + (p)]	\$ 1,250,249.51

Notes:

- Employees subject to prevailing wage requirements to be marked with an *.

Attachment: Exhibit B (22-1002731) Cost Proposal 1 of 6 - summary (8633 : I-10 Eastbound Truck Climbing Lane Award Construction

Consultant SYRUSA Engineering, Inc. Contract No. TBD Date 3/16/2022

1. Calculate average hourly rate for 1st year of contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal Per Cost Proposal	Total Hours cost Proposal	Avg Hourly Rate	5year Contract Duration
\$537,250.00 /	5575	= \$ 96.37	Year 1 avg Hourly rate

2. Calculate hourly rate for all years (increase the Average Hourly rate for a year by proposed escalation%)

Average hourly rate	Proposed Escalation			
Year 1 \$ 96.37 +	0%	=	\$ 96.37	Year 2 Avg Hourly Rate
Year 2 \$ 96.37 +	5%	=	\$ 101.19	Year 3 Avg Hourly Rate
Year 3 \$ 101.19 +	5%	=	\$ 106.25	Year 4 Avg Hourly Rate
Year 4 \$ 106.25 +	5%	=	\$ 111.56	Year 5 Avg Hourly Rate

3. Calculate estimated hour per year (multiply estimate % each year by total hours)

Estimated % Completed Each year	Total Hours Per Cost Proposal	Total Hours per Year	
Year 1 5.0% *	5575	= 278.8	Estimated Hours Year 1
Year 2 91.5% *	5575	= 5101.1	Estimated Hours Year 2
Year 3 3.5% *	5575	= 195.1	Estimated Hours Year 3
Year 4 0.0% *	5575	= 0.0	Estimated Hours Year 4
Year 5 0.0% *	5575	= 0.0	Estimated Hours Year 5
Total 100.0%	Total	= 5575	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number hours)

Avg Hourly Rate (Calculated above)	Estimated hours (Calculated above)	Cost Per Year	
Year 1 \$ 96.37 *	278.8	= \$ 26,863.14	Estimated Hours Year 1
Year 2 \$ 96.37 *	5101.1	= \$ 491,595.42	Estimated Hours Year 2
Year 3 \$ 101.19 *	195.1	= \$ 19,744.70	Estimated Hours Year 3
Year 4 \$ 106.25 *	0.0	= \$ -	Estimated Hours Year 4
Year 5 \$ 111.56 *	0.0	= \$ -	Estimated Hours Year 5
Total Direct Labor Cost with Escalation =		\$ 538,203.25	
Direct Labor Subtotal before Escalation =		\$ 537,250.00	
Estimated Total of Direct Labor Salary Increase =		\$ 953.25	Transferred to page 1

Notes:

- This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
- This escalation calculation is for determining the total contract amount only. The actual allowable escalation is per Contract Section ????
- Estimated yearly percent completed from resource loaded schedule

**I-10 East Bound Truck Climbing Lane Project
Dynamic Engineering Services, Inc.**

Consultant or Subconsultant SYRUSA Engineering Inc.Contract No. 22-1002731Date 03/28/22

SCHEDULE OF OTHER DIRECT COST ITEMS			
Description of Items	Unit	Unit Cost	Total
A. Profilograph, Bridge	2	\$ 3,500.00	\$ 7,000.00
B.			
C.			
D.			
E.			
F.			
G.			
H.			
I.			
TOTAL ODC's =			\$ 7,000.00

IMPORTANT NOTES:

1. List direct cost items with estimated costs. These costs should be competitive in their respective industries and supported with appropriate documentations.
2. Proposed items should be consistently billed directly to all clients (Commercial entities, Federal Govt., State Govt., and Local Govt. Agency), and not just when the client will pay for them as a direct cost.
3. Items when incurred for the same purpose, in like circumstance, should not be included in any indirect cost pool or in overhead rate.
4. Items such as special tooling, will be reimbursed at actual cost with supporting documentation (invoice)
5. Items listed above that would be considered "tools of the trade" are not reimbursable as other direct costs.
6. Travel related costs should be pre-approved by the contracting agency. The rates should not exceed the State Department of Personnel Administration (DPA) requirements.
7. If mileage is claimed, the rate should be supported by the consultants calculation of their actual costs for company vehicles. In addition, the claimed should be supported by mileage logs.
8. If a consultant proposes rental costs for a vehicle, the company must demonstrate that this is their standard procedures for all of their contracts and that they do not own any vehicles that could be used for the same purpose.

Cost/Price Form for Cost Plus Fixed Fee RFP

14.d

Consultant Twining Inc

Contract No. 22-1002731

Date 3/22/2022

Direct Labor Classification/Title	Key Personal	Hours	Labor Rate Range		Average Hourly Rate	Total Direct Labor
			Low	High		
QA Testing Project Manager	Sammy Daghighi, PE.	180	91.35	95.92	\$93.64	\$16,855.20
Technical Advisor, CRCP, JPCP	Boris Stein, DSc	33	114.08	119.78	\$116.93	\$3,800.23
Pavement Engineer	Amir Ghavibazoo, PhD	10	72.04	75.65	\$73.85	\$738.50
Lead Inspector-Soil/Agg	Bryan Dorsch	248	52.26	52.26	\$52.26	\$12,960.48
Concrete Tech	Joe Wallen	84	52.26	52.26	\$52.26	\$4,389.84
CRCP/JPCP Inspector	Michael Nunez	324	52.26	52.26	\$52.26	\$16,932.24
HMA Inspector	Shawn Snowdale	92	52.26	52.26	\$52.26	\$4,807.92
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00

Labor Costs

a) Subtotal Direct Labor Costs	\$ 60,484.41
b) Anticipated Salary Increases (see page 2 for sample)	\$ 541.60
c) TOTAL DIRECT LABOR COSTS [(a)+(b)]	\$ 61,026.01

Fringe Benefits

d) Fringe Benefits (Rate <u>74.000%</u> %)	e) Total Fringe Benefits [(c)x(d)]	\$ 45,159.25
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Indirect Costs

f) Overhead (Rate <u>51.350%</u> %)	g) Overhead [(c)x (f)]	\$ 31,336.86
h) General and Administrative (Rate <u>5.000%</u> %)	i) Gen & Admin [(c) x (h)]	\$ 3,051.30
j) Total Indirect Costs [(g)+(i)]		\$ 34,388.16

Fixed Fee (Profit)

n) (Rate <u>10.00%</u> %)	k) Fixed fee [(c) + (e) + (j)] x (n)	\$ 14,057.34
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Total Loaded Labor Costs

154,630.76

Other Direct Costs (ODC)

l) Travel/ Mileage Costs (supported by consultant actual costs)	\$ 3,500.00
m) QA Material Testing (itemize)	\$ 118,528.00
n) Permit Fees (itemize), Plan sheets (each), Test Holes (each, Etc.	\$
o) Subconsultant Costs (attach detailed cost proposal in same format as prime consultant estimate for each subconsultant)	\$
p) Total Other Direct Costs [(l) + (m) + (n) + (o)]	\$ 122,028.00
Total cost [(c) + (e) + (j) + (k) + (p)]	\$ 276,658.76

Notes:

- Employees subject to prevailing wage requirements to be marked with an *.

Attachment: Exhibit B (22-1002731) Cost Proposal 1 of 6 - summary (8633 : I-10 Eastbound Truck Climbing Lane Award Construction

Consultant Twining Inc Contract No. 22-1002731 Date 3/22/2022

1. Calculate average hourly rate for 1st year of contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal Per Cost Proposal	Total Hours cost Proposal	Avg Hourly Rate	5year Contract Duration
\$ 60,484.41 /	970.5	= \$ 62.32	Year 1 avg Hourly rate

2. Calculate hourly rate for all years (increase the Average Hourly rate for a year by proposed escalation%)

Average hourly rate	Proposed Escalation				
Year 1 \$ 62.32 +	3%	=	\$ 64.19	Year 2 Avg Hourly Rate	
Year 2 \$ 64.19 +	3%	=	\$ 66.12	Year 3 Avg Hourly Rate	
Year 3 \$ 66.12 +	3%	=	\$ 68.10	Year 4 Avg Hourly Rate	
Year 4 \$ 68.10 +	3%	=	\$ 70.14	Year 5 Avg Hourly Rate	

3. Calculate estimated hour per year (multiply estimate % each year by total hours)

Estimated % Completed Each year	Total Hours Per Cost Proposal	Total Hours per Year	
Year 1 70.0% *	970.5	= 679.4	Estimated Hours Year 1
Year 2 30.0% *	970.5	= 291.2	Estimated Hours Year 2
Year 3 *	970.5	= 0.0	Estimated Hours Year 3
Year 4 *	970.5	= 0.0	Estimated Hours Year 4
Year 5 *	970.5	= 0.0	Estimated Hours Year 5
Total 100.0%	Total	= 970.5	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number hours)

Avg Hourly Rate (Calculated above)	Estimated hours (Calculated above)	Cost Per Year	
Year 1 \$ 62.32 *	679.4	= \$ 42,337.09	Estimated Hours Year 1
Year 2 \$ 64.19 *	291.2	= \$ 18,688.92	Estimated Hours Year 2
Year 3 \$ 66.12 *	0.0	= \$ -	Estimated Hours Year 3
Year 4 \$ 68.10 *	0.0	= \$ -	Estimated Hours Year 4
Year 5 \$ 70.14 *	0.0	= \$ -	Estimated Hours Year 5
Total Direct Labor Cost with Escalation =		\$ 61,026.01	
Direct Labor Subtotal before Escalation =		\$ 60,484.41	
Estimated Total of Direct Labor Salary Increase =		\$ 541.60	Transferred to page 1

Notes:

- This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
- This escalation calculation is for determining the total contract amount only. The actual allowable escalation is per Contract Section ????
- Estimated yearly percent completed from resource loaded schedule

San Bernardino County Transportation Authority (SBCTA)
I-10 East Bound Truck Climbing Lane Construction Management Services

SCHEDULE OF DIRECT COST ITEMS			
Consultant or Subconsultant: <u>Twining, Inc.</u>		<u>Contract No. 1002731</u>	
		<u>Date: 3/17/2022</u>	
Description of Items			
Continiously Reinforced Concrete Pavement (CRCP)	Units	Unit Cost	Total
Sieve Analysis (CT 202)	45	\$ 120.00	\$ 5,400.00
Aggregate Moisture Content CT 226)	15	\$ 25.00	\$ 375.00
Sand Equivalent (CT 217)	15	\$ 125.00	\$ 1,875.00
Cleanness Value (CT 227)	15	\$ 175.00	\$ 2,625.00
Los Angeles Rattler (CT 211)	4	\$ 175.00	\$ 700.00
Organic Impurities (CT 213)	1	\$ 90.00	\$ 90.00
Durability Index (CT 229)	1	\$ 210.00	\$ 210.00
Specific Gravity and Absorption (CT 206, CT 207)	3	\$ 165.00	\$ 495.00
Soundness (CT 214)	2	\$ 450.00	\$ 900.00
Flexural Strength Testing (CT 523)	90	\$ 133.00	\$ 11,970.00
Subtotal			\$ 24,640.00
Jointed Plain Concrete Pavement (JPCP)	Units	Unit Cost	Total
Sieve Analysis (CT 202)	63	\$ 120.00	\$ 7,560.00
Aggregate Moisture Content CT 226)	21	\$ 25.00	\$ 525.00
Sand Equivalent (CT 217)	21	\$ 125.00	\$ 2,625.00
Cleanness Value (CT 227)	21	\$ 175.00	\$ 3,675.00
Los Angeles Rattler (CT 211)	4	\$ 175.00	\$ 700.00
Organic Impurities (CT 213)	1	\$ 90.00	\$ 90.00
Durability Index (CT 229)	1	\$ 210.00	\$ 210.00
Specific Gravity and Absorption (CT 206, CT 207)	3	\$ 165.00	\$ 495.00
Soundness (CT 214)	2	\$ 450.00	\$ 900.00
Flexural Strength Testing (CT 523) - Pick up Included	126	\$ 133.00	\$ 16,758.00
Subtotal			\$ 33,538.00
Structural Concrete	Units	Unit Cost	Total
Sieve Analysis (CT 202)	60	\$ 120.00	\$ 7,200.00
Aggregate Moisture Content CT 226)	20	\$ 25.00	\$ 500.00
Sand Equivalent (CT 217)	20	\$ 125.00	\$ 2,500.00
Cleanness Value (CT 227)	20	\$ 175.00	\$ 3,500.00
Los Angeles Rattler (CT 211)	4	\$ 200.00	\$ 800.00
Organic Impurities (CT 213)	1	\$ 90.00	\$ 90.00
Durability Index (CT 229)	1	\$ 210.00	\$ 210.00
Specific Gravity and Absorption (CT 206, CT 207)	3	\$ 165.00	\$ 495.00
Soundness (CT 214)	2	\$ 450.00	\$ 900.00
Compressive Strength of Cylinders (CT 521) - Pick up Included	60	\$ 55.00	\$ 3,300.00
Subtotal			\$ 19,495.00

San Bernardino County Transportation Authority (SBCTA)
I-10 East Bound Truck Climbing Lane Construction Management Services

Hot Mix Asphalt (HMA)	Units	Unit Cost	Total
Sieve Analysis (CT 202)	16	\$ 120.00	\$ 1,920.00
Sand Equivalent (CT 217)	10	\$ 125.00	\$ 1,250.00
Crushed Particles (AASHTO 335)	4	\$ 175.00	\$ 700.00
Los Angeles Rattler (AASHTO T96)	4	\$ 200.00	\$ 800.00
Flat and Elongated Particles (ASTM D4791)	4	\$ 240.00	\$ 960.00
Fine Aggreage Angularity (AASHTO T304)	4	\$ 190.00	\$ 760.00
Asphalt Binder Content (CT 382)	13	\$ 160.00	\$ 2,080.00
Asphalt Binder Content Correction Factor (CT 382)	3	\$ 350.00	\$ 1,050.00
HMA Moisture Content (CT 370)	1	\$ 85.00	\$ 85.00
Maximum Theoretical Specific Gravity (CT 309)	13	\$ 160.00	\$ 2,080.00
Gyratory Compacted Specimens CT 308)	18	\$ 90.00	\$ 1,620.00
Core Densities (CT308)	45	\$ 55.00	\$ 2,475.00
Hamburg Wheel Track (AASHTO T324)	3	\$ 1,100.00	\$ 3,300.00
Moisture Susceptibility (AASHTO T283)	3	\$ 1,000.00	\$ 3,000.00
Subtotal			\$ 22,080.00
Aggregate Subbase (Class 2)	Units	Unit Cost	Total
Sieve Analysis (CT 202)	3	\$ 240.00	\$ 720.00
Sand Equivalent (CT 217)	3	\$ 125.00	\$ 375.00
R-Value (CT 301)	3	\$ 490.00	\$ 1,470.00
Maximum Wet Density (CT216)	8	\$ 190.00	\$ 1,520.00
Subtotal			\$ 4,085.00
Aggregate Base (Class 2)	Units	Unit Cost	Total
Sieve Analysis (CT 202)	6	\$ 240.00	\$ 1,440.00
Sand Equivalent (CT 217)	6	\$ 125.00	\$ 750.00
R-Value (CT 301)	6	\$ 490.00	\$ 2,940.00
Durability Index (CT 229)	1	\$ 210.00	\$ 210.00
Maximum Wet Density (CT216)	10	\$ 190.00	\$ 1,900.00
Subtotal			\$ 7,240.00
Earthwork (Embankment & Strucutre Backfill)	Units	Unit Cost	Total
Sieve Analysis (CT 202)	10	\$ 240.00	\$ 2,400.00
Sand Equivalent (CT 217)	10	\$ 125.00	\$ 1,250.00
Maximum Wet Density (CT216)	20	\$ 190.00	\$ 3,800.00
Subtotal			\$ 7,450.00

TOTAL \$ 118,528.00

Cost/Price Form for Cost Plus Fixed Fee RFP

14.d

Consultant ZT Consulting Group, Inc.

Contract No. 22-1002731

Date 3/22/2022

Direct Labor Classification/Title	Key Personal	Hours	Labor Rate Range		Average Hourly Rate	Total Direct Labor
			Low	High		
Senior Quality Engineer	Farzad Tasbihgoo, PE, CQA, CWI	90	70.00	90.00	\$80.00	\$7,200.00
Lead Inspector	Andrew Soria, PCI III, CWI, NACE 2	80	50.00	70.00	\$60.00	\$4,800.00
Quality Engineer	Derick Hobbs, CQA, PCI II	180	40.00	60.00	\$50.00	\$9,000.00
QA Inspector	Nathan Liszewski, CWI, NDT UT/MT	80	45.00	60.00	\$52.50	\$4,200.00
QA Inspector	Paul Mortsof, PCI II, ACI I	80	45.00	60.00	\$52.50	\$4,200.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00
		0			\$0.00	\$0.00

Labor Costs

a) Subtotal Direct Labor Costs	\$ 29,400.00
b) Anticipated Salary Increases (see page 2 for sample)	\$ 1,163.79
c) TOTAL DIRECT LABOR COSTS [(a)+(b)]	\$ 30,563.79

Fringe Benefits

d) Fringe Benefits (Rate <u>0.000%</u> %)	e) Total Fringe Benefits [(c)x(d)]	\$ -
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Indirect Costs

f) Overhead (Rate <u>104.660%</u> %)	g) Overhead [(c)x (f)]	\$ 31,988.06
h) General and Administrative (Rate <u>0.000%</u> %)	i) Gen & Admin [(c) x (h)]	\$ -
	j) Total Indirect Costs [(g)+(i)]	\$ 31,988.06

Fixed Fee (Profit)

n) (Rate <u>10.00%</u> %)	k) Fixed fee [(c) + (e) + (j)] x (n)	\$ 6,255.19
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Total Loaded Labor Costs

68,807.04

Other Direct Costs (ODC)

l) Travel/ Mileage Costs (supported by consultant actual costs)	\$ 10,000.00
m) Equipment Rental and Supplies (itemize)	\$ -
n) Permit Fees (itemize), Plan sheets (each), Test Holes (each, Etc.	\$ -
o) Subconsultant Costs (attach detailed cost proposal in same format as prime consultant estimate for each subconsultant)	\$ 16,100.00

p) Total Other Direct Costs [(l) + (m) + (n) + (o)]	\$ 26,100.00
Total cost [(c) + (e) + (j) + (k) + (p)]	\$ 94,907.04

Notes:

- Employees subject to prevailing wage requirements to be marked with an *.

Attachment: Exhibit B (22-1002731) Cost Proposal 1 of 6 - summary (8633 : I-10 Eastbound Truck Climbing Lane Award Construction

Consultant ZT Consulting Group, Inc. Contract No. 22-1002731 Date 3/22/2022

1. Calculate average hourly rate for 1st year of contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal Per Cost Proposal	Total Hours cost Proposal	Avg Hourly Rate	5year Contract Duration
\$ 29,400.00 /	510	= \$ 57.65	Year 1 avg Hourly rate

2. Calculate hourly rate for all years (increase the Average Hourly rate for a year by proposed escalation%)

Average hourly rate	Proposed Escalation				
Year 1 \$ 57.65 +	0%	=	\$ 57.65	Year 2 Avg Hourly Rate	
Year 2 \$ 57.65 +	3%	=	\$ 59.38	Year 3 Avg Hourly Rate	
Year 3 \$ 59.38 +	3%	=	\$ 61.16	Year 4 Avg Hourly Rate	
Year 4 \$ 61.16 +	3%	=	\$ 62.99	Year 5 Avg Hourly Rate	

3. Calculate estimated hour per year (multiply estimate % each year by total hours)

Estimated % Completed Each year	Total Hours Per Cost Proposal	Total Hours per Year	
Year 1 0.0% *	510	= 0.0	Estimated Hours Year 1
Year 2 20.0% *	510	= 102.0	Estimated Hours Year 2
Year 3 40.0% *	510	= 204.0	Estimated Hours Year 3
Year 4 30.0% *	510	= 153.0	Estimated Hours Year 4
Year 5 10.0% *	510	= 51.0	Estimated Hours Year 5
Total 100.0%	Total	= 510	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number hours)

Avg Hourly Rate (Calculated above)	Estimated hours (Calculated above)	Cost Per Year	
Year 1 \$ 57.65 *	0.0	= \$ -	Estimated Hours Year 1
Year 2 \$ 57.65 *	102.0	= \$ 5,880.30	Estimated Hours Year 2
Year 3 \$ 59.38 *	204.0	= \$ 12,113.52	Estimated Hours Year 3
Year 4 \$ 61.16 *	153.0	= \$ 9,357.48	Estimated Hours Year 4
Year 5 \$ 62.99 *	51.0	= \$ 3,212.49	Estimated Hours Year 5
Total Direct Labor Cost with Escalation =		\$ 30,563.79	
Direct Labor Subtotal before Escalation =		\$ 29,400.00	
Estimated Total of Direct Labor Salary Increase =		\$ 1,163.79	Transferred to page 1

Notes:

- This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
- This escalation calculation is for determining the total contract amount only. The actual allowable escalation is per Contract Section ????
- Estimated yearly percent completed from resource loaded schedule

EXHIBIT 10-H1 COST PROPOSAL (EXAMPLE #1) PAGE 3 OF 4
ACTUAL COST-PLUS-FIXED FEE OR LUMP SUM (FIRM FIXED PRICE) CONTRACTS
 (SAMPLE CALCULATIONS FOR ANTICIPATED SALARY INCREASES)

Consultant ZT Consulting Group, Inc.Contract No. 22-1002731Date 3/22/2022

Estimate of Other Direct Cost (ODC)

Material Testing Summary of Cost		Units	Cost per Unit	Cost
1)	Epoxy Coated Bars	16	\$ 150.00	\$2,400.00
2)	Elastomer Seal	2	\$ 1,200.00	\$2,400.00
3)	Splices - Mechanical or Hoops or Headed Bars	30	\$ 180.00	\$5,400.00
4)	Bearing Pads	2	\$ 575.00	\$1,150.00
5)	Structural Fasteners - Anchor Rods	10	\$ 350.00	\$3,500.00
6)	Structural Fasteners - High Strength Bolts	5	\$ 250.00	\$1,250.00
7)	Strands	0	\$ 150.00	\$0.00
8)	Masonry Blocks	0	\$ 150.00	\$0.00

\$16,100.00

Travel Cost - Per Caltrans Policies (Note 1)		Units	Cost per Unit	Cost
1)	Travel per Note 1 - Per Trip	16	\$ 600.00	\$9,600.00
2)	Mileage Per IRS	684	\$ 0.585	\$400.00

\$10,000.00

Total ODC **\$26,100.00**

Notes

1. Pre-approved travel and Per Diem will be reimbursed in accordance with the current Caltrans Travel Guide for consultants, and detailed in executed Task Order Cost Estimates. No charge will be invoiced for employee relocation costs.

Minute Action

AGENDA ITEM: 15

Date: June 1, 2022

Subject:

Interstate 215 University Parkway Interchange Project - Amendments to the Cooperative Agreements and Design Services Contract

Recommendation:

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

A. Approve Amendment No. 1 to Cooperative Agreement No. 19-1002205 with the City of San Bernardino for the Interstate 215 (I-215) University Parkway Interchange Project (Project) and increase the total Project cost by \$2,509,100, consisting of an additional receivable amount from the City of San Bernardino of \$396,437 and additional Measure I Interchange Program Funds of \$2,112,663.

B. Approve Amendment No. 1 to Agreement No. 20-1002271 with HDR Engineering, Inc., for the Detailed Design phase of the Project, increasing the contract amount by \$400,000 for a new not-to-exceed contract amount of \$1,123,412.69 and a revised termination date of July 1, 2025.

C. Approve an exception to the Procurement and Special Risk Assessment Policy No. 11000 and extend the termination date of the Design and Environmental Services Contract No. 20-1002271 with HDR Engineering, Inc., to July 1, 2025, which is one (1) year beyond the five (5) year maximum term under Policy No. 11000.

D. Authorize the Executive Director, or his designee, to execute Amendment No. 2 to Cooperative Agreement No. 16-1001479 with the California Department of Transportation, upon General Counsel's final approval as to form, for the Project Approval and Environmental Document, the Plans, Specifications, and Estimates, and Right-of-Way phases for the I-215 University Parkway Interchange Project to reflect the current cost and funding plan.

Background:

Recommendation A:

The Interstate 215 (I-215) University Parkway Interchange project (Project) proposes to improve traffic operations and reduce congestion at I-215 and University Parkway in the City of San Bernardino (City). The project would replace the existing tight diamond interchange configuration into a Diverging Diamond Interchange (DDI) configuration which would address forecasted increases in traffic volumes in the area. The Project is currently in the Final Design and Right-of-Way (ROW) Phases. Staff is recommending to approve Amendment No. 1 to Cooperative Agreement No. 19-1002205 with the City for all Project development phases of the Project in order to update the estimated costs. Cost adjustments needed are described below:

I. Final Design and Design Support during Construction

In July 2020, the Project completed its Preliminary Design Phase, and with the selected alternative, final design efforts began. To date, the 60% plans have been completed and have been approved by the California Department of Transportation (Caltrans) which is performing oversight reviews on the Project. As part of the 60% design process, there were several design updates, changes, and new requirements that warrant additional efforts that

Entity: San Bernardino County Transportation Authority

were not accounted for in the original scope of work. Additional efforts include field studies and preparation of a geotechnical report for pavement design and for foundations of signage and lighting structures, incorporation of aesthetic improvements resulting from coordination between Caltrans, the City and San Bernardino County Transportation Authority (SBCTA), street light improvements, electrical system changes such as signal interconnect, video detection, and touchless pedestrian pushbuttons, and design support during construction, which was not included in the original contract. These changes increase the Project costs by \$400,000 for final design.

II. ROW Acquisition

Since the Project environmental approval in July 2020, staff began formal appraisals of properties needed to construct and operate the Project. Additionally, staff also began correspondence with property owners and/or their representatives. Taking into account formal appraisals and coordination with property owners, staff requested a cost update from SBCTA ROW agents and outside legal representatives to address various scenarios during the acquisition process. The cost estimate used in the original cooperative agreements were based on preliminary level design information and early pre-appraisal estimates. Additionally, refinements to Project design, considering the Project's potential effects on adjacent properties, led to acquisition of an additional property owned by Caltrans. The cost adjustment of \$2,109,100 for the ROW Phase accounts for estimated capital cost increases by SBCTA's ROW staff, additional properties needed, and corresponding support costs.

With completion at the 60% design, the project's capital estimate for construction costs were updated; however, based on discussions between SBCTA and City staff, any changes to construction costs will be deferred to the 100% Plans, Specifications and Estimate (PS&E) stage to assure the most accurate cost is reflected in the cooperative agreement. If the 100% PS&E stage construction costs exceed the amount in the cooperative agreement, an amendment will be taken back to the Board of Directors (Board) for consideration and approval. Funding for the Project cost increase in this cooperative agreement amendment will be covered by a combination of Measure I Interchange funds and City Developer Impact Fees. The increase to Measure I Interchange funds is within the amount included in the 2021 Update to the 10-Year Delivery Plan.

Recommendation B and C:

In response to design changes and design standards updates, staff discussed and negotiated a contract amendment with HDR Engineering, Inc. (HDR), who is the design consulting firm on the Project. With the design updates required, approval of Amendment No. 1 to Design Services Contract No. 20-1002271 with HDR, to increase the contract budget by \$400,000 is recommended. In April 2021, a contingency release was authorized in the amount of \$5,670 to allow HDR to prepare exhibits showing driveway improvements to two properties within the Project limits. In March 2022, a contingency release was also authorized in the amount of \$67,280.40 to allow HDR to perform additional unanticipated work that resulted from comments received from the review of the 65% design plans and specifications. Along with the contingency release and the recommended amendment to the contract budget of \$400,000, the total revised contract budget for Design Services Contract No. 20-1002271 would be \$1,123,412.69, with a remaining contingency of \$3,095.10. This amendment is reflected in the San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 1, 2022

Page 3

updated funding table under Amendment No. 1 to Cooperative Agreement No. 19-1002205 with the City.

Additionally, staff is recommending that the Board approve an exception to the Procurement and Special Risk Assessment Policy No. 11000 and extend the termination date of Consulting Services Contract No. 20-1002271 with HDR Engineering, Inc., to July 1, 2025, which is one (1) year beyond the five (5) year maximum term under Policy No. 11000. This extension will allow HDR to assist with design support through construction including Project closeout activities such as preparation of Project as-built plans. HDR was selected through a competitive procurement process as the most qualified firm to perform design services for this Project based on a review of their proposal and an interview by a panel consisting of SBCTA, City, and Caltrans staff. HDR has provided competent services in execution of their contract; this amendment will allow completion of required identified tasks through the completion of final design and provide the needed design support through construction closeout without disruption to the overall Project delivery. The qualifications and performance, to date, support processing this amendment with HDR through Project completion. This amendment complies with Policy No. 11000 V.C.3.d and V.C.f.iii, as HDR is the best firm positioned to perform this work due to their unique knowledge of the project.

Recommendation D:

An amendment to Cooperative Agreement No. 16-1001479 with Caltrans is necessary to access the Federal funds planned to fund the cost increases described above. Because the draft amendment is not yet available and \$71,404 in the Federal Highway Infrastructure Program funding planned for the Project is subject to loss if not authorized by Caltrans this fiscal year, staff recommends the Board authorize the Executive Director, or his designee, to execute the amendment to Cooperative Agreement No. 16-1001479, upon General Counsel's final approval as to form, to reflect Project costs consistent with proposed Attachment A.1 to Amendment No. 1 to Agreement No. 19-1002205 in Recommendation A. The total Federal funds proposed for the Project are consistent with the 2021 Update to the 10-Year Delivery Plan.

Financial Impact:

This item is consistent with the Fiscal Year 2021/2022 Budget and the Proposed Fiscal Year 2022/2023 Budget, under Task No. 820, Sub-Task No. 853 (I-215 University Parkway Interchange).

Reviewed By:

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 12, 2022. SBCTA General Counsel, Acting Procurement Manager and Risk Manager have reviewed this item and the draft amendments.

Responsible Staff:

Dennis Saylor, Project Manager

Board of Directors Agenda Item
June 1, 2022
Page 4

Approved
Board of Directors
Date: June 1, 2022
Witnessed By:

San Bernardino County Transportation Authority

General Contract Information

Contract No: 19-1002205 Amendment No.: 1

Contract Class: Receivable Department: Project Delivery

Customer ID: 1901 Customer Name: City of San Bernardino

Description: I-215 University Parkway Interchange Cooperative Agreement for PA/ED, PS&E, ROW, and Construction

List Any Accounts Payable Related Contract Nos.: 15-1001217, 16-1001335, 16-1001359

Dollar Amount							
Original Contract		\$	1,827,821.13	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	396,437.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	2,224,258.13	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	2,224,258.13

Contract Authorization

Board of Directors Date: 06/01/2022 Board Item # 8636

Contract Management (Internal Purposes Only)

Local	Funding Agreement	Monthly																																																																								
Accounts Receivable																																																																										
Total Contract Funding: \$ <u>2,224,258.13</u>	Funding Agreement No: <u>19-1002205</u>																																																																									
Beginning POP Date: <u>06/30/2018</u>	Ending POP Date: <u>12/31/2039</u>	Final Billing Date: <u>12/31/2039</u>																																																																								
Expiration Date: <u>12/31/2039</u>																																																																										
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Paul Melocoton

Project Manager (Print Name)

Henry Stultz

Task Manager (Print Name)

Receivable Contract #16-1001561.

Additional Notes: Original City DIF receivable amount was \$1,995,621 under Agreement No. 16-1001335. An amount of \$167,799.87 was spent under No. 16-1001335, leaving a starting balance of \$1,827,821.13 for this agreement.

AMENDMENT NO. 1 TO COOPERATIVE AGREEMENT NO. 19-1002205
BETWEEN
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
AND
CITY OF SAN BERNARDINO
FOR
PROJECT REPORT AND ENVIRONMENTAL DOCUMENT (PA/ED),
PLANS, SPECIFICATIONS AND ESTIMATE (PS&E), RIGHT-OF-WAY (ROW),
AND CONSTRUCTION PHASES FOR THE INTERCHANGE AT UNIVERSITY
PARKWAY AND INTERSTATE 215 (I-215) IN THE CITY OF SAN BERNARDINO

I. PARTIES

- A. This Amendment No. 1 (AMENDMENT) to Agreement 19-1002205 (AGREEMENT) is made by and between the San Bernardino County Transportation Authority (SBCTA) and the City of San Bernardino (CITY). SBCTA and CITY are each a "Party" and collectively the "Parties" herein.

II. RECITALS

- A. In November 2015, Parties entered into Cooperative Agreement No. 16-100335 to to define the roles and responsibilities and funding for improvements for the PA/ED, PS&E, and ROW phases for the interchange at University Parkway and I-215 in the limits of the City of San Bernardino (PROJECT), and
- B. Cooperative Agreement No. 16-100335 terminated on June 29, 2018, and
- C. The Parties entered into AGREEMENT in July 2019 which assumed the terms and conditions of Cooperative Agreement No. 16-100335 and had an effective date of June 30, 2018, and
- D. The estimated total cost of PROJECT has increased by \$2,509,100 from estimated total of \$15,327,916 to \$17,837,016, and
- E. Parties desire to amend AGREEMENT to define funding responsibilities for the estimated cost increase of PROJECT, and

NOW, THEREFORE, the Parties agree to amend the AGREEMENT as follows:

1. Replace Attachment A in its entirety with the attached Attachment A.1
2. Except as amended by AMENDMENT, all other provisions of the AGREEMENT and amendments thereto shall remain in full force and effect and are incorporated herein by this reference.
3. AMENDMENT is deemed to be included and made part of the AGREEMENT.

4. The Recitals set forth above are incorporated herein by this reference.
5. AMENDMENT is effective upon execution by SBCTA.

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

DRAFT

IN WITNESS WHEREOF, Parties have duly executed
Amendment No. 1 to Agreement 19-1002205 below

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

CITY OF SAN BERNARDINO

By: _____
Curt Hagman
President, Board of Directors

By: _____
Robert D. Field
City Manager

Date: _____

Date: _____

APPROVED AS TO FORM

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Juanda L. Daniel
Assistant General Counsel

By: _____
Sonia R. Carvalho
City Attorney

Amendment No. 1 to Agreement 19-1002205

Attachment A.1**Project Scope:**

Improve traffic operations at the I-215 University Parkway Interchange by improving freeway access to I-215 and improving local traffic flow on University Parkway by reconstructing existing interchange configuration into a Diverging Diamond Interchange (DDI).

Project Cost Estimate and Funding Shares

After application of buy-down funds, Project costs will be split according to the SBCTA Nexus Study with the Public Share at 84.2% and the Development/Local Share at 15.8%

	Estimated Costs	Buy-Down	Public Share	Development/Local Share
Project Approval and Environmental Document (PA/ED)	\$1,062,176	\$939,716	\$103,111	\$19,349
Design (PS&E)	\$1,203,856	\$1,103,855	\$84,201	\$15,800
Right of Way (ROW)	\$2,821,400	\$612,000	\$1,860,315	\$349,085
Construction	\$12,179,584	\$3,079,429	\$7,662,331	\$1,437,824
SBCTA Oversight	\$570,000	\$0	\$0	\$570,000
TOTAL	\$17,837,016	\$5,735,000	\$9,709,958	\$2,392,058

Project Milestones

Milestone	Actual / (Forecast)
Start of PA/ED	6/2017
Environmental Approval	7/2020
Ready to List	(12/2022)
Construction Notice to Proceed	(7/2023)
Construction Complete	(7/2024)

General Contract Information

Contract No: 20-1002271 Amendment No.: 1Contract Class: Payable Department: Project DeliveryVendor No.: 00982 Vendor Name: HDR Engineering, Inc.Description: I-215 University Parkway Interchange Project Design and Environmental ServicesList Any Related Contract Nos.: 19-1002205

Dollar Amount							
Original Contract		\$	650,461.79	Original Contingency		\$	76,046.00
Prior Amendments		\$	72,950.90	Prior Amendments		\$	(72,950.90)
Current Amendment		\$	400,000.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	1,123,412.69	Total Contingency Value		\$	3,095.10
	Total Dollar Authority (Contract Value and Contingency)					\$	1,126,507.79

Contract Authorization

Board of Directors Date: 06/01/2022 Board Item # 8636

Contract Management (Internal Purposes Only)

Other Contracts Sole Source? No No Budget Adjustment

Federal/Local Design Monthly

Accounts Payable

Estimated Start Date: 09/04/2019 Expiration Date: 07/01/2022 Revised Expiration Date: 07/01/2025NHS: Yes QMP/QAP: No Prevailing Wage: Yes

Total Contract Funding: Total Contingency:

Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	1,123,412.69	\$	3,095.10
GL	2010	40	0830	0853	52005	42101017	3	STP	992,008.69		3,095.10
GL	6010	40	0830	0853	52005	42421010	3	City of San Bernardino	9,480.00		-
GL	4120	40	0830	0853	52005	41100000	3	Interchange MSI	50,520.00		-
GL	2082	40	0830	0853	52005	42106847	3	HIP	71,404.00		-
GL									-		-
GL									-		-
GL									-		-
GL									-		-
GL									-		-
GL									-		-

Paul Melocoton

Henry Stultz

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: In April 2021, \$5,670.50 of contingency was released into the contract and an additional contingency release of \$67,280.40 was released in March 2022. Original contingency was \$76,046.00 and current contingency balance is \$3,095.10.

AMENDMENT NO. 1 TO CONTRACT NO. 20-1002271

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

HDR ENGINEERING INC.

FOR

I-215 UNIVERSITY PARKWAY INTERCHANGE DESIGN AND ENVIRONMENTAL SERVICES

I. PARTIES:

- A. This AMENDMENT No. 1 (AMENDMENT) to Contract No. 20-1002271 (CONTRACT) is made by and between HDR Engineering, Inc. (CONSULTANT) and the San Bernardino County Transportation Authority (SBCTA). SBCTA and CONSULTANT are each a “Party” and collectively the “Parties” herein.

II. RECITALS:

- A. SBCTA engaged the services of CONSULTANT with CONTRACT to provide professional services for preliminary engineering, environmental services, and preparation of plans, specifications, and estimates for the I-215 University Parkway Interchange Project (PROJECT), and
- B. In April 2021, contingency in the amount of \$5,670.50 was authorized to allow CONSULTANT to prepare and exhibit to evaluate and seek approval to use California Department of Transportation (Caltrans) owned property to improve access and circulation for two properties.
- C. In March 2022, contingency in the amount of \$67,280.40 was authorized to allow CONSULTANT to address additional unanticipated design work resulting from comments received on the review of the 65% Plans, Specifications, and Estimates package.
- D. Parties desire to further amend CONTRACT to increase budget to allow work to address requirements to modify the final plans and specifications to incorporate roadway and electrical design changes from coordination with Caltrans and adjacent property owners, prepare exhibits to support ongoing right of way acquisition, incorporate hardscape and aesthetic improvements, prepare a geotechnical report for pavement design, provide design support during construction, and prepare as-built plans.

NOW THEREFORE, the Parties agree to amend CONTRACT as follows:

1. The services and fees described in the Contingency Release Authorizations referenced above are hereby incorporated by reference into the terms and conditions of the CONTRACT.
2. Section II. C is amended as follows:

“This CONTRACT shall be effective as of July 1, 2019, contingent upon approval by SBCTA’s Awarding Authority, and CONSULTANT shall commence work after written notification to proceed by SBCTA’s Procurement Analyst. The CONTRACT shall end on July 1, 2025, unless extended by written amendment.”
3. Section II. D is amended to read as follows:

“The total amount payable by SBCTA to CONSULTANT including the fixed fee shall not exceed \$1,123,412.69.”
4. All references in the CONTRACT to “Scope of Work” shall include Exhibit A attached to the CONTRACT and Exhibit A.1 attached to this AMENDMENT.
5. All references in the CONTRACT to approved costs shall include Exhibit B attached to the CONTRACT and Exhibit B.1 attached to this AMENDMENT.
6. The Recitals set forth above are incorporated herein by this reference.
7. Except as amended by AMENDMENT, all other provisions of CONTRACT, and amendments thereto, shall remain in full force and effect.
8. This AMENDMENT is effective on the date executed by SBCTA.

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

IN WITNESS WHEREOF, Parties have duly executed
Amendment No. 1 to Contract No. 20-1002271 below

HDR ENGINEERING, INC.

By: _____
Thomas T. Kim
Senior Vice President

Date: _____

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Curt Hagman
President, Board of Directors

Date: _____

APPROVED AS TO FORM:

By: _____
Juanda L. Daniel
Assistant General Counsel

CONCURRENCE

By: _____
Beatriz Valdez
Acting Procurement Manager



EXHIBIT A.1
20-1002271-01

January 31, 2022

Dear Mr. Melocoton,

As the PS&E phase for the I-215 University Parkway Interchange has developed, there have been services identified that were not included in the original contract scope which was established in 2016 prior to NTP of the PA/ED Phase. This contract amendment request covers additional costs associated with the following required extra PS&E work following ongoing R/W and driveway access coordination with SBCTA in 2021:

1. Task 100 – Project Management
2. Task 230 – Prepare Draft Plans, Specifications & Estimate (PS&E)
3. Task 255 – Prepare Final PS&E Package
4. Task 270 – Construction Engineering Technical Support
5. Task 295 – Accept Contract (As-Built)

The scope of work and assumptions associated with completing each additional task is described below for release under a contingency release and formal amendment:

Contingency Release Scope Items

1. Task 255 – Prepare Final PS&E Package

- a. Electrical – Caltrans Communications – During PA/ED the team was advised of a CT Fiber Optic Line being installed along the NB side of I-215 and falling within the interchange reconfiguration. Upon completion of the design by CT D8 Electrical staff CAD plan were provided to the final design team to make connections from a centralize fiber optic vault to the newly proposes traffic signal controllers. This is an additional service connection required with the installation of the CT F/O system and requires design on five new sheets and specifications specific to this newly installed fiber optic backbone. Half of the cost will be issued under the contingency release: \$11,105.63

- c. Electrical – Ramp Metering, Signal Interconnect & Video Detection – Specialized ramp meter layouts and structural design calculations are required by CT for the mast arms. This recent policy change requires the use on this style on multi-lane on-ramps with ramp meter and the team must include location specific cross-sectional diagrams of the mast arm locations, weights of objects supported on the mast arm, and anchorage and foundation determinations. CT also requested that induction loops be removed from the ramp terminal signal locations and that video detection systems be included in the 95% submittal package as well as interconnects not separate GPS clock for synchronization and conversion to Touchless Pushbuttons. This effort is expected to add six sheets to the existing plan set. Half of the cost will be issued under the contingency release: \$13,107.91

Amendment Scope Items

2. Task 100 – Project Management

- a. PM activities resulting from extended duration - At the time the contract was executed, a delivery schedule of 2 years was assumed as the basis for providing Project Management services through the PS&E phase. The current project schedule is forecasting a PS&E completion for RTL in October 2022 which is an additional 2 years for Project Management support to include additional right of way changes and site work. Additional budget is requested in the amount of \$5,466.52.
- b. Quality Management requests – This includes the development of the QMP for CT to accept the 60% submittal and updates for subsequent submittals to complete PS&E. Additional budget is requested in the amount of \$3,728.38

3. Task 230 – Prepare Draft Plans, Specifications & Estimate (PS&E)

- a. Reallocation of funds shifted from PS&E to PA/ED phase – during PA/ED a CE/CE was initially scoped for the environmental clearance and the level of document was upscaled to an IS/CE. This required additional environmental document sections and level of effort and was accommodated through a reallocation \$74,478. These labor dollars were removed from PS&E phase to the PA/ED phase. This is a replenishment of those reallocated funds to the current PS&E phase.

4. Task 255 – Prepare Final PS&E Package

- a. Supplemental Design Standard Decision Document – During the 60% review a formal request was made to submit a Supplemental DSDD for various design features including fixed objects such as fencing and traffic signal poles not previously required in the DSDD along with changes to the profile because of the rehab overlay project and final design elevations as well as changed to the HDM which include lane width changes required for set curve radii. Cost \$11,994.53
- b. Hardscape and Irrigation Improvements – No landscape components were identified in the original contract scope and during the PA/ED and 60% design phase changes were requested to the City and Private irrigations systems beyond the off-ramp terminals. Additionally, rock mulch was scoped as a volumetric material cost and through changes leading up to the 60% submittal CT requested that hardscape be incorporated into plan details which included details for stamped concrete and cobble inlay in the islands along with surface scape extending from the SB On-Ramp to Hallmark Parkway. Irrigation crossovers have been requested to be added beneath the ramp terminal pavement for future irrigation needs when deemed appropriate by CT. CT also requires these plans be reviewed and approved by a Licensed Landscape Architect. Cost \$19,474.09
- c. Caltrans/City Requested Updates – These efforts relate to design changes and plan changes that were discussed in the post 60% review meeting with CT, City, and SBCTA staff. Significant changes requested to the plans was to further split the construction details into sheets that annotate interior curb/gutter and station/offset callouts from exterior curb lines to enhance sheet appearance. This resulted is a doubling of construction detail sheets to accommodate the callouts for the curb lines which already we previously completed consistent with the Plan & Preparation Manual and was a preference change not shared by all reviewing groups but was formally required to be completed per Design Oversight's request.

The addition of a City Prepared Pilaster Detail will be incorporated into the plan set with quantities as provided by the City of San Bernardino. Cost \$8,971.11

- d. Right of Way Coordination & Utility Support – Regeneration of R/W Requirement Maps were required after previous deliverables were completed due to R/W and access changes to two private properties beyond the SB Off-Ramp terminal curb return. This included the reconstruction of the 2nd driveway which was not scoped in the original contract (only closure of the 1st driveway) and includes on-site parking, drive isle changes, and pedestrian pathway design revisions with added plan sheets in addition to utility identification efforts for existing surface public utilities not previously impacted by the PA/ED design. Cost \$21,334.69
- e. Potholing and Utility Plan Update (Drainage Conflicts)– Non-High Priority utility potholing is necessary for a trunk storm drain line that is required to cross University Parkway beyond the SB ramp terminal intersection since no storm drain connect can be made on the same side of the local street. Potholing will confirm the construction depth of the drainage system relative to multiple existing longitudinal underground utilities in University Parkway. This task includes a subcontractor for the potholing and supplemental survey services for the elevation determination of exposed utilities that may create construction conflicts for the storm drain trunk line crossing. Cost \$15,541.73
- f. Electrical– Caltrans Communications – During PA/ED the team was advised of a CT Fiber Optic Line being installed along the NB side of I-215 and falling within the interchange reconfiguration. Upon completion of the design by CT D8 Electrical staff CAD plan were provided to the final design team to make connections from a centralize fiber optic vault to the newly proposes traffic signal controllers. This is an additional service connection required with the installation of the CT F/O system and requires design on five new sheets and specifications specific to this newly installed fiber optic backbone. Half of the cost will be issued under the amendment: \$11,105.63
- g. Electrical– Ramp Metering, Signal Interconnect & Video Detection– Specialized ramp meter layouts and structural design calculations are required by CT for the mast arms. This recent policy change requires the use on this style on multi-lane on-ramps with ramp meter and the team must include location specific cross-sectional diagrams of the mast arm locations, weights of objects supported on the

mast arm, and anchorage and foundation determinations. CT also requested that induction loops be removed from the ramp terminal signal locations and that video detection systems be included in the 95% submittal package as well as interconnects not separate GPS clock for synchronization and conversion to Touchless Pushbuttons. This effort is expected to add six sheets to the existing plan set. Half of the cost will be issued under the amendment: \$13,107.91

- h. Electrical – City Lighting – Additions of street lighting was recommended between the SB On-Ramp and Hallmark Parkway. This area is not illuminated currently and does not have existing or proposed sidewalks adjacent to the street. This requires the addition of 3-4 streetlight poles and electrical service connection for street lighting to be installed as part of this contract and adds two sheets to the plan set not previously required. Cost \$9,770.11
- i. Alternate Driveway & Site Design - After the 60% review multiple driveway and median island access revisions were considered by SBCTA with the Kaymaz & Choi parcels. This resulted in a recommended revision to modify the median island on University Parkway, reconstruction of the driveway apron Right/Left-In with Right-Out Only vehicle access, revised south parking lot curb line as it joins the City/ State Right of Way, revised pedestrian sidewalk access to the business beyond the access control limits, and an eastward shift of 8 parking stall for the strip mall parcel (-33) and two parking stalls for the Jack In The Box parcel (-32). This will require site design for the revised access and parking stalls, new curb line layout and elevation determinations, protection or adjustment of existing utilities, along with proposed parking striping and related surface scape treatments required as a result of the driveway modification. Some trees/plants will be identified for protection in-place and others for removal. Existing landscaping will be removed where in conflict with the recommended site access and parking area improvements. It is expected site improvements and street connection will be approved by the City as part of the local street improvement package. Cost \$63,021.95
- j. Miscellaneous Design – This will be an as-needed design reserve budget for services required to complete final design with city street or local access changes required to complete final design and held as a reserve budget. Cost \$15,465.19

5. Task 270 – Construction Engineering Technical Support

Design support during construction was not included in the original contract. The amendment request assumes the following activities in support of the construction phase of the project. Cost \$102,341.11

- Construction Schedule – It is assumed a 10-14 month construction schedule will occur.
- Meetings – it is assumed HDR will attend one preconstruction meeting and up to 12 additional meetings as needed to support construction activities.
- Construction Contract Change Order (CCO) Reviews.
- Respond to Requests for Information (RFI).

6. Task 295 – Accept Contract (As-Builts)

Preparation of Construction As-Built files was not included in the original contract. This amendment request assumes SBCTA's Construction Management (CM) firm will provide redline documentation of Contract Change Order activities for incorporation in the as-builts for final design related plan sheets. Cost \$24,199.05

The total cost of the amendment (\$400,000.00) is broken down as follows:

\$9,194.90 - Extended Duration of Contract.

\$74,478.00 - PS&E budget replenishment for PA/ED Env Document level change.

\$189,786.93 - Final design changes and additions of new scope following 60% review including, driveway adjustment with Kaymaz & Choi site improvements, potholing and as-needed design services.

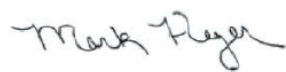
\$102,341.11 - Design support during construction added to the original contract.

\$24,199.05 - As-Build record drawings added to the original contract.

This results in a total contract amendment amount of \$400,000.00.

Should you have any questions about this memo or if you need additional information, please contact Mark Hager, HDR Project Manager at (951) 320-7343.

Sincerely,



Mark Hager, P.E.

Project Manager, HDR Engineering, Inc.

San Bernardino County Transportation Authority
I-215 University Parkway PS&E

Exhibit B.1
20-1002271-01

Amendment Request - Post 60% ReviewScope Additions & January 2022 Access Changes (Updated 1/31/2022)

TASK	TASK	Project Manager	CADD	Designer / Planner	Designer / Planner	Designer / Planner	Designer / Planner	Environmental Specialist	Landscape Architect	Project Coordinator	Project Engineer	Project Engineer	Senior Engineer	Senior Engineer	Senior Engineer	Technical Manager	Technical Manager	Technical Manager	Technical Manager	Technical Manager	Total	HDR	HDR	Subconsultant	HDR proposal
		\$354.15	\$142.02	\$113.05	\$138.56	\$143.89	\$90.42	\$161.88	\$164.60	\$101.39	\$171.35	\$160.84	\$200.10	\$230.77	\$229.75	\$267.11	\$250.11	\$285.99	\$272.85	\$326.75	Hours	Total Fee	ODCs	Fee	New Fee
Task 100	Project Management	16	0	0	0	0	0	0	0	20	0	0	0	0	0	0	6	0	0	0	42	\$ 9,195			
	a PM activities for contract extension duration	12								12											24	\$ 5,467			\$ 5,466.52
	b Quality Management Requests	4								8							6				18	\$ 3,728		\$ -	\$ 3,728.38
	Subtotal	16	0	0	0	0	0	0	0	20	0	0	0	0	0	0	6	0	0	0	42	\$ 9,195	\$ -	\$ -	\$ 9,194.90
Task 230	Prepare Draft Plans, Specifications & Estimate (PS&E)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$ 74,478			
	a Reallocation of funds shifted from PS&E to PA/ED phase																				0	\$ 74,478			\$ 74,478.00
	Subtotal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$ 74,478	\$ -	\$ -	\$ 74,478.00
Task 255	Prepare Final PS&E Package	22	315	0	0	0	0	0	8	33	124	336	0	0	0	0	46	0	0	50	934	\$ 160,322			
	a Supplemental Design Standard Decision Document	1	31									45									77	\$ 11,995			\$ 11,994.53
	b Hardscape and Irrigation Improvements	1	39						8			60							8	116	\$ 19,474			\$ 19,474.09	
	c Caltrans / City Requested Updates		19									39									58	\$ 8,971			\$ 8,971.11
	d Right of Way Coordination & Utility Support	6	28							4		80								6	124	\$ 21,335			\$ 21,334.69
	e Potholing and Utility Plan Update (Drng Conflicts)	0	8					0	0	4		0									12	\$ 1,542		\$ 14,000	\$ 15,541.73
	f Electrical - Caltrans Communications (5 sheets)	1	30							3	12	16					1			4	67	\$ 11,106			\$ 11,105.63
	g Electrical – Ramp Metering, Signal Interconnect & Video Detection, Touchless Pushbutton Requirements (6 sheets)		20							5	12	32					5			4	78	\$ 13,108			\$ 13,107.91
	h Electrical – City Lighting Addition (2 sheet)	1	20							1		24								8	54	\$ 9,770			\$ 9,770.11
	i Alternative Driveway & Site Design	12	120							16	100	40					40			20	348	\$ 63,022			\$ 63,021.95
	j Miscellaneous Design																				0	\$ 15,465			\$ 15,465.19
																					0	\$ -			\$ -
																					0	\$ -			\$ -
	Subtotal	22	315	0	0	0	0	0	8	33	124	336	0	0	0	0	46	0	0	50	934	\$ 175,787	\$ -	\$ 14,000	\$ 189,786.93
Task 270	Construction Engineering Technical Support	40	80	0	0	0	0	8	8	0	240	0	0	0	0	0	80	0	0	40	496	\$ 102,341			
	a Design Support During Construction	40	80					8	8		240						80			40	496	\$ 102,341			\$ 102,341.11
	Subtotal	40	80	0	0	0	0	8	8	0	240	0	0	0	0	0	80	0	0	40	496	\$ 102,341	\$ -	\$ -	\$ 102,341.11
Task 295	Accept Contract	8	80	0	0	0	0	0	0	0	0	0	0	0	0	0	40	0	0	0	128	\$ 24,199			
	a As-Builts	8	80														40				128	\$ 24,199			\$ 24,199.05
	Subtotal	8	80	0	0	0	0	0	0	0	0	0	0	0	0	0	40	0	0	0	128	\$ 24,199	\$ -	\$ -	\$ 24,199.05
	TOTAL	86	475	0	0	0	0	8	16	53	364	336	0	0	0	0	172	0	0	90	1600	\$ 386,000.00	\$ -	\$ 14,000.00	\$ 400,000.00

Attachment: 20-1002271-01 Exhibit A.1 and Exhibit B.1 (8636 : I-215 University Pkwy Interchange Project - Amendments to City Coops and

Minute Action

AGENDA ITEM: 16

Date: June 1, 2022

Subject:

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

Recommendation:

That 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:

A minor change was made to the contract after it was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. The change altered invoicing from monthly to quarterly. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft contract.

Responsible Staff:

Ginger Koblasz, Senior Planner

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

General Contract Information

Contract No: 22-1002774 Amendment No.: _____Contract Class: Payable Department: PlanningVendor 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: 06/01/2022 Board Item # 8648

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? No No Budget Adjustment _____Local _____ Services _____

Accounts Payable													
Estimated Start Date:			07/01/2022		Expiration Date:			06/30/2027		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:										-		-	
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GL:										-		-	

Ginger KoblaszSteve Smith

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: CSS_22-1002774 (8648 : 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 forty-five 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 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 marked with SBCTA's contract number, description and task order number, if applicable. Subscription invoices will be for a three-month billing period and shall be submitted within ten (10) calendar days of quarter-end. Time and Materials or Other Direct Costs invoices will be for a four-week billing period and shall be submitted within ten (10) days of month-end. 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: _____

Minute Action

AGENDA ITEM: 17

Date: June 1, 2022

Subject:

Amendment No. 2 to Contract No. 19-1001998 with AMMA Transit Planning, Inc. for Transit and Specialized Transportation Planning Services

Recommendation:

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

A. Approve Amendment No. 2 to Contract No. 19-1001998 with AMMA Transit Planning, Inc., increasing the contract amount by \$200,000 for a new not-to-exceed amount of \$780,000; and exercise the first of two (2) one-year options, extending the contract term through June 30, 2023.

B. Provide for Assignment of Contract No. 19-1001998 from Heather Menninger Visscher doing business as AMMA Transit Planning to AMMA Transit Planning, Inc.

Background:

On May 1, 2019, the San Bernardino County Transportation Authority (SBCTA) Board of Directors awarded Contract No. 19-1001998 to AMMA Transit Planning for specialized transit services which included two (2) one-year options. This contract is set to expire on June 30, 2022. At this time, staff would like to exercise the first of the two (2) one-year options, extending the contract through June 30, 2023, and increasing the contract amount by \$200,000 for a new not-to-exceed amount of \$780,000. Approval of Amendment No. 2 will allow for the continuation of ongoing programs as well as allow for new endeavors during the remainder of Fiscal Year (FY) 2021/2022 and FY 2022/2023.

AMMA has provided public and specialized transit planning services to SBCTA for several years following the selection of the firm during a competitive procurement process.

A summary of the firm's activities include:

1. Support for the Public and Specialized Transportation Advisory and Coordination Council (PASTACC).
2. Conducting the annual Transportation Development Act Unmet Needs Transit Public Hearings as well as the unmet needs analysis.
3. Providing technical assistance, documentation and training for SBCTA, the San Bernardino County rural bus operators, and local non-profits in the following areas:
 - a. Title VI of the Civil Rights Act of 1964;
 - b. Americans with Disabilities Act, including monitoring legal actions throughout the nation and assisting in responding to proposed federal rule making involving the provision of transit services; and
 - c. Federal Transit Administration Section 5310 Senior and Disabled programs which include assistance with grant application submittals and application reviews.

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4. Providing input on national trends for the Multimodal Interconnectivity Working Group which consists of the San Bernardino County transit operators and Metrolink, as well as SBCTA's rideshare and vanpool programs.
5. Providing general technical assistance to public and specialized transportations systems as requested.
6. Monitoring and reporting on trends through preparation of the San Bernardino County Multimodal Quarterly Update.

Since the execution of the original contract, AMMA Transit Planning changed their business organization and name, which is now AMMA Transit Planning, Inc. Amendment No. 2 provides for an assignment of the contract from Heather Menninger Visscher doing business as AMMA Transit Planning to AMMA Transit Planning, Inc.

This contract was previously amended by Executive Director approval in March of 2021. Amendment No. 1 increased the contract value by \$100,000, for a total not-to-exceed amount of \$580,000.00.

Financial Impact:

This item is consistent with the Fiscal Year (FY) 2021/2022 Budget and the Proposed FY 2022/2023 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 12, 2022. SBCTA's General Counsel, Acting Procurement Manager and Risk Manager have reviewed this item and the draft amendment.

Responsible Staff:

Nancy Strickert, Transit Manager

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

San Bernardino County Transportation Authority

General Contract Information

Contract No: 19-1001998 Amendment No.: 2Contract Class: Payable Department: TransitVendor No.: 00130 Vendor Name: AMMA Transit Planning, IncDescription: Transit and Specialized Transit Planning

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	480,000.00	Original Contingency		\$	-
Prior Amendments		\$	100,000.00	Prior Amendments		\$	-
Current Amendment		\$	200,000.00	Current Amendment		\$	-
Total/Revised Contract Value		\$	780,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	780,000.0

Contract Authorization

Board of Directors Date: 06/01/2022 Board Item # 8649

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? No No Budget Adjustment _____

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

Accounts Payable

Estimated Start Date: 06/27/2019 Expiration Date: 06/30/2022 Revised Expiration Date: 06/30/2023NHS: N/A QMP/QAP: N/A Prevailing Wage: N/A

						Total Contract Funding:		Total Contingency:	
Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	
GL: 1030	30	0309	0309	52001	41200000		Sales Tax-LTF Admin	216,000.00	-
GL: 1035	30	0309	0309	52001	41200000		Sales Tax-LTF Planning	264,000.00	-
GL: 4180	30	0314	0320	52001	41100000		Sales Tax-MSI Valley TMS	56,000.00	-
GL: 4280	30	0314	0320	52001	41100000		Sales Tax-MSI Victor Valley TMS	14,000.00	-
GL: 2122	30	0383	0000	52001	42107020		FTA.S5307.CA-2018040-00	15,000.00	-
GL: 2122	30	0383	0131	52001	42107020		FTA.S5307.CA-2018040-00	15,000.00	-
GL: 1030	30	0309	0309	52001	41200000		Sales Tax-LTF Admin	75,000.00	-
GL: 1035	30	0309	0309	52001	41200000		Sales Tax-LTF Planning	75,000.00	-
GL: 4280	30	0314	0340	52001	41100000		MSI TMS Valley	12,500.00	-
GL: 4180	30	0314	0340	52001	41100000		MSI TMS Victor Valley	37,500.00	-

Nancy Strickert

Carrie Schindler

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: CSS 19-1001998 (8649 : Amendment No. 2 to Contract No. 19-1001998 with AMMA Transit Planning, Inc)

ASSIGNMENT AND AMENDMENT NO. 2 TO CONTRACT NO. 19-1001998

FOR TRANSIT AND SPECIALIZED TRANSPORTATION PLANNING SERVICES

This ASSIGNMENT and AMENDMENT No. 2 to Contract No. 19-1001998 (“Assignment and Amendment No. 2”) is made by and between San Bernardino County Transportation Authority (“SBCTA”), whose address is 1170 W. 3rd Street, 2nd Floor, San Bernardino, California 92410-1715, Heather Menninger Visscher DBA AMMA Transit Planning (“CONSULTANT” or “ASSIGNOR”), and AMMA Transit Planning, Inc. (“ASSIGNEE”), whose address is 19069 Van Buren Blvd., Suite 114-378, Riverside, California 92508. ASSIGNOR, ASSIGNEE, and SBCTA are each a “Party” and collectively “Parties”. ASSIGNOR and ASSIGNEE are each referred to as “CONSULTANT.”

RECITALS:

- A. SBCTA and CONSULTANT entered into Contract No. 19-1001998 dated June 27, 2019, whereby SBCTA engaged the services of CONSULTANT to provide Transit and Specialized Transportation Planning Services (“Contract”) through June 30, 2022; and
- B. On March 19, 2021, SBCTA and CONSULTANT amended the contract to increase the Not-To-Exceed amount and to correct the name of CONSULTANT; and
- C. ASSIGNOR now desires to assign the Contract to ASSIGNEE, pursuant to Article 40 of the Contract, and SBCTA desires to affirm its consent to such assignment; and
- D. The Parties desire to amend the Contract to exercise the first option to extend its term through June 30, 2023, and to increase the contract price by \$200,000.

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

- 1. Heather Menninger Visscher DBA AMMA Transit Planning (ASSIGNOR) hereby assigns all her rights and obligations under the Contract to AMMA Transit Planning Inc. (ASSIGNEE).
- 2. AMMA Transit Planning, Inc. hereby agrees to assume all rights, duties and obligations under the Contract. and agrees to perform in the place of Heather Menninger Visscher DBA AMMA Transit Planning.
- 3. SBCTA consents to the assignment of the Contract from Heather Menninger Visscher DBA AMMA Transit Planning to AMMA Transit Planning, Inc.
- 4. All references in the Contract to AMMA Transit Planning or to Heather Menninger Visscher DBA AMMA Transit Planning shall mean AMMA Transit Planning, Inc.
- 5. Notwithstanding SBCTA’s consent to the assignment, ASSIGNOR is and shall remain jointly liable with ASSIGNEE for performance of the duties and obligations under the Contract.

6. Article 2. Contract Term shall be deleted and replaced in its entirety with the following:

ARTICLE 2. CONTRACT TERM

The Contract term shall commence upon issuance of a written Notice to Proceed (NTP) issued by SBCTA, and shall continue in full force and effect through June 30, 2023, 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 (1) option term. The maximum term of this Contract, including the Option Term, if exercised, will not exceed June 30, 2024.”

7. Section 3.2 of Article 3. Compensation shall be deleted and replaced in its entirety with the following:

“3.2 The total Contract Not-To-Exceed Amount is Seven Hundred Eighty Thousand Dollars (\$780,000). 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 Form”. 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 State Department of Personnel Administration 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.”

8. Exhibit B is amended to include Exhibit B.1 “Price Form,” attached hereto
9. The Recitals set forth above are incorporated herein by this reference.
10. Except as amended by this Assignment and Amendment No. 2, all other provisions of the Contract, as previously amended, shall remain in full force and effect and are incorporated herein by this reference.
11. This Assignment and Amendment No. 2 is effective on the date executed by SBCTA.

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

IN WITNESS WHEREOF, the Parties have duly executed this Assignment and Amendment No. 2 below.

ASSIGNOR:
HEATHER MENNINGER VISSCHER
DBA AMMA TRANSIT PLANNING

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY

By: _____
 Heather Menninger Visscher

By: _____
 Curt Hagman
 President, Board of Directors

Date: _____

Date: _____

ASSIGNEE:
AMMA TRANSIT PLANNING, INC

APPROVED AS TO FORM:

By: _____
 Heather Menninger Visscher
 Chief Executive Officer

By: _____
 Julianna K. Tillquist
 General Counsel

Date: _____

CONCURRENCE:

By: _____
 Dennis Brooks
 Chief Financial Officer

By: _____
 Beatriz Valdez
 Acting Procurement Manager

Date: _____

Attachment: AMMA Contract 19_1001998_2 (8649 : Amendment No. 2 to Contract No. 19-1001998 with AMMA Transit Planning, Inc)

Minute Action

AGENDA ITEM: 18

Date: June 1, 2022

Subject:

Distribution of Non-Operating Property in the Station Cooperative Agreements

Recommendation:

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

Direct staff to work with Metrolink Station host cities to update the station cooperative agreements for Montclair, Upland, Rancho Cucamonga, Fontana, Rialto, and Ontario to revise provisions concerning the distribution of proceeds upon termination of the agreements to be divided equally between the San Bernardino County Transportation Authority and the host cities.

Background:

In response to a request from staff to take a holistic approach to providing property insurance for the core infrastructure improvements at rail stations, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) provided direction on June 2, 2021, to proceed with adding the core assets to SBCTA property insurance for Fiscal Year (FY) 2021/2022 and further instructed staff to work with the host cities to update the station cooperative agreements to include a provision that the respective host city will reimburse SBCTA for 50% of the associated cost going forward. As part of staff's effort to coordinate amendments to the station cooperative agreements, staff is working to make the terms of the station agreements more uniform across the system.

One provision which has been largely uniform amongst the station cooperative agreements concerns the distribution of proceeds upon termination of the cooperative agreement. Generally, upon termination, all affairs undertaken or conducted under the agreement are to be wound up, assets liquidated, debts paid, and the proceeds distributed to the parties in direct proportion to each party's monetary participation. Monetary participation was not defined in the original station cooperative agreements and may include capital expenses for the acquisition and construction of the station site, operational costs to maintain and provide security at the station site, administrative costs for planning or zoning actions taken by the city to establish the station site or to restrict parking at the station site or for operating paid parking programs. Distribution of proceeds is anticipated to be nominal except where a significant amount of real property is identified to be liquidated. Six of the station sites have non-operating real property associated with the site which would be liquidated upon termination of the station cooperative agreement. Of the six station sites that would liquidate real property upon termination, four of them have exhibits summarizing costs of the host city and SBCTA. Of the four agreements which have exhibits, only the Fontana agreement is explicit in what amounts are to be considered or excluded when establishing the monetary participation of the parties, expressly referencing the amounts contained within the exhibits which are only missing a dollar value of an appraisal of the land value which SBCTA contributed to the station. Table 1 below summarizes SBCTA's existing station cooperative agreements and how they address shared assets and the distribution of proceeds. Table 2 below further details how much property is identified as a shared asset for the station agreements which identify that the shared assets are to be liquidated and provides the ratio inferred from exhibits to those agreements where exhibits exist.

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Given the nearly thirty-year tenure of some of these agreements, which are anticipated to continue now and into the foreseeable future, it is clear that establishing the monetary participation of the parties under the agreement would be an open conversation as to what costs constitute monetary participation under the station cooperative agreement with five of the six host cities. This conversation is expected to require recovery of historical accounting records which may not be available at such time as the station agreements are wound up. For these reasons, staff is seeking direction from the Board regarding amending the distribution of proceeds term, for the six station cooperative agreements which involve the liquidation of real property assets, to distribute proceeds in equal shares to SBCTA and the respective host city. This change will dispel any uncertainty as to how the parties are to proceed in the event that a station cooperative agreement is terminated and remove reliance upon documentation which may be many decades old if it exists at all at the time that the agreements are terminated.

On March 10, 2022, this item was presented to the SBCTA Transit Committee (Committee). The Committee deferred the item and since then, SBCTA staff has followed up with each of the cities to update city staff with respect to the Committee's response to this item and will continue dialog based on concurrence from the Committee and Board. Final approval of any changes to the station agreements will be brought back to the Transit Committee and Board for final approval once SBCTA staff receives concurrence from each respective city.

Table 1 – Station Cooperative Agreements Summary

Station	Shared Assets	Distribution	Contracts	Exhibits
Montclair	Liquidate 1.6 AC	Participation	91-065	
Upland	Liquidate 3.7 AC	Participation	93-051	C/D
Rancho Cucamonga	Liquidate 10 AC	Participation	94-001	
Fontana	Liquidated 3.6 AC	Participation, As set forth in Exhibits Excluding maintenance and security	93-078	F/H
Rialto	Liquidated 4.5 AC	Participation	93-049	D/E
SB Depot	Transferred to SBCTA	Reimburse City if Termination due to SBCTA default Termination by SBCTA for convenience Excludes maintenance and security	04-040 93-066	G D/E
SB TC	Transferred to SBCTA	Participation	17-1001666	
Redlands	None	None	97-026	
University	None	Participation	20-1002255	
East Ontario	Liquidate 9.1 AC	Participation	93-062	C/D

Table 2 –Summary of Stations with Liquidation terms

Station	Contract	Acres	City%	SBCTA%	Exhibits
Montclair	C91-065	1.6	NA	NA	NA
Upland	C93-051	3.7	12.55%	87.45%	C/D
Rancho Cucamonga	C94-001	10	NA	NA	NA
Fontana	C93-078	3.6	11.57%*	88.43%*	F/H
Rialto	C93-049	4.5	28.03%	71.97%	D/E
Ontario	C93-062	9.1	49.92%	50.08%	C/D

* The ratio reported between the City's share and SBCTA's share omits an appraisal value for the property in favor of SBCTA, which is to be included in the final proportion of monetary participation and would further weight this ratio in favor of SBCTA.

Financial Impact:

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

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 12, 2022. SBCTA General Counsel has reviewed this item.

Responsible Staff:

Ryan Aschenbrenner, Right of Way Manager

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Minute Action

AGENDA ITEM: 19

Date: June 1, 2022

Subject:

Southern California Regional Rail Authority Preliminary Budget Request for Fiscal Year 2022/2023

Recommendation:

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

A. Approve the Southern California Regional Rail Authority Preliminary Budget Request for Fiscal Year (FY) 2022/2023, with a total SBCTA annual subsidy totaling \$39,149,420 for: Operating assistance in the amount of \$25,742,176, Rehabilitation assistance in the amount of \$10,900,080, and New Capital assistance in the amount of \$2,507,164.

B. Approve the funding allocations to support funding for Recommendation A, totaling \$39,149,420, to fund SBCTA's annual subsidy of the FY 2022/2023 Budget: \$17,798,962 of Coronavirus Aid, Relief and Economic Security Act funds, \$11,380,291 of Federal Transit Administration Section 5337 funds, \$7,233,705 of Valley Local Transportation Funds (LTF), \$1,742,400 of State Transit Assistance – Operator (STA-Op) funds, \$709,509 of American Rescue Plan Act funds, and \$284,553 of Senate Bill 1 State of Good Repair – Operator (SB1 SGR-Op) funds.

C. Allocate an additional \$4,237,902 of Measure I Metrolink/Rail Service Program funds for Arrow Service through October 2022 for continued testing and pre-revenue operation.

D. Allocate an additional \$2,590,645 of Valley LTF funds for the FY 2021/2022 Operations Budget to replace the surplus carry-over funds that were allocated previously, but that have been determined to be unavailable, for a zero net increase in total operating assistance allocation for FY 2021/2022.

E. Approve swapping previously allocated SB1 SGR-Op and STA-Op dollars that funded the FY 2021/2022 Budget subsidy between the Operating assistance and Rehabilitation assistance categories, resulting in no net increase to the FY 2021/2022 Budget subsidy, and maintaining the overall allocation amounts by fund source.

Background:

The Southern California Regional Rail Authority (SCRRA) Joint Powers Authority (JPA), requires a preliminary budget to be presented to the member agencies by May 1st of each year. Adoption of the final SCRRA budget by the SCRRA Board of Directors (Board) is contingent upon each of the five (5) member agencies approving their financial contribution for the fiscal year. The five (5) member agencies include San Bernardino County Transportation Authority (SBCTA), Los Angeles County Metropolitan Transportation Authority (Metro), Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC), and Ventura County Transportation Commission (VCTC). Formal development of the Fiscal Year (FY) 2022/2023 Budget began in January 2022, with budget development updates presented to the SCRRA Member Agency Advisory Committee (MAAC) in March and April 2022. There are two key funding sources for the operating budget: 1) fare revenue from riders; and 2) corresponding subsidies from member agencies. The designation of the novel coronavirus as

Entity: San Bernardino County Transportation Authority

a pandemic by the World Health Organization and subsequent national, state and local declarations of emergency in March, has led to an ongoing decline in ridership in response to health guidelines and have continued beyond initial expectations. While many companies have lifted stay-at-home orders and federal and state mandates related to social distancing and wearing of masks have been lifted within the past few months, ridership and subsequent fare revenues have continued to perform under budget. As a result, the impact of the novel coronavirus has significantly disrupted the budget development process and impeded SCRRA's ability to transmit a completed Proposed FY 2022/2023 Budget by the deadline prescribed by the JPA.

On April 22, 2022, SCRRA staff presented an item to its Board to request for deferral of the FY 2022/2023 Preliminary Budget Request until the next Board meeting scheduled on May 27, 2022, which was approved unanimously. This allowed additional time to continue budget development, respond to inquiries posed by member agencies and gave the SCRRA Audit and Finance Committee the opportunity to review and approve the budget at its meeting on May 13, 2022 prior to its presentation to the full SCRRA Board. **The SCRRA FY 2022/2023 Budget was recommended for approval on May 13, 2022 by the SCRRA Audit and Finance Committee. Pending approval of the SCRRA FY 2022/2023 Budget by the SCRRA Board of Directors on May 27, 2022, it will be transmitted to SBCTA on May 27, 2022, and provided as additional support material for this item. Based on the information presented to the SCRRA Audit and Finance Committee, staff does not anticipate any changes to the recommended subsidy amounts.**

The first budget update presented to member agencies at the staff level was at the scheduled MAAC meeting on March 3, 2022 and included the FY 2022/2023 Preliminary Budget Request for the Capital and Rehabilitation Program. Staff was provided with a proposed list of projects, which included the description and cost for each project, and allowed for a period of review and comment by each member agency. SCRRA presented the Operating budget in individual meetings with each member agency beginning in April 2022. SBCTA staff received the first budget update for operations on April 11, 2022. This update included estimated fare revenue and total expenses for FY 2022/2023, as well as identified COVID-19 Relief fund balances available for each member agency to utilize for budget planning purposes. SCRRA staff responded to all questions and comments received from member agencies and provided responses on April 18, 2022. An additional update was provided at a special MAAC meeting on May 3, 2022, which included a placeholder of \$500,000 for anticipated special train service in FY 2022/2023, of which \$72,000 is SBCTA's share. All member agencies were given an opportunity to review the Proposed FY 2022/2023 Preliminary Budget Request for Operating.

In response to the effects of the COVID-19 pandemic and the related decline in Metrolink ridership, SCRRA developed a forecast for ridership and associated revenue recovery for FY 2021/2022 to guide budget development efforts moving forward. Through the first eight (8) months this FY, Metrolink lagged the projected recovery scenario. As a result of the resurgence of the COVID-19 cases caused by the rapid spread of the Delta variant and subsequent Omicron variant and work-from-home extensions by employers, SCRRA revised the recovery scenario in November 2021 to better reflect the most recent trends in ridership, number of COVID-19 cases and office occupancy rates across Los Angeles and other major cities throughout the United States. Year-to-Date for the eight (8) months ended February 2022, system-wide revenue recovery was budgeted at 48%, while the actual recovery is 29%. This variance creates a

Board of Directors Agenda Item

June 1, 2022

Page 3

farebox revenue shortfall from the budget of \$9.7 million. In Table 1 below, the chart shows the percent of the total farebox revenue contributed by each of the Operating Lines through February, and the percentage by which each line is unfavorable from the budget. The San Bernardino Line has continued to perform well, consistently having the lowest variance from the budget with -19%.

Table 1. Fiscal Year 2021/2022 Revenue Recovery by Line

Year to Date through February 2022						
LINE	FY22 BUDGET	% of Total Budgeted Revenue	ACTUAL	% of Total Actual Revenue	\$ VARIANCE FAV/(UNFAV)	% Variance from Budget
San Bernardino County	\$ 5,299,752	21%	\$ 4,272,708	28%	\$ (1,027,044)	-19%
Ventura County	2,238,693	9%	847,262	6%	(1,391,432)	-62%
Antelope Valley	3,360,931	13%	2,356,219	15%	(1,004,712)	-30%
Riverside County	2,360,767	9%	995,456	7%	(1,365,311)	-58%
Orange County	6,577,813	26%	3,544,638	23%	(3,033,175)	-46%
Inland-Empire/OC	2,850,300	11%	1,724,648	11%	(1,125,652)	-39%
91 Line	2,211,863	9%	1,472,711	10%	(739,152)	-33%
TOTAL	\$24,900,120	100%	\$15,213,642	100%	\$ (9,686,478)	-39%

Year-to-Date system-wide ridership was forecast at a recovery of 49%, while actual ridership recovery is 30%. Table 2 below displays the percent of the total ridership carried by each line through February 2022, and the percentage by which each line is unfavorable from forecast. Similar to revenue recovery, the San Bernardino Line has maintained the highest ridership of all lines with a smallest variance from the forecast with -27%.

Table 2. Fiscal Year 2021/2022 Ridership Recovery by Line

Year to Date through February 2022						
LINE	FORECAST	% of Total Budgeted Boardings	ACTUAL	% of Total Actual Boarding	VARIANCE FAV/(UNFAV)	% Variance from Budget
San Bernardino County	978,168	25%	718,011	31%	(260,157)	-27%
Ventura County	359,477	9%	146,687	6%	(212,791)	-59%
Antelope Valley	626,056	16%	383,143	16%	(242,913)	-39%
Riverside County	320,801	8%	115,581	5%	(205,221)	-64%
Orange County	909,555	23%	445,383	19%	(464,172)	-51%
Inland-Empire/OC	418,342	11%	303,457	13%	(114,885)	-27%
91 Line	289,846	7%	212,843	9%	(77,003)	-27%
TOTAL	3,902,247	100%	2,325,105	100%	(1,577,142)	-40%

The revised recovery scenario conducted in November 2021 provided the basis for the FY 2022/2023 Budget, as shown on Tables 3 and 4 on the following page.

Table 3. Fiscal Year 2021/2022 Revised Ridership Recovery Scenario by Quarter

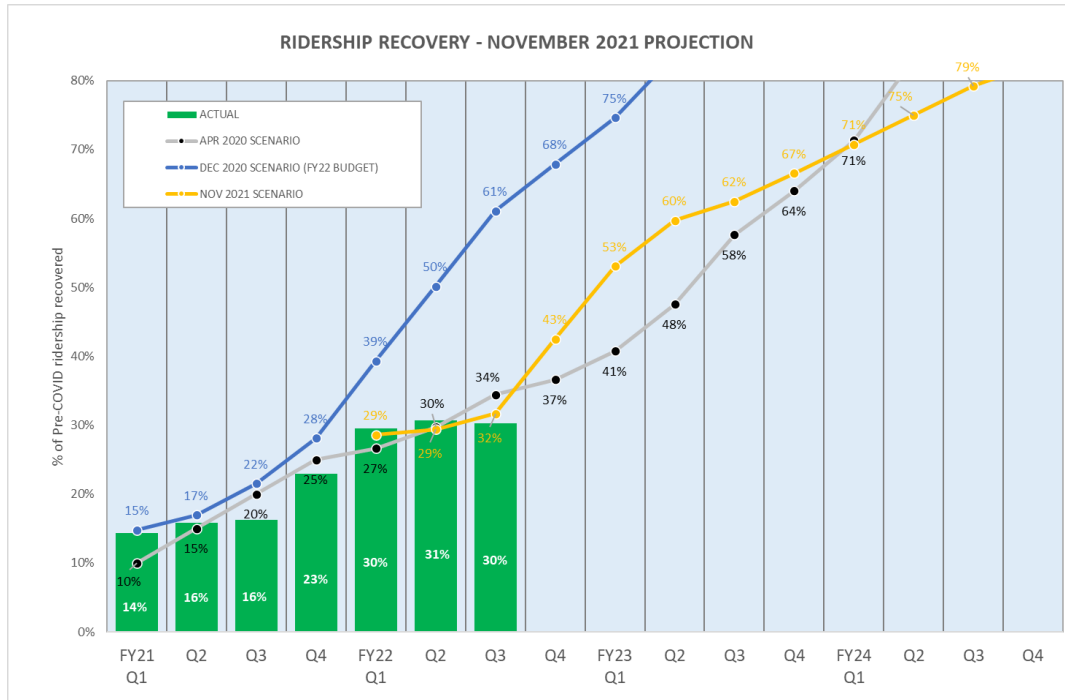
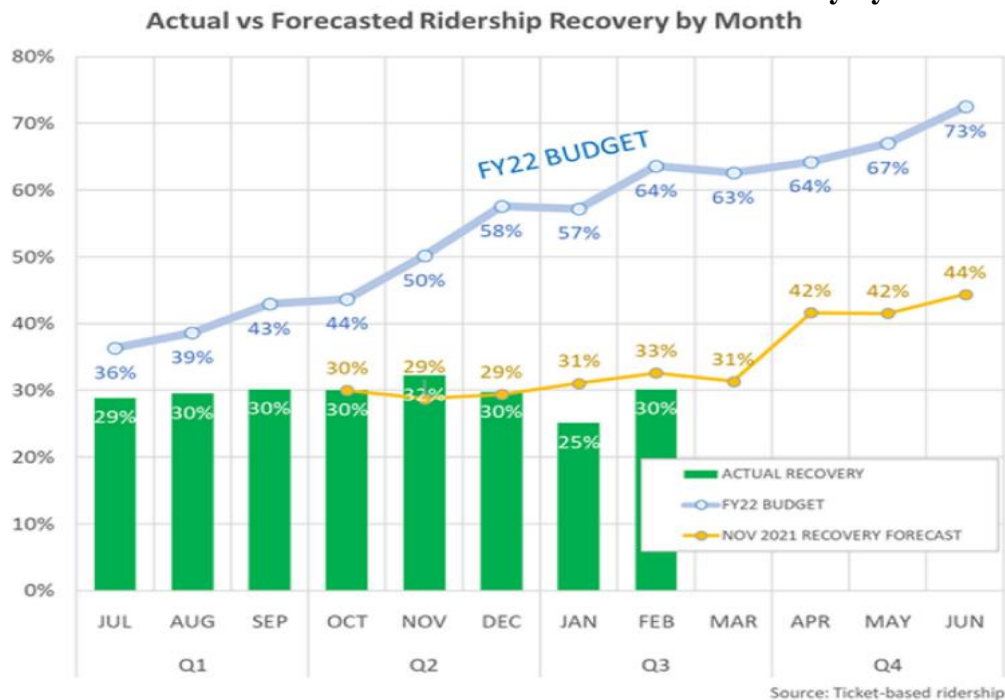


Table 4. Fiscal Year 2021/2023 Revised Revenue Recovery by Month



Under this revised scenario, ridership is anticipated to achieve nearly half its pre-pandemic ridership by the end of this fiscal year, with full recovery anticipated by FY 2024/2025. At the time of this report, ridership has maintained a strong positive trend, with a significant increase in ridership in April 2022. This is due to the restoration of service to 91% pre-pandemic levels on April 4, 2022. Wednesday, April 6th reached its highest peak in ridership since March 2020, with an 18% increase in ridership from the previous Wednesday. This number represents 37.5% from pre-pandemic ridership; prior to service restoration, the average was 30%. Although ridership decreased slightly later that week to a system average of 14,500, this is still a major improvement from the system average of 12,300 boardings in March 2022. The San Bernardino Line saw the biggest increase with 656 average boardings, with the Riverside and Ventura County Lines not far behind. The FY 2022/2023 Preliminary Budget Request assumes full service restoration in October 2022 as part of its second annual service schedule change. Ridership will continue to be closely monitored. Any change to service levels will be based on load factors and ridership. Should SCRRA staff determine that a decrease in service is necessitated by decreased load factors, or unplanned decline in ridership, the financial impact would be addressed during the mid-year budget review process in December 2022 and would involve concurrence from the member agencies. Additional details are available in Attachment A.

Although SCRRA has deferred the formal approval and transmittal of the Preliminary FY 2022/2023 Budget, member agencies have been provided with the proposed Capital, Rehabilitation and Operating costs. The proposed costs and intended request is attached hereto as the presentation in Attachment B and includes new budgetary authority of approximately \$441 million. The proposed budget consists of operating budget authority of approximately \$232 million, a decrease compared to the FY 2021/2022 Adopted Budget, which was \$253 million. The Capital Program authority totals approximately \$209 million, an increase compared to the FY 2020/2021 Adopted Budget of \$99 million, and includes a Carl Moyer grant in the amount of approximately \$51.7 million and a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant in the amount of \$45 million. The Rehabilitation Program has been reduced to include high priority needs; maintenance of the equipment and infrastructure in a state of good repair is the focus. SCRRA is requesting SBCTA to provide the following subsidy amounts; \$25,742,176 for Operating, \$10,900,080 for Rehabilitation Projects, and \$2,507,164 for New Capital Projects, which focuses on facilities, rolling stock, information technology, and business systems. Projections associated with rolling stock are anticipated to be funded using grant funds, which would reduce the current New Capital request by approximately \$96.7 million. The fund sources are identified in Recommendation B. To offset the increase in operating expenditures as a result of decreased fare revenue, SBCTA has elected to use \$18,508,471 of SBCTA's share of COVID-19 Relief Funds, which fully expends the remaining available COVID-19 Relief Funds made available under the Coronavirus Aid, Relief and Economic Security Act (CARES) and American Rescue Plan Act (ARPA). Attachment B provides a budget summary of the FY 2022/2023 Preliminary Budget Request.

SBCTA's share of the operations subsidy increased by \$3,224,418 from the FY 2021/2022 Adopted Budget, or 14.3%, which is largely driven by the decrease in projected farebox revenues, as well as other key factors, such as a 53% increase in the cost of diesel fuel, 11.1% in train operations, 9.2% increase in equipment maintenance, as well as other cost drivers. Table 5

below provides additional details. This includes the FY 2022/2023 funding needed to continue the Metrolink San Bernardino Line Fare Discount Pilot Program.

Table 5. Fiscal Year 2022/2023 Operating Budget Increase Drivers

Driver	\$ Variance to FY22	% Variance to FY22	Background
Materials Management	\$11.8M	57.2%	Fuel <ul style="list-style-type: none"> • Diesel fuel in U.S. increased 53% in past year. • Metrolink saving ~\$700K by moving to Renewable Diesel
Train Operator Service	\$5.1M	11.1%	Amtrak <ul style="list-style-type: none"> • Wages & Overtime & Benefits ~\$2.7M • Recruitment & Training ~\$2.2M
Equipment Maintenance	\$3.5M	9.2%	Alstom ~\$3.4M
Ops Non-Labor Expenses	\$3.3M	38.5%	<ul style="list-style-type: none"> • New Mobile Ticketing App Development ~\$1.8M • HW & SW Maintenance Agreement increases ~\$1.4M
Maintenance of Way	\$2.8M	5.6%	<ul style="list-style-type: none"> • Herzog ~\$1.0M • Consultants ~\$550K • Staffing ~ \$1.2M
System Safety	\$2.2M	16.3%	Sheriffs (new contract)
Insurance & Legal	\$2.1M	12.5%	Insurance
Indirect Administrative Expenses	\$1.7M	8.3%	Overhead
Railroad Agreements	\$1.1M	25.8%	Restoration of Service
Utilities/Leases	\$0.9M	32.0%	<ul style="list-style-type: none"> • Water, Electricity, etc. • Under budgeted in FY22. • Expect higher power usage for ground power - plugging in trains (saves fuel)

The total operating assistance allocation requested in Recommendation A does not include operation expenses for Arrow Service, which is anticipated to begin in Fall 2022. SBCTA and SCRRA staff are still in the process of finalizing the total cost estimate for operations and remains under development. However, as testing and pre-revenue service commenced in early 2022, additional funding is required to continue testing of operations and pre-revenue service until the operation expenses are finalized and revenue service begins. The estimated testing and pre-revenue operating cost estimate for Arrow Service through October 2022 is \$4,237,902 as stated in Recommendation C. An amendment to the Proposed FY 2022/2023 Budget that includes the operating subsidy request for Arrow Service for the remainder of the fiscal year will be presented to the Transit Committee, followed by the SBCTA Board, at a future date.

SCRRA has provided a cash flow for the Rehabilitation Program and the New Capital Program over the next four fiscal years in the Proposed FY 2022/2023 Budget. The combined request reflects an increase of 82% in SBCTA's share as compared to the FY 2021/2022 Adopted Budget. The Rehabilitation Program allows for the railroad to be maintained in a state of good repair, including track and structure projects, systems, rolling stock, and facilities improvements. Projects are prioritized and optimized to address the most pressing system-wide rehabilitation needs. The FY 2022/2023 rehabilitation proposed amount of approximately \$94.4 million, of which \$10.9 million is SBCTA's share, does not include drawdown on the existing State of

Good Repair (SGR) backlog, as identified in the Metrolink Rehabilitation Plan (MRP), which was developed in 2018 by SCRRA staff and in the process of being updated based on data identified in the subsequent SGR Financial Plan, developed in 2021 by SCRRA staff. The objective of the program is to rehabilitate and replace the most critical priorities of aging track, railroad structures, vehicles, and facilities currently in use by Metrolink's daily commuter rail service, Amtrak service, other railroad partner service and to maintain on-time service. This plan identified a substantial backlog of rehabilitation needs. The current backlog amount is approximately \$600 million and has an on-going annual need for \$96.1 million in 2023 dollars. These numbers have not yet been broken down by member agency, however, the 2018 MRP shows SBCTA's share of the backlog at an estimated \$70 million with the annual need estimated at \$12.1 million in 2021 dollars; these figures will be increased based on the recent SGR Financial Plan. With the approval of Senate Bill 1 (SB1), SCRRA directly receives approximately \$285,000 annually from SB1 SGR-Operator Share funds, plus SBCTA receives approximately \$2.4 million of SB1 SGR-Population Share funding that is programmed for both bus and rail needs based on need and project eligibility to Valley-area projects, and could be used to help fund the backlog. This is in addition to an estimated \$15 million apportionment of FTA Section 5337 funds that SBCTA receives annually for Valley-area rail rehabilitation needs, which includes a 59% increase over the prior year apportionment due to the Federal Infrastructure Investment and Jobs Act (IIJA). To address the funding levels required to drawdown the SGR backlog, SCRRA will complete an in-depth analysis of potential funding alternatives. The cash flow for Rehabilitation requests over the next four years is shown in Table 6 below. A detailed list of rehabilitation projects is available by member agency and by line in Attachment C.

Table 6. Fiscal Year 2022/2023 Rehabilitation Cash Flow

Cash Basis							
	METRO	OCTA	RCTC	SBCTA	VCTC	OTHER	TOTAL
FY23 Rehabilitation	\$42.5M	\$27.2M	\$8.4M	\$10.9M	\$5.5M	\$0.0M	\$94.4M
	CASH OUTLAY						
2022-23	\$2.1M	\$1.4M	\$0.4M	\$0.5M	\$0.3M	\$0.0M	\$4.7M
2023-24	\$14.9M	\$9.5M	\$2.9M	\$3.8M	\$1.9M	\$0.0M	\$33.1M
2024-25	\$12.7M	\$8.2M	\$2.5M	\$3.3M	\$1.6M	\$0.0M	\$28.3M
2025-26	\$12.7M	\$8.2M	\$2.5M	\$3.3M	\$1.6M	\$0.0M	\$28.3M
Totals	\$42.5M	\$27.2M	\$8.4M	\$10.9M	\$5.5M	\$0.0M	\$94.4M

The New Capital authorization request for FY 2022/2023 was identified as necessary for safe and efficient rail operations. The proposed projects total approximately \$114.6 million, of which approximately \$2.5 million is SBCTA's share. Grants paid directly to Metrolink are anticipated to cover \$96.7 million of this request. The total amount requested from member agencies will therefore be approximately \$17.9 million. A listing of the individual projects, their location and description are provided in Attachment D. Table 7 and Table 8 below show the cash flow of Capital projects over the next four years.

Table 7. Fiscal Year 2022/2023 New Capital Cash Flow

Cash Basis							
		METRO	OCTA	RCTC	SBCTA	VCTC	TOTAL
FY23 New Capital		\$5.7M	\$2.4M	\$1.3M	\$1.7M	\$0.9M	\$12.1M
		CASH OUTLAY					
2022-23		\$0.3M	\$0.1M	\$0.1M	\$0.1M	\$0.0M	\$0.6M
2023-24		\$2.0M	\$0.8M	\$0.5M	\$0.6M	\$0.3M	\$4.2M
2024-25		\$1.7M	\$0.7M	\$0.4M	\$0.5M	\$0.3M	\$3.6M
2025-26		\$1.7M	\$0.7M	\$0.4M	\$0.5M	\$0.3M	\$3.6M
Totals		\$5.7M	\$2.4M	\$1.3M	\$1.7M	\$0.9M	\$12.1M

Table 8. Fiscal Year 2022/2023 New Capital Cash Flow – Rolling Stock

Cash Basis								
		METRO	OCTA	RCTC	SBCTA	VCTC	RAISE	CARL MOYER
FY23 MP36 LOCO REPLACEMENT		\$2.8M	\$1.2M	\$0.6M	\$0.8M	\$0.4M	\$45.0M	\$51.7M
		CASH OUTLAY						
2022-23		\$0.1M	\$0.1M	\$0.0M	\$0.0M	\$0.0M	\$2.3M	\$2.6M
2023-24		\$1.0M	\$0.4M	\$0.2M	\$0.3M	\$0.1M	\$15.8M	\$18.1M
2024-25		\$0.8M	\$0.3M	\$0.2M	\$0.3M	\$0.1M	\$13.5M	\$15.5M
2025-26		\$0.8M	\$0.3M	\$0.2M	\$0.3M	\$0.1M	\$13.5M	\$15.5M
Totals		\$2.8M	\$1.2M	\$0.6M	\$0.8M	\$0.4M	\$45.0M	\$51.7M

Completion of the FY 2022/2023 Proposed Capital Program projects are multi-year in nature. As such, the funding for the Proposed FY 2022/2023 Budget may be viewed as each having a four-year funding commitment which would have the estimated cash flow impact over the subsequent fiscal years.

Regarding the request to swap fund sources under Recommendation E, as SCRRA's funding is contributed by five different member agencies using a mix of local, state and federal funding that ultimately varies, funding can be quite complicated. Recommendation E would not increase SBCTA's funding, or change the sources; it simply moves the funding between categories and makes the accounting easier for SCRRA, making the most efficient use of both fund sources. For SBCTA's share of the FY 2022/2023 Budget Request, SBCTA has requested Board approval of the allocation of specific fund source and dollar amounts needed in Recommendation B, however, staff presented the allocations more similar to how SBCTA makes allocations to the other transit operators in San Bernardino County, and did not tie specific dollars to specific expenditure categories to allow SCRRA the flexibility to make the most efficient uses of the annual subsidy allocations.

Regarding Recommendation D, this allocation is necessary in order to pay the 4th Quarter Operating Subsidy invoice as part of FY 2021/2022. During the development of the budget and associated planning of funds to utilize to meet SBCTA's share of the Preliminary Operating Budget, staff planned to use \$2,590,466 prior year preventative maintenance surplus carry-over funds available to SBCTA as advised by SCRRA, however it has since been determined that this

San Bernardino County Transportation Authority

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June 1, 2022

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amount of preventative maintenance was incorrectly categorized as a surplus and is actually derived from the \$4,000,000 of FTA Section 5337 credit, paid upfront by SBCTA using Valley LTF due to the time delay associated with the drawdown of funds, which was already applied to the 1st Quarter Operating Subsidy invoice. While this allocation increases the funds allocated to SCRRA by SBCTA, it does not increase the overall total of SBCTA's share of the FY 2021/2022 Operating Budget.

Due to the existing cost sharing formulas used by SCRRA, which distributes costs amongst the member agencies for system-wide and San Bernardino Line expenses, the full transmittal of SBCTA's allocation for Operating, Rehabilitation and New Capital Programs is contingent upon each of the five (5) member agencies approving their full financial contribution, as part of SCRRA's FY 2022/2023 Preliminary Budget Request, as well as adoption by the SCRRA Board on May 27, 2022.

Financial Impact:

This item has no financial impact on the Adopted Fiscal Year 2021/2022 Budget or the Proposed Fiscal Year 2022/2023 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 12, 2022.

Responsible Staff:

Rebekah Soto, Multimodal Mobility Programs Administrator

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

San Bernardino County Transportation Authority

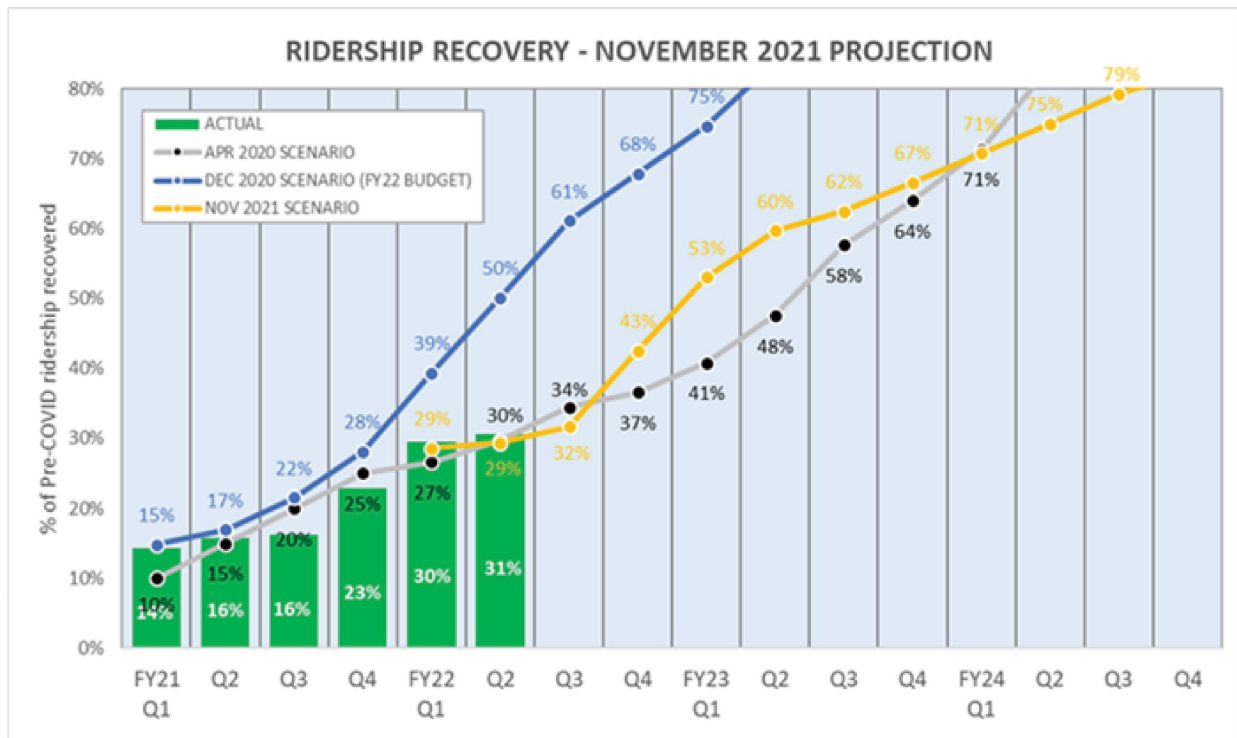
FY22 Monthly Ridership Recovery and Financial Review – February 2022

Audit and Finance Committee Meeting
April 8, 2022



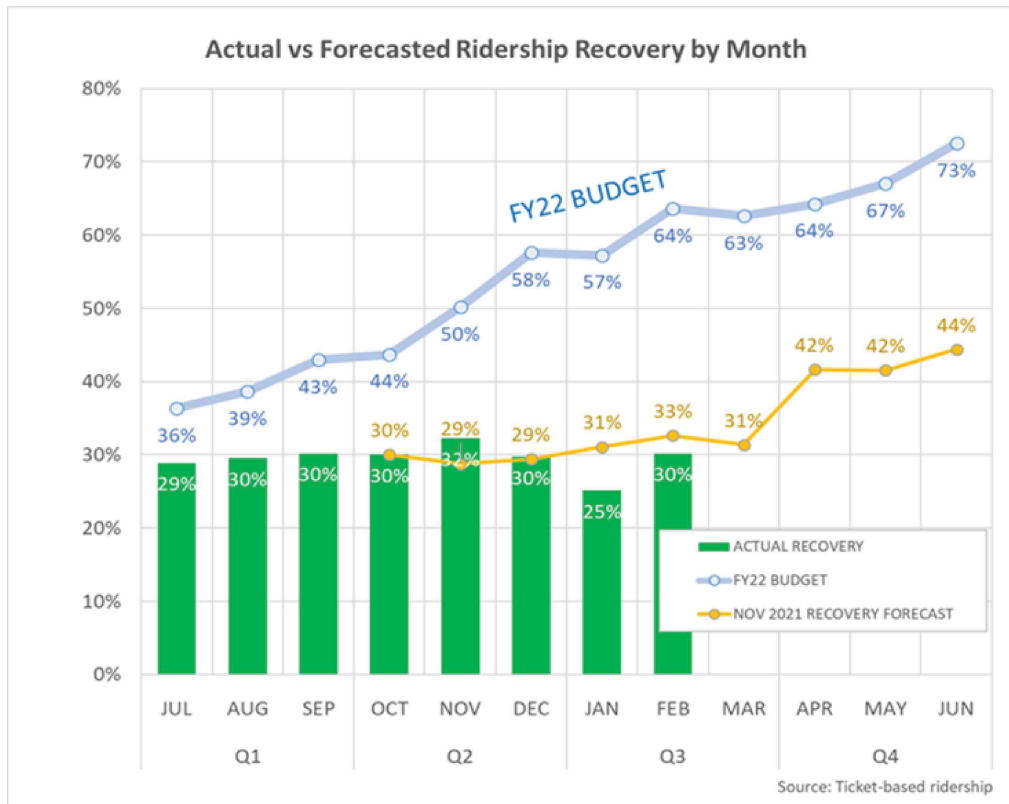
METROLINK

Quarterly results Comparing to FY22 Budget and November '21 Revised Projection



METROLINK

Monthly results Comparing to FY22 Budget and November '21 Revised Projection



METROLINK 3

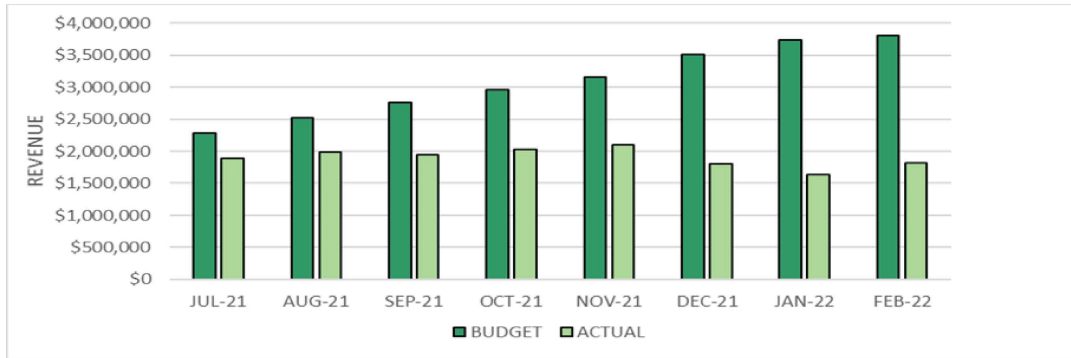
FY22 Recovery of Ridership and Revenue

February 2022



RECOVERY

FY22 Revenue Budget vs Actual



PERIOD	BUDGET		ACTUAL		
	REVENUE	RECOVERY	REVENUE	VARIANCE	RECOVERY
JULY-21	\$2,286,239	36%	\$1,892,309	(\$393,930)	30%
AUGUST-21	\$2,525,702	38%	\$1,988,606	(\$537,096)	30%
SEPTEMBER-21	\$2,767,700	40%	\$1,938,049	(\$829,651)	28%
FY22 Q1 TOTAL	\$7,579,641	38%	\$5,818,964	(1,760,677)	29%
OCTOBER-21	\$2,954,432	42%	\$2,031,250	(\$923,182)	29%
NOVEMBER-21	\$3,153,604	48%	\$2,094,938	(\$1,058,666)	32%
DECEMBER-21	\$3,515,540	58%	\$1,808,630	(\$1,706,910)	30%
FY22 YTD Q2 TOTAL	\$17,203,217	49%	\$11,753,782	(5,449,435)	30%
JANUARY-22	\$3,741,145	57%	\$1,637,803	(\$2,103,342)	24%
FEBRUARY-22	\$3,955,758	64%	\$1,822,057	(\$2,133,701)	29%
Fiscal Year to Date	\$24,900,120	48%	\$15,213,642	\$(9,686,478)	29%

METROLINK 5

RECOVERY

FY22 Revenue by Line

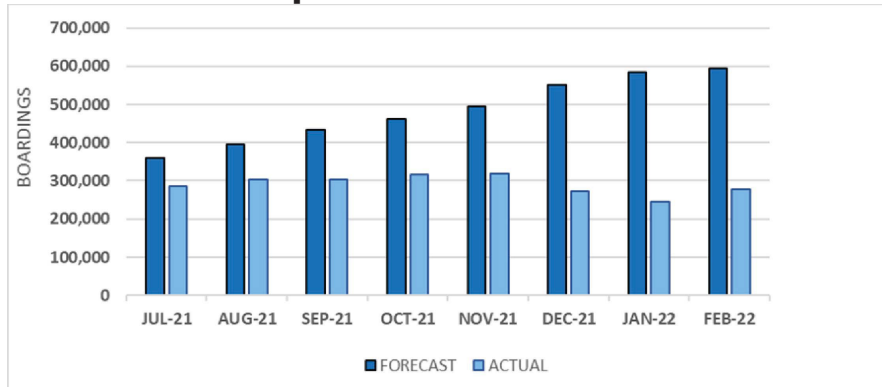
Year to Date through February 2022

LINE	FY22 BUDGET	% of Total Budgeted Revenue	ACTUAL	% of Total Actual Revenue	\$ VARIANCE FAV/(UNFAV)	% Variance from Budget
San Bernardino County	\$ 5,299,752	21%	\$ 4,272,708	28%	\$ (1,027,044)	-19%
Ventura County	2,238,693	9%	847,262	6%	(1,391,432)	-62%
Antelope Valley	3,360,931	13%	2,356,219	15%	(1,004,712)	-30%
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91 Line	2,211,863	9%	1,472,711	10%	(739,152)	-33%
TOTAL	\$ 24,900,120	100%	\$ 15,213,642	100%	\$ (9,686,478)	-39%

METROLINK

RECOVERY

FY22 Ridership Forecast vs Actual



PERIOD	FORECAST		ACTUAL		
	BOARDINGS	RECOVERY	BOARDINGS	VARIANCE	RECOVERY
JULY-21	358,863	35%	285,002	(73,861)	28%
AUGUST-21	396,638	39%	303,021	(93,617)	30%
SEPTEMBER-21	434,413	43%	304,649	(129,764)	30%
FY22 Q1 TOTAL	1,189,913	39%	892,672	(297,241)	30%
OCTOBER-21	462,744	44%	317,593	(145,151)	30%
NOVEMBER-21	495,797	50%	318,375	(177,422)	32%
DECEMBER-21	551,544	60%	272,917	(278,627)	30%
FY22 YTD Q2 TOTAL	2,699,998	45%	1,801,557	(898,441)	30%
JANUARY-22	584,597	60%	246,229	(338,368)	25%
FEBRUARY-22	617,351	66%	277,320	(340,031)	30%
Fiscal Year to Date	3,901,946	49%	2,325,106	(1,236,809)	29%

METROLINK 7

RECOVERY

FY22 Ridership By Line

Year to Date through February 2022

LINE	FORECAST	% of Total Budgeted Boardings	ACTUAL	% of Total Actual Boarding	VARIANCE FAV/(UNFAV)	% Variance from Budget
San Bernardino County	978,168	25%	718,011	31%	(260,157)	-27%
Ventura County	359,477	9%	146,687	6%	(212,791)	-59%
Antelope Valley	626,056	16%	383,143	16%	(242,913)	-39%
Riverside County	320,801	8%	115,581	5%	(205,221)	-64%
Orange County	909,555	23%	445,383	19%	(464,172)	-51%
Inland-Empire/OC	418,342	11%	303,457	13%	(114,885)	-27%
91 Line	289,846	7%	212,843	9%	(77,003)	-27%
TOTAL	3,902,247	100%	2,325,105	100%	(1,577,142)	-40%

METROLINK



FY22

Operating Results

Financial Statistics

METROLINK 9

Operating Results YTD February 2022



Revenue

Proforma Farebox Revenue = \$17.2M, unfavorable from budget \$9.8M or 36.3%, as a result of the fall and winter COVID-19 surge. Improved from last year by 75%

Total Operating Revenue = \$26.3M, unfavorable from budget by \$10.2M or 27.9%, better than last year by only 36% due to reductions in MOW and Dispatch Revenues

Expense

Total Expense \$155.6M, (*Pre-San Clemente) favorable from budget by \$17.3M or 10.0%.

Net Loss (funding required) – (*Pre-San Clemente)

Total Loss \$129.3M – favorable from Budget \$7.1M or 5.2%

*San Clemente expenses excluded to prevent distortion of savings. All expense is not yet recorded. A budget amendment was brought to the Board in January which will cover San Clemente Costs. The January Operating Statement Report displays both the Amendment and any costs.

METROLINK

**SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY
PRELIMINARY OPERATING STATEMENT
FOR THE EIGHT MONTHS ENDING FEBRUARY 28, 2022**

	<u>FY22 AMENDED BUDGET</u>	<u>FY22 ADJUSTED BUDGET</u>	<u>FY22 ACTUAL</u>	<u>FY21 ACTUAL</u>	<u>VARIANCE FROM BUDGET OVER/(UNDER)</u>	<u>VARIANCE FROM PRIOR YEAR OVER/(UNDER)</u>
					AMOUNT %	AMOUNT %
Subtotal Pro Forma Farebox	27,035,049	27,035,049	17,225,187	9,836,009	(9,809,862) (36.29%)	7,389,178 75.12%
Total Operating Revenues	36,491,457	36,491,457	26,307,970	19,305,940	(10,183,487) (27.91%)	7,002,029 36.27%
Operating Expenses						
Subtotal Operations & Services	96,719,639	96,116,751	85,996,610	88,816,862	(10,120,140) (10.53%)	(2,820,252) (3.18%)
Subtotal Maintenance-of-Way	33,754,381	33,729,902	33,058,290	27,701,119	(671,612) (1.99%)	5,357,171 19.34%
Subtotal Administration & Services	31,098,076	31,568,469	27,088,848	28,018,213	(4,479,621) (14.19%)	(929,366) (3.32%)
Contingency	60,000	45,546	0	0	(45,546) (100.00%)	0 0.00%
Total Operating Expenses	161,632,097	161,460,668	146,143,748	144,536,194	(15,316,920) (9.49%)	1,607,553 1.11%
Subtotal Insurance Expense (Recoveries)	11,226,472	11,397,901	9,429,849	8,613,581	(1,968,052) (17.27%)	816,268 9.48%
Total Expenses	172,858,569	172,858,569	155,573,597	153,149,775	(17,284,972) (10.00%)	2,423,821 1.58%
Non-Recurring Settlement Expense	0	0	0	3,233,862	0 N/A	(3,233,862) N/A
Non-Recurring Settlement Expense:	0	0	0	0	0 N/A	0 N/A
San Clemente Track Work	5,000,000	5,000,000	2,339,878	0	(2,660,122) -53.2%	2,339,878 N/A
Net Loss	(141,367,112)	(141,367,112)	(131,605,505)	(137,077,697)	9,761,607 (6.91%)	6,005,305 (4.97%)

METROLINK 11



**THANK
YOU**

Attachment B

Proposed FY23 Budget SBCTA Transit Committee Meeting

May 12, 2022



METROLINK

Metrolink System



6

Counties Served

7

Routes/Lines

538
Route miles

63 Stations

METROLINK



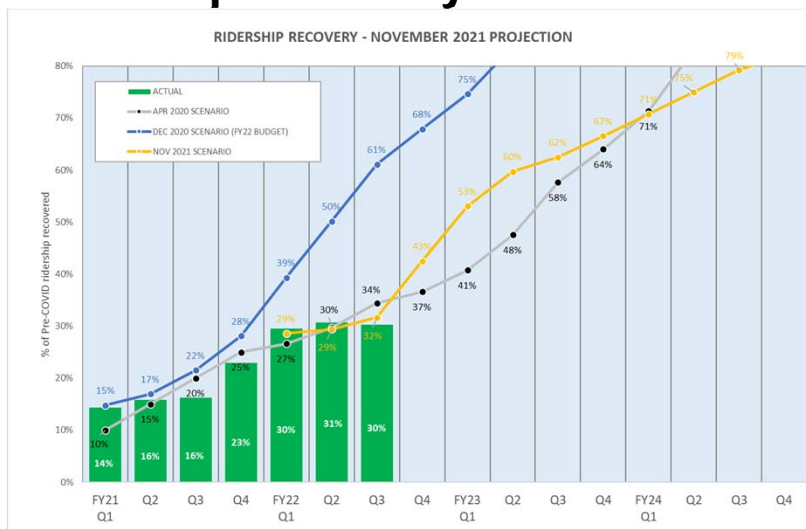
Our Goal

- Regain and grow ridership and related revenue by:
 - Expanding use of Metrolink by current riders
 - Re-engaging lapsed riders
 - Finding and attracting new riders

We must expand our business model from commuter rail to regional rail

METROLINK 3

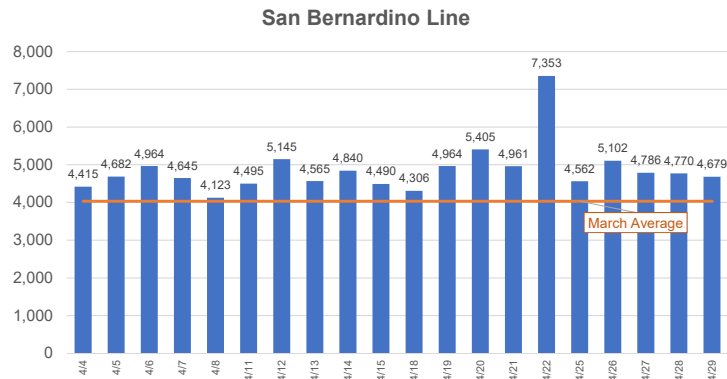
Ridership Recovery Forecast



METROLINK 4

Metrolink Ridership Growing

Increase in weekday boardings since April 4 schedule change over average weekday boardings in March (conductor counts)



METROLINK 5



6

Proposed FY23 Operating Budget

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METROLINK.

FY23 Budget Assumptions

Service:

- 100% Service Restoration in October 2022
- Ventura County Weekend Service in April 2023
 - 2 round trips on Saturday & Sunday
- Includes Special Trains
- Arrow service is a separate line item

Revenue:

- Ridership Recovery Forecast Scenario – November 2021

Expenses:

- 2.5% Merit
- 2.5% COLA
- Contractor increases only as mandated by agreements
- No new FTE headcount

Reporting:

- Monthly
- Formal Mid-Year Budget Review

METROLINK 7

FY23 Operating Budget Increase Drivers

Driver	\$ Variance to FY22	% Variance to FY22	Background
Materials Management	\$11.8M	57.2%	Fuel <ul style="list-style-type: none"> • Diesel fuel in U.S. increased 53% in past year. • Metrolink saving ~\$700K by moving to Renewable Diesel
Train Operator Service	\$5.1M	11.1%	<ul style="list-style-type: none"> • Wages & Overtime & Benefits ~\$2.7M • Recruitment & Training ~\$2.2M
Equipment Maintenance	\$3.5M	9.2%	
Ops Non-Labor Expenses	\$3.3M	38.5%	<ul style="list-style-type: none"> • New Mobile Ticketing App Development ~\$1.8M • HW & SW Maintenance Agreement increases ~\$1.4M
Maintenance of Way	\$2.8M	5.6%	<ul style="list-style-type: none"> • Vendor ~\$1.0M • Consultants ~\$550K • Staffing ~\$1.2M
System Safety	\$2.2M	16.3%	
Insurance & Legal	\$2.1M	12.5%	Insurance
Indirect Administrative Expenses	\$1.7M	8.3%	Overhead
Railroad Agreements	\$1.1M	25.8%	Restoration of Service
Utilities/Leases	\$0.9M	32.0%	<ul style="list-style-type: none"> • Water, Electricity, etc. • Under budgeted in FY22. • Expect higher power usage for ground power - plugging in trains (saves fuel)

METROLINK 8

FY23 Operating Budget – Summary of Support by Member Agency

FY23 Proposed Budget						
	METRO	OCTA	RCTC	SBCTA	VCTC	TOTAL
Total Operating Revenues - FY23	31,159,593	15,973,297	5,740,955	8,603,436	2,546,201	64,023,481
Total Expenses - FY23	151,376,934	62,041,401	32,381,092	34,345,612	16,000,184	296,073,224
FY23 Member Agency Support	(120,217,341)	(46,068,104)	(26,640,137)	(25,742,176)	(13,453,984)	(232,049,743)
FY22 Amended Budget						
	METRO	OCTA	RCTC	SBCTA	VCTC	TOTAL
Total Operating Revenues - FY22	\$29,923,946	\$15,632,728	\$5,141,420	\$7,380,415	\$2,337,906	60,416,416
Total Expenses - FY22	\$131,375,840	\$54,717,368	\$27,064,513	\$30,561,623	\$14,905,816	258,625,160
FY22 Member Agency Support	(101,451,894)	(39,084,641)	(21,923,093)	(23,181,207)	(12,567,910)	(198,208,745)
YEAR OVER YEAR VARIANCE						
	METRO	OCTA	RCTC	SBCTA	VCTC	TOTAL
Operating Revenues	1,235,647	340,569	599,535	1,223,021	208,295	3,607,065
variance	4.1%	2.2%	11.7%	16.6%	8.9%	6.0%
Expenses	20,001,094	7,324,033	5,316,579	3,711,990	1,094,368	37,448,064
variance	15.2%	13.4%	19.6%	12.1%	7.3%	14.5%
Member Agency Support (increase) / decrease	(18,765,447)	(6,983,463)	(4,717,045)	(2,560,969)	(886,074)	(33,840,998)
variance	18.5%	17.9%	21.5%	11.04%	7.1%	17.1%

METROLINK 9



Proposed FY23 Capital Budget

□□□□□

9

METROLINK

FY23 Capital Program

Total Proposed FY23 Capital Budget = \$209,066,952

- SBCTA Share (6.4%) of Proposed FY23 Capital Budget = \$13,407,244
 - Rehabilitation = \$10,900,080
 - New Capital = \$2,507,164

Current Backlog estimated at ~\$600M

METROLINK 11

FY23 Capital Program – Rehabilitation – Cash Flow

Cash Basis	METRO	OCTA	RCTC	SBCTA	VCTC	OTHER	TOTAL
FY23 Rehabilitation	\$42.5M	\$27.2M	\$8.4M	\$10.9M	\$5.5M	\$0.0M	\$94.4M
	CASH OUTLAY						
2022-23	\$2.1M	\$1.4M	\$0.4M	\$0.5M	\$0.3M	\$0.0M	\$4.7M
2023-24	\$14.9M	\$9.5M	\$2.9M	\$3.8M	\$1.9M	\$0.0M	\$33.1M
2024-25	\$12.7M	\$8.2M	\$2.5M	\$3.3M	\$1.6M	\$0.0M	\$28.3M
2025-26	\$12.7M	\$8.2M	\$2.5M	\$3.3M	\$1.6M	\$0.0M	\$28.3M
Totals	\$42.5M	\$27.2M	\$8.4M	\$10.9M	\$5.5M	\$0.0M	\$94.4M

METROLINK 12

FY23 Capital Program – New Capital – Cash Flow

Cash Basis	METRO	OCTA	RCTC	SBCTA	VCTC	TOTAL
FY23 New Capital	\$5.7M	\$2.4M	\$1.3M	\$1.7M	\$0.9M	\$12.1M
	CASH OUTLAY					
2022-23	\$0.3M	\$0.1M	\$0.1M	\$0.1M	\$0.0M	\$0.6M
2023-24	\$2.0M	\$0.8M	\$0.5M	\$0.6M	\$0.3M	\$4.2M
2024-25	\$1.7M	\$0.7M	\$0.4M	\$0.5M	\$0.3M	\$3.6M
2025-26	\$1.7M	\$0.7M	\$0.4M	\$0.5M	\$0.3M	\$3.6M
Totals	\$5.7M	\$2.4M	\$1.3M	\$1.7M	\$0.9M	\$12.1M

METROLINK 13

FY23 Capital Program – New Capital – Cash Flow – Rolling Stock

Cash Basis	METRO	OCTA	RCTC	SBCTA	VCTC	RAISE	CARL MOYER	TOTAL
FY23 MP36 LOCO REPLACEMENT	\$2.8M	\$1.2M	\$0.6M	\$0.8M	\$0.4M	\$45.0M	\$51.7M	\$102.5M
	CASH OUTLAY							
2022-23	\$0.1M	\$0.1M	\$0.0M	\$0.0M	\$0.0M	\$2.3M	\$2.6M	\$5.1M
2023-24	\$1.0M	\$0.4M	\$0.2M	\$0.3M	\$0.1M	\$15.8M	\$18.1M	\$35.9M
2024-25	\$0.8M	\$0.3M	\$0.2M	\$0.3M	\$0.1M	\$13.5M	\$15.5M	\$30.8M
2025-26	\$0.8M	\$0.3M	\$0.2M	\$0.3M	\$0.1M	\$13.5M	\$15.5M	\$30.8M
Totals	\$2.8M	\$1.2M	\$0.6M	\$0.8M	\$0.4M	\$45.0M	\$51.7M	\$102.5M

METROLINK 14

FY23 Operating & Capital Proposed Support by Member Agency

	METRO	OCTA	RCTC	SBCTA	VCTC	Other	TOTAL
Total Operating Request - FY23	\$120,217,341	\$46,068,104	\$26,640,137	\$25,742,176	\$13,453,984		\$232,049,743
Total Capital Request - FY23	50,969,908	30,786,930	10,391,915	13,407,244	6,740,702	96,696,093	\$209,066,952
FY23 Total Request	171,187,249	76,855,034	37,032,052	39,149,420	20,194,686	96,696,093	441,116,695

METROLINK 15



Questions?

metrolinktrains.com



NEW CAPITAL PROJECTS PROPOSALS FOR FY2023 BUDGET

Attachment C

REVISED: 03/22

ROW#	CREATOR	PROJECT #	TYPE	ROUTE LINE	SUB DIVISION	MILE POSTS	CONDITION	IMPACT	ASSET TYPE	PROJECT	SCOPE	TOTAL REQUEST	METRO	OCTA	RCTC	SBCTA	VCTC	OTHER	PURSUIING RAISE GRANT	OTHER-SECUCARL MOYGRANT
1	CHAKLADARA	2456	Capital	ALL	All	NA	NA	NA	Information Technology	AGENCYWIDE CYBERSECURITY IMPLEMENTATION	Cyber threats have proliferated and have become more sophisticated over the years. Most organizations have a dedicated cybersecurity team led by a CISO (Chief Information Security Officer). A Cybersecurity Manager was approved in the FY22 budget, however the position once hired, will not have a dedicated team of cybersecurity experts. Instead, the Cybersecurity Manager will have to rely on several part-time resources from the Infrastructure, Networking and HelpDesk teams in the IDTS team. This project aims to build a cybersecurity framework, monitor evolving security threats, build a mitigation strategies for incidence management, and proactively harden the security posture of the agency from cyberthreats. The project envisions deploying contract services and software and hardware products.	439,000	208,525	86,922	48,729	63,216	31,608			
2	STEWARTM	2476	Capital	ALL	All	NA	NA	NA	Facilities	CENTRAL MAINTENANCE FACILITY (CMF) MODERNIZATION PHASE I DESIGN & ENVIRONMENTAL	<p>Improvements to the CMF have a system-wide impact through improving the functionality, productivity, and overall demand for fleet inspection, service, repair, storage and rehabilitation. Additionally, Metrolink has committed to the CMF Action Plan, which promises continuous improvements to ensure Metrolink is a good neighbor. This budget request will allow Metrolink to design the CMF projects identified in the CMF Modernization Study effort.</p> <p>Modernizing the 30-year-old CMF will increase the operational efficiency of the facility because the improvements identified through the CMF Modernization Study effort will bring the facility up to date with safety, technological improvements, addition work platforms, cranes, tables use of Wi-Fi and improve layouts for warehousing parts. Many of the projects that would increase operational efficiency of maintenance activities also contribute to addressing the community concerns by reducing the number of idling locomotives in the yard and the duration of their idling reducing the noise and emissions from locomotives. Due to the limitations of the property situated between San Fernando Road and the LA River which is built out with the current buildings and tracks and the need to maintain service while any project is constructed there are some limitations to the improvements that can be made and any construction to the existing site and buildings needs carefully planned staging plans.</p>	3,721,000	1,767,475	736,758	413,031	535,824	267,912			
3	STEWARTM	2477	Capital	ALL	All	NA	NA	NA	Facilities	CENTRAL MAINTENANCE FACILITY (CMF) MODERNIZATION EARLY ACTION TO ADDRESS COMMUNITY CONCERNS	Improvements to the CMF have a system-wide impact through improving the functionality, productivity, and overall demand for fleet inspection, service, repair, storage and rehabilitation. Metrolink has committed to the CMF Action Plan, which promises continuous improvements to ensure Metrolink is a good neighbor. This budget request will allow Metrolink to advance an additional sound barrier at CMF. Following a successful demonstration of steel sound barriers at the service and inspection track (pilot barriers face the Elysian Valley community), additional sound barriers will be installed on the other side of the servicing area to dampen the noise generated by idling locomotives. This investment has been repeatedly requested by the Cypress Park community.	515,000						515,000		

Attachment: Attachment C - FY23 Proposed New Capital Project List (8651 : Southern California Regional Rail Authority Preliminary Budget

ROW#	CREATOR	PROJECT #	TYPE	ROUTE LINE	SUB DIVISION	MILE POSTS	CONDITION	IMPACT	ASSET TYPE	PROJECT	SCOPE	TOTAL REQUEST	METRO	OCTA	RCTC	SBCTA	VCTC	OTHER	PURSUING RAISE GRANT	OTHER GRANT	19.c
4	VEGAR	2576	Capital	ALL	All	NA	Worn	High	Business Systems	ENTERPRISE ASSET MANAGEMENT (EAM) IMPROVEMENT PROJECT - PHASE II	<p>Metrolink is building out the use of Trapeze Enterprise Asset Management System (EAM) as part of an effort to consolidate a series of standalone asset management systems into a single repository in a phased approach. The Metrolink Board approved a single source procurement back in May 2021 with Trapeze Software Group to add 2 new modules, optimization, implementation services, and Organizational Change Management as part of Phase I for \$1.5M. While Phase I (Project No. 519093) has been launched in FY2022, staff anticipates the project timeline will extend beyond the current fiscal year and into FY2023. As staff works to deliver Phase I of this EAM Improvement Project, there is a possibility of potential change orders that will be needed. Approximately \$200K of this budget request would be a placeholder in the capital budget for any unexpected consulting services, interfaces, customization, and configuration needs. Furthermore, Phase II would include the purchase of additional licenses and modules, implementation services, additional Organizational Change Management support, and other expenses as needed. The modules included in Phase II include: Application Interface Programming (API), Telematics, Mobile Focus Enterprise, Network Restrictions, Linear Visualization, and Illustrated Parts Catalog. This new phase will also require the support of a project management consultant, agency staff time, and project reserve at a similar percentage as budgeted for Trapeze EAM Phase I.</p> <p>In addition to building out the use of its prominent EAM System; Metrolink staff is also exploring software solutions that can be integrated in its EAM system to support prescriptive rail maintenance and allow the agency to measure the life extension and cost savings from rail grinding, milling and friction management allowing Metrolink to make well-informed investment decisions. The agency is seeking a software solution that will provide track engineering data, economics, and physics-based models that can be easily integrated into capital planning, budgeting and work execution processes. A prescriptive rail maintenance solution will enhance the agency's ability to develop the business case and identify the optimal rail maintenance strategy. This will allow Metrolink to more easily plan, approve, and fund rail maintenance, ultimately reducing maintenance costs and extending rail life and support the agency's State of Good Repair objectives. This effort combined with the investment in new modules and interfaces as part of Phase II of the EAM Improvement Project is anticipated to cost approximately \$1.7M.</p>	1,700,000	807,500	336,600	188,700	244,800	122,400				
5	HOLMANS	2636	Capital	ALL	All	NA	Marginal	High	Business Systems	PMIS PURCHASE AND CONFIGURATION	<p>Implementation of a robust project management information, (PMIS), providing program controls support for ongoing and future work associated with capital improvement and rehabilitation projects initiated by SCRRA. The scope of the PMIS includes: Project Controls, Schedule Management, Cost Management, Estimating, Risk Management, Reporting Management, Contract Management and Document Management.</p> <p>The implementation phase tasks include:</p> <ul style="list-style-type: none">o Configuring the PMIS system to provide the following functionalities: Contract Mgmt., Cost Mgmt., Scheduling Mgmt., Risk Mgmt., Reporting, Document Control, etc.o Pilot projecto Data Migrationo Training & Roll out <p>The planning phase tasks include those already funded in prior FY21 project:</p> <ul style="list-style-type: none">o Requirements gathering and documentationo Gap analysiso Updating Business processeso Support in documenting and development of technical requirements that will be included in the forthcoming RFP for PMIS software and integrationo Develop a comprehensive implementation plan	5,725,000	2,719,375	1,133,550	635,475	824,400	412,200				
FY2023 PROPOSED NEW CAPITAL REQUEST												12,100,000	5,502,875	2,293,830	1,285,935	1,668,240	834,120	515,000	-		
6	STEWARTM	2479	Capital	ALL	All	NA	Marginal	High	Rolling Stock	*MP36 LOCOMOTIVE REPLACEMENT - 10 OUT OF 15 LOCOMOTIVES - SUBJECT TO GRANT PURSUIT	<p>The Tier 2 MP36 fleet of 15 locomotives was deployed in 2008-2009 and is now approaching its mid-life and the RAMs metrics are trending down as expected for locomotives at this age and use. This project request is for replacement of the MP36 fleet with new Tier 4 locomotives. (Agency is pursuing the goal to fund with grants up-to 94.3% with Member Agency contribution of 5.7%. This project proposal #2479 covers the first 10 out of a total of 15 locomotives with a 5.7% Member Agency contribution of \$5.82M out of this total \$102.52M funding request. The Agency has already secured \$51.6M in Carl Moyer grant funding for this project. Currently pursuing RAISE grant of \$45.0M.)</p>	102,521,951	2,767,283	1,153,520	646,670	838,924	419,462	-	45,000,000	51,696,	
FY2023 PROPOSED NEW CAPITAL TOTAL REQUEST												114,621,951	8,270,158	3,447,350	1,932,605	2,507,164	1,253,582	515,000	45,000,000	51,696,	

Attachment C - FY23 Proposed New Capital Project List (8651 : Southern California Regional Rail Authority Preliminary Budget

NOTE:
*Staff will continue to secure additional grant funding for this project.



REHABILITATION PROJECT PROPOSALS FOR FY2023 BUDGET

Attachment D

REVISED: 02/11/:

ROW#	CREATOR	PROJECT #	TYPE	ROUTE LINE	SUB DIVISION	MILE POSTS	CONDITI ON	IMPACT	ASSET TYPE	PROJECT	SCOPE	TOTAL REQUEST	METRO	OCTA	RCTC	SBCTA	VCTC
1	HOLMANS	2417	Rehab	ALL	All	NA	Worn	High	Rolling Stock	BOMBARDIER RAILCAR REBUILD	Bombardier Railcar Rebuild and rehabilitation addresses the revenue fleet of railcars and cab cars. Specific work includes: Bombardier Railcar Rebuild - Option order for 38 Generation 1 cars	30,000,000	14,250,000	5,940,000	3,330,000	4,320,000	2,160,00
2	HOLMANS	2556	Rehab	ALL	All	NA	Worn	High	Facilities	FACILITIES REHABILITATION	Facilities rehabilitation addresses components and subcomponents that support the maintenance of rolling stock and offices for staff duties. Specific work to include: - Phase 2: MOW health and welfare facilities installation, rehab and utility connections. Designs and replace rented crew trailer including furniture, equipment and repositioning to meet CPUC mandated clearances as well as connect to utilities. - Automate and install predictive failure notifications to some of the facilities equipment to detect and repair failures before they become impact to rail operation. Include some title 24 upgrades. - Add and update ground power at yards and Laguna Niguel siding. - Rehab ground air in the yards. - Fall protection/roof platform rehab CMF. - Phase 1: Replacement of 30 year old south electrical switchgear at CMF. - Install permanent power at Lang Yard. - Systemwide facilities and yard paving, striping, fencing, access carts, signage, paint rehab.	5,200,000	2,470,000	1,029,600	577,200	748,800	374,40
3	HOLMANS	2557	Rehab	ALL	All	NA	Worn	High	Non-Revenue Fleet	MAINTENANCE-OF-WAY (MOW) VEHICLES & EQUIPMENT - REPLACEMENT & OVERHAUL	MOW vehicles and equipment major overhaul and replacement via new acquisition or lease-to-purchase addresses the fleet of specialized & operations vehicles, equipment and tools that support the timely repair and rehabilitation of the overall rail corridor right-of-way. Replacement of MOW equipment and vehicles; Rehabilitation of MOW equipment. Project budget to cover cost of zero emission light and potentially medium duty vehicles (subject to manufacture production schedules). Heavy - 2 Medium - 4 Light Duty - 25 Equipment - 4	3,510,000	1,667,250	694,980	389,610	505,440	252,72
4	HOLMANS	2558	Rehab	ALL	All	NA	Worn	High	Train Control	SYSTEMWIDE TRAIN CONTROL SYSTEMS REHABILITATION	Systemwide Train Control Systems Rehabilitation addresses PTC, Centralized Train Control systems and equipment to sufficiently rehabilitate aging infrastructure and growing backlog. See the justification section for discussion on aged assets and standard life. Train Control Back Office: 1) DOC/MOC Backup Systems 2) Workstations/Laptops 3) CAD/BOS/MDM/IC3 4) Routers/Switches 5) On-Board Train Control Systems 6) Software/Hardware for Locomotives & Cab Cars	5,000,000	2,375,000	990,000	555,000	720,000	360,00
5	HOLMANS	2559	Rehab	ALL	All	NA	Worn	High	Track	SYSTEMWIDE TRACK REHABILITATION	Systemwide Track Rehabilitation addresses the following recurring requirements to sufficiently rehabilitate aging infrastructure and growing backlog: - Rail Grinding: ongoing systemwide program - Surfacing Program to restore track profiles and cross sections - Infrastructure planning and data collection for condition assessments	5,000,000	2,375,000	990,000	555,000	720,000	360,00
6	HOLMANS	2597	Rehab	ALL	All	NA	Worn	High	Rolling Stock	ROLLING STOCK DAMAGE REPAIR	Rolling Stock Damage Repair – Oxnard accident cars – see attached STV report. The cost estimate includes the following considerations and assumptions: 1) The estimated costs to repair are based solely on visible damages during the inspection and engineering estimations made accounted for anticipated hidden damages. 2) The estimated costs to repair is to restore the cars to an “as-new condition” for revenue service. 3) The estimated costs to repair do not consider internal structural, air piping, cabling damages due to inaccessibility during the visual inspection, however, engineering assumptions were made to estimate likely hidden damages. 4) The estimate costs to repair do not consider underfloor air piping and cabling damages due to inaccessibility during the visual inspection, however, engineering assumptions were made to estimate likely hidden damages. 5) The estimated costs to repair does not include “non-recurring engineering cost” and production setup cost. 6) Engineering costs are a rough order of magnitude and do not account for influences such as market forces. 7) Market Adjustments: STV report says \$5M but it is almost 5 years old. Considering 7% of market price increase for 7 years, it is \$5.35M. 8) Additional Adjustments: STV report does not include structural inspection and repair. Due to the heavy accident, it will require engineering analysis on the structural integrity to ensure its road-worthy – estimation is \$2M, including engineering consultant and actual repair. 10% for internal costs.	8,000,000	3,800,000	1,584,000	888,000	1,152,000	576,00

Attachment: Attachment D - FY23 Proposed Rehab Project List (8651 : Southern California Regional Rail Authority Preliminary Budget Request

ROW#	CREATOR	PROJECT #	TYPE	ROUTE LINE	SUB DIVISION	MILE POSTS	CONDITI ON	IMPACT	ASSET TYPE	PROJECT	SCOPE	TOTAL REQUEST	METRO	OCTA	RCTC	SBCTA	VCRC
7	HOLMANS	2598	Rehab	ALL	All	NA	Worn	High	Rolling Stock	ROLLING STOCK REHABILITATION	Rolling Stock rehabilitation addresses the revenue fleet of locomotives, railcars and cab cars. Specific work includes: 1) Rotem HVAC Overhaul/Rebuild - \$2M a. Continuous cashflow for 4 rebuilt HVAC units every 30 days b. Risk - termination of equipment for faulty HVAC units - this is already an issue c. This is an ongoing program with funding to be requested in future budget years 2) Fleetwide Condition-based Maintenance Program (CBM) - \$3M a. Program targeting a proactive approach to identify, plan and perform repair/replacement of parts prior to failure and a tailored schedule to each component. 1. Document the CBM program for user manuals, process, flow-chart, training and support algorithm. 2. Develop the reliability and availability algorithm along with RBA process. 3. Deliver on-hand tools and add-on sensors to the maintenance end-users and rolling stocks. 4. Re-structure the maintenance process and facility support for CBM. 5. Analysis and develop the daily maintenance onsite process to accommodate the best efficiency in CBM program. 6. Code the algorithm and process for an application to Metrolink configurational management tool. 7. Code the system for an automatic notification, RBA alert and predictive failure warning. 8. Send notification of resolution to reporting source of any issues or failures. 9. Run development for the supply quality assurance. 3) Communication System Overhaul - \$640K a. Upgrade the communication control system for wireless control, onboard Ethernet network. b. Upgrade the destination panel. c. Overhaul the minor components such as speakers, microphone, etc. d. This is an ongoing program with funding to be requested next year to complete 4) HVAC Air Quality Solution - COVID-19 - \$2.3M a. Mitigation for COVID-19. b. F125 & MP36 locomotive and Rotem passenger car. c. This is already underway for Bombardier cars. d. This is an ongoing program with funding to be requested in future budget years. 5) MP36 Loco lifecycle management - \$3.6M a. MP36s are approaching their midlife in 2023. b. Highest priority systems to be addressed in order to keep these locomotives serviceable. c. This is an ongoing program with funding to be requested in future budget years.	11,600,000	5,510,000	2,296,800	1,287,600	1,670,400	835,200
8	WONGS	2631	Rehab	ALL	All	NA	Worn	Low	Information Technology	GENERAL INFORMATION TECHNOLOGY EQUIPMENT AND SYSTEM REHABILITATION	The Metrolink IT environment is in need of rehabilitation. The scope involves the replacement of end-user equipment and systems (e.g. laptops, desktops, tablets, monitors, cellphones, software systems), office equipment (e.g. multifunction printers, plotters, audio/video conferencing systems), and infrastructure equipment.	485,000	230,375	96,030	53,835	69,840	34,920
											ALL SHARE PROJECT PROPOSAL REQUEST	68,795,000	32,677,625	13,621,410	7,636,245	9,906,480	4,953,240
9	HOLMANS	2386	Rehab	ALL	River Sub - West Bank	0 - 485.20	Worn	High	Structures	RIVER SUBDIVISION STRUCTURES REHABILITATION - WEST BANK	River Sub Structures Rehabilitation addresses three major subcomponents to sufficiently rehabilitate aging infrastructure and growing backlog: - Bridges - Culverts - Tunnels Specific work for this request is for rehabilitation of the Arroyo Seco Bridge.	6,900,000	3,277,500	1,366,200	765,900	993,600	496,800
											RIVER SUBDIVISION-WEST BANK PROJECT PROPOSAL REQUEST	6,900,000	3,277,500	1,366,200	765,900	993,600	496,800

ROW#	CREATOR	PROJECT #	TYPE	ROUTE LINE	SUB DIVISION	MILE POSTS	CONDITI ON	IMPACT	ASSET TYPE	PROJECT	SCOPE	TOTAL REQUEST	METRO	OCTA	RCTC	SBCTA	19.d
10	HOLMANS	2617	Rehab	Antelope Valley Line	Valley	3.67 - 76.63	Worn	High	Track	VALLEY SUBDIVISION TRACK REHABILITATION	Valley Sub Track Rehabilitation addresses five major subcomponents to sufficiently rehabilitate aging infrastructure and growing backlog: - Rail - Ties - Crossings - Special Trackwork - Ballast Specific work includes Tunnel 25 Rehabilitation: Option 1: Partial funding necessary for the complete track rehabilitation of Track in the Tunnel. (Additional \$8M would need to be secured elsewhere). Option 2: Take advantage of economies of scale and perform major maintenance in the Tunnel by combining scope, equipment and labor forces with the work coming on Tunnel 26 which is funded through separate outside FRA Grant. Work would remove & replace approximately 20% of ties and ballast.	4,000,000	4,000,000	-	-	-	
11	HOLMANS	2627	Rehab	Antelope Valley Line	Valley	3.67 - 76.63	Worn	High	Train Control	VALLEY SUBDIVISION TRAIN CONTROL SYSTEMS REHABILITATION	Valley Sub Train Control Systems Rehabilitation addresses major subcomponents to sufficiently rehabilitate aging infrastructure and growing backlog: - Signal systems - Crossing systems - Communication systems COMMUNICATIONS: WMS-UPGRADE, AC REHAB, BATTERY REHAB, FIBER - REHAB, RADIO REHAB - PTC/VHF/UHF, CIS REHAB SIGNALS WORK WILL BE REASSESSED FOR CHANGE CONDITIONS IN THE YEAR OF APPROVED FUNDING WITH PRIORITIES LISTED: 1) CP Courrier MP 6.4 - Replace CP House, internal control equipment, and power switch machine \$550,000 2) EC Repeater & Switch Leaving Signal MP 7.51 - Replace house, internal control equipment and battery back-up - \$250,000 3) Int Signal 71-73 MP 7.9 Replace Signal House, internal control equipment - \$350,000 4) Int Signal 141-142 MP 14.2 Replace Signal House, internal control equipment - \$350,000 5) DED MP 15.10 - Replace detector and control equipment - \$250,000 6) Int Signal 191-192 MP 19.22 Replace Signal House, internal control equipment - \$350,000 7) Int Signal 201-202 MP 20.8 Replace Signal House, internal control equipment - \$350,000 8) EC4 Repeater MP 21.8 Replace Signal House, internal control equipment - \$350,000 9) EC4 Repeater MP 22.6 Replace Signal House, internal control equipment - \$350,000	2,500,000	2,500,000	-	-	-	
METRO PROJECT PROPOSAL REQUEST												6,500,000	6,500,000	-	-	-	
12	HOLMANS	2620	Rehab	Orange County Line	Orange	NA	Worn	High	Track	ORANGE SUBDIVISION TRACK REHABILITATION	Orange Sub Track Rehabilitation addresses five major subcomponents to sufficiently rehabilitate aging infrastructure and growing backlog: - Rail - Ties - Crossings - Special Trackwork - Ballast Specific work includes Metrolink Share of NCTD Turnout at Basilone Spur Rail replacement, and upgrade from 115 lb rail to 136 lb rail from Beach Rd to CP Serra (Scope removed from 2021 due to SCORE coordination issues). Riprap and track protection along the coast.	6,700,000	-	6,700,000	-	-	
13	HOLMANS	2626	Rehab	Orange County Line	Orange	165.08 - 207.4	Worn	High	Structures	ORANGE SUBDIVISION STRUCTURES REHABILITATION	Orange Sub Structures Rehabilitation addresses three major subcomponents to sufficiently rehabilitate aging infrastructure and growing backlog: - Bridges - Culverts - Tunnels Specific work includes construction funding for Culverts designed and environmentally cleared in FY20, but do not have sufficient construction funding. Culverts MP 205.8 and 207.2 Orange Sub, and Olive Sub MP 5.4.	2,220,000	-	2,220,000	-	-	

ent: Attachment D - FY23 Proposed Rehab Project List (8651 : Southern California Regional Rail Authority Preliminary Budget Request

ROW#	CREATOR	PROJECT #	TYPE	ROUTE LINE	SUB DIVISION	MILE POSTS	CONDITI ON	IMPACT	ASSET TYPE	PROJECT	SCOPE	TOTAL REQUEST	METRO	OCTA	RCTC	SBCTA	19.d
14	HOLMANS	2630	Rehab	Orange County Line	Orange	NA	Worn	High	Train Control	ORANGE SUBDIVISION TRAIN CONTROL SYSTEMS REHABILITATION	Orange Sub Train Control Systems Rehabilitation addresses major subcomponents to sufficiently rehabilitate aging infrastructure and growing backlog: - Signal systems - Crossing systems - Communication systems COMMUNICATIONS: WMS-UPGRADE, AC REHAB, BATTERY REHAB, FIBER - REHAB, RADIO REHAB - PTC/VHF/UHF, CIS REHAB SIGNALS WORK WILL BE REASSESSED FOR CHANGE CONDITIONS IN THE YEAR OF APPROVED FUNDING WITH PRIORITIES LISTED: 1) CP La Palma MP 167.3 - Replace CP House, internal control equipment, and power switch machine \$600,000 2) CP College MP 169.8 - Replace CP House, internal control equipment, and power switch machine \$550,000 3) CP Maple MP 172.4 - Replace CP House, internal control equipment, and power switch machine \$600,000 4) CP Lincoln MP 174.7 - Replace CP House, internal control equipment, and power switch machine \$600,000 5) CP Aliso MP 178.9 - Replace CP House, internal control equipment, and power switch machine \$550,000 6) CP Tinkham MP 184.5 - Replace CP House, internal control equipment, and power switch machine \$600,000	3,330,000	-	3,330,000	-	-	
OCTA PROJECT PROPOSAL REQUEST												12,250,000	-	12,250,000	-	-	
FY2023 PROPOSED REHABILITATION REQUEST												94,445,000	42,455,125	27,237,610	8,402,145	10,900,080	5,450,04

Minute Action

AGENDA ITEM: 20

Date: June 1, 2022

Subject:

Amendment No. 3 to Contract No. 16-1001440 with AECOM for Construction Management Services for the Redlands Passenger Rail Project

Recommendation:

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

A. Approve Amendment No. 3 to Contract No. 16-1001440 with AECOM Technical Services, Inc. for Construction Management Services for the Redlands Passenger Rail Project (Project), increasing the contract amount by \$750,000, for a new not-to-exceed amount of \$21,188,064; and exercise the final option year, extending the contract term through September 30, 2023.

B. Approve contingency in an amount not-to-exceed \$75,000 for Contract No. 16-1001440 and authorize the Executive Director, or his designee, to release contingency as necessary for the Project.

Background:

On October 4, 2016, Contract No. 16-1001440 was awarded to AECOM Technical Services, Inc. (AECOM) for Construction Management Services for the Redlands Passenger Rail Project (RPRP), as the first construction contracts were getting ready to advance to construction. Contract No. 16-1001440 includes Construction Management Services for the demolition of the building at 133 E. Street, San Bernardino, the early utility relocation contract, and the nine-mile mainline construction contract.

The overall construction of the mainline is almost complete, and testing of the new infrastructure using legacy Southern California Regional Rail Authority (SCRRA) equipment and Diesel Multiple Unit (DMU) equipment was successfully completed on April 12, 2022. With the completion of the grade crossing testing, the construction contract is entering the close-out phase and final acceptance of the contract is projected to be in June 2022. However, the current funding under the construction management contract assumed a contract completion in March 2022 and the final close-out in May 2022. Therefore, in order to successfully close out the construction contract, additional funding is needed to continue the support services from the Construction Management (CM) firm. The remaining work under the CM contract includes oversight to complete open punch list items, installation of equipment that is pending delivery due to shipping delays, resolution of open change order items, additional inspection/testing support needed to monitor and establish a brushing program on track, and other contract close-out activities.

Per Policy No. 11000 V.C.3.a, an amendment can increase the cost of an established scope of work when there are factors generally beyond the consultant's control and not anticipated during the initial cost proposal. Therefore, Amendment No. 3 is needed to increase the total contract authority for the time and materials to Contract No. 16-1001440 as AECOM is providing services for longer than expected and at a higher level of effort. The increase will be funded with Measure I Metrolink/Rail Service Program funds previously allocated to RPRP. Furthermore, staff is also recommending to utilize the final option term and is requesting

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 1, 2022

Page 2

approval to extend the contract to September 30, 2023 to provide sufficient time to perform final contract closed out activities.

Financial Impact:

This item is consistent with the Adopted Fiscal Year 2021/2022 Budget and the Proposed Fiscal Year 2022/2023 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 12, 2022. SBCTA General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft amendment.

Responsible Staff:

Victor Lopez, Director of Transit & Rail Programs

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Contract Summary Sheet

General Contract Information

Contract No: 16-1001440 Amendment No.: 3Contract Class: Payable Department: TransitVendor No.: 00091 Vendor Name: AECOM Technical Services, Inc.Description: CM Services for RPRP Demo, EU, and Mainline Construction

Dollar Amount							
Original Contract		\$	17,380,058.00	Original Contingency		\$	1,738,006.00
Prior Amendments		\$	1,200,000.00	Prior Amendments		\$	120,000.00
Prior Contingency Released		\$	1,858,006.00	Prior Contingency Released (-)		\$	(1,858,006.00)
Current Amendment		\$	750,000.00	Current Amendment		\$	75,000.00
Total/Revised Contract Value		\$	21,188,064.00	Total Contingency Value		\$	75,000.00
	Total Dollar Authority (Contract Value and Contingency)					\$	21,263,064.00

Contract Authorization

Board of Directors Date: 06/01/2022 Board Item # 8653

Contract Management (Internal Purposes Only)

Other Contracts Sole Source? No No Budget Adjustment Federal/State/Local Construction Management N/A

Accounts Payable

Estimated Start Date: 10/04/2016 Expiration Date: 09/30/2022 Revised Expiration Date: 09/30/2023NHS: N/A QMP/QAP: N/A Prevailing Wage: Yes

							Total Contract Funding:		Total Contingency:	
							\$	21,188,064.00	\$	75,000.00
GL:	4150	30	0315	0324	52005	41100000	MSI	2,634,892.75	-	
GL:	1050	30	0315	0324	52005	42218001	STA	4,215,809.25	-	
GL:	2090	30	0315	0324	52005	42106852	TIGER	145,041.76	-	
GL:	2120	30	0315	0324	52005	42107022	FTA 5307	12,122,320.24	-	
GL:	4150	30	0315	0324	52005	41100000	MSI	1,320,000.00	-	
GL:	4150	30	0315	0324	52005	41100000	MSI	750,000.00	75,000.00	
GL:								-	-	
GL:								-	-	
GL:								-	-	
GL:								-	-	

Victor Lopez

Project Manager (Print Name)

Carrie Schindler

Task Manager (Print Name)

Additional Notes: To be funded using reduction in contingency funds previously allocated to other RPRP program contract (Contract 19-1002070) with Granite Construction. Work under the contract is completed and funds can be reallocated to program contingency funds.

Attachment: 16-1001440-03_1_CSS (8653 : RPRP - Amendment No. 3 to Contract No. 16-1001440 CM Services)

AMENDMENT NO. 3 TO CONTRACT NO. 16-1001440

FOR

REDLANDS PASSENGER RAIL PROJECT (RPRP)

CONSTRUCTION MANAGEMENT SERVICES

This AMENDMENT No. 3 to Contract No. 16-1001440 is made by and between the San Bernardino County Transportation Authority ("SBCTA") and AECOM Technical Services, Inc. ("CONSULTANT"). SBCTA and CONSULTANT are each a "Party" and collectively the "Parties" herein.

RECITALS:

- A. The Parties entered into Contract No. 16-1001440 on October 4, 2016, setting forth the terms and conditions for construction management services ("Contract"); and
- B. Amendment No. 1 set a new contract expiration date of September 30, 2022, with one remaining one year extension available, and was signed May 13, 2021; and
- C. Amendment No. 2 increased contract value by \$1,200,000, added \$120,000 in new contingency, and was effective February 4, 2022; and
- D. SBCTA and CONSULTANT desire to further amend the Contract to increase the contract by \$750,000 and to extend the contract term.

NOW, THEREFORE, the Parties agree to amend the Contract as follows:

- 1. Article 2, CONTRACT TERM, is deleted and replaced in its entirety to read as follows:

"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 September 30, 2023, until otherwise terminated, 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."

- 2. Article 3, COMPENSATION, sub-paragraph 3.2 shall be deleted and replaced in its entirety to read as follows:

"3.2 The total Contract Not-To-Exceed Amount is Twenty-One Million One Hundred Eighty-Eight Thousand Sixty-Four Dollars (\$21,188,064.00). 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 Form". The hourly labor rates identified in Exhibit B shall remain fixed for the term of this Contract except for the annual escalation referenced below 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 State Department of Personnel Administration 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 three percent (3%). Escalation shall commence as of October 1, 2017, and shall be applied each October 1st for the term of the Contract.”

3. Except as amended by this Amendment No. 3, all other provisions of the Contract and amendments thereto shall remain in full force and effect and are incorporated herein by this reference.
4. The Recitals set forth above are incorporated herein by this reference.
5. This Amendment No. 3 is effective upon execution by SBCTA.

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

DRAFT

Attachment: 16-1001440-03_1 (8653 : RPRP - Amendment No. 3 to Contract No. 16-1001440 CM Services)

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

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

AECOM

By: _____
Curt Hagman
President, Board of Directors

By: _____
Chris Mockus
Vice President

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist
General Counsel

CONCURRENCE:

By: _____
Shaneka M. Morris
Procurement Manager

DRAFT

Attachment: 16-1001440-03_1 (8653 : RPRP - Amendment No. 3 to Contract No. 16-1001440 CM Services)

Minute Action

AGENDA ITEM: 21

Date: June 1, 2022

Subject:

Redlands Passenger Rail Project Quarterly Update

Recommendation:

Receive and file the Redlands Passenger Rail Project Quarterly Update.

Background:

The San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) has identified the Redlands Passenger Rail Project (RPRP) as one of its priority projects. The RPRP environmental clearance was completed in March 2015. The RPRP continues to move forward with mainline, maintenance facility, and vehicle manufacturing activities. The current schedule critical path item is the diesel multiple unit (DMU) commissioning and testing.

The mainline construction project continues to proceed towards substantial/final completion and overall contract is approximately 98% complete. All track work and bridge construction are substantially complete, and signal and communications systems have been successfully tested. The contractor has completed grade crossing activation testing with both the legacy Southern California Regional Rail Authority (SCRRA) locomotive (March 2022) and the DMU (April 2022). The contractor is currently working on punch list items and commissioning activities. Substantial completion is anticipated for May 2022 and final acceptance is anticipated in June 2022.

The maintenance facility contract is 97% complete and substantial completion was achieved in April 2022 with final acceptance anticipated in May 2022. Certificate to occupy the building and use it for intended purposes was also received April 2022. Additional contract work remaining on the building includes the installation of equipment that was previously procured but delayed due to shipping delays. The pending equipment includes the installation of 2 gangways, wash pad equipment and some hose reels with oil storage containers. Completion of punch list work and commissioning activities is currently underway.

Stadler US, Inc. (Stadler), delivered the third DMU in March 2022. DMU 1 was delivered in December 2021 and DMU 2 was delivered in January 2022. Commissioning and testing activities started in February 2022. Other remaining work includes the completion of change order work, including the installation of a crew boarding step and other software modifications.

The attached presentation provides an update of the multiple on-going activities.

Project Milestones and Status:

ACTIVITY	STATUS
Environmental Clearance	March 2015 – Completed
Award Vehicle Procurement Contract	July 2017 – Completed
Award Vehicle Maintenance Facility Construction Contract	April 2019 – Completed
Award Mainline Construction Contract	April 2019 – Completed

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 1, 2022

Page 2

Approval of 2-party Operations and Maintenance Agreement	June 2020 – Completed
Delivery of All DMU Vehicles	March 2022 - Completed
Maintenance Facility –Substantial Completion	April 2022-Completed
Maintenance Facility – Final Acceptance	May 2022
Mainline Contract – Substantial Completion	May 2022
Mainline Contract – Final Acceptance	June 2022
Conditional Acceptance of All DMU Vehicles	October 2022
Planned Revenue Service Start Date	October 2022

Project Description:

The RPRP entails the construction of nine (9) miles of new track plus a two (2) mile double-track section that will allow for the extension of Metrolink San Bernardino Line service and the introduction of multiple unit passenger rail service to the cities of San Bernardino and Redlands. It includes modifications to the San Bernardino Transit Center and construction of four new stations at: Tippecanoe Avenue in the City of San Bernardino, Esri station adjacent to their campus on New York Street (privately funded), Downtown Redlands station in the Packing House District, and University station at the University of Redlands in the City of Redlands. The project also includes reconstruction or rehabilitation of five (5) existing bridge structures, modifications to twenty-six (26) at-grade crossings including pedestrian treatments, positive train control, and quiet-zone ready infrastructure. Implementation of the new service requires the construction of a vehicle maintenance and storage facility, and acquisition of three (3) DMU passenger rail vehicles. The Arrow service will be the first use of Federal Railroad Administration (FRA) compliant modern DMUs in California.

Financial Impact:

This item is consistent with the proposed Fiscal Year 2022/2023 Budget.

Reviewed By:

This item was received by the Transit Committee on May 12, 2022.

Responsible Staff:

Victor Lopez, Director of Transit & Rail Programs

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

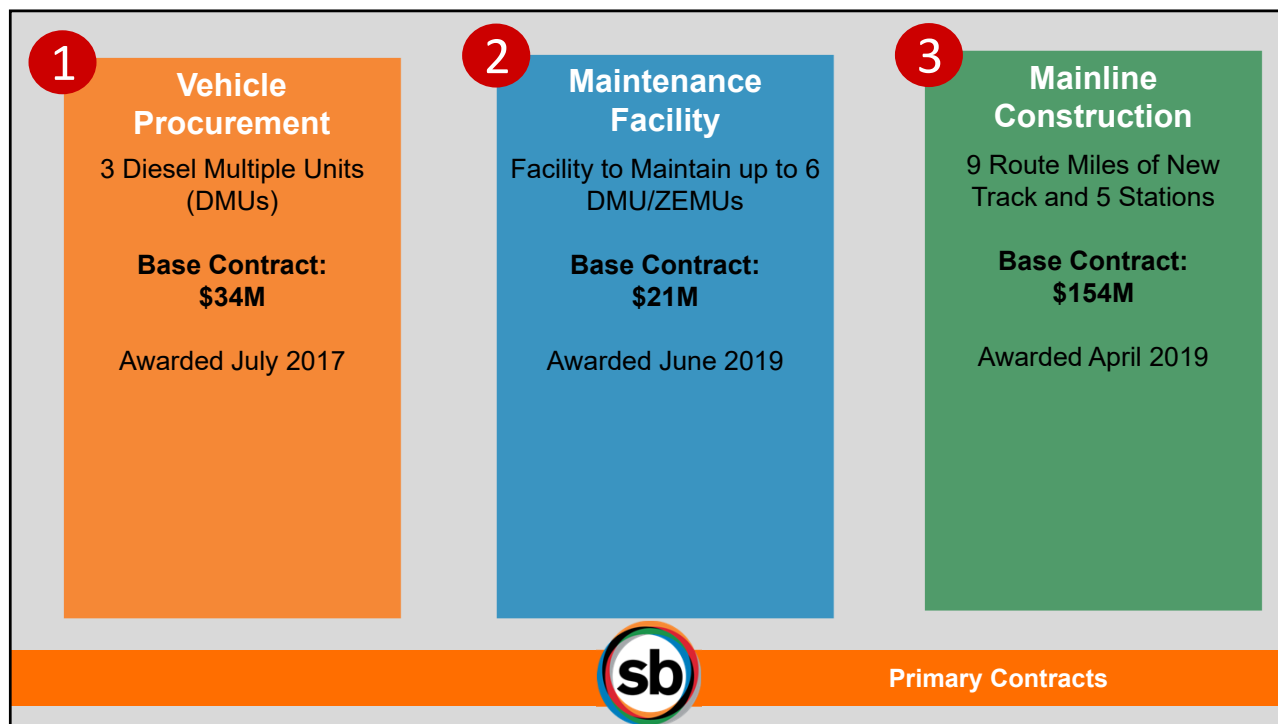
Redlands Passenger Rail Project Quarterly Project Update

Board of Directors
June 1, 2022



Project Overview

Attachment: RPRP Quarterly Project Update - TC 220512 (8650 : Redlands Passenger Rail Project Quarterly Update)



- **Percent Complete:** 95%
- **Prime Contractor:** Stadler US
- **Contract Management:** RailPros
- **Schedule:**
 - Contract Award: July 2017
 - First DMU Delivered: January 2021
 - Delivery of all DMU Vehicles: March 2022
 - Conditional Acceptance of all DMU Vehicles: October 2022

▪ **Budget and Expenditures:**

	Baseline Capital Amount	Executed Change Orders	Revised Amount	Expenditures	Amount Remaining
Contract – Capital	\$26,849,948.00	\$673,508.83	\$27,523,456.83	\$19,359,289.00	\$8,164,167.83
Contingency – Capital	\$2,684,995.00	-	\$691,486.17	-	-
Contract – O&M	\$4,555,129.00	-	\$4,555,129.00	\$1,801,948.10	\$2,753,180.90
Contingency – O&M	\$455,513.00	-	\$455,513.00	-	-
Total	\$34,795,585.00	\$673,508.83	\$33,225,585	\$21,161,237.10	\$10,917,348.73



1. Vehicle Procurement



SCRR Brandt truck towing DMU to demonstrate ability to recover the car in case of malfunction



SCAX #3401 during in yard safety performance testing at AMF



1. Vehicle Procurement



2

Maintenance Facility

Facility to Maintain up to 6 DMU/ZEMUs

**Base Contract:
\$21M**

Awarded June 2019

✓ Arrow Maintenance Facility

- Located at 981 W 3rd St in San Bernardino just east of Santa Fe Depot



2. Maintenance Facility

- **Percent Complete:** 97%
- **Prime Contractor:** Granite Construction Company
- **Construction Management:** Lockwood, Andrews & Newnam, Inc. (LAN)
- **Schedule:**
 - Substantial Completion: April 2022
 - Anticipated Final Acceptance: May 2022
- **Budget and Expenditures:**

	Baseline Amount	Executed Change Orders	Revised Amount	Expenditures	Amount Remaining
Contract	\$ 20,855,000.00	\$5,245,458.31	\$26,100,458.31	\$24,718,957.66	\$1,381,500.65
Contingency	\$ 1,363,400.00	-	\$3,117,941.69	-	-
Total	\$ 22,218,400.00	-	\$29,218,400.00	-	-



2. Maintenance Facility



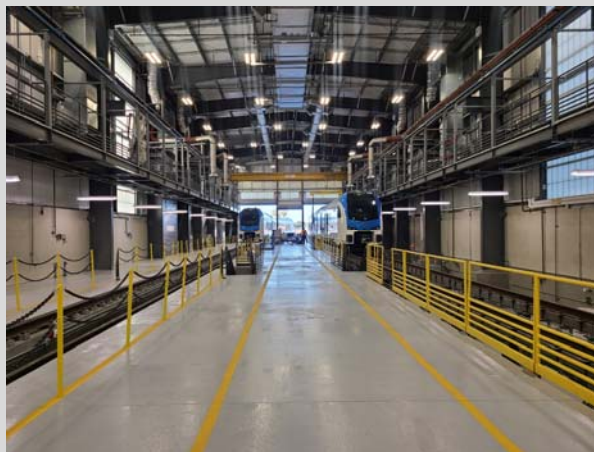
Maintenance Facility Building and Yard



2. Maintenance Facility



DMU in Maintenance Building



Maintenance Building-Interior



2. Maintenance Facility

3

Mainline Construction

9 Route Miles of New Track and 5 Stations

Base Contract: \$154M

Awarded April 2019

✓ Construction

- Various Locations at the Same Time
- Coordinated Closures for Crossings
- Weekly Updates via Email
- Construction/Modification to 5 Stations
- Modifications to 26 Grade Crossings

3. Mainline Construction

- **Percent Complete:** 98%
- **Prime Contractor:** Flatiron West, Inc.
- **Construction Management:** AECOM
- **Schedule:**
 - Contract Award: April 2019
 - Substantial Completion Estimate: May 2022
 - Final Acceptance: June 2022
- **Budget and Expenditures:**

	Baseline Amount	Executed Change Orders	Revised Amount	Expenditures	Amount Remaining
Contract	\$154,232,073.81	\$16,810,798.57	\$171,042,872.38	\$168,899,639.16	\$2,954,690.40
Contingency	\$15,423,207.19		\$6,324,016.02	-	-
Total	\$169,655,281.00		\$177,366,888.40	-	-

3. Mainline Construction

Stations:



San Bernardino - Downtown – April 2022



Redlands - Esri Station – April 2022



3. Mainline Construction

Stations:



DMU at Redlands – Downtown (SCRRA) Station Platform – April 2022



DMU at Redlands - Downtown (DMU) Station Platform – April 2022



3. Mainline Construction

Stations:



DMU at Redlands - University Station – April 2022



3. Mainline Construction



cta

San Bernardino County
Transportation Authority

Minute Action

AGENDA ITEM: 22

Date: June 1, 2022

Subject:

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

Recommendation:

That 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

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

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 was received by the City/County Manager’s Technical Advisory Committee on May 5, 2022 and was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022.

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Board of Directors Agenda Item
June 1, 2022
Page 4

Responsible Staff:

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

Approved
Board of Directors
Date: June 1, 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



cta
San Bernardino County
Transportation Authority

cog
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

- 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: 23

Date: June 1, 2022

Subject:

Presentation from Southern California Edison on Wildfire Risk Mitigation

Recommendation:

Receive information 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) provided an informational 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 Proposed Fiscal Year 2022/2023 Budget.

Reviewed By:

This item was received by the General Policy Committee on May 11, 2022.

Responsible Staff:

Duane Baker, Deputy Executive Director

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Entity: San Bernardino Council of Governments



A COMPREHENSIVE STRATEGY TO PREVENT, COMBAT AND RESPOND



**HARDENING
THE ELECTRIC
GRID**

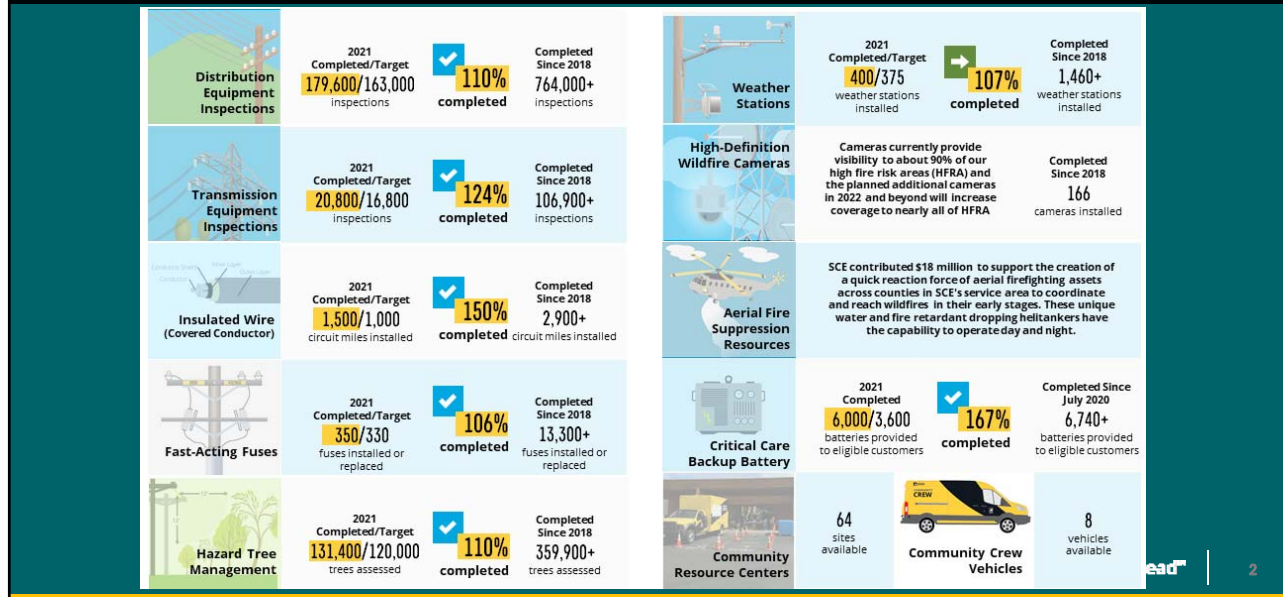


**ENHANCING
OPERATIONAL
PRACTICES**



**BOLSTERING
SITUATIONAL
AWARENESS
CAPABILITIES**

2021 YEAR-END PROGRESS UPDATE



REDUCING WILDFIRE RISK & PSPS IMPACTS – BY THE NUMBERS

SCE estimates its wildfire mitigation and PSPS measures have reduced the risk of damage from catastrophic¹ wildfires by **65% to 70%**, relative to pre-2018 levels.



ONGOING WILDFIRE MITIGATION EFFORTS

~**30%** of overhead wires in high fire risk areas installed with covered conductor

Suite of mitigations include system hardening, inspections, vegetation management and situational awareness measures



IMPROVED PSPS EXECUTION & CUSTOMER SUPPORT

73% reduction in PSPS outage time in 2021 on frequently impacted circuits²

81,000 customers removed from scope from exceptions and switching protocols

64 Community Resource Centers available



AERIAL FIRE SUPPRESSION SUPPORT

Contributed \$18 million for the creation of the quick reaction force of the world's largest tankers

Used on more than 50 fires in 2021, helping to suppress fires in its early stages

1. A wildfire directly causing one or more deaths, damaging or destroying more than 500 structures, or burning more than 140,000 acres of land
2. Based on 2021 weather and fuel conditions

Data as of 12/31/21



HARDENING ELECTRIC GRID & INFRASTRUCTURE



COVERED CONDUCTOR

Replacing bare wire with insulated wire (covered conductor) to reduce wildfire risk as well as safely raise windspeed thresholds for PSPS in targeted areas. About 2,900 miles of insulated wire installed since 2018



FIRE-RESISTANT POLES

Installing mix of composite poles and wooden poles with fire-resistant wrap to reduce risk of damaged poles during an emergency



PROTECTIVE DEVICES

Installing fast-acting fuses to interrupt electric current more quickly when there's an electrical fault and remote-controlled sectionalizing devices to segment and isolate portions of circuits during PSPS events



UNDERGROUNDING

Complete 17 miles of undergrounding in 2021-22 in targeted high fire risk areas based on risk and feasibility. Potential for significant increase in subsequent years.



MICROGRIDS

Partnered with San Jacinto High School for a microgrid resiliency pilot. Second pilot site at a school in the Rialto Unified School District will be available in 2022.

Data as of 12/31/21



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COVERED CONDUCTOR

- **2,900+** miles of covered conductor
- Plan to install a total of **4,000** miles by end of 2022, covering 40% of SCE's overhead distribution lines in high fire risk areas
- Covered conductor estimated to be about **70% effective** in mitigating ignition risk



Data as of 12/31/21



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UNDERGROUNDING

- Completed approximately **6 miles** of undergrounding in targeted high fire risk areas based on risk and feasibility
- Plan to complete a total of **17 miles** by end of 2022; potential for significant increase in subsequent years



Data as of 12/31/21



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ENHANCING OPERATIONAL PRACTICES



HIGH FIRE RISK INSPECTIONS & REMEDIATIONS

Inspect overhead equipment in high fire risk areas for repairs via ground and aerially, prioritizing the highest-risk structures. In 2022, will inspect 53% of distribution and 43% of transmission equipment in high fire risk areas, covering 97% of total wildfire risk



VEGETATION MANAGEMENT

Inspect, trim and remove trees to prevent vegetation from coming into contact with electrical equipment and potentially sparking a fire. Tall trees beyond standard pruning zones that could potentially fall into power lines are also assessed and pruned or removed. SCE will begin removing palm trees that may come in contact with power lines.



PUBLIC SAFETY POWER SHUTOFFS

SCE strives to reduce the scope, frequency and duration of PSPS events as more wildfire mitigations are implemented, but PSPS remains a tool of last resort to mitigate wildfire risk during elevated fire weather conditions.

Data as of 12/31/21



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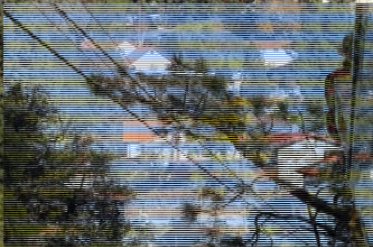
PUBLIC SAFETY POWER SHUTOFFS

2021 HIGHLIGHTS

81,000 customers removed from PSPS scope through exceptions and switching protocols

45% reduction in Customer Minutes of Interruption (CMI)¹

73% reduction in CMI on frequently impacted circuits¹



Damage/hazards found after strong winds during PSPS

- A tool of last resort used during dangerous fire conditions (weather and fuels)
- De-energizing lines to prevent a spark from our equipment starting a significant wildfire
- Primarily impacts circuits in high fire risk areas
- Use of multiple methods to notify customers and partners in affected areas before, during and after a PSPS event
- In 2021, continued PSPS improvements and reduced frequency, scope and duration of PSPS

1. Based on 2021 weather and fuel conditions

Data as of 12/31/21



PSPS OUTREACH & CUSTOMER SUPPORT

- Expanded enhanced notifications to all Medical Baseline customers, partnered with 211 to provide support to customers with Access and Functional Needs (AFN) and activated new AFN coordinator during PSPS
- Expanded customer battery programs and in-event support using Community Crew Vehicle and Community Resource Center locations
- Improved collaboration with state agencies, public safety partners, critical infrastructure customers and community-based organizations with new Public Safety Partner Portal
- Conducted extensive outreach to community-based organizations, public safety partners and local and tribal governments

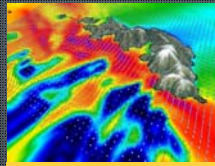


BOLSTERING SITUATIONAL AWARENESS CAPABILITIES



Weather Stations

1,460+ weather stations that provide wind speed, humidity and temperature data. Plan to add 150 stations in 2022 to increase accuracy of PSPS operations



Weather Modeling

Continuing to improve weather modeling and incorporating machine learning capabilities to weather stations to enhance weather forecasts



Fuel Sampling

Measuring vegetation moisture at 15 fuel sampling sites on a biweekly basis to help determine dry fuel conditions. Using data to train fuel moisture model to enhance operations



Wildfire Cameras

166 cameras that provide visibility to about 90% high fire risk areas to monitor wildfire conditions. Planning additional cameras in 2022 and beyond to increase coverage

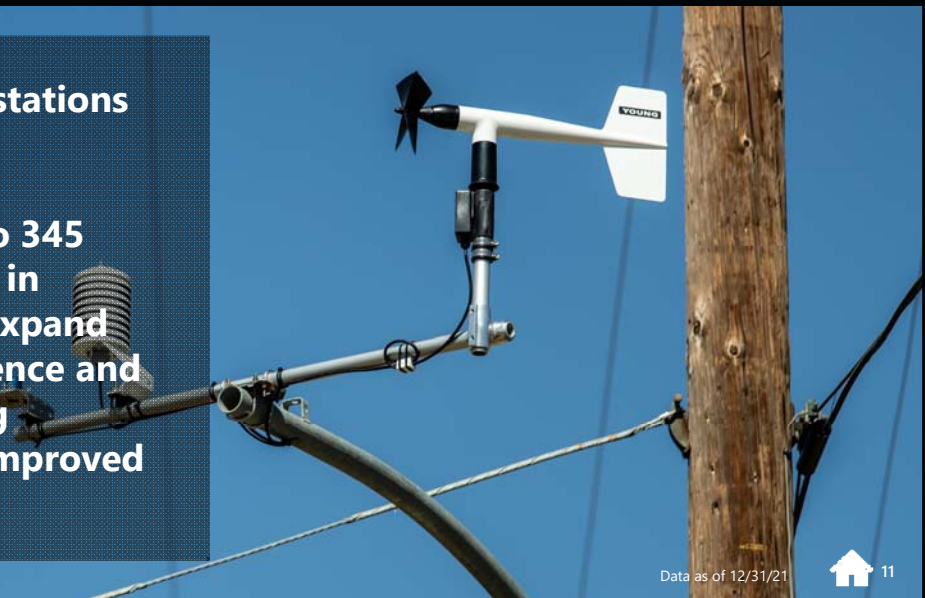
Data as of 12/31/21



10

WEATHER STATIONS

- **1,460+** weather stations installed
- Plan to add up to 345 weather stations in 2022-2025 and expand artificial intelligence and machine learning capabilities for improved forecasting

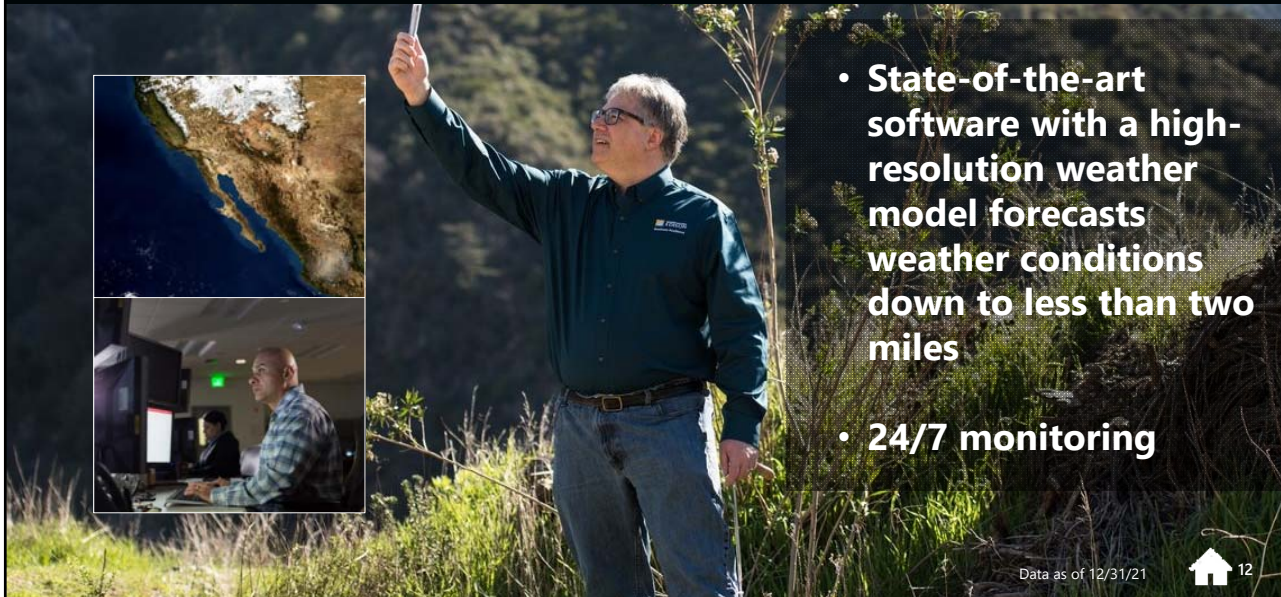


Data as of 12/31/21



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ADVANCED WEATHER MODELING



- State-of-the-art software with a high-resolution weather model forecasts weather conditions down to less than two miles
- 24/7 monitoring

Data as of 12/31/21

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WILDFIRE CAMERAS




- **166** wildfire cameras installed, providing visual coverage of ~90% of high fire risk areas to monitor wildfire conditions
- Plan to add up to 60 cameras in 2022-2024 to increase coverage and equip cameras with artificial intelligence capabilities

Data as of 12/31/21

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Add Notes

SCE CUSTOMER PROGRAMS & RESOURCES




CUSTOMER RESOURCE CENTERS & COMMUNITY CREW VEHICLES

- Services offered: information, charging of mobile and portable medical devices, PSPS outage alert enrollment support, access to water, light snacks, ice and ice vouchers, restrooms, and small insulated bags to keep medication cool
- Translations services for over 120 languages including American Sign Language (ASL)




CUSTOMER PROGRAMS

- Partnered with 211 to help customers with Access and Functional Needs (AFN) develop a resiliency plan and enroll in eligible assistance programs
- 211 provides specialized referrals for customers with AFN experiencing PSPS, and services include connecting customers to shelf-stable food, hot meal delivery, transportation and/or temporary shelter
- SCE will improve communications methods, including videos utilizing ASL for marketing and PSPS notifications



CUSTOMER RESILIENCY EQUIPMENT

- Critical Care Backup Battery program and the In-Event Battery Loan pilot provide eligible customers with a portable backup battery to power a medical device during a PSPS event
- Rebates on portable batteries and generators for customers residing in high fire risk areas on marketplace.sce.com


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Website: sce.com/wildfire

Energized by Edison Stories & Videos: edison.com/wildfire-safety


SCE Customer Support: 1-800-655-4555

STAY INFORMED




- Visit our website
- Attend a community meeting

SIGN UP




- PSPS alerts
- SCE's Medical Baseline program
- SCE programs and rebates

BE PREPARED



- Be prepared with a safety preparedness plan, some basic supplies and advance planning
- Power outage tips

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FOR MORE INFORMATION:

SCE Wildfire Webpage – sce.com/wildfire

SCE Notifications

- Sign up for PSPS alerts – sce.com/pspsalerts
- Sign up for the Energized by Edison Wildfire Mitigation Newsletter – energized.edison.com/newsletter

Situational Awareness

- PSPS maps and information – sce.com/psps
- PSPS decision making – sce.com/pspsdecisionmaking
- Role of weather in PSPS – sce.com/fireweather
- CPUC wildfire maps – ia.cpuc.ca.gov/firemap/
- Wildfire cameras – alertwildfire.org

Preparedness

- SCE emergency preparedness – sce.com/beprepared
- CAL FIRE preparedness – readyforwildfire.org

Vegetation Management

- Vegetation Management – sce.com/safety/power-lines; contact 1-800-655-4555 or safetrees@sce.com

Customer Programs & Rebates

- SCE Customer Programs & Resources – sce.com/customerresources
- SCE Marketplace (rebates and programs) – marketplace.sce.com
- SCE Medical Baseline Program – sce.com/medicalbaseline
- Self Generation Incentive Program (SGIP) – sce.com/sgip or selfgenca.com
- SCE Customer Support: 1-800-655-4555

Community Meetings

- Join SCE's wildfire safety community meetings – sce.com/wildfiresafetymeetings

Energized by Edison

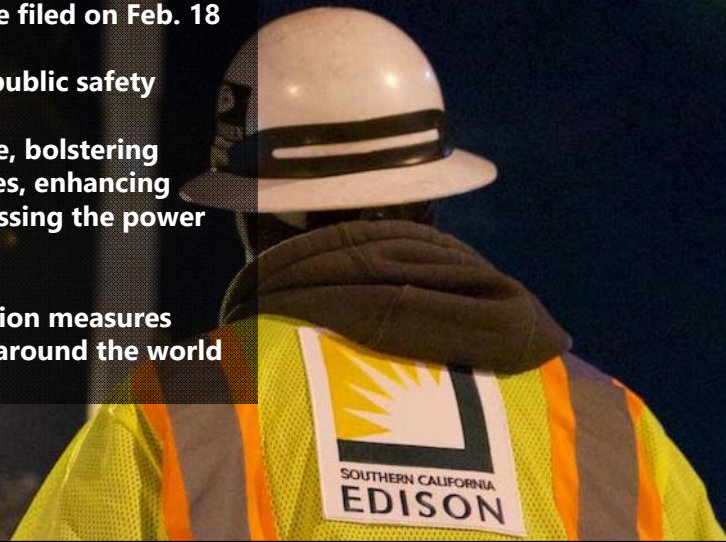
- Stories and videos on SCE's wildfire mitigation efforts and PSPS – edison.com/wildfire-safety

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Additional Slides

OUR WILDFIRE MITIGATION PLAN

- 2022 Wildfire Mitigation Update filed on Feb. 18
- Primary objective is to protect public safety
- Further hardening infrastructure, bolstering situational awareness capabilities, enhancing operational practices and harnessing the power of data and technology
- Incorporating advanced mitigation measures deployed in high fire risk areas around the world



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VEGETATION MANAGEMENT

2021 HIGHLIGHTS

Assessed **131,400** hazard trees and removed **3,400** trees that were deemed unsafe

- Hazard tree removal beyond traditional trim zone
- Inspect **1.5 million** trees across our service area annually and typically trim **900,000** of those trees. More than half are located in high fire risk areas
- Vegetation removal at poles and around power lines
- LiDAR surveying



Data as of 12/31/21



HIGH FIRE RISK INSPECTIONS

2021 HIGHLIGHTS

Completed **179,600** distribution inspections and **20,800** transmission inspections

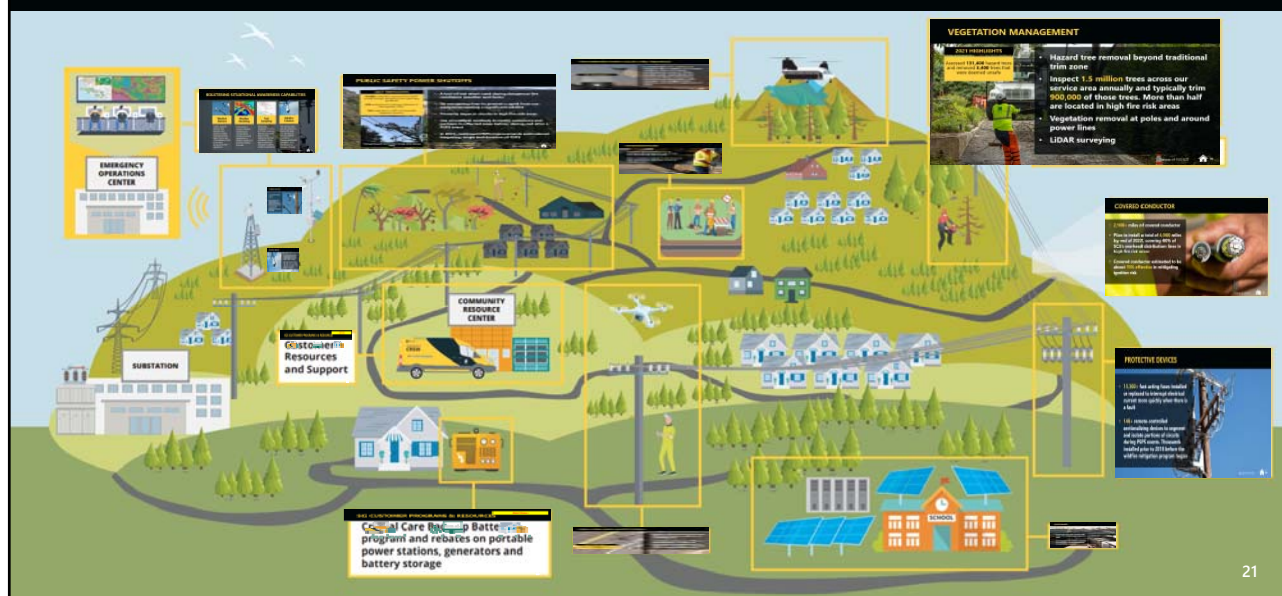
- Inspect electrical equipment for maintenance, repairs or replacement

- In 2022, will inspect 53% of distribution and 43% of transmission equipment in high fire risk areas, covering 97% of total wildfire risk

Data as of 12/31/21



REDUCING WILDFIRE RISK IN OUR COMMUNITIES



SCE SERVICE AREA & HIGH FIRE RISK AREAS

50,000 SQ. MI.
of SCE service area
across southern, central
and coastal California

14,000 SQ. MI.
of high fire risk areas



52,000 MI.
of SCE overhead
distribution and
transmission lines

14,000 MI.
in high fire risk areas



5M
customer accounts or 15M
residents in SCE's service
area

1.3M
customer accounts or
3.9M residents served by
circuits in high fire risk
areas



1.4M
power poles

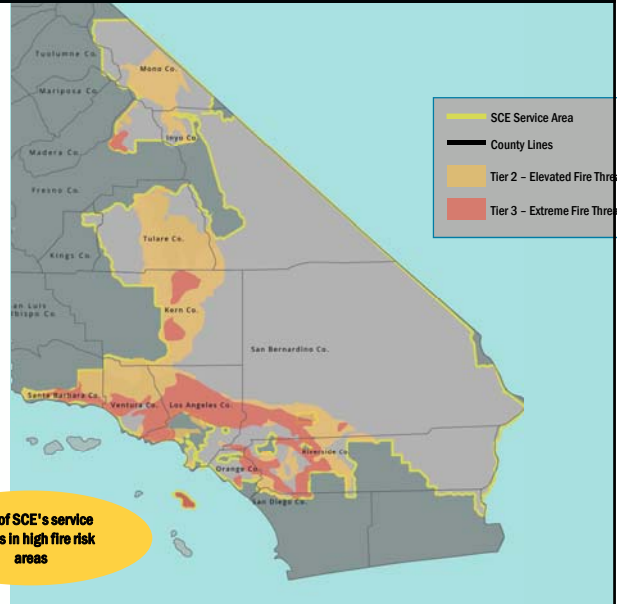
300,000
in high fire risk areas

Counties with high fire risk area served by SCE

Fresno
Inyo
Kern
Los Angeles
Mono
Orange
Riverside
San Bernardino
Santa Barbara
Tulare
Ventura

Counties with no or limited high fire risk areas served by SCE

Imperial
Kings
Madera
Tuolumne



NEW TECHNOLOGIES



Early Fault Detection

Early Fault Detection (EFD) detects high frequency radio emissions which can occur from incipient failure, such as severed strands on a conductor, vegetation contact, or tracking on insulators



Fault Detection

Distribution Open Phase Detection (DOPD) detects one or more open phase (broken conductor) conditions to reduce risks associated with down-wire incidents



High Impedance Detection

High Impedance (Hi-Z) relays use protective elements to reduce the propagation of low-magnitude fault conditions (Hi-Z conditions) that can lead to ignition risk, such as downed conductor or arcing events



Asset Defect Detection Using AI/ML

Applies image recognition algorithms to speed up identification of potential asset defects. Detection algorithm will continue to improve over time with **artificial intelligence and machine learning**.



Fire Detection

Uses **satellite technology** and SCE's HD wildfire cameras to detect and map wildfire ignitions. Results in a more comprehensive view of fires that improves intelligence for more rapid and effective fire response.



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PARTNERING WITH LOCAL FIRE AGENCIES

2021 PERFORMANCE

Used on more than **50** fires
433 hours of flight time
1,836 total drops (493 at night)
2.6 million gallons of water
123,000 gallons of fire retardant



- Contributed **\$18 million** to support the creation of a quick reaction force of aerial firefighting assets in SCE's service area, including the world's largest helitankers
- Continue partnerships with Orange, Los Angeles and Ventura county fire agencies in 2022

Data as of 12/31/21



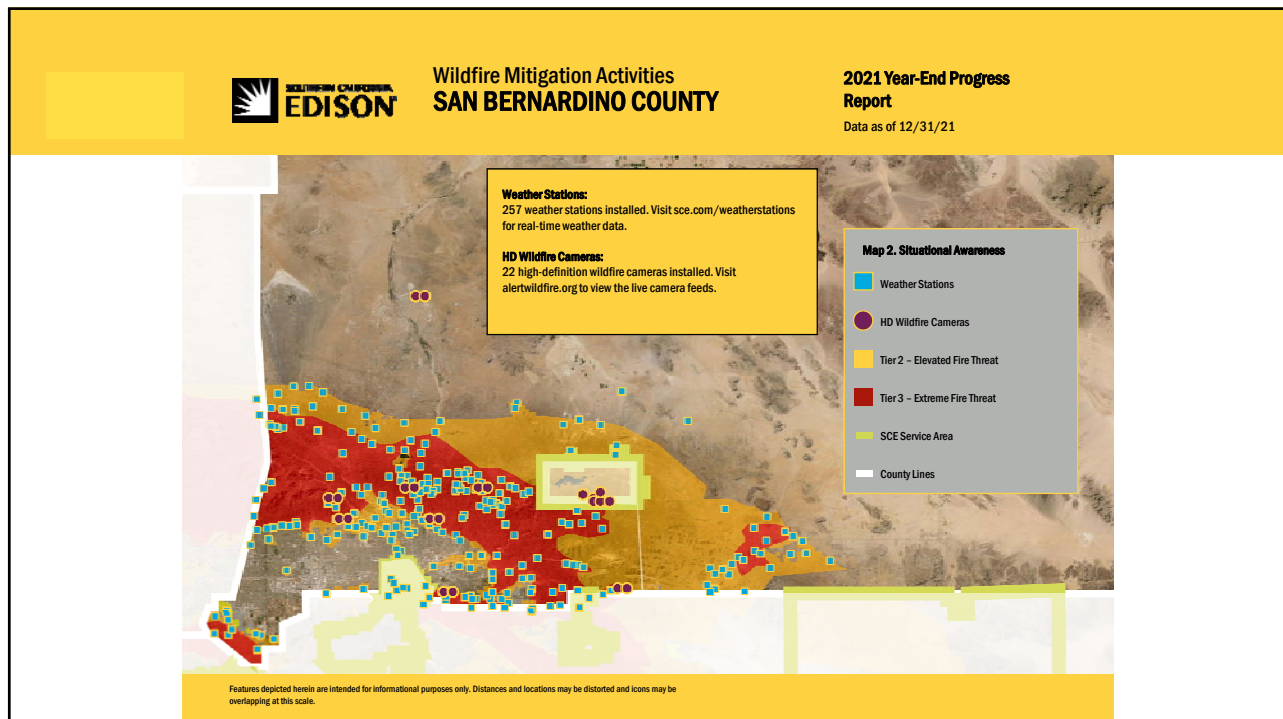
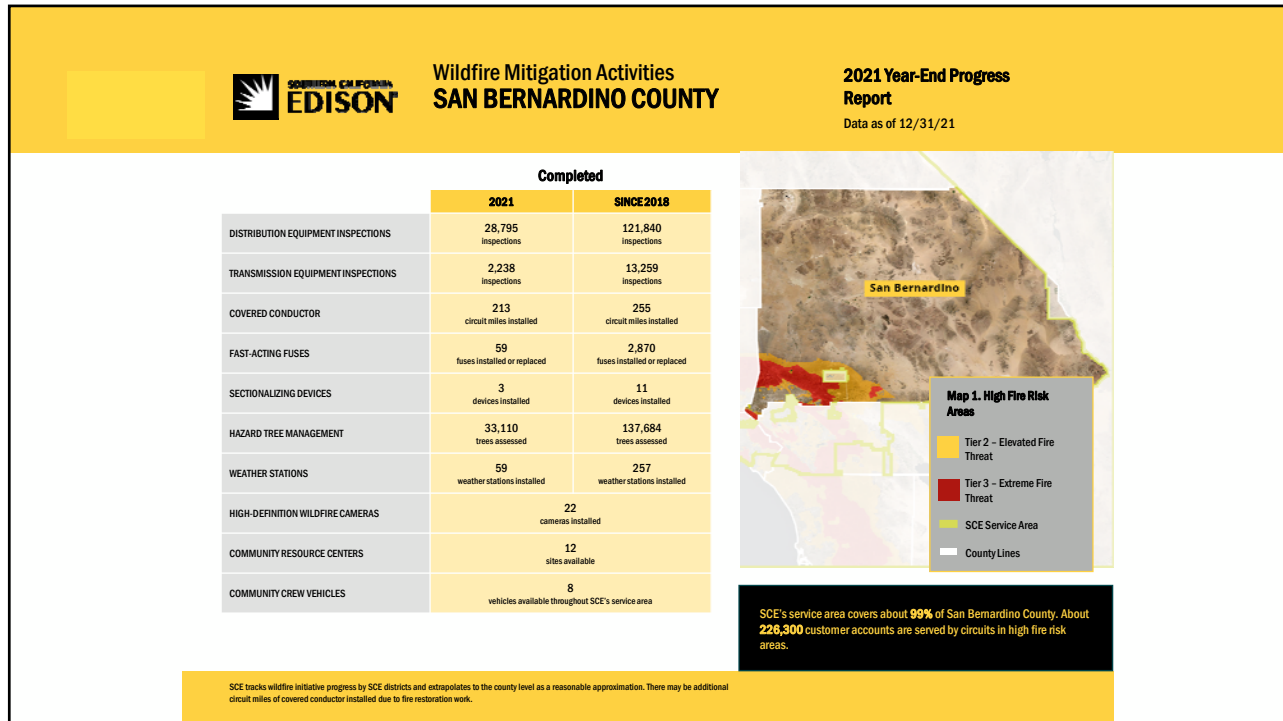
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MAINTAINING FOUNDATIONAL STRATEGY WHILE ADVANCING KEY INCREMENTAL FOCUS AREAS EACH YEAR

2019	2020 - 2021	2022
FOUNDATIONAL STRATEGY	GRANULAR WILDFIRE RISK, PSPS MITIGATION	UPDATE OF LONG-TERM SYSTEM HARDENING STRATEGY
<p>Grid hardening</p> <p>Bolstering situational awareness capabilities</p> <p>Enhancing operational practices</p>	<p>Refining risk analysis models</p> <p>Inspection strategy evolution</p> <p>Reducing PSPS impacts</p> <p>Aerial fire suppression</p> <p>Advancing new technologies</p>	<p>Expanded grid hardening</p> <p>Updating risk prioritization for vegetation management</p> <p>Continue reducing PSPS impacts</p> <p>Adding new mitigation strategies</p>



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PROTECTIVE DEVICES

- **13,300+** fast-acting fuses installed or replaced to interrupt electrical current more quickly when there is a fault
- **140+** remote-controlled sectionalizing devices to segment and isolate portions of circuits during PSPS events. Thousands installed prior to 2018 before the wildfire mitigation program began

Data as of 12/31/21



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RAPID EARTH FAULT CURRENT LIMITER (REFCL)

- REFCL technology detects when a single power line has fallen to the ground and almost instantly reduces energy released
- If deployed with covered conductor and other mitigations, risk reduction potential can be close to undergrounding. Pending initial deployment evaluation, may transition to using on wider scale in the future

Data as of 12/31/21



29

MICROGRIDS

- Partnered with San Jacinto High School for a microgrid resiliency pilot
- Second pilot site will be available at a school in the Rialto Unified School District in 2022

Data as of 12/31/21



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INTEGRATED GRID HARDENING STRATEGY

SCE's refined integrated grid hardening strategy considers wildfire risk drivers and PSPS risk at circuit segments and mitigations that cost effectively addresses those risk drivers. We continue to prioritize hardening our riskiest areas first.

	Risk Designation	Risk Criteria	Mitigation Selection
Total High Fire Risk Area (HFRA) Overhead Distribution Segments (Total of ~9,700 circuit miles, of which 30% is already hardened)	Severe Risk Areas (~1,925 circuit miles) ¹	Fire risk egress constrained locations, extreme high wind areas, and extreme consequence areas	Pursue undergrounding unless covered conductor already installed or specific terrain not practical for undergrounding and necessitates feasible alternative mitigations
	High Consequence Segments (~5,075 circuit miles)	Locations that meet 300-acre consequence threshold at 8 hours or at risk of Public Safety Power Shutoff (PSPS)	Pursue covered conductor plus other mitigations such as asset inspections, vegetation management, and fast curve settings
	Other HFRA Segments (~2,700 circuit miles)	Locations that are not in a Severe Risk Area and do not meet High Consequence criteria	Naturally replace retired or damaged bare wire with covered conductor per high fire risk area standard; continue mitigations such as asset inspections, vegetation management, and fast-curve settings

¹Based on initial feasibility analysis of ~1,925 circuit miles, several hundred miles currently under consideration for additional enhanced mitigation, including undergrounding



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PSPS DECISION POINTS

Decision points include, but are not limited to:



- NWS Red Flag Warnings
- SCE meteorologists forecast **strong wind** conditions in service area
- SCE fire scientist assessment **of fire potential** to include consideration of **weather** and **fuels**



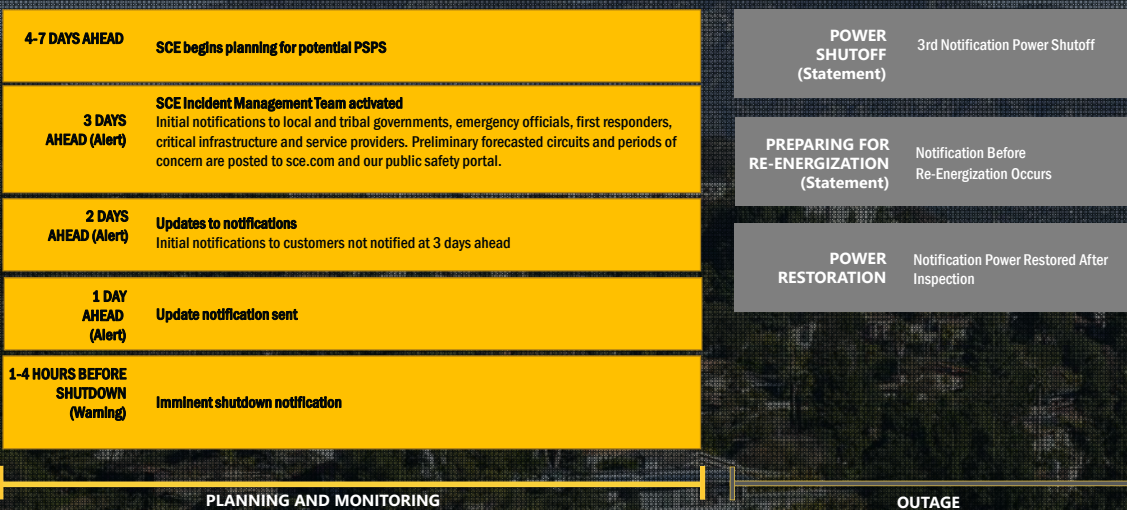
- Real-time observations from qualified electrical workers monitoring for **hazardous conditions** in the field



- Impact of de-energizing circuits on **first responders and essential services**

32

PSPS IDEAL TIMELINE

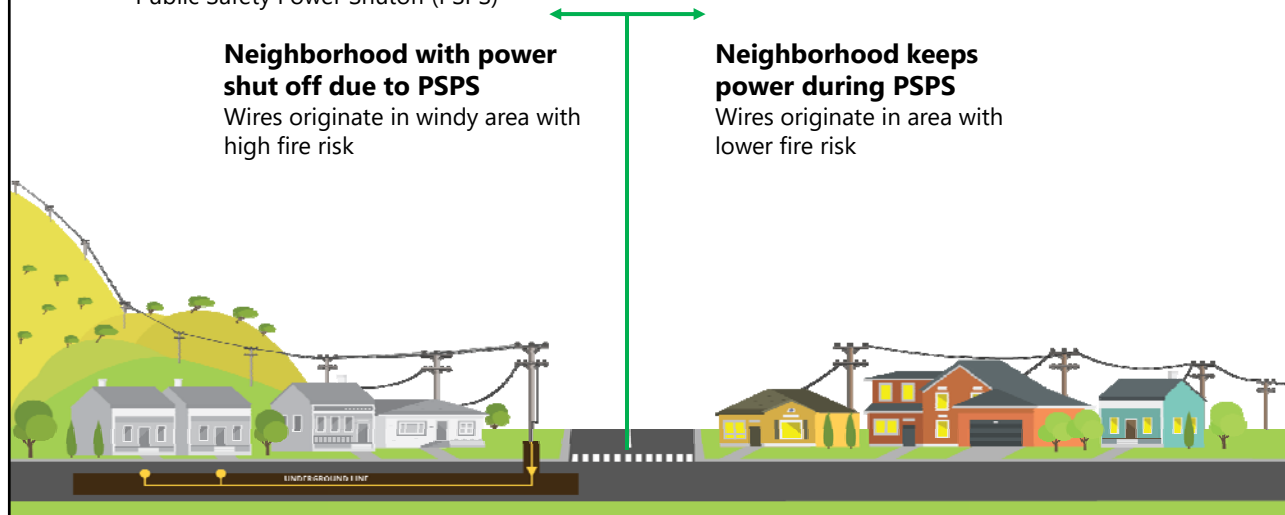


SCE will target the schedule above to notify customers. Sudden onset of hazardous conditions that jeopardize public safety may impact SCE's ability to provide advanced notice to customers. Notifications can be provided via email, text, voice call, and TTY formats; zip code-level alerts; and NextDoor.

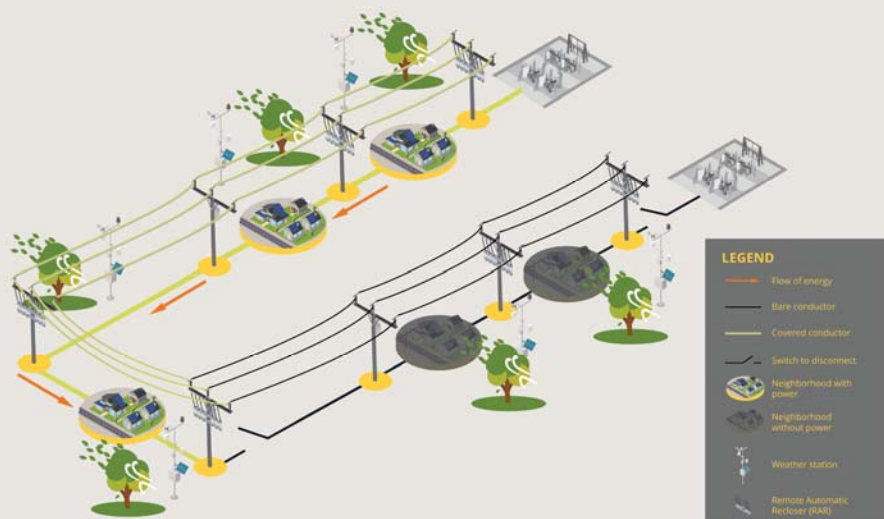
33

Why Does My Neighbor Have Power and I Don't?

The location of your home or business on a circuit and the area of severe weather relative to your local substation are important factors in determining whether or not you are impacted by a Public Safety Power Shutoff (PSPS).



HOW PSPS CIRCUITS WORK

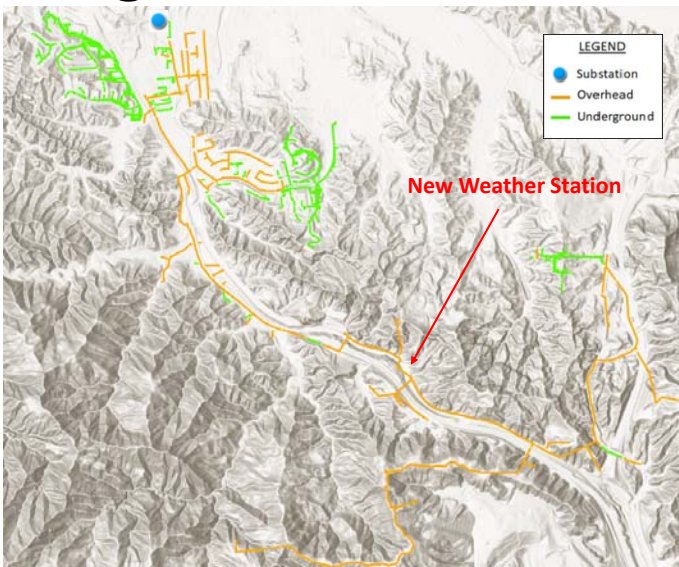


35

APPENDIX



Calgrove Circuit Plan



**INCLUDE CITY RELEVANT CIRCUITS
CALGROVE – LA COUNTY**

Planned Work:

- Install 1 weather station to improve situational awareness

Expected Completion Date:

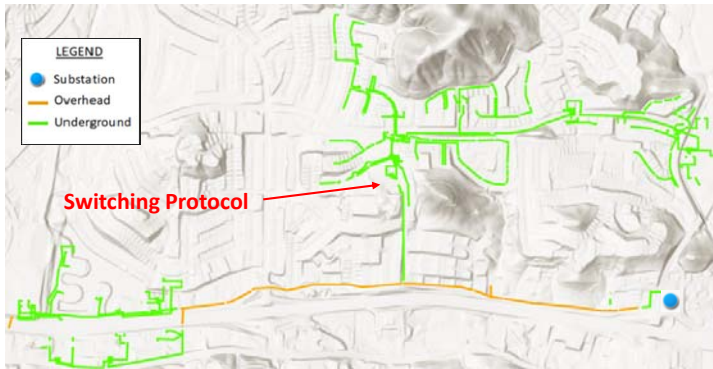
- 10/1/2022

Expected Improvements:

- Benefits from a new weather station are anticipated, but magnitude of benefits depend on the weather conditions

Conejo Circuit Plan

INCLUDE CITY RELEVANT CIRCUITS
CONEJO – LA COUNTY



Planned Work:

- Update switching protocols to improve our circuit segmentation

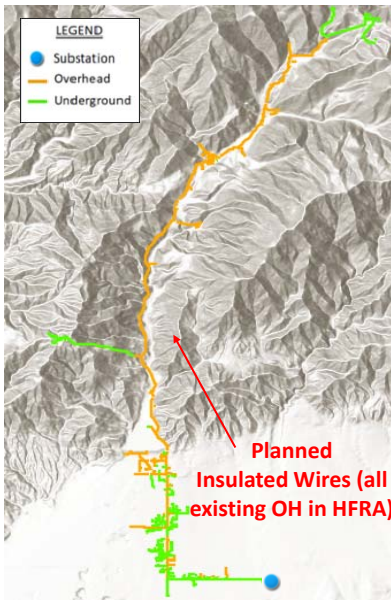
Expected Completion Date:

- 10/1/2022

Expected Improvements:

- Benefits from switching protocols are anticipated, but magnitude of benefits is unknown at this time

Ferrara Circuit Plan



Planned Work:

- Replace 14.58 miles of existing overhead wire with new insulated wire

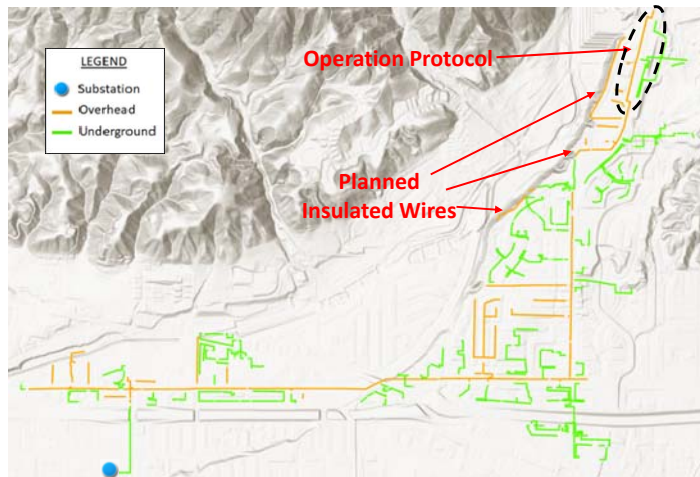
Expected Completion Date:

- 10/1/2022

Expected Improvements:

- **100% reduction** in customer outage time, assuming the extreme weather doesn't exceed the insulated wire threshold.

Foothill Circuit Plan



INCLUDE CITY RELEVANT CIRCUITS FOOTHILL – LA COUNTY

Planned Work:

- Replace 1 mile of existing overhead wire with new insulated wire
- Implement operation protocols to raise PSPS windspeed thresholds

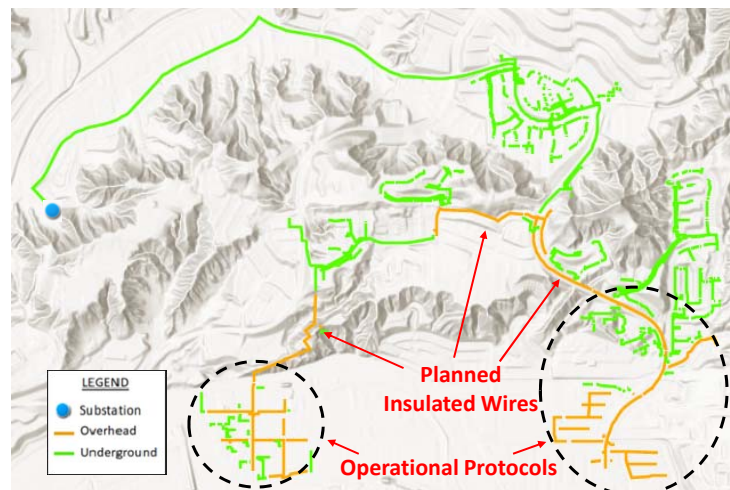
Expected Completion Date:

- 10/1/2022

Expected Improvements:

- **100% reduction** in customer outage time, assuming the same weather conditions in 2020

Julius Circuit Plan



INCLUDE CITY RELEVANT CIRCUITS JULIUS – LA COUNTY

Planned Work:

- Replace 2.2 miles of existing overhead wire with new insulated wire
- Implement operational protocols to raise PSPS windspeed thresholds

Expected Completion Date:

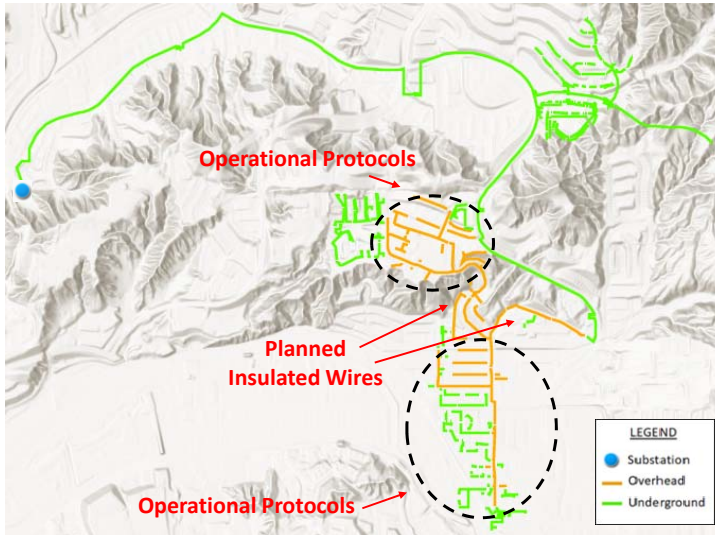
- 10/1/2022

Expected Improvements:

- **100% reduction** in customer outage time, assuming the same weather conditions in 2020 and 2021

Marcus Circuit Plan

INCLUDE CITY RELEVANT CIRCUITS
MARCUS – LA COUNTY



Planned Work:

- Replace 2.3 miles of existing overhead wire with new insulated wire
- Implement operational protocols to raise PSPS windspeed thresholds

Expected Completion Date:

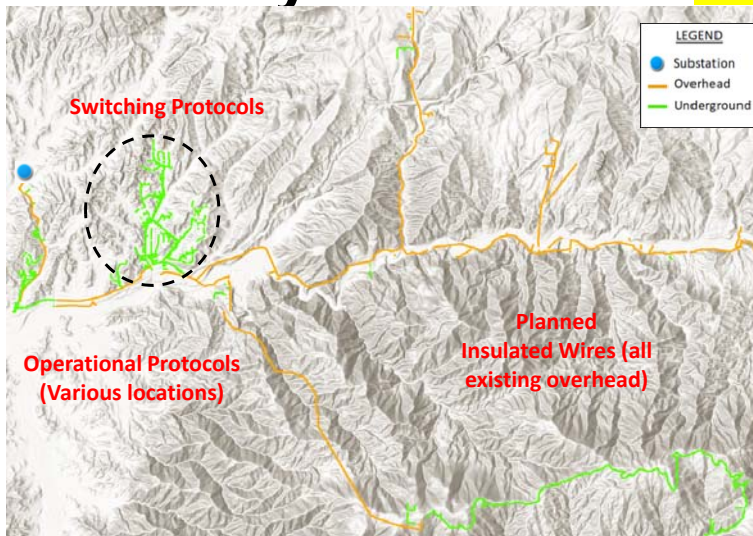
- 10/1/2022

Expected Improvements:

- **100% reduction** in customer outage time, assuming the same weather conditions in 2020 and 2021

Sand Canyon Circuit Plan

INCLUDE CITY RELEVANT CIRCUITS
SAND CANYON – LA COUNTY



Planned Work:

- Replace 22.8 miles of existing overhead wire with new insulated wire
- Update switching protocols
- Implement operations protocol for portions of the circuit

Expected Completion Date:

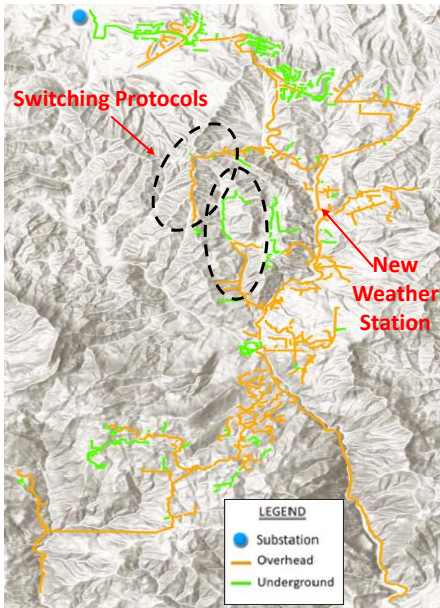
- 5/1/2022

Expected Improvements:

- **96% reduction** in customer outage time, assuming the same weather conditions in 2020

Vicasa Circuit Plan

INCLUDE CITY RELEVANT CIRCUITS
VICASA – LA COUNTY



Planned Work:

- Install 1 new weather station
- Implement switching protocols to improve segmentation

Expected Completion Date:

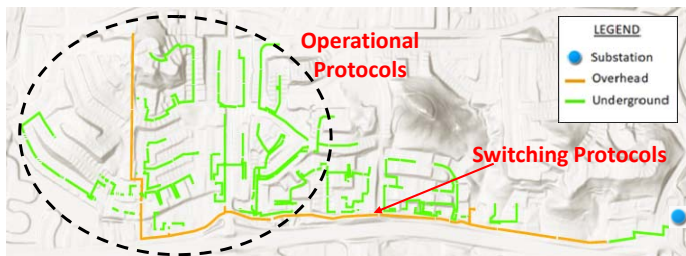
- 10/1/2022

Expected Improvements:

- Benefits from a new weather station are anticipated, but magnitude of benefits is still under review

Whizzin Circuit Plan

INCLUDE CITY RELEVANT CIRCUITS
WHIZZIN – LA COUNTY



Planned Work:

- Implement switching protocols to improve segmentation
- Implement operational protocols to raise PSPS windspeed thresholds

Expected Completion Date:

- 10/1/2022

Expected Improvements:

- Benefits from operational or switching protocols are anticipated, but magnitude of benefits is still under review

Minute Action

AGENDA ITEM: 24

Date: June 1, 2022

Subject:

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

Recommendation:

That 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

Board of Directors Agenda Item

June 1, 2022

Page 2

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on May 11, 2022. SBCTA General Counsel has reviewed this item and the draft policy revisions.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Board of Directors
Date: June 1, 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>

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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
<u>5</u>	<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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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
<u>3</u>	<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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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.
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 - 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: 25

Date: June 1, 2022

Subject:

Bear Valley Road Bridge Over Mojave River Funding Agreement with the Town of Apple Valley

Recommendation:

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

A. Allocate \$50,400 in Measure I Victor Valley Subarea Major Local Highway Projects Program Funds to the Town of Apple Valley for the Bear Valley Road Bridge Over Mojave River Project for the Phase I utility relocations.

B. Approve Funding Agreement No. 22-1002754 in the amount of \$50,400 with the Town of Apple Valley for the Bear Valley Road Bridge Over Mojave River Project for the Phase I utility relocations.

Background:

The Town of Apple Valley (Town) has requested a funding allocation for their next highest priority project, the Bear Valley Road Bridge Over Mojave River Project (Project). The Project generally consists of partial replacement and rehabilitation of the Bear Valley Road Bridge Over the Mojave River, including bridge widening, with pedestrian and Americans with Disabilities Act (ADA) modifications, and all other necessary work related to widening and replacing the bridge, such as utility relocations and roadway approaches. The project is currently in the final design and right-of-way stages, and construction will occur in two stages, with Phase I to include utility relocations in advance of the Phase II bridge construction. Construction of the Phase I utility relocations are anticipated to begin in December 2022, and the Phase II bridge construction is estimated to begin approximately one year later.

The Project was identified for funding in the 2021 Update to the 10-Year Delivery Plan. The total estimated cost of the Phase I utility relocations are estimated at \$1,115,000, of which the Highway Bridge Program (HBP) is expected to contribute \$987,000, the Town \$61,600, San Bernardino County Transportation Authority \$50,400 and the San Bernardino County Flood Control District (Flood) \$16,000. The contribution from Flood is the responsibility of the Town to coordinate and collect. The overall total Project cost is estimated at \$48.7 million, of which the HBP is expected to contribute \$37.7 million. The Town funded the HBP match for both the environmental, design and right-of-way phases, and is requesting Public Share participation for the utility relocations and future bridge construction. The total Public Share for both Phases is estimated at \$4.3 million. An amendment to this agreement, or a new funding agreement, will be brought before the Board for allocation of funds for the Phase II bridge construction after the utility relocations are complete. Staff recommends approval of the allocation as sufficient funding capacity exists in the Victor Valley Major Local Highway Projects Program to support the requested Public Share amount.

Financial Impact:

This item is consistent with the Fiscal Year (FY) 2021/2022 Budget and the Proposed FY 2022/2023 Budget.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 1, 2022

Page 2

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 20, 2022. SBCTA General Counsel and Risk Management have reviewed this item and the draft agreement.

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Contract Summary Sheet

25.a

General Contract Information

Contract No: 22-1002754 Amendment No.: _____

Contract Class: Payable Department: Fund Administration

Vendor No.: 00194 Vendor Name: Town of Apple Valley

Description: Bear Valley Road Bridge Over Mojave River Funding Agreement

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	50,400.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	50,400.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	50,400.00

Contract Authorization

Board of Directors Date: 06/01/2022 Board Item # 8671

Contract Management (Internal Purposes Only)

Other Contracts

Sole Source? N/A

No Budget Adjustment

Local

Funding Allocation

N/A

Accounts Payable

Estimated Start Date: 06/01/2022 Expiration Date: 06/30/2026 Revised Expiration Date: _____

NHS: N/AQMP/QAP: N/APrevailing Wage: N/A

Total Contract Funding:

Total Contingency:

Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$		\$	
GL	4230	50	0550	0516	54840		41100000				
GL							Sales Tax - MSI	50,400.00		-	
GL								-		-	
GL								-		-	
GL								-		-	
GL								-		-	
GL								-		-	
GL								-		-	
GL								-		-	
GL								-		-	
GL								-		-	

Michele Fogerson

Andrea Zureick

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: PA String: 0516.002.247.54840

Attachment: APV Bear Valley Rd Bridge CSS (8671 : Bear Valley Road Bridge over Mojave River Funding Agreement)

PROJECT FUNDING AGREEMENT NO. 22-1002754

FOR

BEAR VALLEY ROAD BRIDGE OVER MOJAVE RIVER PROJECT

(TOWN OF APPLE VALLEY)

THIS Project Funding Agreement (“AGREEMENT”) is made and entered into by and between the San Bernardino County Transportation Authority (“SBCTA”) and the Town of Apple Valley (“TOWN”). SBCTA and TOWN are each a “Party” or collectively “Parties.”

RECITALS

- A. The Measure I 2010-2040 Expenditure Plan and the Victor Valley Subarea transportation planning partners have identified projects eligible for partial funding from Measure I 2010-2040 Victor Valley Subarea Major Local Highway Program (“MLHP”) funds; and
- B. The Bear Valley Road Bridge Over Mojave River Project (“PROJECT”) is one of the projects identified as eligible for such funding and is described more fully in Attachment A; and
- C. The PROJECT is eligible for funding through the Highway Bridge Program (HBP) for up to 88.53% of participating costs; and
- D. SBCTA prepared a study, referenced herein as the Nexus Study, dated November 2, 2011, updated every two years in accordance with the Measure I 2010-2040 Expenditure Plan, that identified for projects located in TOWN the SBCTA Public Share as 45% and the TOWN Developer Share as 55% of costs necessary to complete the project, and not covered by the HBP; and
- E. TOWN identified a need of \$50,400 to complete Phase I work on the PROJECT; and
- F. The Victor Valley Subarea transportation planning partners have identified this PROJECT as eligible for partial funding in an amount up to \$50,400 from Measure I 2010-2040 MLHP funds for the PROJECT; and
- G. PROJECT WORK is defined as the Phase I Utility Relocation Construction of the PROJECT; and
- H. This AGREEMENT is to be carried out in accordance with the policies in the Measure I 2010-2040 Strategic Plan including the use of Development Impact Fees by TOWN to pay its share of PROJECT costs; and
- I. TOWN desires to proceed with the PROJECT WORK in a timely manner; and

J. This AGREEMENT is intended to delineate the duties and funding responsibilities of the Parties for the PROJECT WORK; and

K. SBCTA and TOWN are entering into this AGREEMENT with the understanding that SBCTA will reimburse TOWN for eligible PROJECT WORK expenditures with MLHP funds.

NOW, THEREFORE, SBCTA and TOWN agree to the following:

SECTION I

SBCTA AGREES:

1. To reimburse TOWN for the actual cost of the PROJECT WORK up to a maximum of \$50,400 in MLHP funds. An estimate of costs for the PROJECT WORK is provided in Attachment B. SBCTA shall have no further responsibilities to provide any funding for PROJECT WORK exceeding this amount without an amendment to this AGREEMENT.
2. To reimburse TOWN within 30 days after TOWN submits an electronic copy of the signed invoices in the proper form covering those actual allowable PROJECT WORK expenditures that were incurred by TOWN up to a maximum amount identified in Section I, Paragraph 1 of this AGREEMENT, consistent with the invoicing requirements of the Measure I 2010-2040 Strategic Plan, including backup information. Invoices may be submitted to SBCTA as frequently as monthly.
3. When conducting an audit of the costs claimed under the provisions of this AGREEMENT, to rely to the maximum extent possible on any prior audit of TOWN performed pursuant to the provisions of State and Federal laws. In the absence of such an audit, work of other auditors will be relied upon to the extent that work is acceptable to SBCTA when planning and conducting additional audits.
4. To assign a project liaison for the purpose of attending Project Development Team (PDT) meetings.

SECTION II

TOWN AGREES:

1. To be the lead agency for PROJECT WORK and to diligently undertake and complete in a timely manner the Scope of Work for the PROJECT WORK as shown in Attachment A.
2. To be responsible for expending that portion of allocated MLHP funds on eligible PROJECT WORK expenses in an amount not to exceed \$50,400 in MLHP Funds unless AGREEMENT is amended and approved increasing PROJECT WORK costs.

Reimbursement by SBCTA shall be in accordance with Section I, Paragraph 2. Additionally, expenses relative to time spent on the PROJECT WORK by TOWN staff are considered eligible PROJECT expenses and may be charged to the PROJECT, subject to SBCTA's guidelines.

3. To abide by all applicable SBCTA, TOWN, State and Federal laws, regulations, policies and procedures pertaining to the PROJECT WORK.
4. To prepare and submit to SBCTA an electronic copy of signed invoices for reimbursement of eligible PROJECT WORK expenses. Invoices may be submitted to SBCTA as frequently as monthly.
5. To maintain all source documents, books and records connected with its performance under this AGREEMENT for a minimum of five (5) years from the date of the Final Report of Expenditures submittal to SBCTA or until audit resolution is achieved, whichever is later, and to make all such supporting information available for inspection and audit by representatives of SBCTA during normal business hours at TOWN Hall. Copies will be made and furnished by TOWN upon written request by SBCTA.
6. To establish and maintain an accounting system conforming to Generally Accepted Accounting Principles (GAAP) to support TOWN's requests for reimbursement, payment vouchers, or invoices which segregate and accumulate costs of PROJECT WORK elements and produce monthly reports which clearly identify reimbursable costs, matching fund costs, indirect cost allocation, and other allowable expenditures by TOWN.
7. To prepare a Final Report of Expenditures, including a final invoice reporting the actual eligible PROJECT WORK costs expended for those activities described in the work activities, and to submit that Final Report of Expenditures and final invoice no later than one hundred twenty (120) days following the completion of those expenditures funded under this AGREEMENT. The Final Report of Expenditures shall be submitted to SBCTA and must state that these PROJECT WORK funds were used in conformance with this AGREEMENT and for those PROJECT WORK-specific work activities described.
8. To cooperate in having a PROJECT-specific audit completed by SBCTA, at SBCTA's option and expense, upon completion of the PROJECT WORK. The audit must state that all funds expended on the PROJECT WORK were used in conformance with this AGREEMENT.
9. To repay to SBCTA any reimbursement for Measure I costs that are determined by subsequent audit to be unallowable within one hundred twenty (120) days of TOWN receiving notice of audit findings, which time shall include an opportunity for TOWN to respond to and/or resolve the findings. Should the findings not be otherwise resolved and TOWN fail to reimburse moneys due SBCTA within one hundred twenty (120) days of audit findings, or within such other period as may be agreed between both Parties,

SBCTA reserves the right to withhold future payments due TOWN from any source under SBCTA's control.

10. To include SBCTA in Project Development Team (PDT) meetings if and when such meetings are held and in related communications on PROJECT WORK progress, to provide at least quarterly schedule updates to SBCTA, and to consult with SBCTA on critical issues relative to the PROJECT WORK.
11. As an eligible PROJECT WORK expense, to post signs at the boundaries of the PROJECT noting that PROJECT is funded with Measure I funds. Signs shall bear the logos of SBCTA and TOWN.
12. To include in all contracts between TOWN and contractors for the PROJECT WORK the requirement that SBCTA be named as an additional insured under general liability insurance policies maintained by the contractor for the PROJECT.

SECTION III

IT IS MUTUALLY AGREED:

1. To abide by all applicable Federal, State and Local laws and regulations pertaining to the PROJECT WORK, including policies in the applicable program in the Measure I 2010-2040 Strategic Plan, as amended, as of the Effective Date of this AGREEMENT.
2. The final PROJECT WORK cost may ultimately exceed current estimates of PROJECT WORK cost. Any additional eligible costs resulting from unforeseen conditions over the estimated total of the PROJECT WORK cost shall be borne by TOWN unless prior authorization has been approved by the SBCTA Board of Directors pursuant to Section III, Paragraph 3 of this AGREEMENT.
3. In the event TOWN determines PROJECT WORK costs may exceed the not to exceed amount identified in Section I, Paragraph 1, TOWN shall inform SBCTA of this determination and thereafter the Parties shall work together in an attempt to agree upon an amendment to the PROJECT WORK amounts identified in this AGREEMENT. In no event, however, shall SBCTA be responsible for PROJECT WORK costs in excess of the amounts identified herein absent a written amendment to this AGREEMENT that is approved and signed by both Parties.
4. Eligible PROJECT WORK reimbursements shall include only those costs incurred by TOWN for PROJECT WORK-specific work activities that are described in this AGREEMENT and shall not include escalation or interest.
5. Neither SBCTA nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by TOWN under or in connection with any work, authority or jurisdiction delegated to TOWN under this AGREEMENT. It is understood and agreed that,

- pursuant to Government Code Section 895.4, TOWN shall fully defend, indemnify and save harmless SBCTA, its officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by TOWN under or in connection with any work, authority or jurisdiction delegated to TOWN under this AGREEMENT. TOWN'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.
6. Neither TOWN nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by SBCTA under or in connection with any work, authority or jurisdiction delegated to SBCTA under this AGREEMENT. It is understood and agreed that, pursuant to Government Code Section 895.4, SBCTA shall fully defend, indemnify and save harmless TOWN, its officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by SBCTA under or in connection with any work, authority or jurisdiction delegated to SBCTA under this AGREEMENT. SBCTA's indemnification obligation applies to TOWN's "active" as well as "passive" negligence but does not apply to TOWN's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.
 7. In the event TOWN and/or SBCTA is found to be comparatively at fault for any claim, action, loss or damage which results from their respective obligations under this AGREEMENT, TOWN and/or SBCTA shall indemnify the other to the extent of its comparative fault.
 8. This AGREEMENT will be considered terminated upon reimbursement of all eligible costs by SBCTA or June 30, 2026, whichever is sooner, provided that the provisions of Paragraphs 5, 6, 7, 8, and 9 of Section II, and Paragraphs 5, 6 and 7 of Section III, shall survive the termination of this AGREEMENT. The AGREEMENT may also be terminated by SBCTA, in its sole discretion, in the event the PROJECT WORK described in Attachment A has not been initiated by TOWN within twelve (12) months of the Effective Date of this AGREEMENT.
 9. SBCTA may terminate this AGREEMENT if TOWN fails to perform according to the terms of this AGREEMENT and if this failure jeopardizes the delivery of the PROJECT WORK according to the terms herein.
 10. The Recitals to this AGREEMENT are true and correct and are incorporated into this Agreement.
 11. Attachment A (Description of Project and Milestones) and Attachment B (Summary of Estimated Costs) are attached to and incorporated into this AGREEMENT.

12. The AGREEMENT may be signed in counterparts, each of which shall constitute an original.
13. This AGREEMENT is effective and shall be dated on the date executed by SBCTA.

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

DRAFT

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT by their authorized signatories below.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

TOWN OF APPLE VALLEY

By: _____
Curt Hagman, President
Board of Directors

By: _____
Kari Leon
Mayor

Date: _____

Date: _____

APPROVED AS TO FORM AND
PROCEDURE:

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Julianna K. Tillquist
SBCTA General Counsel

By: _____
Thomas Rice
Town Attorney

Date: _____

ATTACHMENT A

BEAR VALLEY ROAD BRIDGE OVER MOJAVE RIVER PROJECT

Description of Project and Milestones

Project Title			
Bear Valley Road Bridge Over Mojave River Project			
Location, Project Limits, Description, Scope of Work			
The project generally consists of rehabilitation, widening and partial replacement of the Bear Valley Road Bridge over the Mojave River in the Town of Apple Valley, including pedestrian and ADA improvements, and the necessary utility relocations, roadway approach widening and intersection modifications.			
Project Milestone			Proposed
Begin Environmental (PA&ED) Phase			06/10/2013
Circulate Draft Environmental Document	Document Type	ISMND	February 2017 December 2019 revalidation
End Environmental Phase (PA&ED Milestone)			03/01/2017
Begin Design (PS&E) Phase			04/01/2017
End Design Phase (Ready to List for Advertisement Milestone)			10/30/2022
Begin Right of Way Phase			01/01/2020
End Right of Way Phase (Right of Way Certification Milestone)			11/30/2022
Begin Construction Phase (Contract Award Milestone) ⁽¹⁾			01/11/2023
End Construction Phase (Construction Contract Acceptance Milestone) ⁽¹⁾			03/01/2026
Begin Closeout Phase			03/30/2026
End Closeout Phase (Closeout Report)			06/30/2026

(1) The PROJECT will include more than one construction contract. Phase I will be to construct utility relocations, and Phase II is the bridge widening. The Begin/End Construction dates encompass both construction contracts.

ATTACHMENT B

BEAR VALLEY ROAD BRIDGE OVER MOJAVE RIVER PROJECT Summary of Estimated Costs

Phase	Total Cost	Caltrans HBP Share	SB County Flood Control District ⁽¹⁾	SBCTA Share ⁽²⁾ 45%	TOWN Share 55%
Phase I CON: Utility Relocations	\$1,115,000	\$987,000	\$16,000	\$50,400	\$61,600
TOTAL	\$1,115,000	\$987,000	\$16,000	\$50,400	\$61,600

(1) Town is responsible for the contribution from the SB County Flood Control District share separately from this AGREEMENT.

(2) SBCTA's Share can be from sources under control of SBCTA including but not limited to Measure I Major/Local Highways program, State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or other funds without necessitating an amendment of this AGREEMENT.

Minute Action

AGENDA ITEM: 26

Date: June 1, 2022

Subject:

State Legislative Update

Recommendation:

Receive and file the May 2022 State Legislative Update.

Background:

San Bernardino County Transportation Authority (SBCTA) Legislative Affairs staff, along with representatives from state advocates, California Advisors, LLC, updated the Legislative Policy Committee on May 11, 2022, on pending legislative deadlines and negotiations regarding the state budget. The Assembly and the Senate reconvened on April 18, 2022 from their Spring Recess. When they returned to Sacramento, they faced the April 29, 2022 deadline for policy committees to hear and report fiscal bills introduced in their house of origin to the respective Appropriations Committees. An overwhelming majority of bills are considered to have a fiscal impact on the state. However, for those measures that are not fiscally tagged, May 6, 2022 is the deadline for policy committees to hear and report those bills directly to the floor.

As it relates to legislation, the focus in early May 2022 will be on the respective Appropriations Committees, which will decide the fate of hundreds of bills in each house. Bills that meet the Committee's cost threshold will be placed on the Suspense File. On May 19, 2022 the vote-only Suspense File Hearings will be held.

The Department of Finance (DOF) published its April Finance Bulletin, which provides an economic update and cash report. According to the bulletin, California continues to exceed its revenue expectations. Specifically, the bulletin stated that cash receipts for the first nine months of the 2021-22 fiscal year (FY) were \$17.35 billion above the 2022-23 Governor's Budget forecast of \$138.348 billion. However, cash receipts for the month of March 2022 were \$199 million below the forecast of \$21.047 billion. Nonetheless, it is anticipated that California will have a significant amount of money to spend in the upcoming budget cycle.

Also, the Legislative Analyst's Office (LAO) released an interim update to its formal revenue outlook for 2021-22. According to the LAO estimates, it is "virtually certain" that collections from the state's "big three" taxes—personal income, sales, and corporation taxes—will significantly exceed the Governor's Budget assumption of \$185 billion. The LAO estimates that there will be somewhere between \$33 billion and \$39 billion in unanticipated revenue. This is slightly less than the Governor's January budget proposal which included a surplus of \$45.7 billion. However, the LAO did caution that the implications of unanticipated revenues for the state's budget are not straightforward as the Legislature could face constraints due to the State Appropriations Limit (SAL), also known as the Gann Limit.

Governor Newsom will release the May Revise, which reflects changes to his proposed budget based on the latest economic forecasts. We expect this update to come from the Governor by mid-May. The May Revise marks the start of what will be a month of negotiations with

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

Board of Directors Agenda Item

June 1, 2022

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legislators. The budget, with any legislative adjustments, must be finalized by June 15, 2022 in time for the Governor to sign the package and for the new FY to begin on July 1, 2022.

Upcoming Legislative Deadlines:

- May 6 – Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house.
- May 13 – Last day for policy committees to meet prior to May 31.
- May 20 – Last day for fiscal committees to hear and report to the floor bills introduced in their house.
- May 23-27 – Floor session only, no committees may meet except Rules.
- May 27 – Last day for each house to pass bills introduced in that house.
- May 31 – Committee meetings may resume.

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

Financial Impact:

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

Reviewed By:

This item was received by the Legislative Policy Committee on May 11, 2022.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)

LEGISLATIVE BILL POSITIONS - May 2022

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
AB 1260 (Chen)	Exempt from the requirements of the California Environmental Quality Act (CEQA) projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains.	Held in Senate Appropriations Committee, DEAD (8/27/21)	Support / Sponsor	3/10/2021
SB 9 (Atkins)	Would require a local government to ministerially approve a housing development containing two residential units in single-family residential zones. Would also require local governments to ministerially approve urban lot splits.	Approved by the Governor. (9/16/21)	Oppose	3/10/2021
AB 1296 (Kamlager)	Would increase the number of members of the board of the South Coast Air Quality Management District to 15 members by adding 2 environmental justice appointees, one appointed by the Senate Committee on Rules and one appointed by the Speaker of the Assembly.	Failed committee deadline, DEAD (1/21/22)	Oppose	3/10/2021
SB 266 (Newman)	Provide assistance acquiring and accepting land immediately adjacent to, and that expands, Chino Hills State Park, by transferring three properties into the state park system.	Approved by the Governor. (10/09/21)	Support	4/14/2021

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - May 2022

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
SB 623 (Newman)	Update SB 1268 to be consistent with the Legislature's intent to protect toll road users' information from being used inappropriately while also ensuring toll agencies can operate their business without litigation.	Failed committee deadline, 2 year bill (4/30/21)	Support	4/14/2021
AB 703 (Rubio)	Remove the requirements of the Ralph M. Brown Act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment.	Failed committee deadline, DEAD (1/21/22)	Support	4/14/2021
AB 744 (Rodriguez)	Allow the California Department of Transportation to relinquish approximately eight miles of State Route 83 to the City of Ontario.	Approved by the Governor. (9/22/21)	Support	4/14/2021
SB 278 (Leyva)	Establish new procedures and requirements for employees covered by the California Public Employee Retirement System (CalPERS) in cases where their pensionable benefits are erroneously calculated and reported to CalPERS by their employer.	Approved by the Governor. (9/22/27)	Work With Author	4/14/2021
SB 840 (Holden)	Require the county transportation commissions in the Counties of Los Angeles and San Bernardino to jointly develop, in consultation with certain governmental agencies, a funding and implementation program for regional transit services to include service to international airports within the multicounty region.	Failed committee deadline, DEAD (1/14/22)	Oppose	4/14/2021

Attachment: Bill position matrix 5-22 (8629 : State Legislative Update)

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - May 2022

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
SB 922 (Weiner)	Removes the sunsets on the CEQA exemptions contained in SB 288 which will help to continue streamlining approvals for critical transportation projects.	Senate Floor Third Reading (4/19/22)	Support	3/9/2022
AB 2120 (Ward)	Applies formula from the former federal Highway Bridge Replacement and Rehabilitation Program to the distribution of new bridge formula funding from the Infrastructure Investment and Jobs Act (IIJA), allocating 55% to local projects.	Assembly Appropriations Committee (3/29/22)	Support	3/9/2022
SB 942 (Newman)	Allows transit agencies to use of LCTOP funds for on-going reduced or free transit fare programs.	Senate Floor Third Reading (4/19/22)	Support	3/9/2022

Attachment: Bill position matrix 5-22 (8629 : State Legislative Update)

Attachment B

Status Report

Thursday, April 28, 2022

[AB 682](#) [Bloom](#) D (Dist. 50) Planning and zoning: density bonuses: cohousing buildings.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income, lower income, or very low income households and meets other requirements. This bill would additionally require that a density bonus be provided under these provisions to a developer who agrees to construct a housing development that is a cohousing building, as defined, that meets specified requirements and will contain either 10% of the total square footage for lower income households, as defined, or 5% of the total square footage for very low income households, as defined.

Position: Watch

[AB 916](#) [Salas](#) D (Dist. 32) Zoning: accessory dwelling units: bedroom addition.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law authorizes the legislative body of any county or city to adopt ordinances that regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes. This bill would prohibit a city or county legislative body from adopting or enforcing an ordinance requiring a public hearing as a condition of adding space for additional bedrooms or reconfiguring existing space to increase the bedroom count within an existing house, condominium, apartment, or dwelling. The bill would include findings that ensuring adequate housing is a matter of statewide concern and is not a municipal affair, and that the provision applies to all cities, including charter cities. This bill contains other related provisions and other existing laws.

Position: Watch

[AB 1154](#) [Patterson](#) R (Dist. 23) California Environmental Quality Act: exemption: egress route projects: fire safety.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, until January 1, 2029, exempt from CEQA egress route projects undertaken by a public agency to improve emergency access to and evacuation from a subdivision without a secondary egress if the State Board of Forestry and Fire Protection has recommended the creation of a secondary access to the subdivision and certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project is exempt. The bill would require the lead agency, if it determines that a project is not subject to CEQA and approves or carries out that project, to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project will be located.

[AB 1384](#) [Gabriel](#) D (Dist. 45) Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022.

Location: SENATE THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the Natural Resources Agency to release a draft of the state's climate adaptation strategy, known as the Safeguarding California Plan, by January 1, 2017, and every 3 years thereafter, to update the plan

by July 1, 2017, and every 3 years thereafter, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Existing law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives. This bill would instead require the agency to release the draft plan by January 1, 2024, and every 3 years thereafter, and to update the plan by July 1, 2024, and every 3 years thereafter.

AB 1445 Levine D (Dist. 10) Planning and zoning: regional housing need allocation: climate change impacts.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, commencing January 1, 2025, require that a council of governments, a delegate subregion, or the Department of Housing and Community Development, as applicable, additionally consider among these factors emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change.

AB 1624 Ting D (Dist. 19) Budget Act of 2022.

Location: ASSEMBLY BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would make appropriations for the support of state government for the 2022–23 fiscal year. This bill contains other related provisions.

Position: Watch

AB 1626 Nguyen R (Dist. 72) Motor Vehicle Fuel Tax Law: limitation on adjustment.

Location: ASSEMBLY PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law, the Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Existing law requires the department to annually adjust the tax imposed by increasing the rates based on the California Consumer Price Index, as specified. This bill would limit the above-described annual adjustment to a maximum of 2% for rate adjustments made on or after July 1, 2023. This bill contains other related provisions.

AB 1638 Kiley R (Dist. 6) Motor Vehicle Fuel Tax Law: suspension of tax.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would suspend the imposition of the tax on motor vehicle fuels for 6 months. The bill would direct the Controller to transfer a specified amount from the General Fund to the Motor Vehicle Fuel Account in the Transportation Tax Fund. By transferring General Fund moneys to a continuously appropriated account, this bill would make an appropriation.

AB 1679 Fong R (Dist. 34) Governor's Office of Business and Economic Development: California Business Investment Services Program: Supply Chain Senior Advisor.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Economic Revitalization Act, establishes the Governor's Office of Business and Economic Development, known as "GO-Biz," under the authority of a director appointed by the Governor, within the Governor's office, to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. This bill would require the director to appoint a Supply Chain Senior Advisor within the office to be the principal advocate in the state for the interests

of business and industry related to supply chain development and operation and to advise the director on legislation, administrative regulations, and other issues affecting the state's supply chain.

Position: Watch

AB 1680 Lee D (Dist. 25) Transportation: prohibition orders.

Location: ASSEMBLY THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, and the San Francisco Bay Area Rapid Transit District (BART) to issue a prohibition order to any person who is cited 3 times within a period of 90 days for specified infractions committed in or on a vehicle, bus stop, or train or light rail station of a transit district or a property, facility, or vehicle upon which BART owes policing responsibilities, or to any person who is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance. Current law makes those prohibition orders subject to an automatic stay and prohibits a prohibition order from taking effect until the latest of 11 calendar days after delivery of the prohibition order, 11 calendar days after delivery of the results of a timely requested initial review of the prohibition order, or the date a hearing officer's decision is delivered if an administrative hearing was timely requested, as specified. This bill would instead prohibit a prohibition order from taking effect until the latest of 12, rather than 11, calendar days after delivery of the prohibition order, 12, rather than 11, calendar days after delivery of the results of a timely requested initial review of the prohibition order, or the date a hearing officer's decision is delivered if an administrative hearing was timely requested.

AB 1727 Medina D (Dist. 61) Public works: fees: small business.

Location: ASSEMBLY L. & E.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law generally requires a contractor or subcontractor to be registered with the Department of Industrial Relations to be qualified to bid on, be listed in a bid proposal, or engage in the performance of any public work contract. Current law requires a contractor or subcontractor to meet specific conditions to qualify for this registration, including, among other things, to pay a \$400 application fee to qualify for registration and to pay an annual renewal fee. This bill would reduce the application and annual renewal fee for a small business, as defined, to \$200. The bill would prohibit the application and renewal fee for a contractor or subcontractor that does not qualify as a small business from being increased to support the above-described fee decrease.

Position: Watch

AB 1749 Garcia, Cristina D (Dist. 58) Community Air Protection Blueprint: community emissions reduction programs: toxic air contaminants and criteria air pollutants.

Location: ASSEMBLY APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy, known as the "Community Air Protection Blueprint" or "Blueprint," to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. This bill would require the state board to identify in each statewide strategy update measures to reduce criteria air pollutants and toxic air contaminants. The bill would authorize an air district that is required to adopt a community emissions reduction program to take up to one additional year to adopt the program, if the community steering committee agrees. The bill would require an air district that is required to adopt a community emissions reduction program to additionally include in its annual report a summary of updates to the program made to ensure consistency with the statewide strategy.

AB 1778 Garcia, Cristina D (Dist. 58) State transportation funding: freeway projects: poverty and pollution: Department of Transportation.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Department of Transportation to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. Current law requires the department to prepare and submit to the Governor a proposed budget, as provided. This bill would require the department to consult the California Healthy Places Index, as defined, as a condition of using state funds or personnel time to fund or permit freeway projects, as provided. The bill would require the department to analyze housing and environmental variables through the index, as provided, and would prohibit any state funds or personnel time from being used to fund or permit freeway projects in areas that fall within the zero to 50th percentile on the housing and environmental variables analyzed through the index, as provided.

Position: Watch

AB 1795 Fong R (Dist. 34) Open meetings: remote participation.

Location: ASSEMBLY G.O.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified. This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

AB 1833 Ward D (Dist. 78) San Diego Metropolitan Transit Development Board: North County Transit District: consolidated agency: public contracting.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Mills-Deddeh Transit Development Act establishes the San Diego Metropolitan Transit Development Board, also known as the San Diego Metropolitan Transit System, with specified powers and duties related to the operation of public transit services in a portion of the County of San Diego. Current law requires the board, North County Transit District, and consolidated agency to follow specified procedures when contracting for certain services, the acquisition or lease of materials, supplies, or equipment, architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services. Existing law requires those entities to follow different procedures when the amount of the contract exceeds specified thresholds. This bill would increase those thresholds from \$100,000, or \$50,000 in certain instances, to \$150,000, and would make other clarifying changes, as specified.

AB 1919 Holden D (Dist. 41) Youth Transit Pass Pilot Program: free youth transit passes: eligibility for state funding.

Location: ASSEMBLY APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law declares that the fostering, continuance, and development of public transportation systems are a matter of state concern. Current law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. Under the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, revenues from a 1/4% sales tax in each county are available, among other things, for allocation by the transportation planning agency to transit operators, as specified. Current law establishes the State Transit Assistance Program for the purpose of providing a source of state funding to eligible public transportation operators and other transportation agencies in order to support their local and regional transit operating and capital needs. Current law establishes the Low Carbon Transit Operations Program to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Existing law conditions transit funding from certain programs on achieving specified ratios of fare revenues to operating costs. This bill would require local authorities, school districts, and colleges to maintain their funding for free or reduced fare youth transit as provided in the 2018-19 fiscal year.

AB 1938 Friedman D (Dist. 43) Transit and Intercity Rail Recovery Task Force.

Location: ASSEMBLY APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered

1st House

2nd House

Current law provides for the funding of public transit and intercity rail, including under the Transportation Development Act. This bill would require the Secretary of Transportation, on or before July 1, 2023, to establish and convene the Transit and Intercity Rail Recovery Task Force to include representatives from the department and various local agencies, academic institutions, and nongovernmental organizations. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit and intercity rail ridership and improve transit and intercity rail operations for users of those services.

AB 1944 Lee D (Dist. 25) Local government: open and public meetings.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Ralph M. Brown Act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely. The bill would also require an updated agenda reflecting all of the members participating in the meeting remotely to be posted, if a member of the legislative body elects to participate in the meeting remotely after the agenda is posted.

AB 2039 Rivas, Luz D (Dist. 39) Los Angeles County Metropolitan Transportation Authority: job order contracting: pilot program.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish a pilot program to authorize the Los Angeles County Metropolitan Transportation Authority to use job order contracting as a procurement method. The bill would impose a \$15,000,000 cap on awards under a single job order contract and a \$5,000,000 cap on any single job order. The bill would limit the term of such contracts to a maximum of 24 months, with extensions as prescribed. The bill would establish various additional procedures and requirements for the use of job order contracting under this authorization. The bill would require the authority, on or before January 1, 2027, to submit to the appropriate policy and fiscal committees of the Legislature a report on the use of job order contracting under the bill. These provisions would be repealed on January 1, 2028.

AB 2046 Medina D (Dist. 61) University of California: Inland Rising Fund.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish the Inland Rising Fund, the moneys in which would be allocated to the University of California, upon appropriation by the Legislature, to support the multiyear operating costs for the development, operation, and maintenance of economic development and innovative climate change research efforts and health care and medical research operations at the University of California, Riverside, and the University of California, Merced. The bill would appropriate \$1,460,000,000 from the General Fund to the Inland Rising Fund and would allocate the moneys between the 2 campuses, as specified, for programs in economic development and climate change research and health care and medical research operations.

Position: Watch

AB 2057 Carrillo D (Dist. 51) Transportation Agency: goods movement data.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Transportation Agency to collect and consolidate specified data related to goods movement in the transportation supply chain and would require the agency to make this data publicly available on its internet website. The bill would require all maritime ports to collect specified data and statistics from trucking companies and provide the data to the agency. To the extent this bill would impose additional duties on local agencies operating a maritime port, the bill would impose a state-mandated local program.

AB 2097 Friedman D (Dist. 43) Residential and commercial development: remodeling, renovations, and additions: parking requirements.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a land use element and a conservation element. This bill would prohibit a public agency from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile of public transit, as defined. When a project provides parking voluntarily, the bill would authorize a public agency to impose specified requirements on the voluntary parking. The bill would prohibit these provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a new multifamily or nonresidential development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities.

AB 2120 Ward D (Dist. 78) Transportation finance: federal funding: bridges.

Location: ASSEMBLY APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Under current law, the purpose of the Bridge Reconstruction and Replacement Act is to implement the federal Special Bridge Replacement Program in California. The act authorizes boards of supervisors, city councils, and the Department of Transportation to do all things necessary and proper to secure federal aid under that federal program. The act authorizes the department to allocate to counties and cities federal funds received for approved bridge reconstruction or replacement projects in accordance with procedures promulgated by the Director of Transportation, as specified. Current law requires the California Transportation Commission, in allocating funds, and the department, in expending funds, for bridge replacement projects, to follow federal design standards, except as specified. This bill would instead provide that the purpose of the act is to implement the federal Highway Infrastructure Program. The bill would authorize the above-described entities to do all things necessary and proper to secure federal funds instead under the federal Highway Infrastructure Program.

Position: Support

AB 2192 Ramos D (Dist. 40) Automated license plate recognition systems: information sharing.

Location: ASSEMBLY P. & C.P.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Current law authorizes the Department of the California Highway Patrol to retain license plate data captured by license plate reader technology for not more than 60 days unless the data is being used as evidence or for the investigation of felonies, and to share that data with law enforcement agencies for specified purposes. With regard to information from automated license plate recognition (ALPR) systems, current law requires an ALPR operator and an ALPR end-user, as those terms are defined, to implement a usage and privacy policy, as specified, and maintain reasonable security procedures and practices. This bill would additionally prohibit a public agency from selling, sharing, or transferring ALPR information to a law enforcement agency of the federal government or another state, unless the ALPR information is being sold, shared, or transferred to locate a vehicle or person reasonably suspected of being involved in the commission of a public offense, and only as otherwise permitted by law.

Position: Watch

AB 2237 Friedman D (Dist. 43) Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Current law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization. Current law requires the Strategic Growth Council, by January 31, 2022, to submit a report to the relevant policy and fiscal committees of the Legislature that includes, among other things, an overview of those sustainable communities strategies, an assessment of how implementation of those sustainable communities strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs, including the Affordable Housing and Sustainable Communities Program. This bill would require the council, in consultation with the State Air Resources Board, the Department of Housing and Community Development, and the Transportation Agency, to convene a task force to review the roles and responsibilities of metropolitan planning organizations and to define "sustainable community."

Position: Watch

[AB 2254](#) [Muratsuchi](#) D (Dist. 66) State highways: Route 107: relinquishment.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the California Transportation Commission to relinquish to local agencies state highway portions that have been deleted from the state highway system by legislative enactment, and authorizes relinquishment in certain other cases. This bill would authorize the commission to relinquish to the City of Redondo Beach the portion of State Route 107 within the city limits and prescribe conditions that apply upon relinquishment.

[AB 2270](#) [Seyarto](#) R (Dist. 67) Authorized emergency vehicles.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law provides for the exemption of authorized emergency vehicles, as defined, from the payment of a toll or charge on a vehicular crossing, toll highway, or high-occupancy toll (HOT) lane and any related fines, when the authorized emergency vehicle is being driven under specified conditions, including that the vehicle displays public agency identification and is being driven while responding to, or returning from, an urgent or emergency call. Under current law, an authorized emergency vehicle returning from being driven under those specified conditions is not exempt from a requirement to pay a toll or other charge imposed while traveling on a HOT lane. This bill would require the owner or operator of a toll facility, upon the request of the local emergency service provider, to enter into an agreement for the use of a toll facility.

[AB 2344](#) [Friedman](#) D (Dist. 43) Wildlife connectivity: transportation projects.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Fish and Wildlife (DFW) to investigate, study, and identify those areas in the state that are essential to wildlife movement and habitat connectivity and that are threatened by specified factors. The bill would require DFW, in coordination with Caltrans, to establish a wildlife connectivity action plan on or before January 1, 2024, and to update the plan at least once every 5 years thereafter. The bill would require the plan to include, among other things, maps that identify the locations of certain areas, including connectivity areas and natural landscape areas, as defined.

[AB 2347](#) [Carrillo](#) D (Dist. 51) Streets and highways: liability for property damage.

Location: ASSEMBLY PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law makes a person who willfully or negligently damages a street or highway, or its appurtenances,

including, but not limited to, guardrails, signs, traffic signals, snow poles, and similar facilities, liable for the reasonable cost of the repair or replacement thereof. This bill would make technical, nonsubstantive changes to that provision.

[AB 2419](#) [Bryan D \(Dist. 54\)](#) Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Oversight Committee.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The federal Infrastructure Investment and Jobs Act (IIJA) provides additional federal funds to rebuild the nation's infrastructures. Executive orders issued by President Biden established the federal Justice40 Initiative with the goal that 40% of the overall federal benefits flow to disadvantaged communities and stating that the implementation of the IIJA should prioritize investing public dollars equitably, including through the Justice40 Initiative. This bill would require a minimum of 40% of funds received by the state under the IIJA and certain other federal funds to be allocated to projects that provide direct benefits to disadvantaged communities and a minimum of an additional 10% be allocated for projects that provide direct benefits to low-income households and low-income communities, as provided. The bill would require state agencies administering those federal funds to perform specified tasks related to the expenditure of those federal funds.

[AB 2438](#) [Friedman D \(Dist. 43\)](#) Transportation funding: alignment with state plans and greenhouse gas emissions reduction standards.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law provides for the funding of projects on the state highway system and other transportation improvements, including under the state transportation improvement program, the state highway operation and protection program, the Solutions for Congested Corridors Program, the Trade Corridor Enhancement Program, and the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Partnership Program. This bill would require the agencies that administer those programs to revise the guidelines or plans applicable to those programs to ensure that projects included in the applicable program align with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards.

Position: Watch

[AB 2441](#) [Kalra D \(Dist. 27\)](#) Public employment: local public transit agencies: new technologies.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates various transit districts and prescribes requirements applicable to their labor relations, including those that address the recognition and certification of exclusive employee representatives, unit determinations, and procedures for meeting and conferring on matter subject to collective bargaining. This bill would prescribe requirements for public transit employers in connection with the introduction of new technologies for public transit services that introduce new products, services, or type of operation, as specified, or that eliminate jobs or job functions of the workforce to which they apply. The bill would require a public transit employer to provide notice, as specified, to the applicable exclusive employee representative of its intention to begin any procurement process or a plan to acquire or deploy to new technologies for public transit services, as described above, not less than 12 months before commencing the process, plan, or deployment.

[AB 2449](#) [Rubio, Blanca D \(Dist. 48\)](#) Open meetings: local agencies: teleconferences.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the

members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

AB 2462 Valladares R (Dist. 38) Neighborhood electric vehicles: County of Los Angeles: Westside Planned Communities.

Location: ASSEMBLY CONSENT CALENDAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A low-speed vehicle is also known as a neighborhood electric vehicle (NEV). A violation of the Vehicle Code is an infraction, unless otherwise specified. Current law authorizes certain local agencies to establish a NEV transportation plan subject to certain requirements. A person operating a NEV in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100. This bill would authorize the County of Los Angeles to establish a similar NEV transportation plan for the Westside Planned Communities in that county, subject to the same penalties. The bill would require a report to the Legislature by August 31, 2028, containing certain information and recommendations related to the NEV transportation plan. The bill would repeal these provisions on January 1, 2040.

AB 2480 Arambula D (Dist. 31) Rehabilitation services: persons with vision loss.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, until January 1, 2026, subject to an appropriation of funds in the annual Budget Act, require the Department of Rehabilitation to establish pilot projects in at least 6 counties to provide services to adults who are blind or have low vision to enable them to transition to the community from institutional settings or to avoid placement in an institutional setting. The bill would require the department to award grants to private organizations with demonstrated expertise in serving adults who are blind or have low vision, and would specify the services that may be provided by those grantees, including orientation and mobility services and daily living skills instruction. The bill would require participating organizations to report specified information to the department and the Legislature no later than December 31, 2025.

AB 2514 Dahle, Megan R (Dist. 1) Transportation: underserved rural communities: study.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, the Transportation Agency is under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency. This bill would require the agency, in consultation with the commission and rural counties, to conduct a study that includes a comprehensive evaluation of the current state of transportation in underserved rural communities and a transportation needs assessment of the cost to operate, maintain, and provide for the transportation system in underserved rural communities, as specified. The bill would require the agency to submit the study to the Legislature on or before January 1, 2024.

Position: Watch

AB 2542 Rubio, Blanca D (Dist. 48) Tolls: exemption for privately owned emergency ambulances.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law prohibits a person from operating a privately owned emergency ambulance unless licensed by the Department of the California Highway Patrol. This bill would generally modify the exemption to apply to the use of

a toll facility, as defined, and would expand the exemption, dispute resolution procedures, and agreement provisions to include a privately owned emergency ambulance licensed by the Department of the California Highway Patrol. The bill would also make technical changes to these provisions.

AB 2562 Bennett D (Dist. 37) Clean Transportation Program: hydrogen-fueling stations.

Location: ASSEMBLY APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates the Alternative and Renewable Fuel and Vehicle Technology Fund, to be administered by the State Energy Resources Conservation and Development Commission, and requires the moneys in the fund, upon appropriation by the Legislature, to be expended by the commission to implement the program. Current law requires the commission, until January 1, 2024, to allocate \$20,000,000 annually to fund a specified number of publicly available hydrogen-fueling stations identified by the State Air Resources Board, not to exceed 20% of the moneys appropriated by the Legislature from the Alternative and Renewable Fuel and Vehicle Technology Fund, until there are at least 100 publicly available hydrogen-fueling stations in operation in the state. Under current law, these allocations are subject to all of the requirements applicable to allocations from the Clean Transportation Program. This bill would require the commission, if it awards funding to hydrogen-fueling station projects under the program, to provide preference to those projects that are located at a port and are publicly accessible, are co-located at a fueling station for medium- and heavy-duty trucks, or are located along a specified corridor or on the state's portion of the National Highway Freight Network.

AB 2594 Ting D (Dist. 19) Vehicle registration and toll charges.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Motor Vehicles, at the time a person notifies the department of a change of residence or mailing address for purposes of their driver's license, to inform the person that they may also need to change their address for purposes of their vehicle registration, and would require the department to provide instructions on how to update vehicle registration information. This bill contains other related provisions and other existing laws.

Position: Watch

AB 2647 Levine D (Dist. 10) Local government: open meetings.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Current law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Current law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

AB 2719 Fong R (Dist. 34) California Environmental Quality Act: exemptions: highway safety improvement projects.

Location: ASSEMBLY NAT. RES.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

CEQA includes exemptions from its environmental review requirements for numerous categories of projects,

including, among others, emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway under specified circumstances. This bill would further exempt from the requirements of CEQA highway safety improvement projects, as defined, undertaken by the Department of Transportation or a local agency.

AB 2731 Ting D (Dist. 19) Schoolbuses: zero-emission vehicles.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require, by January 1, 2035, 100% of all newly purchased or contracted schoolbuses of a school district, county office of education, or charter school to be zero-emission vehicles. The bill would authorize local educational agencies that are prevented from purchasing or contracting a zero-emission schoolbus due to terrain and route constraints to request from the State Department of Education a one-time extension, for a term not to exceed 2 years, to comply with that requirement. To the extent this requirement imposes additional duties on local educational agencies in connection with federally required pupil transportation services that go beyond the requirements in federal law, the bill would impose a state-mandated local program.

AB 2788 Mathis R (Dist. 26) Public records.

Location: ASSEMBLY JUD.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Public Records Act requires state and local agencies to make their records available for public inspection, except as provided. Current law declares that public records are open to inspection during the office hours of the state or local agency and every person has a right to inspect any public record, except as specified. Current law requires each agency, upon a request for a copy of records, within 10 days from receipt of the request, to determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and to promptly notify the person making the request of the determination and the reasons therefor. This bill would extend that 10-day deadline to 10 business days.

AB 2822 Nazarian D (Dist. 46) Brownfield Cleanup Funding Program: brownfields remediation: financing.

Location: ASSEMBLY E.S. & T.M.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish the Brownfield Cleanup Funding Program, to be administered by the Department of Toxic Substances Control. The bill would authorize the city council of a city, or the board of supervisors of a city and county, to participate in the program by enacting an ordinance establishing a brownfield cleanup district, as provided. The bill would require that the city council or board of supervisors serve as the governing board of the district and, in that capacity, prepare and adopt a brownfield cleanup financing plan. The bill would authorize a district to designate program areas. The bill would authorize the district to provide program funding for brownfield cleanup projects, as defined, within those program areas that meet specified requirements. The bill would authorize the brownfield cleanup financing plan to include a provision for the division of taxes with respect to those properties selected for participation. The bill would require the department to establish a formula to determine a maximum amount of program funding and a maximum term for the division of taxes, based on the characteristics of a project.

AB 2840 Reyes D (Dist. 47) Qualifying logistics use projects.

Location: ASSEMBLY H. & C.D.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law sets forth various requirements relating to the review of development project permit applications and the issuance of development permits for specified classes of development projects. This bill would prohibit a local agency from approving the development or expansion of any qualifying logistics use, as defined, that is adjacent to sensitive receptors, as defined, unless the local agency imposes a minimum setback on the qualifying logistics use of 1,000 feet or imposes alternative measures that will reduce the project's impact on the public health and safety in a comparable manner, as specified. The bill would require a local agency,

before approving a qualifying logistics use, to require the project applicant to develop a prescribed written construction careers agreement that requires all construction work for the qualifying logistics use project to use a skilled and trained workforce, and that requires a set percentage of jobs created by the qualifying logistics use project to go to local residents.

Position: Watch

AB 2949 Lee D (Dist. 25) Vehicles: toll exemptions.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, a person who enters a vehicular crossing becomes liable for any tolls imposed. Current law prescribes the means by which a toll may be collected or paid, including by the use of an electronic transponder or by means of capturing a license plate number and billing the registered owner. Current law prohibits a person from evading, or attempting to evade, the payment of tolls on any vehicular crossing or toll highway. A violation of this prohibition is subject to civil penalties, but it is not a crime. This bill would exempt vehicles registered to a veteran and displaying a specialized veterans license plate, as specified, from payment of a toll or related fines on a toll road, toll bridge, toll highway, a vehicular crossing, or any other toll facility, except a high-occupancy toll lane.

AB 2952 Gabriel D (Dist. 45) Driver's licenses: veteran designation.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would allow an applicant for a driver's license or identification card, who served for another country in military operations that supported the United States during the Vietnam War and later became a naturalized citizen, to request a "NON-US VIETNAM VETERAN" designation on their driver's license or identification card, subject to certain requirements, including verification of military service for a foreign country during the Vietnam War and payment of a \$5 fee, which the department is authorized to increase by regulation, in an amount not to exceed \$15, as specified. This bill would authorize the Department of Motor Vehicles to consult with the Department of Veterans Affairs to determine the proof necessary to verify an applicant's veteran status.

ACA 1 Aguiar-Curry D (Dist. 4) Local government financing: affordable housing and public infrastructure: voter approval.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

Position: Watch

ACA 5 Voepel R (Dist. 71) Motor vehicles: fuel taxes, sales and use taxes, and fees: expenditure restrictions.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. These restrictions do not apply to revenues from taxes or fees imposed under the Sales and Use Tax Law or the Vehicle License Fee Law. This measure would explicitly restrict the expenditure of all interest earned and other increment derived from the investment of those tax revenues and any proceeds from the lease or sale of real property acquired using those tax revenues only for the purposes described above.

ACR 140 O'Donnell D (Dist. 70) Freight transportation: supply chain.**Location:** ASSEMBLY J., E.D. & E.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would declare and recognize that the state is currently suffering a supply chain crisis. The measure would urge the state's public agencies, departments, and local governments to provide all due and proper assistance to carriers, cargo owners, public seaports, terminals, workers, and facilities to facilitate the essential service of delivering goods to Californians.

SB 149 Committee on Budget and Fiscal Review Budget Act of 2022.**Location:** ASSEMBLY BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2022.

Position: Watch**SB 542 Limón D (Dist. 19) Sales and use taxes: exemption: medium- or heavy-duty zero-emission trucks.****Location:** ASSEMBLY DESK

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current sales and use tax laws impose taxes on retailers measured by gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state, measured by sales price. The Sales and Use Tax Law provides various exemptions from those taxes. This bill would provide an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, a qualified motor vehicle. The bill would define "qualified motor vehicle" as a specified zero-emission truck. The bill would disallow the exemption for sales or uses made on or after January 1, 2025, if the purchaser also received other specified benefits.

SB 852 Dodd D (Dist. 3) Climate resilience districts: formation: funding mechanisms.**Location:** SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, including projects that enable communities to adapt to the impacts of climate change. Current law also requires the legislative body to establish a public financing authority, defined as the governing board of the enhanced infrastructure financing district, prior to the adoption of a resolution to form an enhanced infrastructure district and adopt an infrastructure financing plan. This bill would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district, as defined, for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would deem each district to be an enhanced infrastructure financing district and would require each district to comply with existing law concerning enhanced infrastructure financing districts, unless the district is specified as otherwise. The bill would require a district to finance only specified projects that meet the definition of an eligible project. The bill would define "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified.

Position: Watch**SB 873 Newman D (Dist. 29) California Transportation Commission: state transportation improvement program: capital outlay support.****Location:** SENATE TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the California Transportation Commission to biennially adopt a state transportation improvement program that lists all capital improvement projects that are expected to receive an allocation of state transportation funds, as specified. Current law characterizes the state transportation improvement program as a resource management document to assist the state and local entities to plan and implement transportation improvements and to use available resources in a cost-effective manner. Current law requires the program to specify the allocation or expenditure amount and the allocation or expenditure year for certain project components, as specified. This bill would require the commission to make an allocation of capital outlay support resources by project phase, including preconstruction, for each project in the program. The bill would require the commission to develop guidelines, in consultation with the Department of Transportation, to implement these allocation procedures.

SB 886 Wiener D (Dist. 11) California Environmental Quality Act: exemption: public universities: university housing development projects.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would exempt from CEQA a university housing development project, as defined, carried out by a public university, as defined, on real property owned by the public university if the project meets certain requirements and the project is not located, in whole or in part, on certain sites, including a site that is within a special flood hazard area subject to inundation by a 1% annual chance flood or within a regulatory floodway as determined by the Federal Emergency Management Agency, as provided. The bill, with respect to a site that is within a special flood hazard area subject to inundation by a 1% annual chance flood or within a regulatory floodway, would prohibit a local government from denying an application on the basis that a public university did not comply with any additional permit requirement, standard, or action adopted by that local government applicable to the site if the public university is able to satisfy all applicable federal qualifying criteria in order to demonstrate that the site meets these criteria and is otherwise eligible to be exempt from CEQA pursuant to the above requirements.

Position: Watch

SB 922 Wiener D (Dist. 11) California Environmental Quality Act: exemptions: transportation-related projects.

Location: SENATE THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

CEQA, until January 1, 2030, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions. This bill would specify that the requirement that the bicycle transportation plan is for an urbanized area or urban cluster, as designated by the United States Census Bureau. The bill would extend the exemption to an active transportation plan or pedestrian plan in an urbanized area or urban cluster. The bill would define "active transportation plan" and "pedestrian plan." The bill would specify that individual projects that are a part of an active transportation plan or pedestrian plan remain subject to the requirements of CEQA unless those projects are exempt by another provision of law.

Position: Support

SB 942 Newman D (Dist. 29) Low Carbon Transit Operations Program: free or reduced fare transit program.

Location: SENATE THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law continuously appropriates specified portions of the annual proceeds in the Greenhouse Gas Reduction Fund to various programs, including 5% for the Low Carbon Transit Operations Program, which is administered by the Department of Transportation and provides operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Current law requires each of those transit agencies to demonstrate that each expenditure of program moneys allocated to the transit agency reduces the emissions of greenhouse gases and does not supplant another source of funds, to use those moneys to provide transit operating or capital assistance, to use at least 50% of those moneys to benefit disadvantaged communities, and to submit specified information to the department before seeking a disbursement of those program moneys, as specified. This bill would authorize a transit agency that uses program moneys to fund a

free or reduced fare transit program and that demonstrates compliance with the above-described requirements in its initial program application to continue to use those moneys to maintain that program on an ongoing basis without demonstrating continued compliance with those requirements.

Position: Support

SB 959 Portantino D (Dist. 25) Surplus residential property: City of South Pasadena.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, a state agency disposing of surplus residential property in the City of South Pasadena is required to first offer the property to former owners and present occupants, as specified, and then to specified present tenants at fair market value. This bill would require a surplus residential property that is located within the City of South Pasadena and that is offered for sale to a present occupant or present tenant of the property, as specified, to be offered at a price based on the appraisal of the property in 2016, if certain conditions apply. The bill would require an offer made or accepted prior to January 1, 2022, that is not in compliance with the bill to be corrected so the price complies with the bill's requirements. The bill would make an offer based on the 2016 appraisal, as required by the bill, only valid until December 31, 2024.

SB 991 Newman D (Dist. 29) Public contracts: progressive design-build: local agencies.

Location: SENATE THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, until January 1, 2029, authorize local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for public works projects in excess of \$5,000,000, similar to the progressive design-build process authorized for use by the Director of General Services. The bill would require a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. The bill would require the design-build entity and its general partners or joint venture members to verify specified information under penalty of perjury.

SB 1049 Dodd D (Dist. 3) Transportation Resilience Program.

Location: SENATE APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish the Transportation Resilience Program in the Department of Transportation, to be funded in the annual Budget Act from 15% of the available federal National Highway Performance Program funds and 100% of the available federal Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation program funds. The bill would provide for funds to be allocated by the California Transportation Commission for climate adaptation planning and resilience improvements, as defined, that address or mitigate the risk of recurring damage to, or closures of, the state highway system, other federal-aid roads, public transit facilities, and other surface transportation assets from extreme weather events, sea level rise, or other climate change-fueled natural hazards. The bill would establish specified eligibility criteria for projects to receive funding under the program and would require the commission to prioritize projects that meet certain criteria.

SB 1100 Cortese D (Dist. 15) Open meetings: orderly conduct.

Location: SENATE THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Current law authorizes the legislative body to adopt reasonable regulations to ensure that the

intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting.

SB 1104 Gonzalez D (Dist. 33) Governor's Office of Business and Economic Development: Office of Freight.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish the Office of Freight within GO-Biz. The bill would require the office to serve as the coordinating entity to steer the growth, competitiveness, and sustainability for freight and ports across the state and to promote and assess the continued economic vitality and sustainability of the freight sector. The bill would require the office, in coordination with specified state agencies, to prepare an assessment of statewide economic growth, competitiveness, prosperity, resiliency, and sustainability for the state's freight sector. The bill would require the office to submit the assessment to the Legislature on or before December 31, 2024, and an updated assessment at least once every 5 years thereafter. The bill would require the Transportation Agency to incorporate the findings of the assessment into the state freight plan, as specified.

SB 1121 Gonzalez D (Dist. 33) State and local transportation system: needs assessment.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the California Transportation Commission to prepare a needs assessment of the cost to operate, maintain, and provide for the necessary future growth of the state and local transportation system for the next 10 years, as provided. As part of the needs assessment, the bill would require the commission to forecast the expected revenue, including federal, state, and local revenues, to pay for the cost identified in the needs assessment, any shortfall in revenue to cover the cost, and recommendations on how any shortfall should be addressed. The bill would require the commission to submit the needs assessment to the Legislature on or before January 1, 2024, and biennially thereafter.

SB 1156 Grove R (Dist. 16) Motor Vehicle Fuel Tax: Diesel Fuel Tax: inflation adjustment.

Location: SENATE GOV. & F.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, the Motor Vehicle Fuel Tax Law and Diesel Fuel Tax Law, impose a tax upon each gallon of motor vehicle fuel or diesel fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Current law annually adjusts the rates of the taxes imposed by those laws based on inflation. This bill would remove the requirement for future inflation adjustments of those taxes. This bill contains other related provisions.

SB 1175 McGuire D (Dist. 2) Department of Transportation: intermodal passenger services: rail corridors.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Department of Transportation to construct, acquire, or lease, and improve and operate, rail passenger terminals and related facilities that provide intermodal passenger services along specified corridors. This bill would expand that authorization to include the Sacramento-Larkspur-Novato-Cloverdale corridor.

SB 1201 Melendez R (Dist. 28) Clean California Local Grant Program of 2021: Clean California State Beautification Program of 2021: homeless encampments.

Location: SENATE TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, the Department of Transportation administers the Clean California Local Grant Program of 2021 to provide funding for grants to specified local entities for purposes of beautifying and cleaning up local streets and roads, tribal lands, parks, pathways, transit centers, and other public spaces, and administers the Clean California State Beautification Program of 2021 to provide funding for purposes of beautifying and cleaning up state highways. This bill would authorize local governments to use funding received under those programs to clean up homeless encampments on or around highway rights-of-way, within one mile of the freeway or flood channels under and surrounding the highways.

SB 1217 Allen D (Dist. 26) State-Regional Collaborative for Climate, Equity, and Resilience.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish, until January 1, 2028, the State-Regional Collaborative for Climate, Equity, and Resilience to provide guidance, on or before January 1, 2024, to the State Air Resources Board for approving new guidelines for sustainable communities strategies. The collaborative would consist of one representative each of the state board, the Transportation Agency, the Department of Housing and Community Development, and the Strategic Growth Council, along with 10 public members representing various local and state organizations, as specified. The bill would require, on or before December 31, 2025, the state board to update the guidelines for sustainable communities strategies to incorporate suggestions from the collaborative.

Position: Watch**SB 1410 Caballero D (Dist. 12) California Environmental Quality Act: transportation impacts.**

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. CEQA requires the Office of Planning and Research to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those guidelines. CEQA requires the office to prepare, develop, and transmit to the secretary for certification and adoption proposed revisions to the guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas, as defined, that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law requires the office to recommend potential metrics to measure transportation impacts, as specified. CEQA authorizes the office to adopt guidelines establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. This bill instead would require the criteria for determining the significance of transportation impacts of projects within transit priority areas to only promote the reduction of greenhouse gas emissions. The bill would require the potential metrics described above to only apply to projects within transit priority areas.

Position: Watch**SCA 2 Allen D (Dist. 26) Public housing projects.**

Location: ASSEMBLY H. & C.D.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, as defined, in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election, as specified. This measure would repeal these provisions.

SCA 4 Wilk R (Dist. 21) Legislature: 2-year budget.

Location: SENATE BUDGET & F.R.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would limit the Legislature, in the first year of the regular session, to considering or acting upon only the Budget Bill and related bills, and up to 5 bills introduced by each of the standing committees of the Legislature, as specified. The measure would require the Governor to submit to the Legislature a budget for the ensuing 2 fiscal years within the first 10 days of the first calendar year of the biennium of the legislative session, and would require the Legislature to adopt by June 15 of the first calendar year of the biennium of the legislative session a Budget Bill that appropriates funds to support state government for the next 2-year fiscal period commencing on July 1. The measure, in the second year of the regular session, would limit the Legislature to considering or acting upon only legislation other than the Budget Bill and related bills. The Legislature, by a 2/3 vote of each house, would be authorized, however, to amend an enacted Budget Bill and related bills in both calendar years of the biennium.

Total Measures: 70

Total Tracking Forms: 70

Minute Action

AGENDA ITEM: 27

Date: June 1, 2022

Subject:

Federal Legislative Update

Recommendation:

Receive and file the May 2022 Federal Legislative Update.

Background:

San Bernardino County Transportation Authority (SBCTA) Legislative Affairs staff, along with representatives from federal advocates, Potomac Partners D.C., LLC, updated the Legislative Policy Committee on May 11, 2022 on the ongoing Appropriations process and funding requests submitted by Congressional Delegation members in support of SBCTA projects.

The House and Senate were on Spring Recess in early April and returned to session on April 25, 2022. When they returned, both the House and Senate Appropriations Committees held a number of hearings to examine testimony from the President's Cabinet and senior Administration officials on the President's Fiscal Year (FY) 2023 Budget Request. These hearings give the President and his Administration an opportunity to discuss the President's spending priorities and highlight projects that each agency or department is seeking to expand or curtail.

On April 29, 2022, the House and Senate Appropriations Committees (Committees) closed their FY 2023 request portals, where Members of Congress (Members) can submit requests for Community Project Funding (CPF, also known as earmarks). The next step in the process is for the Committees to review submissions for eligibility issues and begin compiling requests for public transparency. The Committees and the Members who made the requests will post all submissions online for public review shortly before committee consideration, likely in mid to late May.

San Bernardino County Transportation Authority (SBCTA) submitted a funding request to Senator Diane Feinstein, Senator Alex Padilla and Congressman Jay Obernolte for the North First Avenue Over Mojave River and Overflow Bridges replacement project. An additional request was sent to Congressman Obernolte to fund State Routes 247 & 62 Emergency Bypass Lanes Study.

A number of local jurisdictions and transportation partners submitted their own funding requests and SBCTA was happy to submit letters of support for those projects. SBCTA submitted letters of support for projects in the cities of Rancho Cucamonga, Ontario and Upland, as well as for Ontario International Airport, Omnitrans and Mountain Transit.

Financial Impact:

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

Reviewed By:

This item was received by the Legislative Policy Committee on May 11, 2022.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

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

Board of Directors Agenda Item
June 1, 2022
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Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 28

Date: June 1, 2022

Subject:

Bill Recommendations

Recommendation:

Per Policy 10000, III.D., the Legislative Policy Committee (LPC) is authorized to, “Consistent with the Board-adopted platform, take official positions of support or opposition to State and Federal legislation or regulations on behalf of the Board of Directors and report all positions taken to the Board in a timely manner.”

At their May 11, 2022, meeting, the LPC, on behalf of the San Bernardino County Transportation Authority Board of Directors, adopted the following recommended positions on the current state legislation:

- A. Approve an oppose position on Assembly Bill 1778 (Garcia) regarding a prohibition on freeway expansion projects.
- B. Approve an oppose position on Assembly Bill 2237 (Friedman) regarding regional transportation improvement plans, sustainable communities strategies and climate goals.
- C. Approve an oppose position on Assembly Bill 2438 (Friedman) regarding transportation funding; alignment with state plans and greenhouse gas emissions reduction standards.
- D. Approve an oppose position on Assembly Bill 2594 (Ting) regarding vehicle registration and toll charges.

Background:

A. Assembly Bill 1778 (Garcia) – Prohibition on Freeway Expansion

Bill status: Passed by Assembly Transportation Committee
(Yes 9 – No 3 – A 3)
Referred to Assembly Appropriations Committee

Existing law

With regards to projects on the state highway system, current law requires Caltrans, or a local transportation agency, to conduct a California Environmental Quality Act (CEQA) review. Discussion points such as local community involvement, equitable benefits, disproportionately high or adverse impacts, and increased traffic flow in low-income and minority communities must be included.

Volume IV of the Caltrans Environmental Handbook series provides guidance and procedures for assessing the impacts of proposed transportation projects on communities and neighborhoods, and for achieving context sensitive solutions in the design of transportation projects. This guidance is intended to assist Caltrans’ environmental personnel, consultants, and other transportation partners in completing the community impact assessment report or documentation; engaging the public and other stakeholders in the transportation planning process; avoiding, minimizing, or mitigating for adverse effects, and increasing project benefits.

Entity: San Bernardino County Transportation Authority

This bill

Assembly Bill (AB) 1778 by Assemblywoman Cristina Garcia would prohibit state funds or personnel time from being used to fund or permit freeway projects, as specified, within or adjacent to census tracts that fall within the zero to 50th percentile on the California Healthy Places Index (HPI).

The California HPI is a project of the Public Health Alliance of Southern California and uses 23 social indicators of health, and categorizes the indicators into economic, education, social, transportation, neighborhood, housing, clean environment, and healthcare access.

Freeway projects that would fall under this legislation include:

- Freeway widening projects.
- Interchange expansion projects that would facilitate increased flows of traffic to or from existing or future industrial or warehouse facilities.
- Freeway extensions or lengthening.
- Displacement, of any kind, of residents, residences, housing, or businesses occurring due to freeway projects, whether temporary or permanent.

Staff Recommendation

Legislative Affairs staff recommends that SBCTA take an oppose position on AB 1778. The bill significantly harms the state's transportation network, interferes with local sales tax measures, and eliminates mobility solutions. Per existing law, every transportation project on the state highway system must undergo a lengthy and complex environmental review and permitting process. This process includes opportunities for public comment and the inclusion of measures to mitigate any adverse impacts from a project. AB 1778 appears to override these processes and ban certain projects, regardless of the benefits the project may provide, such as a freeway widening project for safety concerns.

Per the SBCTA 2021-2022 State Legislative Platform, the agency opposes efforts to *“Threaten the timely delivery of the Measure I Expenditure Plan or administration of any Measure I programs and services.”*

AB 1778 bill text can be found in Attachment A.

B. Assembly Bill 2237 (Friedman) – Regional transportation improvement plans, sustainable communities strategies and climate goals.

Bill status: Passed Assembly Transportation Committee
(Y 8 – N 4 – A 3)
Passed Assembly Natural Resources Committee
(Y 7 – N 3 – A 1)
Referred to Assembly Appropriations Committee

Existing law

Metropolitan Planning Organizations (MPO) are federally-mandated regional transportation planning agencies (RTPA) responsible for programming transportation investments in California's urban areas. Senate Bill 375 (Steinberg, 2008) requires that each MPO develop, in conjunction with its periodically updated Regional Transportation Plan (RTP), a Sustainable Community Strategy (SCS), which is a projected “development pattern ... [that, when] integrated with the transportation network, and other transportation measures and policies,” and is designed

to achieve specific per capita Green House Gas (GHG) reduction targets set by the Air Resources Board (ARB) for automobiles and light trucks over the duration of the RTP/SCS.

RTPAs are required to submit a five-year regional transportation improvement program (RTIP) to the California Transportation Commission (CTC) on or before December 15 of each odd-numbered year, updated every two years, and include regional transportation improvement projects and programs proposed to be funded, in whole or in part, in the state transportation improvement program. Major projects in the RTIP must include current costs updated as of November 1 of the year of submittal and escalated to the appropriate year, and be listed by relative priority, taking into account need, delivery milestone dates, and the availability of funding.

This bill

Assembly Bill (AB) 2237 by Assemblywoman Laura Friedman would prohibit a RTPA or county transportation commission from funding projects in a RTIP, submitted to the CTC, that are not aligned with the state's climate goals or most recent SCS.

AB 2237 would further require that:

- Each regional agency or county commission rank all transportation projects and prioritize projects based on their adherence to its most recently adopted SCS and the state's climate goals. Requires ranked projects to accelerate SCS implementation and not induce Vehicle Miles Traveled (VMT).
- Each regional agency or county commission shall fund and implement projects in the order of prioritization.
- Each regional agency or county commission submit its prioritized list to ARB and the CTC, according to the same timeline as the applicable SCS.
- ARB, in consultation with the CTC, determine whether each project is consistent with the most recently adopted SCS and the state's climate goals.
- Each regional agency or county commission to submit a report on local transportation tax measures to the CTC on or before March 30, 2023.
- CTC, in consultation with ARB, conduct an analysis and propose recommendations to align local tax measures with the state's climate goals.
- Projects funded by local tax measures be included in regional transportation plans and adhere to the most recently adopted applicable SCS and the state's climate goals.
- Regional agencies or county commissions that approve projects that adhere to their most recently adopted SCS and the state's climate goals receive additional funds from surplus state transportation funds and federal funds, upon appropriation by the Legislature.
- The Strategic Growth Council, in consultation with ARB, the Department of Housing and Community Development, and the California State Transportation Agency, to convene a task force to review the roles and responsibilities of metropolitan planning organizations and define "sustainable community."

Staff Recommendation

Legislative Affairs staff recommends that SBCTA take an oppose position on AB 2237. The bill requires each and every project in a RTIP to be reviewed by ARB to determine consistency with state climate goals, which generally don't provide clear benchmarks for individual transportation projects. Potential projects that don't meet the test ARB establishes, but should be funded for safety or other considerations, will be excluded from critical resources. In addition, there may be

small projects where the expense and time of ARB review required by the bill is not justified. Finally, it's not clear that zero tolerance for VMT is practical for all projects, or whether projects should be evaluated based on VMT reduction relative to existing infrastructure or alternative projects.

Per the SBCTA 2021-2022 State Legislative Platform, the agency opposes efforts to *"Impose state requirements without the consent of the local agency for the expenditure of locally raised revenues."*

AB 2237 bill text can be found in Attachment B.

C. Assembly Bill 2438 (Friedman) – Transportation funding; alignment with state plans and greenhouse gas emissions reduction standards

Bill status: Passed Assembly Transportation Committee
(Y 8 – N 4 – A 3)

Referred to Assembly Appropriations Committee

Existing law

Senate Bill (SB) 1 by Senator Jim Beall, passed in 2017, increased several taxes and fees to raise the equivalent of roughly \$52.4 billion over ten years in new transportation revenues, adjusted for inflation every year, and directs the funding to be used towards deferred maintenance on the state highways and local streets and roads, and to improve the state's trade corridors, transit, and active transportation facilities.

SB 1 provides for the funding of projects on the state highway system and other transportation improvements through state programs such as the State Highway Operation and Protection Program (SHOPP), Solutions for Congested Corridors Program (SCCP), Trade Corridor Enhancement Program (TCEP) and the Local Partnership Program (LPP). The bill also provides for the apportionment of funding to cities and counties, including under the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Streets and Roads Program (LSRP), for local streets and roads and other transportation improvements. Additionally, SB 1 also provides for the funding of projects for state highway improvements, intercity rail, and regional highway and transit improvements, under the State Transportation Improvement Program (STIP), which consists of two broad sub-programs: the Regional Improvement Program (RIP) and the Interregional Improvement Program (IIP).

This bill

Assembly Bill (AB) 2438 by Assemblywoman Laura Friedman would require that the program goals and guidelines of the state transportation programs SHOPP, STIP, SCCP, TCEP, LPP and LSRP align with the California Transportation Plan (CTP), Climate Action Plan for Transportation Infrastructure (CAPTI), California Global Warming Solutions Act of 2006 and Senate Bill (SB) 375 (Steinberg, 2008).

The bill would also require that the California State Transportation Agency (CalSTA), the Department of Transportation (Caltrans), the California Transportation Commission (CTC), in consultation with the State ARB, and the Strategic Growth Council (SGC), to jointly prepare and submit a report to the Legislature on or before January 1, 2025 evaluating transportation program funding levels, projects, and eligibility criteria with the objective of aligning the largest funding programs with the CTP, CAPTI, and greenhouse gas emissions reduction standards set forth in the California Global Warming Solutions Act of 2006 and SB 375, and away from projects that increase vehicle capacity.

Staff Recommendation

Legislative Affairs staff recommends that SBCTA take an oppose position on AB 2438. The bill, similar to Assemblywoman Friedman's AB 2237, would require that projects be prioritized by how close they align with state climate goals, rather than local priorities. Constraining local control over project priorities and funding flexibility would restrict SBCTA's ability to deliver on local projects and potentially promises made to voters when Measure I was enacted.

Per the SBCTA 2021-2022 State Legislative Platform, the agency opposes efforts to *"Threaten the timely delivery of the Measure I Expenditure Plan or administration of any Measure I programs and services."*

D. AB 2594 (Ting) – Vehicle registration; toll fees

Bill status: Passed Assembly Transportation Committee

(Y 15 – N 0)

Referred to Assembly Appropriations Committee

Existing law

Under current law, vehicles using toll bridges or highways are liable for any tolls or other charges incurred and prohibits a person from evading those tolls and charges. Toll operators, or a processing agency, are required to issue a notice of toll evasion violation to the registered owner of the vehicle within 21 days if a vehicle is found, by automated devices, by visual observation, or other means, to have evaded a toll. Toll evasion penalties include any late payment penalty, administrative fee, fine, assessment, and costs of collection. Existing law limits toll evasion violation penalties to \$100 for first offense, \$250 for second offense within one year and \$500 for each additional within the one year. Also, current law, requires that there be a process for contesting toll violations and requires a toll operator to conduct an administrative investigation within. If the driver is not satisfied with the investigation, after paying the toll penalty, he may request an administrative hearing. If a person remains unsatisfied, they may appeal to the court.

Current law authorizes the Department of Motor Vehicles (DMV) to transfer penalties for parking tickets court-imposed fees or penalties, as well as toll violations to the registration of a vehicle.

This bill

Assembly Bill (AB) 2594 by Assemblyman Phillip Ting makes numerous changes to the administration of bridge and highway tolls.

Some of the changes relevant to SBCTA's Express Lanes project include:

- Requiring multiple alternative payment methods, including cash payments.
- Requires that toll operators sell transponders at a minimum of one retail outlet in every city in which the device may be used to pay toll charges.
- Limit the cost of transponders.
- Limit fees associated with loading cash into an account to no more than \$3.
- Requires toll operators to maintain offices open to the public where toll accounts can be established, transponders purchased, as well as toll payments and fees are accepted.
- Public offices must be open at least 35 hours per week, between 8am and 5pm and shall be open an additional five hours per week between 6am to 8am or 5pm to 7pm.

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- Limits the cumulative toll evasion penalty to \$100 for each individual toll evasion violation.
- Restricts toll agencies from assigning an unpaid toll invoice to a collection agency until 180 days after the date of the third invoice.
- Requires toll agencies to establish a payment plan option for toll penalties.

Staff Recommendation

Legislative Affairs staff recommends that SBCTA take an oppose position on AB 2594. The bill seeks to apply a one size fits all approach to toll operators throughout the state, limit enforcement of toll violations, and place undue cost recovery constraints on toll operations. The impacts of these new requirements could substantively affect revenue projections and possibly impact terms of the federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan secured on the Interstate 10 Express Lanes project.

Per the SBCTA 2021-2022 State Legislative Platform, the agency opposes efforts to “*Establish legislation that allow redirection of toll revenue from the operating agency to the State or any other agency.*”

Financial Impact:

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

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Legislative Policy Committee on May 11, 2022.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

ATTACHMENT A

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1778

Introduced by Assembly Member Cristina Garcia
(Coauthor: Assembly Member Lee)

February 3, 2022

An act to add Section 165.5 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL’S DIGEST

AB 1778, as amended, Cristina Garcia. State transportation funding: freeway-widening: *projects*: poverty and pollution: Department of Transportation.

Existing law establishes the Department of Transportation and vests the department with full possession and control of all state highways and all property and rights in property acquired for state highway purposes. Existing law authorizes the department to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. Existing law requires the department to prepare and submit to the Governor a proposed budget, as provided.

This bill would *require the department to consult the California Healthy Places Index, as defined, as a condition of using state funds or personnel time to fund or permit freeway projects, as provided. The bill would require the department to analyze housing and environmental variables through the index, as provided, and would prohibit any state funds or personnel time from being used to fund or permit freeway widening projects in areas with high rates of pollution and poverty. that*

fall within the zero to 50th percentile on the housing and environmental variables analyzed through the index, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 165.5 is added to the Streets and*
- 2 *Highways Code, to read:*
- 3 165.5. (a) *For purposes of this section, the following*
- 4 *definitions apply:*
- 5 (1) *“California Healthy Places Index” means the online*
- 6 *resource developed by the Public Health Alliance of Southern*
- 7 *California to describe local factors that predict life expectancy*
- 8 *and compare community conditions across the state.*
- 9 (2) *“Projects” means any of the following:*
- 10 (A) *Freeway widening projects.*
- 11 (B) *Interchange expansion projects that would facilitate*
- 12 *increased flows of traffic to or from existing or future industrial*
- 13 *or warehouse facilities.*
- 14 (C) *Freeway extensions or lengthening.*
- 15 (D) *Displacement, of any kind, of residents, residences, housing,*
- 16 *or businesses occurring due to freeway projects, whether*
- 17 *temporary or permanent.*
- 18 (b) *Notwithstanding any other law, before undertaking any*
- 19 *projects, and as a condition of using state funds or personnel time*
- 20 *to fund or permit projects, the department shall consult the*
- 21 *California Healthy Places Index. The department shall use the*
- 22 *“create custom score” functionality of the California Healthy*
- 23 *Places Index and use the following variables to obtain data results:*
- 24 (1) *Housing: low-income homeowner severe housing cost*
- 25 *burden.*
- 26 (2) *Housing: low-income renter severe housing cost burden.*
- 27 (3) *Clean environment: clean air PM 2.5.*
- 28 (4) *Clean environment: clean air diesel PM.*
- 29 (c) *Notwithstanding any other law, the department shall not use*
- 30 *state funds or personnel time for projects, nor shall the department*
- 31 *permit projects, if any single or adjacent census tract within or*
- 32 *adjacent to the project area has a percentile score that falls within*
- 33 *the zero to 50th percentile score on the California Healthy Places*

— 3 —

AB 1778

1 *Index, as calculated using the four variables described in*
 2 *paragraphs (1) to (4), inclusive, of subdivision (b).*

3 ~~SECTION 1. Section 165.5 is added to the Streets and~~
 4 ~~Highways Code, to read:~~

5 ~~165.5. Notwithstanding any other law, state funds or personnel~~
 6 ~~time shall not be used to fund or permit freeway widening projects~~
 7 ~~in areas with high rates of pollution and poverty.~~

8

9

10 REVISIONS:

11 Heading—Line 2

12

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ATTACHMENT B

AMENDED IN ASSEMBLY APRIL 18, 2022

AMENDED IN ASSEMBLY MARCH 22, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL**No. 2237**

Introduced by Assembly Member Friedman

February 16, 2022

An act to amend Section 65082 of, and to add Sections 65080.05 and 65082.5 to, the Government Code, relating to transportation planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 2237, as amended, Friedman. Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals.

Existing law establishes the Strategic Growth Council in state government. Existing law requires the council to develop and administer the Affordable Housing and Sustainable Communities Program to reduce the emissions of greenhouse gases through projects that implement land use, housing, transportation, and agricultural land preservation practices to support infill and compact development and that support related and coordinated public policy objectives, as specified.

Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization. Existing law requires the council, by January 31, 2022, to submit a report to the relevant policy and fiscal committees of the Legislature that includes, among other things, an overview of those

sustainable communities strategies, an assessment of how implementation of those sustainable communities strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs, including the Affordable Housing and Sustainable Communities Program.

This bill would require the council, in consultation with the State Air Resources Board, the Department of Housing and Community Development, and the Transportation Agency, to convene a task force to review the roles and responsibilities of metropolitan planning organizations and to define “sustainable community.”

Existing law requires each regional transportation planning agency or county transportation commission to biennially adopt and submit to the California Transportation Commission and the Department of Transportation a 5-year regional transportation improvement program that includes, among other things, regional transportation improvement projects and programs proposed to be funded, in whole or in part, in the state transportation improvement program.

This bill would require that those projects and programs included in each regional transportation improvement program also be consistent with the most recently prepared sustainable communities strategy of the regional transportation planning agency or county transportation commission and the state’s climate ~~goals~~: *goals, as defined*. The bill would require each regional transportation planning agency or county transportation commission, ~~on or before December 15, 2025, and biennially thereafter, to submit a report to the state board determining whether the projects and programs in its most recent regional transportation improvement program are consistent with~~ *commission to rank all transportation projects and prioritize projects based on adherence to its most recently prepared adopted sustainable communities strategy and the state’s climate* ~~goals~~: *goals, prioritize funding and implementing projects in the order of prioritization, and submit the prioritized list to the state board and the California Transportation Commission*. The bill would require the state board, in consultation with the ~~Office of Planning and Research, to also~~ *commission, to* determine whether those projects and programs are consistent with the sustainable communities strategy and the state’s climate goals, and ~~would require the state board, in consultation with the office, to reallocate moneys from inconsistent projects or programs and prohibit~~

a regional transportation planning agency or county transportation commission from funding inconsistent projects or programs, as specified.

The bill would also require each regional transportation planning agency or county transportation commission to submit a report on local transportation tax measures to the California Transportation Commission on or before March 30, 2023, as provided. The bill would require the commission, in consultation with the state board, to propose recommendations on alignment of local tax measures with the state's climate goals. The bill would require, to the extent permitted by the local tax measures, projects funded by local tax measures to be included in regional transportation plans and to adhere to the most recently adopted sustainable community strategy of the applicable regional transportation agency or county transportation commission and the state's climate goals.

By imposing additional requirements on local government, including regional transportation planning agencies and county transportation commissions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65080.05 is added to the Government
- 2 Code, to read:
- 3 65080.05. The Strategic Growth Council, in consultation with
- 4 the State Air Resources Board, the Department of Housing and
- 5 Community Development, and the Transportation Agency, shall
- 6 convene a task force to do both of the following:
- 7 (a) Review the roles and responsibilities of metropolitan
- 8 planning organizations.
- 9 (b) Define "sustainable community."
- 10 SEC. 2. Section 65082 of the Government Code is amended
- 11 to read:

1 65082. (a) For purposes of this section, the following
 2 definitions apply:

3 (1) “Regional transportation planning agency or county
 4 transportation commission” means a regional transportation
 5 planning agency or county transportation commission required to
 6 adopt and submit a regional transportation improvement program
 7 to the ~~commission~~ *California Transportation Commission* and the
 8 ~~department~~ *Department of Transportation* pursuant to Section
 9 14527.

10 (2) “State’s climate goals” means the goals expressed in any of
 11 the following:

12 ~~(A) The California Transportation Plan updated pursuant to~~
 13 ~~Chapter 2.3 (commencing with Section 65070).~~

14 ~~(B)~~

15 (A) Climate Action Plan for Transportation Infrastructure
 16 prepared by the Transportation ~~Agency~~. *Agency, including the*
 17 *guiding principles in the final draft as adopted by the*
 18 *Transportation Agency and endorsed by the California*
 19 *Transportation Commission in July 2021.*

20 ~~(C) The greenhouse gas emissions reduction standards set forth~~
 21 ~~in the California Global Warming Solutions Act of 2006 (Division~~
 22 ~~25.5 (commencing with Section 38500) of the Health and Safety~~
 23 ~~Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).~~

24 (B) *State and federal air quality standards set by the federal*
 25 *Clean Air Act (42 U.S.C. Sec. 7401 et seq.), including all state*
 26 *ambient air quality standards, as set forth in Section 70200 of Title*
 27 *17 of the California Code of Regulations, and national ambient*
 28 *air quality standards, as established pursuant to Section 7409 of*
 29 *Title 42 of the United States Code, in all areas of the state, as*
 30 *described in California’s state implementation plans required by*
 31 *the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).*

32 (C) *Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

33 (D) *Senate Bill 32 (Chapter 249 of the Statutes of 2016).*

34 (b) (1) Each regional transportation planning agency or county
 35 transportation commission shall prepare, adopt, and submit a
 36 five-year regional transportation improvement program to the
 37 California Transportation Commission on or before December 15
 38 of each odd-numbered year thereafter, updated every two years,
 39 pursuant to Sections 65080 and 65080.5 and the guidelines adopted
 40 pursuant to Section 14530.1, to include regional transportation

1 improvement projects and programs it proposes to be funded, in
2 whole or in part, in the state transportation improvement program
3 and that are consistent with its most recently prepared sustainable
4 communities strategy and the state's climate goals.

5 (2) Major projects shall include current costs updated as of
6 November 1 of the year of submittal and escalated to the
7 appropriate year, and be listed by relative priority, taking into
8 account need, delivery milestone dates, and the availability of
9 funding.

10 (c) Except for those counties that do not prepare a congestion
11 management program pursuant to Section 65088.3, congestion
12 management programs adopted pursuant to Section 65089 shall
13 be incorporated into the regional transportation improvement
14 program submitted to the commission by December 15 of each
15 odd-numbered year.

16 (d) Local projects not included in a congestion management
17 program shall not be included in the regional transportation
18 improvement program. Projects and programs adopted pursuant
19 to subdivision (b) shall be consistent with the capital improvement
20 program adopted pursuant to paragraph (5) of subdivision (b) of
21 Section 65089, and the guidelines adopted pursuant to Section
22 14530.1.

23 (e) Other projects may be included in the regional transportation
24 improvement program if listed separately.

25 (f) Unless a county not containing urbanized areas of over
26 50,000 population notifies the Department of Transportation by
27 July 1 that it intends to prepare a regional transportation
28 improvement program for that county, the department shall, in
29 consultation with the affected local agencies, prepare the program
30 for all counties for which it prepares a regional transportation plan.

31 (g) The requirements for incorporating a congestion management
32 program into a regional transportation improvement program
33 specified in this section do not apply in those counties that do not
34 prepare a congestion management program in accordance with
35 Section 65088.3.

36 (h) The regional transportation improvement program may
37 include a reserve of county shares for providing funds in order to
38 match federal funds.

39 SEC. 3. Section 65082.5 is added to the Government Code, to
40 read:

1 65082.5. (a) For purposes of this section, the following
 2 definitions apply:

3 (1) “Regional transportation planning agency or county
 4 transportation commission” has the same meaning as defined in
 5 Section 65082.

6 (2) “State’s climate goals” has the same meaning as defined in
 7 Section 65082.

8 (b) *(1) Each regional transportation planning agency or county
 9 transportation commission, in consultation with the Office of
 10 Planning and Research, shall, on or before December 15, 2025,
 11 and biennially thereafter, submit a report to the State Air Resources
 12 Board determining whether the projects and programs in its most
 13 recent regional transportation improvement program, or update to
 14 its most recent regional transportation improvement program, are
 15 consistent with commission shall rank all transportation projects
 16 and prioritize projects based on their adherence to its most recently
 17 prepared adopted sustainable communities strategy and the state’s
 18 climate goals. Ranked projects shall accelerate sustainable
 19 communities strategies implementation and shall not induce vehicle
 20 miles traveled. Each regional transportation planning agency or
 21 county transportation commission shall fund and implement
 22 projects in the order of prioritization.*

23 *(2) Each regional transportation planning agency or county
 24 transportation commission shall submit the prioritized list
 25 developed pursuant to paragraph (1) to the State Air Resources
 26 Board and the California Transportation Commission. This
 27 prioritized list shall be due according to the same timeline as the
 28 applicable sustainable communities strategy described in
 29 paragraph (2) of subdivision (b) of Section 65080.*

30 (c) ~~(1)~~ Upon receiving a ~~report~~ list submitted pursuant to
 31 subdivision (b), the State Air Resources Board, in consultation
 32 with the ~~Office of Planning and Research, California~~
 33 ~~Transportation Commission~~, shall determine whether each project
 34 ~~or program~~ is consistent with the most recently ~~prepared adopted~~
 35 sustainable communities strategy of the regional transportation
 36 planning agency or county transportation commission and the
 37 state’s climate goals.

38 ~~(2) If the State Air Resources Board, in consultation with the~~
 39 ~~Office of Planning and Research, determines that a project or~~
 40 ~~program is inconsistent with the most recently prepared sustainable~~

1 ~~communities strategy of the regional transportation planning~~
 2 ~~agency or county transportation commission or the state's climate~~
 3 ~~goals, the State Air Resources Board, in consultation with the~~
 4 ~~Office of Planning and Research, shall reallocate the moneys from~~
 5 ~~that project or program.~~

6 *(d) (1) Each regional transportation planning agency or county*
 7 *transportation commission shall submit a report on local*
 8 *transportation tax measures to the California Transportation*
 9 *Commission on or before March 30, 2023. This report shall include*
 10 *all of the following information:*

11 *(A) The text of the local transportation tax measure.*

12 *(B) A description of whether the local transportation tax*
 13 *measure aligns with the most recently adopted sustainable*
 14 *communities strategy and the state's climate goals.*

15 *(C) A description of the transportation projects funded by the*
 16 *local transportation tax measure.*

17 *(D) A timeline of the transportation projects, including when*
 18 *they were passed and when they will expire.*

19 *(2) The California Transportation Commission, in consultation*
 20 *with the State Air Resources Board, shall conduct an analysis and*
 21 *propose recommendations on alignment of local tax measures with*
 22 *the state's climate goals.*

23 *(e) Projects funded by local tax measures shall, to the extent*
 24 *permitted by the terms of the local tax measures, be included in*
 25 *the regional transportation plans prepared pursuant to Section*
 26 *65080 and adhere to the most recently adopted sustainable*
 27 *community strategy of the applicable regional transportation*
 28 *agency or county transportation commission and the state's climate*
 29 *goals.*

30 *(f) Regional transportation planning agencies or county*
 31 *transportation commissions that approve projects that adhere to*
 32 *their most recently adopted sustainable communities strategies*
 33 *and the state's climate goals shall, upon appropriation by the*
 34 *Legislature, receive additional funds from surplus state*
 35 *transportation funds and federal funds.*

36 ~~(d)~~

37 *(g) A regional transportation planning agency or county*
 38 *transportation commission shall not fund a project or program*
 39 *determined to be inconsistent with its most recently prepared*

1 *adopted* sustainable communities strategy or the state's climate
2 goals pursuant to subdivision (c).

3 SEC. 4. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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ATTACHMENT C

AMENDED IN ASSEMBLY MARCH 21, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2438

Introduced by Assembly Member Friedman

February 17, 2022

An act to amend Sections 14526.4, 14526.5, 14529, 14530.1, and 65072 of, and to add and repeal Section ~~65073.5~~ to 13978.7 of, the Government Code, and to amend Sections 2033, 2034, 2192, 2394, and 2396 of, and to add Section 2103.5 to, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2438, as amended, Friedman. Transportation ~~projects; funding:~~ alignment with state ~~plans; plans and greenhouse gas emissions reduction standards.~~

(1) Existing law provides for the funding of projects on the state highway system and other transportation improvements, including under the state transportation improvement program, the state highway operation and protection program, the Solutions for Congested Corridors Program, the Trade Corridor Enhancement Program, and the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Partnership Program.

This bill would require the agencies that administer those programs to revise the guidelines or plans applicable to those programs to ensure that projects included in the applicable program align with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards.

The bill would require the Transportation Agency, the Department of Transportation, and the California Transportation Commission, in consultation with the State Air Resources Board and the Strategic Growth Council, to jointly prepare and submit a report to the Legislature on or before January 1, 2025, that comprehensively reevaluates transportation program funding levels, projects, and eligibility criteria with the objective of aligning the largest funding programs with the goals set forth in the above-described plans and away from projects that increase vehicle capacity.

(2) Existing law provides for the apportionment of funding to cities and counties, including under the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Streets and Roads Program, for local streets and roads and other transportation improvements.

This bill would require funds apportioned to cities or counties under the Local Streets and Roads Program to be expended consistent with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards. The bill would also express Legislative intent that other funds apportioned to cities and counties for these purposes be expended consistent with those plans and standards.

~~Existing~~

(3) Existing law requires the Department of Transportation to prepare the California Transportation Plan for submission to the Governor and the Legislature, to complete the 3rd update to the plan by December 31, 2025, and to update the plan every 5 years thereafter, as a long-range planning document that incorporates various elements and is consistent with specified expressions of legislative intent. ~~The plan is required to consider various subject areas for the movement of people and freight, including environmental protection.~~

This bill would ~~also require all transportation projects funded at the local or state level to align with the California Transportation Plan and the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency. To the extent the bill imposes additional duties on local agencies, the bill would impose a state-mandated local program.~~ the California Transportation Plan to include a financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues. The bill would require

the financial element to also contain recommendations for allocation of funds.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13978.7 is added to the Government Code,
2 to read:
3 13978.7. (a) (1) The agency, the Department of
4 Transportation, and the California Transportation Commission,
5 in consultation with the State Air Resources Board and the
6 Strategic Growth Council, shall jointly prepare and submit a report
7 to the Legislature on or before January 1, 2025, that
8 comprehensively reevaluates transportation program funding
9 levels, projects, and eligibility criteria with the objective of aligning
10 the largest funding programs with the goals set forth in the Climate
11 Action Plan for Transportation Infrastructure adopted by the
12 agency and the California Transportation Plan updated pursuant
13 to Chapter 2.3 (commencing with Section 65070) of Division 1 of
14 Title 7 and away from projects that increase vehicle capacity.
15 (2) The report shall identify statutory changes that need to be
16 enacted to accomplish the objective described in paragraph (1)
17 and changes that can be accomplished through state agency action
18 without statutory changes.
19 (b) (1) A report to be submitted pursuant to subdivision (a)
20 shall be submitted in compliance with Section 9795.
21 (2) Pursuant to Section 10231.5, this section is repealed on
22 January 1, 2029.
23 SEC. 2. Section 14526.4 of the Government Code is amended
24 to read:
25 14526.4. (a) The department, in consultation with the
26 commission, shall prepare a robust asset management plan to guide

1 selection of projects for the state highway operation and protection
 2 program required by Section 14526.5. The asset management plan
 3 shall be consistent with any applicable state and federal
 4 requirements.

5 (b) The department may prepare the asset management plan in
 6 phases, with the first phase to be implemented with the 2016 state
 7 highway operation and protection program, and the complete asset
 8 management plan to be prepared no later than the 2020 state
 9 highway operation and protection program.

10 (c) *The department shall prepare revisions to the asset*
 11 *management plan to ensure that a project selected for the state*
 12 *highway operation and protection program and the complete*
 13 *program of projects selected for the state highway operation and*
 14 *protection program align with all of the following:*

15 (1) *The California Transportation Plan updated pursuant to*
 16 *Chapter 2.3 (commencing with Section 65070) of Division 1 of*
 17 *Title 7.*

18 (2) *The Climate Action Plan for Transportation Infrastructure*
 19 *adopted by the Transportation Agency.*

20 (3) *The greenhouse gas emissions reduction standards set forth*
 21 *in the California Global Warming Solutions Act of 2006 (Division*
 22 *25.5 (commencing with Section 38550) of the Health and Safety*
 23 *Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

24 ~~(e)~~

25 (d) In connection with the asset management plan, the
 26 commission shall do both of the following:

27 (1) Adopt targets and performance measures reflecting state
 28 transportation goals and objectives.

29 (2) Review and approve the asset management plan, including
 30 the final version of the first ~~phase~~ *and phase*, the complete plan
 31 prepared by the department pursuant to subdivision ~~(b)~~ *(b)*, and
 32 *the revisions prepared by the department pursuant to subdivision*
 33 *(c).*

34 ~~(d)~~

35 (e) As used in this section, “asset management plan” means a
 36 document assessing the health and condition of the state highway
 37 system with which the department is able to determine the most
 38 effective way to apply the state’s limited resources.

39 *SEC. 3. Section 14526.5 of the Government Code is amended*
 40 *to read:*

1 14526.5. (a) Based on the asset management plan prepared
2 and approved pursuant to Section 14526.4, the department shall
3 prepare a state highway operation and protection program for the
4 expenditure of transportation funds for major capital improvements
5 that are necessary to preserve and protect the state highway system.
6 Projects included in the program shall be limited to improvements
7 relative to the maintenance, safety, operation, and rehabilitation
8 of state highways and bridges that do not add a new traffic lane to
9 the system. *A project may only be included in the state highway*
10 *operation and protection program if it is consistent with the*
11 *guidelines adopted pursuant to subdivision (c) of Section 14526.4.*

12 (b) The program shall include projects that are expected to be
13 advertised prior to July 1 of the year following submission of the
14 program, but ~~which~~ *that* have not yet been funded. The program
15 shall include those projects for which construction is to begin
16 within four fiscal years, starting July 1 of the year following the
17 year the program is submitted.

18 (c) (1) The department, at a minimum, shall specify, for each
19 project in the state highway operation and protection program, the
20 capital and support budget, as applicable, for each of the following
21 project phases:

22 (A) Project approval and environmental documents, support
23 only.

24 (B) Plans, specifications, and estimates, support only.

25 (C) Rights-of-way.

26 (D) Construction.

27 (2) The department shall specify, for each project in the state
28 highway operation and protection program, a projected delivery
29 date for each of the following components:

30 (A) Project approval and environmental document completion.

31 (B) Plans, specifications, and estimates completion.

32 (C) Right-of-way certification.

33 (D) Start of construction.

34 (d) The department shall submit its proposed program to the
35 commission not later than January 31 of each even-numbered year.
36 Prior to submitting its proposed program, the department shall
37 make a draft of its proposed program available to transportation
38 planning agencies for review and comment and shall include the
39 comments in its submittal to the commission. The department shall
40 provide the commission with detailed information for all

1 programmed projects on cost, scope, schedule, and performance
2 metrics as determined by the commission.

3 (e) The commission shall review the proposed program relative
4 to its overall adequacy, consistency with the asset management
5 plan prepared and approved pursuant to Section 14526.4 and
6 funding priorities established in Section 167 of the Streets and
7 Highways Code, the level of annual funding needed to implement
8 the program, and the impact of those expenditures on the state
9 transportation improvement program. The commission shall adopt
10 the program and submit it to the Legislature and the Governor not
11 later than April 1 of each even-numbered year. The commission
12 may decline to adopt the program if the commission determines
13 that the program is not sufficiently consistent with the asset
14 management plan prepared and approved pursuant to Section
15 14526.4.

16 (f) As part of the commission's review of the program required
17 pursuant to subdivision (a), the commission shall hold at least one
18 hearing in northern California and one hearing in southern
19 California regarding the proposed program.

20 (g) On or after July 1, 2017, to provide sufficient and transparent
21 oversight of the department's capital outlay support resources
22 composed of both state staff and contractors, the commission shall
23 be required to allocate the department's capital outlay support
24 resources by project phase, including preconstruction. Through
25 this action, the commission will provide public transparency for
26 the department's budget—~~estimates~~; *estimates* by increasing
27 assurance that the annual budget forecast is reasonable. The
28 commission shall develop guidelines, in consultation with the
29 department, to implement this subdivision. Guidelines adopted by
30 the commission to implement this subdivision shall be exempt
31 from the Administrative Procedure Act (Chapter 3.5 (commencing
32 with Section 11340) of Part 1).

33 (h) Beginning July 1, 2017, for a project that experiences
34 increases in capital or support costs above the amounts in the
35 commission's allocation pursuant to subdivision (g), the
36 commission shall establish a threshold for requiring a supplemental
37 project allocation. The commission's guidelines adopted pursuant
38 to subdivision (g) shall also establish the threshold that the
39 commission determines is necessary to ensure efficiency and may

1 provide exceptions as necessary so that projects are not
2 unnecessarily delayed.

3 (i) The department, for each project requiring a supplemental
4 project allocation pursuant to subdivision (h), shall submit a request
5 to the commission for its approval.

6 (j) Expenditures for these projects shall not be subject to
7 Sections 188 and 188.8 of the Streets and Highways Code.

8 *SEC. 4. Section 14529 of the Government Code is amended to*
9 *read:*

10 14529. (a) The state transportation improvement program shall
11 include a listing of all capital improvement projects that are
12 expected to receive an allocation of state transportation funds under
13 Section 164 of the Streets and Highways Code, including revenues
14 from transportation bond acts, from the commission during the
15 following five fiscal years. It shall include, and be limited to, the
16 projects to be funded with the following:

17 (1) Interregional improvement funds.

18 (2) Regional improvement funds.

19 (b) For each project, the program shall specify the allocation or
20 expenditure amount and the allocation or expenditure year for each
21 of the following project components:

22 (1) Completion of all permits and environmental studies.

23 (2) Preparation of plans, specifications, and estimates.

24 (3) The acquisition of rights-of-way, including, but not limited
25 to, support activities.

26 (4) Construction and construction management and engineering,
27 including surveys and inspection.

28 (c) Funding for right-of-way acquisition and construction for a
29 project may be included in the program only if the commission
30 makes a finding that the sponsoring agency will complete the
31 environmental process and can proceed with right-of-way
32 acquisition or construction within the five-year period. ~~No~~ An
33 allocation for right-of-way acquisition or construction shall *not* be
34 made until the completion of the environmental studies and the
35 selection of a preferred alternative.

36 (d) The commission shall adopt and submit to the Legislature
37 and the Governor, not later than April 1 of each even-numbered
38 ~~year thereafter,~~ *year,* a state transportation improvement program.
39 The program shall cover a period of five years, beginning July 1
40 of the year it is adopted, and shall be a statement of intent by the

1 commission for the allocation or expenditure of funds during those
 2 five years. The program shall include projects ~~which~~ *that* are
 3 expected to receive funds ~~prior to before~~ July 1 of the year of
 4 adoption, but for which the commission has not yet allocated funds.

5 (e) (1) The projects included in the adopted state transportation
 6 improvement program shall be limited to those projects submitted
 7 or recommended pursuant to Sections 14526 and 14527. The total
 8 amount programmed in each fiscal year for each program category
 9 shall not exceed the amount specified in the fund estimate adopted
 10 under Section 14525.

11 (2) *A project may only be included in the state transportation*
 12 *improvement program if it is consistent with the guidelines adopted*
 13 *pursuant to subdivision (c) of Section 14530.1.*

14 (f) The state transportation improvement program is a resource
 15 management document to assist the state and local entities to plan
 16 and implement transportation improvements and to ~~utilize~~ *use*
 17 available resources in a cost-effective manner. It is a document
 18 for each county and each region to declare their intent to use
 19 available state and federal funds in a timely and cost-effective
 20 manner.

21 (g) ~~Prior to Before~~ the adoption of the state transportation
 22 improvement program, the commission shall hold not less than
 23 one hearing in northern California and one hearing in southern
 24 California to reconcile any objections by any county or regional
 25 agency to the department's program or the department's objections
 26 to any regional program.

27 (h) The commission shall incorporate projects that are included
 28 in the regional transportation improvement program and are to be
 29 funded with regional improvement funds, unless the commission
 30 finds that the regional transportation improvement program is ~~not~~
 31 ~~consistent~~ *inconsistent with paragraph (2) of subdivision (e), is*
 32 *inconsistent* with the guidelines adopted by the ~~commission~~
 33 *commission*, or is not a cost-effective expenditure of state funds,
 34 in which case the commission may reject the regional transportation
 35 improvement program in its entirety. The finding shall be based
 36 on an objective analysis, including, but not limited to, travel
 37 forecast, cost, and air quality. The commission shall hold a public
 38 hearing in the affected county or region ~~prior to before~~ rejecting
 39 the program, or not later than 60 days after rejecting the program.
 40 ~~When~~ *If* a regional transportation improvement program is rejected,

1 the regional entity may submit a new regional transportation
2 improvement program for inclusion in the state transportation
3 improvement program. The commission shall not reject a regional
4 transportation improvement program unless, not later than 60 days
5 after the date it received the program, it provided notice to the
6 affected agency that specified the factual basis for its proposed
7 action.

8 (i) A project may be funded with more than one of the program
9 categories listed in Section 164 of the Streets and Highways Code.

10 (j) Notwithstanding any other ~~provision of law~~, ~~no~~ local or
11 regional matching funds shall *not* be required for projects that are
12 included in the state transportation improvement program.

13 (k) The commission may include a project recommended by a
14 regional transportation planning agency or county transportation
15 commission pursuant to subdivision (c) of Section 14527, if the
16 commission makes a finding, based on an objective analysis, that
17 the recommended project is more cost-effective than a project
18 submitted by the department pursuant to Section 14526.

19 *SEC. 5. Section 14530.1 of the Government Code is amended*
20 *to read:*

21 14530.1. (a) The department, in cooperation with the
22 commission, transportation planning agencies, and county
23 transportation commissions and local governments, shall develop
24 guidelines for the development of the state transportation
25 improvement program and the incorporation of projects into the
26 state transportation improvement program.

27 (b) The guidelines shall include, but not be limited to, all of the
28 following:

- 29 (1) Standards for project deliverability.
30 (2) Standards for identifying projects and project components.
31 (3) Standards for cost estimating.
32 (4) Programming methods for increases and schedule changes.
33 (5) Objective criteria for measuring system performance and
34 cost-effectiveness of candidate projects.

35 *(c) The department, in cooperation with the commission,*
36 *transportation planning agencies, and county transportation*
37 *commissions and local governments, shall revise the guidelines*
38 *developed pursuant to subdivision (a) to ensure that a project*
39 *selected to be included in the state transportation improvement*
40 *program and the complete program of projects selected for the*

1 *state transportation improvement program align with all of the*
 2 *following:*

3 *(1) The California Transportation Plan updated pursuant to*
 4 *Chapter 2.3 (commencing with Section 65070) of Division 1 of*
 5 *Title 7.*

6 *(2) The Climate Action Plan for Transportation Infrastructure*
 7 *adopted by the Transportation Agency.*

8 *(3) The greenhouse gas emissions reduction standards set forth*
 9 *in the California Global Warming Solutions Act of 2006 (Division*
 10 *25.5 (commencing with Section 38550) of the Health and Safety*
 11 *Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

12 ~~(e)~~

13 *(d) The guidelines shall be the complete and full statement of*
 14 *the policy, standards, and criteria that the commission intends to*
 15 *use in selecting projects to be included in the state transportation*
 16 *improvement program.*

17 ~~(d)~~

18 *(e) The commission may amend the adopted guidelines after*
 19 *conducting at least one public hearing. The commission shall make*
 20 *a reasonable effort to adopt the amended guidelines prior to its*
 21 *adoption of the fund estimate pursuant to Section 14525. In no*
 22 *event shall the adopted guidelines be amended, or otherwise*
 23 *revised, modified, or altered during the period commencing 30*
 24 *days after the adoption of the fund estimate pursuant to Section*
 25 *14525 and before the adoption of the state transportation*
 26 *improvement program pursuant to Section 14529.*

27 *SEC. 6. Section 65072 of the Government Code is amended to*
 28 *read:*

29 *65072. The California Transportation Plan shall include all of*
 30 *the following:*

31 *(a) A policy element that describes the state's transportation*
 32 *policies and system performance objectives. These policies and*
 33 *objectives shall be consistent with legislative intent described in*
 34 *Sections 14000, 14000.5, 14000.6, and 65088.*

35 *(b) A strategies element that shall incorporate the broad system*
 36 *concepts and strategies synthesized from the adopted regional*
 37 *transportation plans prepared pursuant to Section 65080. The*
 38 *California Transportation Plan shall not be project specific.*

39 *(c) A financial element that summarizes the cost of the*
 40 *implementation of the California Transportation Plan constrained*

1 *by a realistic projection of available revenues. The financial*
2 *element shall also contain recommendations for allocation of*
3 *funds.*

4 ~~(e)~~

5 *(d) A recommendations element that includes economic*
6 *forecasts and recommendations to the Legislature and the Governor*
7 *to achieve the plan's broad system concepts, strategies, and*
8 *performance objectives.*

9 *SEC. 7. Section 2033 of the Streets and Highways Code is*
10 *amended to read:*

11 2033. (a) (1) On or before January 1, 2018, the commission,
12 in cooperation with the department, transportation planning
13 agencies, county transportation commissions, and other local
14 agencies, shall develop guidelines for the allocation of funds
15 pursuant to subdivision (a) of Section 2032.

16 (2) *The commission, in cooperation with the department,*
17 *transportation planning agencies, county transportation*
18 *commissions, and other local agencies, shall revise the guidelines*
19 *developed pursuant to subdivision (a) to ensure that funds allocated*
20 *pursuant to subdivision (a) of Section 2032 align with all of the*
21 *following:*

22 (A) *The California Transportation Plan updated pursuant to*
23 *Chapter 2.3 (commencing with Section 65070) of Division 1 of*
24 *Title 7 of the Government Code.*

25 (B) *The Climate Action Plan for Transportation Infrastructure*
26 *adopted by the Transportation Agency.*

27 (C) *The greenhouse gas emissions reduction standards set forth*
28 *in the California Global Warming Solutions Act of 2006 (Division*
29 *25.5 (commencing with Section 38550) of the Health and Safety*
30 *Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

31 (b) The guidelines shall be the complete and full statement of
32 the policy, standards, and criteria that the commission intends to
33 use to determine how these funds will be allocated.

34 (c) The commission may amend the adopted guidelines after
35 conducting at least one public hearing.

36 (d) The guidelines may include streamlining of project delivery
37 by authorizing local or regional transportation agencies to seek
38 commission approval of a letter of no prejudice that allows the
39 agency to expend its own funds in advance of an allocation of
40 funds by the commission, and to be reimbursed at a later time for

1 eligible expenditures. A letter of no prejudice shall only be
 2 available to local or regional transportation agencies for moneys
 3 that have been identified for future allocation to the applicant
 4 agency. Moneys designated pursuant to subdivision (a) of Section
 5 2032 shall only be reimbursed when there is funding available in
 6 an amount sufficient to make the reimbursement.

7 *SEC. 8. Section 2034 of the Streets and Highways Code is*
 8 *amended to read:*

9 2034. (a) (1) (A) Before receiving an apportionment of funds
 10 under the program pursuant to paragraph (2) of subdivision (h) of
 11 Section 2032 from the Controller in a fiscal year, an eligible city
 12 or county shall submit to the commission a list of projects proposed
 13 to be funded with these funds. ~~Two~~

14 (B) *A project may only be included in a list of projects submitted*
 15 *pursuant to this section if it is consistent with all of the following:*

16 (i) *The California Transportation Plan updated pursuant to*
 17 *Chapter 2.3 (commencing with Section 65070) of Division 1 of*
 18 *Title 7 of the Government Code.*

19 (ii) *The Climate Action Plan for Transportation Infrastructure*
 20 *adopted by the Transportation Agency.*

21 (iii) *The greenhouse gas emissions reduction standards set forth*
 22 *in the California Global Warming Solutions Act of 2006 (Division*
 23 *25.5 (commencing with Section 38550) of the Health and Safety*
 24 *Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

25 (C) Two or more eligible cities, or one or more cities and a
 26 county, may propose a project to be jointly funded with these
 27 funds. Each city or county that proposes to jointly fund a project
 28 shall include its participation in the project in its list of projects
 29 submitted to the commission. All projects proposed to receive
 30 funding shall be adopted by resolution by the applicable city
 31 council or county board of supervisors at a regular public meeting.
 32 A proposed jointly funded project shall additionally be endorsed
 33 by a memorandum of understanding that is approved by the entities
 34 proposing to jointly fund the project and that includes the identity
 35 of the project's lead agency and a description of the individual
 36 contributions of each participating city and county to the project.

37 ~~The~~

38 (D) *The list of projects proposed to be funded with these funds;*
 39 *the funds described in subparagraph (A), including jointly funded*
 40 *projects, shall include a description and the location of each*

1 proposed project, a proposed schedule for that project's completion,
2 and the estimated useful life of the improvement. ~~The~~

3 (E) The project list shall not limit the flexibility of an eligible
4 city or county to fund projects in accordance with local needs and
5 priorities so long as the projects are consistent with *subparagraph*
6 (B) and subdivision (b) of Section 2030.

7 (2) The commission shall submit an initial report to the
8 Controller that indicates the cities and counties that have submitted
9 a list of projects ~~as described in~~ *consistent with* this subdivision
10 and that are therefore eligible to receive an apportionment of funds
11 under the program for the applicable fiscal year. If the commission
12 receives a list of projects from a city or county after it submits its
13 initial report to the Controller, the commission shall submit a
14 subsequent report to the Controller that indicates the cities and
15 counties that submitted a list of projects after the commission
16 submitted its initial report.

17 (3) The Controller, upon receipt of the initial report, shall
18 apportion funds to eligible cities and counties.

19 (4) (A) For any city or county that is not included in the initial
20 report submitted to the Controller pursuant to paragraph (2), the
21 Controller shall retain the monthly share of funds that would
22 otherwise be apportioned and distributed to the city or county
23 pursuant to paragraph (3).

24 (B) If the Controller receives a subsequent report from the
25 commission within 90 days of receiving the initial report from the
26 commission that a city or county has become eligible to receive
27 an apportionment, the Controller shall apportion the funds retained
28 pursuant to subparagraph (A) to the city or county.

29 (C) The Controller shall reapportion to all eligible cities and
30 counties pursuant to the formula in clauses (i) and (ii) of
31 subparagraph (C) of paragraph (3) of subdivision (a) of Section
32 2103 any funds that were retained pursuant to subparagraph (A)
33 but that were not apportioned and distributed pursuant to
34 subparagraph (B).

35 (b) For each fiscal year, each city or county receiving an
36 apportionment of funds shall, upon expending program funds,
37 submit documentation to the commission that details the
38 expenditures of all funds under the program, including a description
39 and location of each completed project, the amount of funds
40 expended on the project, the completion date, if applicable, and

1 the estimated useful life of the improvement. For projects jointly
 2 funded pursuant to *subparagraph (C) of paragraph (1) of*
 3 *subdivision (a), each participating city and county shall submit to*
 4 *the commission the documentation required pursuant to this*
 5 *subdivision.*

6 (c) Before receiving an apportionment of funds under the
 7 program pursuant to paragraph (2) of subdivision (h) of Section
 8 2032, an eligible city or county may expend other funds on eligible
 9 projects and may reimburse the source of those other funds when
 10 it receives its apportionment from the Controller over one or more
 11 years.

12 *SEC. 9. Section 2103.5 is added to the Streets and Highways*
 13 *Code, to read:*

14 *2103.5. It is the intent of the Legislature that funds apportioned*
 15 *by the Controller to cities and counties pursuant to this chapter*
 16 *be expended consistent with all of the following:*

17 (a) *The California Transportation Plan updated pursuant to*
 18 *Chapter 2.3 (commencing with Section 65070) of Division 1 of*
 19 *Title 7 of the Government Code.*

20 (b) *The Climate Action Plan for Transportation Infrastructure*
 21 *adopted by the Transportation Agency.*

22 (c) *The greenhouse gas emissions reduction standards set forth*
 23 *in the California Global Warming Solutions Act of 2006 (Division*
 24 *25.5 (commencing with Section 38550) of the Health and Safety*
 25 *Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

26 *SEC. 10. Section 2192 of the Streets and Highways Code is*
 27 *amended to read:*

28 2192. (a) The following revenues shall be allocated for
 29 infrastructure projects pursuant to this section:

30 (1) The revenues deposited in the ~~Trade-Corridors~~ *Corridor*
 31 *Enhancement Account* pursuant to Section 2192.4, except for those
 32 revenues in the account that were appropriated by Senate Bill 132
 33 of the 2017–18 Regular Session (Chapter 7 of the Statutes of 2017).

34 (2) An amount of federal funds equal to the amount of revenue
 35 apportioned to the state under Section 167 of Title 23 of the United
 36 States Code from the national highway freight programs, pursuant
 37 to the federal Fixing America’s Surface Transportation Act (“FAST
 38 Act,” Public Law 114-94).

39 (b) The funding described in subdivision (a) shall be available
 40 upon appropriation for allocation by the California Transportation

1 Commission for infrastructure improvements in this state on
2 federally designated Trade Corridors of National and Regional
3 Significance, on the Primary Freight Network, and along other
4 corridors that have a high volume of freight movement, as
5 determined by the commission and as identified in the state freight
6 plan developed pursuant to Section 13978.8 of the Government
7 Code. Projects eligible for funding shall be included in an adopted
8 regional transportation plan. Projects within the boundaries of a
9 metropolitan planning organization shall be included in an adopted
10 regional transportation plan that includes a sustainable communities
11 strategy determined by the State Air Resources Board to achieve
12 the region's greenhouse gas emissions reduction targets. In
13 developing guidelines for implementing this section, the
14 commission shall (1) apply the guiding principles, to the maximum
15 extent practicable, in the California Sustainable Freight Action
16 Plan released in July 2016 pursuant to Executive Order No.
17 B-32-15, and (2) consult the state freight plan and the applicable
18 port master plan.

19 (c) Eligible projects for these funds include, but are not limited
20 to, all of the following:

21 (1) Highway improvements to more efficiently accommodate
22 the movement of freight, particularly for ingress and egress to and
23 from the state's land ports of entry, rail terminals, and seaports,
24 including navigable inland waterways used to transport freight
25 between seaports, land ports of entry, and airports, and to relieve
26 traffic congestion along major trade or goods movement corridors.

27 (2) Freight rail system improvements to enhance the ability to
28 move goods from seaports, land ports of entry, and airports to
29 warehousing and distribution centers throughout California,
30 including projects that separate rail lines from highway or local
31 road traffic, improve freight rail mobility, and other projects that
32 improve the safety, efficiency, and capacity of the rail freight
33 system.

34 (3) Projects to enhance the capacity and efficiency of ports,
35 except that funds available under this section shall not be allocated
36 to a project that includes the purchase of fully automated cargo
37 handling equipment. For the purposes of this paragraph, "fully
38 automated" means equipment that is remotely operated or remotely
39 monitored, with or without the exercise of human intervention or
40 control. Nothing in this paragraph shall prohibit the use of funds

1 available pursuant to this section for a project that includes the
2 purchase of human-operated zero-emission equipment,
3 human-operated near-zero-emission equipment, and infrastructure
4 supporting that human-operated equipment. Furthermore, nothing
5 in this section shall prohibit the purchase of devices that support
6 that human-operated equipment, including equipment to evaluate
7 the utilization and environmental benefits of that human-operated
8 equipment.

9 (4) Truck corridor improvements, including dedicated truck
10 facilities or truck toll facilities, including the mitigation of the
11 emissions from trucks or these facilities.

12 (5) Border access improvements that enhance goods movement
13 between California and Mexico and that maximize the state's
14 ability to access funds made available to the state by federal law.

15 (6) Surface transportation, local road, and connector road
16 improvements to effectively facilitate the movement of goods,
17 particularly for ingress and egress to and from the state's land ports
18 of entry, airports, and seaports, to relieve traffic congestion along
19 major trade or goods movement corridors.

20 (7) Projects that employ advanced and innovative technology
21 to improve the flow of freight, such as intelligent transportation
22 systems, public infrastructure, excluding vehicles, that enables
23 zero-emission or near-zero emission goods movement, real time
24 information systems, weigh-in-motion devices, electronic screening
25 and credentialing systems, traffic signal optimization, work zone
26 management and information systems, ramp metering, and
27 electronic cargo and border security technologies.

28 (8) Environmental and community mitigation or efforts to reduce
29 environmental impacts of freight movement, such as projects that
30 reduce noise, overnight truck idling, or truck queues, and advanced
31 traveler information systems such as freight advanced traveler
32 information systems that optimize operations to reduce empty-load
33 trips.

34 (d) Projects funded with revenues identified in paragraph (1)
35 of subdivision (a) shall be consistent with Article XIX of the
36 California Constitution.

37 (e) (1) In adopting the program of projects to be funded with
38 funds described in subdivision (a), the commission shall evaluate
39 the total potential economic and noneconomic benefits of the
40 program of projects to California's economy, environment, and

1 public health. The evaluation shall specifically assess localized
2 impacts in disadvantaged communities. The commission shall
3 consult with the agencies identified in Executive Order No.
4 B-32-15 and metropolitan planning organizations in order to use
5 the appropriate models, techniques, and methods to develop the
6 parameters for evaluating the program of projects. The commission
7 shall allocate the funding from subdivision (a) for trade
8 infrastructure improvements as follows:

9 (A) Sixty percent of the funds shall be available for projects
10 nominated by regional transportation agencies and other public
11 agencies, including counties, cities, and port authorities, in
12 consultation with the department. The commission shall provide
13 reasonable geographic targets for funding allocations without
14 constraining what an agency may propose or what the commission
15 may approve.

16 (B) Forty percent of the funds shall be available for projects
17 nominated by the department, in consultation with regional
18 transportation agencies.

19 (2) In adopting a program of projects pursuant to paragraph (1),
20 the commission shall prioritize projects jointly nominated and
21 jointly funded by the state and local agencies. In considering
22 geographic balance for the overall program, the commission may
23 adjust the corridor-based targets in subparagraph (A) of paragraph
24 (1) to account for projects programmed pursuant to subparagraph
25 (B) of paragraph (1).

26 (3) *A project may only be included in the program of projects*
27 *adopted pursuant to paragraph (1) if it is consistent with the*
28 *guidelines adopted pursuant to paragraph (3) of subdivision (f).*

29 (f) (1) The commission shall adopt guidelines, including a
30 transparent process to evaluate projects and to allocate the funding
31 described in subdivision (a) for trade infrastructure improvements
32 in a manner that (A) addresses the state's most urgent needs, (B)
33 balances the demands of various land ports of entry, seaports, and
34 airports, (C) places emphasis on projects that improve trade
35 corridor mobility and safety while reducing emissions of diesel
36 particulates, greenhouse gases, and other pollutants and reducing
37 other negative community impacts, especially in disadvantaged
38 communities, (D) makes a significant contribution to the state's
39 economy, (E) recognizes the key role of the state in project
40 identification, (F) supports integrating statewide goods movement

1 priorities in a corridor approach, and (G) includes disadvantaged
2 communities measures, as established by the California
3 Environmental Protection Agency pursuant to Section 39711 of
4 the Health and Safety Code, and other tools the commission
5 determines, for evaluating benefits or costs for disadvantaged
6 communities and low-income communities. Project nominations
7 shall include either a quantitative or qualitative assessment of the
8 benefits the project is expected to achieve relative to the evaluation
9 criteria.

10 (2) The guidelines adopted pursuant to paragraph (1) may
11 include streamlining of project delivery by authorizing regional
12 transportation agencies and other public agencies to seek
13 commission approval of a letter of no prejudice that allows the
14 agency to expend its own funds for a project programmed in a
15 future year of the adopted program of projects, in advance of
16 allocation of funds to the project by the commission, and to be
17 reimbursed at a later time for eligible expenditures. A letter of no
18 prejudice shall only be available to local or regional transportation
19 agencies for moneys that have been identified for future allocation
20 to the applicant agency. Moneys designated for the program shall
21 only be reimbursed when there is funding available in an amount
22 sufficient to make the reimbursement.

23 (3) *The commission shall revise the guidelines adopted pursuant*
24 *to paragraph (1) to ensure that a project included in the program*
25 *of projects and the complete program of projects are aligned with*
26 *the California Transportation Plan updated pursuant to Chapter*
27 *2.3 (commencing with Section 65070) of Division 1 of Title 7 of*
28 *the Government Code, the Climate Action Plan for Transportation*
29 *Infrastructure adopted by the Transportation Agency, and the*
30 *greenhouse gas emissions reduction standards set forth in the*
31 *California Global Warming Solutions Act of 2006 (Division 25.5*
32 *(commencing with Section 38550) of the Health and Safety Code)*
33 *and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

34 (g) In addition, the commission shall also consider the following
35 factors when allocating these funds:

36 (1) “Velocity,” which means the speed by which large cargo
37 would travel from the land port of entry or seaport through the
38 distribution system.

(2) “Throughput,” which means the volume of cargo that would move from the land port of entry or seaport through the distribution system.

(3) “Reliability,” which means a reasonably consistent and predictable amount of time for cargo to travel from one point to another on any given day or at any given time in California.

(4) “Congestion reduction,” which means the reduction in recurrent daily hours of delay to be achieved.

(h) For purposes of this section, the following terms have the following meanings:

(1) “Disadvantaged communities” are those communities identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

(2) “Low-income communities” are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

(i) It is the intent of the Legislature for the commission to adopt an initial program of projects using the state and federal funds described in subdivision (a) for eligible projects as soon as practicable and no later than May 17, 2018.

SEC. 11. Section 2394 of the Streets and Highways Code is amended to read:

2394. The commission shall allocate program funds to projects after reviewing the corridor plans submitted by the regional agencies or the department and making a determination that a proposed project is consistent with the objectives of the corridor ~~plan~~ *plan and is consistent with the guidelines adopted pursuant to paragraph (2) of subdivision (a) of Section 2396*. In addition to making a consistency determination with respect to project nominations, the commission shall score the proposed projects on the following criteria:

- (a) Safety.
- (b) Congestion.
- (c) Accessibility.
- (d) Economic development and job creation and retention.
- (e) Furtherance of state and federal ambient air ~~standards and~~ *greenhouse gas emissions reduction standards pursuant to the*

~~California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38550) of the Health and Safety Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008): standards.~~

(f) Efficient land use.

(g) Matching funds.

(h) Project deliverability.

SEC. 12. Section 2396 of the Streets and Highways Code is amended to read:

2396. (a) (1) The commission, in consultation with the State Air Resources Board, shall develop and adopt guidelines for the program consistent with the requirements of this chapter. Guidelines adopted by the commission shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Prior to adopting the guidelines, the commission shall conduct at least one public hearing in northern California and one public hearing in southern California to review and provide an opportunity for public comment. The commission shall adopt the final guidelines no sooner than 30 days after the commission provides the proposed guidelines to the Joint Legislative Budget Committee and the transportation policy committees in the Senate and the Assembly.

(2) *The commission, in consultation with the State Air Resources Board, shall revise the guidelines to ensure that a project to be included in the program of projects and the complete program of projects adopted pursuant to Section 2395 align with all of the following:*

(A) *The California Transportation Plan updated pursuant to Chapter 2.3 (commencing with Section 65070) of Division 1 of Title 7 of the Government Code.*

(B) *The Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency.*

(C) *The greenhouse gas emissions reduction standards set forth in the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38550) of the Health and Safety Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

(b) The guidelines adopted pursuant to subdivision (a) may include streamlining of project delivery by authorizing regional agencies to seek commission approval of a letter of no prejudice

1 that allows the agency to expend its own funds for a project
2 programmed in a future year of the adopted program of projects,
3 in advance of allocation of funds to the project by the commission,
4 and to be reimbursed at a later time for eligible expenditures. A
5 letter of no prejudice shall only be available to local or regional
6 transportation agencies for moneys that have been identified for
7 future allocation to the applicant agency. Moneys designated for
8 the program shall only be reimbursed when there is funding
9 available in an amount sufficient to make the reimbursement.

10 ~~SECTION 1. Section 65073.5 is added to the Government~~
11 ~~Code, to read:~~

12 ~~65073.5. Notwithstanding any other law, all transportation~~
13 ~~projects funded at the local or state level shall align with the~~
14 ~~California Transportation Plan and the Climate Action Plan for~~
15 ~~Transportation Infrastructure adopted by the Transportation~~
16 ~~Agency.~~

17 ~~SEC. 2. If the Commission on State Mandates determines that~~
18 ~~this act contains costs mandated by the state, reimbursement to~~
19 ~~local agencies and school districts for those costs shall be made~~
20 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
21 ~~4 of Title 2 of the Government Code.~~

O

ATTACHMENT D

AMENDED IN ASSEMBLY APRIL 18, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2594

Introduced by Assembly Member Ting

February 18, 2022

An act to amend Sections ~~14600 and 23302~~ 14600, 23302, 40255, and 40262 of, and to add Sections ~~23304 and 23305 to~~, 23304, 23305, 23306, 23307, 23308, 23309, and 40269.5 of, and to repeal and add Section 40258 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2594, as amended, Ting. Vehicle registration and toll charges.

Existing law requires a person who, after applying for or receiving a driver's license, moves to a new residence, or acquires a new mailing address different from the address shown in the application or in the license, to notify the Department of Motor Vehicles of both the old and new address within 10 days.

This bill would require the department, at the time a person notifies the department of a change of residence or mailing address for purposes of their driver's license, to inform the person that they may also need to change their address for purposes of their vehicle registration, and would require the department to provide instructions on how to update vehicle registration information.

Under existing law, a vehicle that enters into or upon a vehicular crossing immediately becomes liable for any tolls and other charges. Existing law requires an issuing agency, as defined, that permits pay-by-plate toll payment to communicate, as practicable, the pay-by-plate toll amount in the same manner as it communicates other toll payment methods.

This bill would require an issuing agency that permits pay-by-plate payment of ~~tolls, tolls and other charges using invoices without an account,~~ and that also offers an alternate method of toll payment utilizing a transponder or other electronic toll payment device, to include with the invoice for the pay-by-plate toll charge, information about how to enroll in that alternative payment method. ~~The bill, with respect to a toll bridge,~~ would require an issuing agency that permits pay-by-plate toll payment or that permits payment by a transponder or other electronic toll payment device to send an invoice by mail for any unpaid toll no later than ~~21~~ 30 days from the date that the person drove over the ~~vehicular crossing, toll highway, or high-occupancy toll lane.~~ toll bridge. ~~The bill would provide a process for a penalty to be assessed and for the authorize an invoice to be assigned to a collection agency if the invoice is not paid within a specified amount of time. The bill would require the issuing agency to provide an appeals process for disputed tolls and penalties, and would require the issuing agency, in cases of financial hardship, to develop a process to forgive penalties or to set up a payment plan for any unpaid penalties. The bill would require additional invoices to be sent and penalties to be assessed if the toll charge is not paid within a specified amount of time. The bill would require the issuing agency, if a person fails to pay the 4th invoice for 4 or more bridge tolls within one month, to notify the department, and would require the department to suspend that person's vehicle registration until the tolls are paid in full.~~

This bill would require an issuing agency to allow a driver of ~~an out-of-state vehicle~~ a vehicle, including a driver of a rental car, to register ~~their~~ the vehicle's license plate with the agency online for ~~up to 2 weeks at a time~~ for the purpose of paying all tolls, and would require a rental car agency to provide a fact sheet to its customers explaining how an individual may register the license plate on their rental vehicle with an issuing agency to pay tolls.

This bill would require an issuing agency that operates an electronic toll collection system that permits payment by a transponder or other electronic toll payment device to make the transponder or other electronic toll payment device available for purchase ~~online and at other locations.~~ online, by mail, and in person at retail outlets and at the issuing agency office. The bill would prohibit the cost of the transponder or other electronic toll payment device from exceeding the reasonable cost to produce the ~~transponder and would limit the cost to not more than \$5.~~ device. ~~The bill would require the issuing agency's office to~~

be open to the public during specified hours to allow a person to conduct specified transactions, including purchasing a transponder or other electronic toll payment device or paying a toll invoice. The bill would also require the issuing agency to maintain a customer service telephone line during specified hours.

Existing law authorizes a person, within the later of 21 days from the issuance of a notice of toll evasion violation or 15 days from the mailing of the notice delinquent toll evasion, to contest the notice of toll evasion violation or notice of delinquent toll evasion. Existing law requires the processing agency to investigate, or to request the issuing agency to investigate, the circumstances of the notice with respect to the contestant's reasons for contesting the toll evasion violation.

This bill would extend the applicable number of days from the mailing of the notice of delinquent toll evasion to 30 days, and would specify that the contestant is not required to pay the outstanding penalty. The bill would require the processing agency or issuing agency, at a minimum, to review the evidence on which the alleged violation was based, as specified. The bill would require the issuing agency to waive toll evasion penalties for a first violation with the issuing agency under designated circumstances.

Existing law requires a notice of delinquent toll evasion violation to include a notice to the registered owner that renewal of the vehicle registration will be contingent upon compliance with the notice, unless the registered owner pays the penalty within 15 days after mailing of the notice, or takes other specified actions.

This bill would revise the notice requirements to apply when the toll evasion penalty has not been paid within 30 days after the 3rd notice of delinquent toll evasion violation. The bill would provide for the suspension of the vehicle registration if a person fails to pay the toll evasion penalty by the date the 4th notice of delinquent toll evasion violation is mailed, as prescribed.

This bill would require an issuing agency to establish a payment plan option, as specified, applicable to all outstanding toll evasion penalties. The bill would require the issuing agency to post information regarding the payment plan policy on its internet website.

By imposing new duties on local government issuing agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14600 of the Vehicle Code is amended
2 to read:

3 14600. (a) If a person after applying for or receiving a driver's
4 license moves to a new residence, or acquires a new mailing
5 address different from the address shown in the application or in
6 the license as issued, the person shall within 10 days thereafter
7 notify the department of both the old and new address. The
8 department may issue a document to accompany the driver's
9 license reflecting the new address of the holder of the license.

10 (b) At the time a person notifies the department of a change of
11 residence or mailing address pursuant to subdivision (a), the
12 department shall inform the person that they may also need to
13 change their address for purposes of their vehicle registration, and
14 shall include instructions on how to update vehicle registration
15 information. The information required by this subdivision shall be
16 given to the person orally if the change of address for the driver's
17 license is done in person, or in writing by mail in 14-point type or
18 larger. The information shall be stated in a clear manner and shall
19 be given to the person in a language that the person understands.

20 (c) When, pursuant to subdivision (b) of Section 12951, a driver
21 presents their driver's license to a peace officer, the person shall,
22 if applicable, also present the document issued pursuant to
23 subdivision (a) if the driver's license does not reflect the driver's
24 current residence or mailing address.

25 SEC. 2. Section 23302 of the Vehicle Code is amended to read:

26 23302. (a) (1) It is unlawful for a driver to fail to pay tolls or
27 other charges on any vehicular crossing or toll highway. Except
28 as otherwise provided in subdivision (b), (c), or (d), it is prima
29 facie evidence of a violation of this section for a person to drive
30 a vehicle onto any vehicular crossing or toll highway without either
31 lawful money of the United States in the driver's immediate

1 possession in an amount sufficient to pay the prescribed tolls or
2 other charges due from that driver or a transponder or other
3 electronic toll payment device associated with a valid Automatic
4 Vehicle Identification account with a balance sufficient to pay
5 those tolls.

6 (2) Except as specified in paragraph (3), if a transponder or
7 other electronic toll payment device is used to pay tolls or other
8 charges due, the device shall be located in or on the vehicle in a
9 location so as to be visible for the purpose of enforcement at all
10 times when the vehicle is located on the vehicular crossing or toll
11 highway. If required by the operator of a vehicular crossing or toll
12 highway, this requirement applies even if the operator offers free
13 travel or nontoll accounts to certain classes of users.

14 (3) If a motorcyclist uses a transponder or other electronic toll
15 payment device to lawfully enter a vehicle crossing or toll highway,
16 the motorcyclist shall use any one of the following methods as
17 long as the transponder or device is able to be read by the toll
18 operator's detection equipment:

19 (A) Place the transponder or other electronic toll payment device
20 in the motorcyclist's pocket.

21 (B) Place the transponder or other electronic toll payment device
22 inside a cycle net that drapes over the gas tank of the motorcycle.

23 (C) Mount the transponder or other electronic toll payment
24 device on license plate devices provided by the toll operator, if the
25 toll operator provides those devices.

26 (D) Keep the transponder or other electronic toll payment device
27 in the glove or storage compartment of the motorcycle.

28 (E) Mount the transponder or other electronic toll payment
29 device on the windshield of the motorcycle.

30 (b) For vehicular crossings and toll highways that use electronic
31 toll collection as the only method of paying tolls or other charges,
32 it is prima facie evidence of a violation of this section for a driver
33 to drive a vehicle onto the vehicular crossing or toll highway
34 without a transponder or other electronic toll payment device
35 associated with a valid Automatic Vehicle Identification account
36 with a balance sufficient to pay those tolls.

37 (c) For vehicular crossings and toll highways where the issuing
38 agency, as defined in Section 40250, permits pay-by-plate payment
39 of tolls and other charges, in accordance with policies adopted by
40 the issuing agency, it is prima facie evidence of a violation of this

1 section for a driver to drive a vehicle onto the vehicular crossing
2 or toll highway without at least one of the following:

3 (1) Lawful money of the United States in the driver's immediate
4 possession in an amount sufficient to pay the prescribed tolls or
5 other charges due from that person.

6 (2) A transponder or other electronic toll payment device
7 associated with a valid Automatic Vehicle Identification account
8 with a balance sufficient to pay those tolls.

9 (3) Valid vehicle license plates properly attached pursuant to
10 Section 4850.5 or 5200 to the vehicle in which that driver enters
11 onto the vehicular crossing or toll highway.

12 (d) For vehicular crossings and toll highways where the issuing
13 agency, as defined in Section 40250, permits pay-by-plate payment
14 of tolls and other charges in accordance with policies adopted by
15 the issuing agency, and where electronic toll collection is the only
16 other method of paying tolls or other charges, it is prima facie
17 evidence of a violation of this section for a driver to drive a vehicle
18 onto the vehicular crossing or toll highway without either a
19 transponder or other electronic toll payment device associated with
20 a valid Automatic Vehicle Identification account with a balance
21 sufficient to pay those tolls or valid vehicle license plates properly
22 attached to the vehicle pursuant to Section 4850.5 or 5200 in which
23 that driver enters onto the vehicular crossing or toll highway.

24 (e) As used in this article, "pay-by-plate toll payment" means
25 an issuing agency's use of on-road vehicle license plate
26 identification recognition technology to accept payment of tolls
27 in accordance with policies adopted by the issuing agency.

28 (f) This section does not require an issuing agency to offer
29 pay-by-plate toll processing as a method for paying tolls.

30 (g) If an issuing agency permits pay-by-plate payment of tolls,
31 *tolls and other charges using invoices without an account*, but an
32 alternate method of toll payment utilizing a transponder or other
33 electronic toll payment device is also offered, the invoice for the
34 pay-by-plate toll shall include information in 14-point type or
35 larger about *on* how to enroll in that alternative payment method.
36 The information shall include an internet website ~~link~~ *address* with
37 information about how to enroll in the alternate payment method
38 and a customer service ~~phone~~ *telephone* number.

39 SEC. 3. Section 23304 is added to the Vehicle Code, to read:

23304. (a) ~~An~~ *With respect to a toll bridge, an* issuing agency that permits pay-by-plate toll payment as described in subdivision (e) of Section 23302 or that permits payment by a transponder or other electronic toll payment device shall send an invoice by mail for any unpaid toll no later than ~~21~~ 30 days from the date that the person drove over the ~~vehicular crossing, toll highway, or high-occupancy toll lane.~~ *toll bridge*. The invoice shall provide methods for payment that shall include cash, check, or credit or debit card. Retail outlets that sell transponders or other electronic toll payment devices shall accept cash payments for toll charges.

(b) (1) ~~If a toll invoice is not paid within 21 days after the date shown on the invoice, the issuing agency shall send a second invoice to the person by mail. The second invoice shall advise the person that a penalty will be assessed if the invoice is not paid within 21 days after the date listed on the second invoice.~~

(2) ~~The amount of the penalty shall not exceed the cost to process and issue a third invoice showing the penalty assessed. The penalty shall be assessed against the entire unpaid balance shown on the invoice and not to each individual unpaid toll charge. The penalty may be assessed by the issuing agency only once for the unpaid balance shown on the invoice.~~

(3) ~~The issuing agency shall provide payment methods for the penalty that shall include cash, check, or credit or debit card.~~

(e) (b) The issuing agency may assign an unpaid toll invoice to a collection agency only after 180 days from the date shown on the third invoice. ~~Any penalty or interest assessed during the collection process shall not exceed fifty dollars (\$50) in total for all unpaid tolls listed on the invoice.~~

(d) ~~The issuing agency shall provide an appeals process for disputed tolls and penalties. This process shall be transparent, equal, and accessible. The invoice for unpaid tolls shall include a notice in 14-point type or larger with information describing the process for appeal.~~

(e) ~~In cases of financial hardship, the issuing agency shall develop a process to forgive penalties or to set up a payment plan for any unpaid penalties.~~

(f) ~~An issuing agency shall allow a driver of an out-of-state vehicle to register their vehicle's license plate with the agency for up to two weeks at a time for the purpose of paying all tolls.~~

~~(g) A rental car agency shall provide a fact sheet to its customers in 14-point type or larger explaining how an individual may register the license plate on their rental vehicle with an issuing agency to pay tolls for the length of the rental period. The fact sheet shall be given to the customer along with the rental contract or handed to the customer upon exiting the rental lot.~~

SEC. 4. Section 23305 is added to the Vehicle Code, to read:

23305. (a) An issuing agency shall allow a driver of a vehicle, including a driver of a rental car, to register the vehicle's license plate with the agency online for the purpose of paying all tolls with a credit or debit card.

(b) A rental car agency shall provide a fact sheet to its customers explaining how an individual may register the license plate on their rental vehicle with an issuing agency to pay tolls for the length of the rental period, rather than being billed by the rental car agency for a toll invoice. The fact sheet shall be given to the customer, along with the rental contract, and shall also be printed on a piece of paper placed on the passenger seat of a rented vehicle with no other text on the paper other than the toll registration information.

~~SEC. 4. Section 23305 is added to the Vehicle Code, to read:
23305.—~~

SEC. 5. Section 23306 is added to the Vehicle Code, to read:

23306. (a) (1) An issuing agency that operates an electronic toll collection system that permits payment by a transponder or other electronic toll payment device shall make the transponder or other electronic toll payment device available for purchase online and at other locations: online, by mail, and in person at retail outlets and at the issuing agency office.

(2) At least one retail outlet that offers for purchase sells the transponder or other electronic toll payment device shall be located in every city in which the transponder or other electronic toll payment device may be used to pay for toll charges.

(3) The issuing agency shall post on its internet website a list of locations at which a transponder or other electronic toll payment device may be purchased.

~~*(4) The issuing agency shall also maintain a phone line for a person to call for assistance in locating a retail outlet or other location to purchase a transponder or other electronic toll payment device. The phone line shall be operative during 9 a.m. and 5 p.m.*~~

1 at least four days a week and shall also be operative during the
 2 evening hours once a week.

3 (b) The cost of the transponder or other electronic toll payment
 4 device shall not exceed the reasonable cost to produce the device,
 5 and shall be limited to no more than five dollars (\$5). device.

6 (e) A person shall be allowed to purchase the transponder or
 7 other electronic toll payment device with cash and to load a
 8 minimum of twenty-five dollars (\$25) in cash or by credit or debit
 9 card onto the associated account. There shall be no fee to purchase
 10 with cash the transponder or other electronic toll payment device
 11 or to load money by cash onto the associated account.

12 SEC. 6. Section 23307 is added to the Vehicle Code, to read:

13 23307. (a) A person shall be allowed to purchase a
 14 transponder or other electronic toll payment device with cash, or
 15 with a credit or debit card, and shall be allowed to load a minimum
 16 of one hundred dollars (\$100) onto the associated account with
 17 cash or with a credit or debit card.

18 (b) There shall be no fee to purchase with cash the transponder
 19 or other electronic toll payment device.

20 (c) The issuing agency may charge a fee to load money by cash
 21 or credit or debit card onto the associated account in an amount
 22 that does not exceed the reasonable cost to the issuing agency to
 23 process the transaction, and that is limited to no more than three
 24 dollars (\$3).

25 SEC. 7. Section 23308 is added to the Vehicle Code, to read:

26 23308. (a) The issuing agency's office shall be open to the
 27 public at least 35 hours per week between the hours of 8 a.m. and
 28 5 p.m. and shall be open an additional five hours per week between
 29 the hours of 6 a.m. to 8 a.m. or 5 p.m. to 7 p.m.

30 (b) A person shall be able to conduct all of the following
 31 transactions at the issuing agency's office:

32 (1) Purchase a transponder or other electronic toll payment
 33 device.

34 (2) Load money onto an associated account.

35 (3) Pay a toll invoice.

36 (4) Register a license plate with the issuing agency for payment
 37 of tolls.

38 (c) The issuing agency shall not charge a fee, other than the
 39 reasonable cost of the transponder or other electronic toll payment

1 device, for any of the transactions listed in subdivision (b) that are
2 conducted at the issuing agency's office.

3 (d) The issuing agency shall have at least one retail outlet
4 located within 15 miles of all entry points to a toll bridge, toll
5 road, or express lane at which a person may purchase with cash
6 a transponder or other electronic toll payment device, load money
7 by cash onto their associated account, or pay a toll invoice with
8 cash.

9 SEC. 8. Section 23309 is added to the Vehicle Code, to read:

10 23309. (a) The issuing agency shall maintain a customer
11 service telephone line that shall be operated by a live person for
12 35 hours per week between the hours of 8 a.m. to 5 p.m. and an
13 additional five hours per week between the hours of 6 a.m. to 8
14 a.m. or from 5 p.m. to 7 p.m. The customer service telephone line
15 shall assist persons with questions related to purchasing a
16 transponder, paying invoices, disputing tolls and penalties, setting
17 up payment plans, and registering the license plate of a vehicle
18 for toll payments.

19 (b) The customer service telephone line shall provide language
20 interpreters and persons skilled in communicating with deaf or
21 hard-of-hearing individuals.

22 SEC. 9. Section 40255 of the Vehicle Code is amended to read:

23 40255. (a) Within 21 days from the issuance of the notice of
24 toll evasion violation, or within ~~15~~ 30 days from the mailing of
25 the notice of delinquent toll evasion, whichever occurs later, a
26 person may contest a notice of toll evasion violation or a notice
27 of delinquent toll ~~evasion~~. evasion, without having to pay the
28 outstanding toll or toll evasion penalty. In that case, the processing
29 agency shall do the following:

30 (1) The processing agency shall either investigate with its own
31 records and staff or request that the issuing agency investigate the
32 circumstances of the notice with respect to the contestant's written
33 explanation of reasons for contesting the toll evasion violation. *At*
34 *a minimum, the processing agency or issuing agency shall review*
35 *the evidence on which the alleged violation was based, including*
36 *any photographs of the alleged violation, the department's*
37 *registered owner information, and confirmation that a full and*
38 *complete payment was not made.* If, based upon the results of that
39 investigation, the processing agency is satisfied that the violation
40 did not occur or that the registered owner was not responsible for

1 the violation, the processing agency shall cancel the notice of toll
2 evasion violation and make an adequate record of the reasons for
3 canceling the notice. The processing agency shall mail the results
4 of the investigation to the person who contested the notice of toll
5 evasion violation or the notice of delinquent toll evasion violation.
6 *violation, or email the results if the person contesting the notice*
7 *requests email notification in lieu of mail and provides an email*
8 *address.*

9 (2) If the person contesting a notice of toll evasion violation or
10 notice of delinquent toll evasion violation is not satisfied with the
11 results of the investigation provided for in paragraph (1), the person
12 may, within 15 days of the mailing of the results of the
13 investigation, deposit the amount of the toll evasion penalty and
14 request an administrative review. After January 1, 1996, an
15 administrative hearing shall be held within 90 calendar days
16 following the receipt of a request for an administrative hearing,
17 excluding any time tolled pursuant to this article. The person
18 requesting the hearing may request one continuance, not to exceed
19 21 calendar days.

20 (3) *An issuing agency shall waive toll evasion penalties for a*
21 *first violation with the issuing agency if the person contacts*
22 *customer service within 30 days from the issuance of the notice of*
23 *toll evasion violation, and the person is not currently an*
24 *accountholder with the issuing agency and signs up for an account.*
25 *If the issuing agency waives penalties, the person shall still be*
26 *liable for all tolls.*

27 (b) The administrative review procedure shall consist of the
28 following:

29 (1) The person requesting an administrative review shall indicate
30 to the processing agency ~~his or her~~ *their* election for a review by
31 mail or personal conference.

32 (2) If the person requesting an administrative review is a minor,
33 that person shall be permitted to appear at an administrative review
34 or admit responsibility for a toll evasion violation without the
35 necessity of the appointment of a guardian. The processing agency
36 may proceed against that person in the same manner as if that
37 person were an adult.

38 (3) (A) The administrative review shall be conducted before a
39 reviewer designated to conduct the review by the issuing agency's
40 governing body or chief executive officer. In the case of violations

1 on facilities developed pursuant to Section 143 of the Streets and
2 Highways Code, the processing agency shall contract with a public
3 agency or a private entity that has no financial interest in the facility
4 for the provision of administrative review services pursuant to this
5 subdivision. The costs of those administrative review services shall
6 be included in the administrative fees authorized by this article.

7 (B) In addition to any other requirements of employment, a
8 reviewer shall demonstrate those qualifications, training, and
9 objectivity prescribed by the issuing agency's governing body or
10 chief executive as are necessary and which are consistent with the
11 duties and responsibilities set forth in this article.

12 (C) The examiner's continued employment, performance
13 evaluation, compensation, and benefits shall not be directly or
14 indirectly linked to the amount of fines collected by the examiner.

15 (4) The officer or person authorized to issue a notice of toll
16 evasion violation shall not be required to participate in an
17 administrative review. The issuing agency shall not be required to
18 produce any evidence other than the notice of toll evasion violation
19 or copy thereof, information received from the department
20 identifying the registered owner of the vehicle, and a statement
21 under penalty of perjury from the person reporting the violation.
22 The documentation in proper form shall be considered prima facie
23 evidence of the violation.

24 (5) For a toll evasion violation that occurs on a vehicular
25 crossing or toll highway where the issuing agency allows
26 pay-by-plate toll payment, as defined in subdivision (e) of Section
27 23302, the officer or person authorized to issue a notice of toll
28 evasion violation shall not be required to participate in an
29 administrative review. The issuing agency shall not be required to
30 produce any evidence other than the notice of toll evasion violation
31 or copy thereof, information received from the department
32 identifying the registered owner of the vehicle, and a statement
33 from the officer or person authorized to issue a notice of toll
34 evasion that the tolls or other charges and any applicable fee was
35 not paid in accordance with the issuing agency's policies for
36 pay-by-plate toll payment. Any officer or person who knowingly
37 provides false information pursuant to this paragraph shall be
38 subject to a civil penalty for each violation in the minimum amount
39 of two hundred fifty dollars (\$250) up to a maximum amount of
40 two thousand five hundred dollars (\$2,500). An action for a civil

1 penalty may be brought by any public prosecutor in the name of
 2 the people of the State of California. The documentation in proper
 3 form shall be considered prima facie evidence of the violation.

4 (6) The review shall be conducted in accordance with the written
 5 procedure established by the processing agency which shall ensure
 6 fair and impartial review of contested toll evasion violations. The
 7 agency's final decision may be delivered personally or by first-class
 8 mail.

9 *SEC. 10. Section 40258 of the Vehicle Code is repealed.*

10 ~~40258. (a) The schedule of toll evasion penalties for toll~~
 11 ~~evasion violations shall be limited to one hundred dollars (\$100)~~
 12 ~~for the first violation, two hundred fifty dollars (\$250) for a second~~
 13 ~~violation within one year, and five hundred dollars (\$500) for each~~
 14 ~~additional violation within one year.~~

15 ~~(b) Toll evasion penalties under this article shall be collected~~
 16 ~~as civil penalties.~~

17 *SEC. 11. Section 40258 is added to the Vehicle Code, to read:*

18 *40258. (a) The schedule of bridge toll evasion penalties for*
 19 *toll evasion violations shall be as follows:*

20 *(1) If a toll bridge invoice is not paid within 30 days after the*
 21 *date shown on the invoice, the issuing agency shall send a second*
 22 *invoice to the person by mail. The second invoice shall advise the*
 23 *person that a penalty will be assessed if the invoice is not paid*
 24 *within 30 days after the date listed on the second invoice.*

25 *(2) If the second invoice is not paid within 30 days after the*
 26 *date listed on the second invoice, the issuing agency shall issue a*
 27 *third invoice that imposes a penalty of no more than twenty-five*
 28 *dollars (\$25). If the third invoice is not paid within 30 days after*
 29 *the date listed on the third invoice, the issuing agency shall issue*
 30 *a fourth invoice that increases the penalty to no more than fifty*
 31 *dollars (\$50).*

32 *(3) The issuing agency shall provide payment methods for the*
 33 *penalty that shall include cash, check, or credit or debit card.*

34 *(4) If a person fails to pay the fourth invoice for four or more*
 35 *bridge tolls within 30 days, the issuing agency shall notify the*
 36 *department and the department shall suspend that person's vehicle*
 37 *registration until the tolls are paid in full.*

38 *(b) The cumulative toll evasion penalty shall not exceed one*
 39 *hundred dollars (\$100) for each individual toll evasion violation.*

(c) (1) Except as provided in paragraph (2), subdivisions (a) and (b) do not apply with respect to an unpaid toll related to the use of a toll road or express lane.

(2) Notwithstanding paragraph (1), the one-hundred-dollar (\$100) maximum described in subdivision (b) applies to express lanes.

(d) Toll evasion penalties under this article shall be collected as civil penalties.

SEC. 12. Section 40262 of the Vehicle Code is amended to read:

40262. (a) (1) The notice of delinquent toll evasion violation shall contain the information specified in Section 40254 and, additionally shall contain a notice to the registered owner that, unless the registered owner pays the toll evasion penalty or contests the notice within 30 days after mailing of the third notice of delinquent toll evasion violation or completes and files an affidavit of nonliability which that complies with Section 40263 or 40264, the renewal of the vehicle registration shall be contingent upon compliance with the notice of delinquent toll evasion violation. If

(2) If a person has failed to pay the toll evasion penalty by the date the fourth notice of delinquent toll evasion violation is mailed, the issuing agency shall notify the department and the department shall suspend that person's vehicle registration. The registration hold shall be removed when the registered owner pays the toll evasion penalty, or enters into a payment plan pursuant to Section 40269.5. The registration hold shall be reinstated if the registered owner is delinquent under the payment plan for more than 10 business days.

(b) If the registered owner, by appearance or by mail, makes payment to the processing agency within 15 days of the mailing of the notice of delinquent toll evasion violation, the toll evasion penalty shall consist of the amount of the original penalty without any additional administrative fees or charges.

SEC. 13. Section 40269.5 is added to the Vehicle Code, to read:

40269.5. (a) The issuing agency shall establish a payment plan option applicable to toll evasion penalties that, at a minimum, does all of the following:

(1) Applies to all outstanding toll evasion penalties.

1 (2) Establishes a payment plan period based on the outstanding
2 toll evasion penalties.

3 (3) Allows payment in monthly installments. There shall be no
4 prepayment penalty for paying off the balance prior to the payment
5 period expiring.

6 (4) Includes a process for removal of any registration hold
7 placed pursuant to Section 4770.

8 (b) Information regarding the issuing agency's payment plan
9 policy shall be posted on the issuing agency's internet website.

10 SEC. 14. No reimbursement is required by this act pursuant
11 to Section 6 of Article XIII B of the California Constitution because
12 a local agency or school district has the authority to levy service
13 charges, fees, or assessments sufficient to pay for the program or
14 level of service mandated by this act, within the meaning of Section
15 17556 of the Government Code.

O

Minute Action

AGENDA ITEM: 29

Date: June 1, 2022

Subject:

Hearing to Consider Resolutions of Necessity for Property Interests for the Mt. Vernon Viaduct Project

Recommendation:

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

- A. Conduct a public hearing to consider condemnation of real property required for the Mount Vernon Viaduct Project in the City of San Bernardino.
- B. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-099 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property owned by Labsuirs Real Estate, dba Empire Car Wash (Assessor's Parcel Number [APN] 0138-251-08 and 0138-251-09). The resolution must be approved by at least a two-thirds majority; and
- C. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-100 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property owned by Alex Meruelo Living Trust (APN 0138-291-02, 0138-291-03, 0138-291-04, 0138-291-05 and 0138-291-19). The resolution must be approved by at least a two-thirds majority; and
- D. Upon completion of a public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-101 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property owned by Arturo and Carmen Guzman, dba Quick Stop Tires and Wheels (APN 0138-283-40). The resolution must be approved by at least a two-thirds majority.

Background:

On July 11, 2018, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) approved Amendment No. 1 to Cooperative Agreement No. 16-1001477 with the City of San Bernardino (City) for the Right-of-Way (ROW) and Design-Build (DB) phase activities for the Mt. Vernon Viaduct Project (Project), defining roles, responsibilities, and funding associated with the ROW and DB phases, and specifying SBCTA as the lead agency for Project administration and funding.

On January 9, 2019, the Board authorized staff to proceed with voluntary acquisition of property necessary for the Project, from identified property owners, including relocation assistance, demolition of existing structures, property management, disposal of excess property, and environmental testing and remediation. The Board also authorized the Director of Project Delivery, or designee, to add or remove parcels from the list of properties as the Director determines from time to time are necessary for the Project, provided they are environmentally cleared.

Entity: San Bernardino County Transportation Authority

The Project is being implemented through a DB contract, which requires that necessary ROW is available to the DB contractor at prescribed milestones during the DB contract term. Meeting the milestone dates for delivery of ROW packages is crucial in avoiding costly delays. Throughout the environmental and preliminary engineering process, SBCTA and the City have made extensive efforts to simultaneously plan the Project and to minimize the impacts to property owners. These efforts include maintaining access to properties during construction, using retaining walls to minimize ROW needs, and seeking to optimize Project geometrics to meet current design standards and minimize ROW impacts. While most of the proposed improvements are anticipated to be constructed within existing ROW, some ROW will still be required from private property to accommodate the Project. These are the last three property acquisitions anticipated for this Project.

In an effort to keep the Project schedule intact and comply with contractual obligations to the DB contractor, it is necessary to comply with the statutorily prescribed process for eminent domain and conduct hearings for a Resolution of Necessity for each property while negotiations continue. Therefore, the purpose of this agenda item is to present information regarding the public interest and necessity for the Project and the properties that are needed. Although the adoption of Resolutions of Necessity is recommended for the subject properties in order to maintain the Project schedule and avoid delay costs, SBCTA's acquisition agents will continue to negotiate with the property owners in an effort to acquire the properties through a voluntary purchase and avoid litigation in the eminent domain process.

The owners of the subject properties are:

- Labsuirs Real Estate, dba Empire Car Wash
- Alex Meruelo Living Trust
- Arturo and Carmen Guzman, dba Quick Stop Tires and Wheels

Support for the Resolutions of Necessity

SBCTA is authorized to acquire property by eminent domain pursuant to the California Public Utilities Code Sections 130220.5 and 130809(b)(4). Eminent domain will allow SBCTA to obtain legal rights to the properties needed for the Project if a negotiated sale cannot be reached. A Resolution of Necessity is the first step in the eminent domain process. Since the process takes several months, it is necessary to start this process now to ensure that possession of the properties is obtained in time to meet the scheduled delivery dates to the DB contractor and to avoid costly ROW delays.

In order to adopt the Resolutions of Necessity, SBCTA must make the four findings discussed below for each of the properties. The issue of the amount of just compensation for these properties is not addressed by these Resolutions of Necessity and is not to be considered at the hearings. The four necessary findings are:

1. The public interest and necessity require the Project.

The Project is located in the City of San Bernardino. The Project limits extend along Mt. Vernon Avenue from south of 5th Street to King Street. The Project will replace the existing bridge with a new bridge. The purpose of the Project is to provide a bridge, which is structurally safe, San Bernardino County Transportation Authority

meeting current seismic design and roadway standards. Construction of a new bridge will allow emergency vehicles, buses, trucks and other larger vehicles to cross the railyard, reducing emergency response times and providing greater mobility for the area.

The previous bridge, which has been demolished as part of the Project, had a sufficiency rating of 2 out of 100 and had significant restrictions on vehicle capacity. If no improvements were made, further shoring of the structure would have been required and pieces of the bridge would have continued to spall off due to overall deterioration, creating safety concerns.

2. The Project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

During the environmental phase, various options to minimize public impacts were considered, including mitigation to maintain railroad operations while optimizing the DB's work windows. If no mitigations were provided, due to limited work windows to construct around railyard activities, the bridge would potentially be out of service for five to six years, according to the Project engineers. Mitigation entails the addition of two shoofly (detour) tracks to the north of the existing yard tracks. This would allow diversion of trains to the shoofly tracks to maintain scheduled railroad operations when impacted by construction activities. In order to construct these shoofly tracks, some of the existing trailer parking and operations buildings needed to be relocated. In order to accommodate these relocated facilities, some ROW is required.

In addition, the profile of the Project will be designed to minimize ROW impacts on the north and south ends of the approaches. This will be accomplished through maximizing the profile so that even though the new bridge will be wider and longer, the bridge will tie into the existing street as closely as possible in the post-construction condition.

SBCTA's acquisition agents have had numerous communications with most of the impacted property owners and design staff about Project impacts in order to design the Project in a manner that causes the least private injury while accomplishing the greatest public good.

3. Each property sought to be acquired is necessary for the Project.

While portions of the Project are being constructed within existing ROW, the Project requires acquisition of the property interests listed below:

- **Labsuirs Real Estate, dba Empire Car Wash:** Two (2) Temporary Construction Easements (TCE) and two (2) Roadway Easements are needed for construction of the Project improvements.
- **Alex Meruelo Living Trust:** One (1) Roadway Easement and one (1) TCE are needed for construction of the Project improvements.
- **Arturo and Carmen Guzman, dba Quick Stop Tires and Wheels:** Three (3) Roadway Easements and one (1) TCE are needed for construction of the Project improvements.

4. Offers required by Section 7267.2 of the Government Code have been made to the owner or owners of record.

- The offer for the Labsuirs Real Estate, dba Empire Car Wash property was sent on 04/01/2022
- The offer for the Alex Meruelo Living Trust property was sent on 01/31/2022
- The offer for the Arturo and Carmen Guzman, dba Quick Stop Tires and Wheels property was sent on 01/31/2022

Upon completion of the Project, or as prescribed in agreements, SBCTA will transfer the properties acquired for the Project, or portions thereof, to the City and to BNSF Railway Company, respectively.

Financial Impact:

This item is consistent with the Fiscal Year 2021/2022 Budget and the Proposed Fiscal Year 2022/2023 Budget.

Reviewed By:

This item was reviewed and recommended for approval (12-0-0) without a quorum of the Board present at the Board of Directors Metro Valley Study Session on May 12, 2022. SBCTA General Counsel has reviewed this item and the draft Resolutions of Necessity.

Responsible Staff:

Dennis Saylor, Project Manager

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

MOUNT VERNON VIADUCT PROJECT

RESOLUTION OF NECESSITY FOR PROJECT RIGHT-OF-WAY

Presenter: Dennis Saylor
SBCTA Project Manager

Board of Directors Meeting
June 1, 2022



cta

San Bernardino County
Transportation Authority

SBCTA IS REQUESTED TO MAKE THE FOLLOWING FINDINGS:

1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



SBCTA Request

▪Replace Bridge over the BNSF Railway yard in City of San Bernardino which has sufficiency rating of 2 out of 100

▪New bridge to be built to current design standards.

▪Will improve safety and north-south circulation

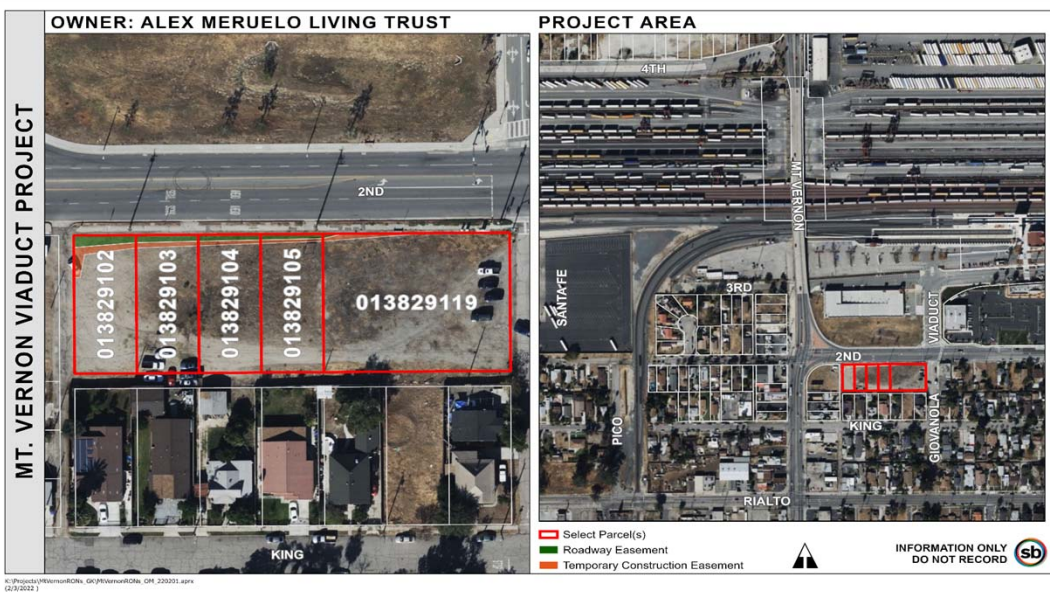
▪Will restore access for emergency vehicles, buses and trucks



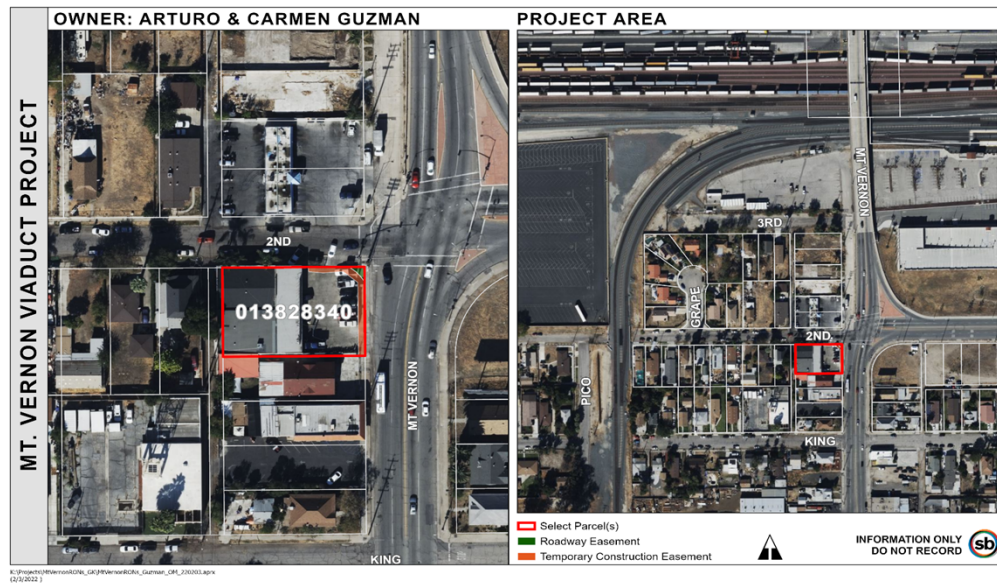
Mt. Vernon Viaduct Improvements



Parcel Location



Parcel Location



Parcel Location

No.	Ownership	Date of First Contact	Mailings	In Person Meetings	Phone Contacts	E-Mails	Attorney Contacts	Unsuccessful Contacts *	Total
B.	Labsuirs Real Estate, dba: Empire Car Wash	08/30/2021	3	2	5	12	2	2- Emails	26
C.	Alex Meruelo Living Trust	08/30/2021	2	0	3	6	0	4- Phone Calls	15
D.	Arturo and Carmen Guzman, dba: Quick Stop Tires and Wheels	08/30/2021	2	1	7	0	6	8- Phone Calls	24
* Property visit, phone call and/or email with no response									
Communications as of May 2022									



Communication Summary

Item	Ownership	Offer Date
B.	Labsuirs Real Estate, dba Empire Car Wash	04/01/2022
C.	Alex Meruelo Living Trust	01/31/2022
D.	Arturo and Carmen Guzman, dba: Quick Stop Tires and Wheels	01/31/2022



Offer of Just Compensation

**SBCTA ADOPT A RESOLUTION OF NECESSITY
BASED ON THE FOLLOWING FINDINGS:**

1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



Staff Recommendation

THANK YOU



RESOLUTION OF NECESSITY No. 22-099
LABSUIRS PROPERTY
(APNs 0138-251-08 and 0138-251-09)

DRAFT

RESOLUTION NO. 22-099

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 0138-251-08 AND 0138-251-09.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking the Mount Vernon Avenue Bridge Project (the "Project"); and

WHEREAS, the Project is intended to replace the existing Mount Vernon Avenue Bridge (Bridge Number 54C-066) over the Burlington Northern Santa Fe ("BNSF") rail yard in the City of San Bernardino, San Bernardino County, California. The Project will replace the existing four-lane bridge with a new four-lane bridge from Rialto Avenue to 5th Street; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, California Public Utilities Code section 130809 subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, portions of the real property located at 202 N. Mount Vernon Avenue, in the City of San Bernardino, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a roadway easement as legally described and depicted in Exhibit "1" hereto; two temporary construction easements as legally described and depicted in Exhibit "2" hereto; a roadway easement as legally described and depicted in Exhibit "3" hereto; and a temporary construction easement as legally described and depicted in Exhibit "4" hereto (collectively, the "Property Interests"); and

WHEREAS, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

Attachment: Labsuirs - final RON (8635 : Hearing to Consider Resolutions of Necessity for Property Interests-Mt. Vernon Viaduct)

WHEREAS, as part of the Project, it is the intent of SBCTA to provide portions of adjacent property (the "Exchange Property") to the owner of the Subject Property in an effort to mitigate impacts that the Project may have on the Subject Property; and

WHEREAS, the Exchange Property is classified as "exempt surplus land" due to its status as "[s]urplus land that a local agency is exchanging for another property necessary for the agency's use" pursuant to California Government Code section 54221(f)(1)(C).

WHEREAS, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

WHEREAS, SBCTA provided written notice to the City of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for June 1, 2022 at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure and notice that additional notification will be provided if an opportunity subsequently arises that would allow them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809 subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to replace the existing Mount Vernon Avenue Bridge (Bridge Number 54C-066) over the BNSF rail yard in the City of San Bernardino, San Bernardino County, California. The Project will replace the existing four-lane bridge with a new four-lane bridge from Rialto Avenue to 5th Street.

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "4" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines and declares each of the following:

(a) The public interest and necessity require the proposed Project;

(b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

(c) The Property Interests sought to be acquired are necessary for the proposed Project; and

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent that any of the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where a change in design allows the reduction without substantially impairing the construction and operation of the Project for which the Property Interests being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on June 1, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

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

DRAFT

Attachment: Labsuirs - final RON (8635 : Hearing to Consider Resolutions of Necessity for Property Interests-Mt. Vernon Viaduct)

EXHIBIT "1"

DRAFT

August 25, 2021
BKF Job No: 20172152

LEGAL DESCRIPTION
EXHIBIT A
ROADWAY EASEMENT

Real property situate in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Being a portion of the lands described in that certain Grant Deed to Labsuirs Real Estate, filed on July 22, 2015 as Document No. 2015-0311371, Official Records of San Bernardino County, more particularly described as follows:

Commencing at the intersection of 2nd Street and Mt. Vernon Avenue;

Thence along the centerline of said 2nd Street South 89°35'08" West, 171.23 feet;

Thence perpendicular to the last described course, North 0°24'52" West, 25.00 feet to the northerly line of 2nd Street;

Thence along the westerly line of said lands, North 0°22'19" West, 47.30 feet to the southwesterly corner of said lands, said corner also being the **TRUE POINT OF BEGINNING**;

Thence continuing along said westerly line, North 0°22'19" West, 47.30 feet;

Thence along the northerly line of said lands, North 89°36'11" East, 26.60 feet;

Thence leaving said northerly line, South 0°22'19" East, 47.30 feet to the southerly line of said lands;

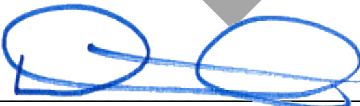
Thence along said southerly line, South 89°35'39" West, 26.60 feet to the **TRUE POINT OF BEGINNING**.

Containing 1,258 square feet, more or less.

END OF DESCRIPTION

As shown on plat attached hereto and by this reference made part hereof as Exhibit B.

For: BKF Engineers


Davis Thresh, P.L.S. No. 6868



8/25/2021

Dated

Attachment: Labsuirs - final RON (8635 : Hearing to Consider Resolutions of Necessity for Property Interests-Mt. Vernon Viaduct)

LEGEND

POC = POINT OF COMMENCEMENT

RWE = ROADWAY EASEMENT

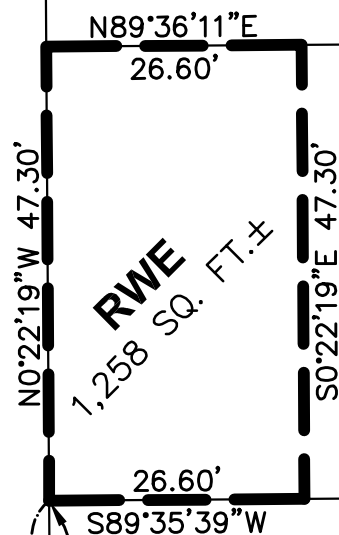
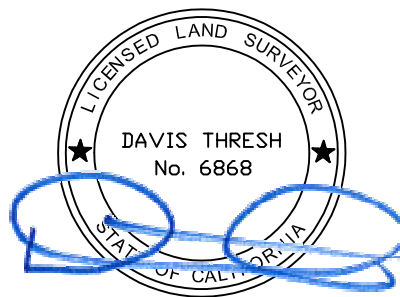
TPOB = TRUE POINT OF BEGINNING

_____ = CENTERLINE

- - - - - = DESCRIBED EXTENTS

- - - - - = DIMENSIONAL TIE

_____ = LOT LINE



LABSUIRS REAL ESTATE

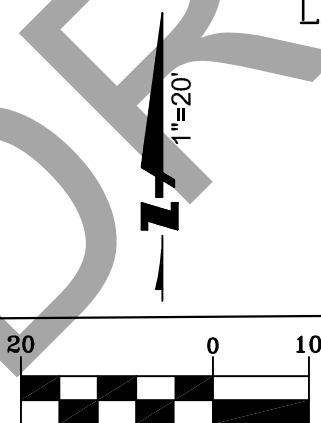
D.N. 2015-0311371

APN 0133-251-08

LABSUIRS REAL ESTATE

D.N. 2015-0311371

APN 0133-251-09



(SCALE IN FEET)

2ND ST.

(PUBLIC RIGHT OF WAY)

50.00' WIDE

S89°35'08"W 171.23'

MT. VERNON AVE.

(PUBLIC RIGHT OF WAY)

82.50' WIDE

POC

EXHIBIT "2"

DRAFT

TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Parcel No.: 0138-251-08

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "SBCTA") in connection with the construction of the Mount Vernon Avenue Bridge Project. The TCE shall be for a period of thirty-six (36) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

Rights and Limitations of Use and Occupancy of TCE:

- SBCTA shall provide the owner and occupants of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, SBCTA may place a temporary fence around the TCE area.
- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by SBCTA or replaced in-kind.
- Prior to the termination of the Construction Period, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be restored to grade by SBCTA.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

December 23, 2021
BKF Job No: 20172152

LEGAL DESCRIPTION
EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT

Real property situate in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Being a portion of the lands described in that certain Grant Deed to Labsuirs Real Estate, filed on July 22, 2015 as Document No. 2015-0311371, Official Records of San Bernardino County, more particularly described as follows:

TEMPORARY CONSTRUCTION EASEMENT 1:

Commencing at the intersection of 2nd Street and Mt. Vernon Avenue;

Thence along the centerline of said 2nd Street South 89°35'08" West, 171.23 feet;

Thence perpendicular to the last described course, North 0°24'52" West, 25.00 feet to the northerly line of 2nd Street;

Thence along the westerly line of said lands, North 0°22'19" West, 47.30 feet to the southwesterly corner of said lands;

Thence along the southerly line of said lands, North 89°35'39" East, 31.39 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing along said southerly line North 89°35'39" East, 5.00 feet to a point hereon referred to as **POINT A**;

Thence leaving said southerly line, North 0°22'19" West, 47.30 feet to the northerly line of said lands;

Thence along said northerly line, South 89°36'11" West, 5.00 feet;

Thence leaving said northerly line, South 0°22'19" East, 47.30 feet to the **TRUE POINT OF BEGINNING**.

Containing 236 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT 2:

Commencing at said **POINT A**;

Thence along the southerly line of said lands, North 89°35'39" East, 82.91 feet to the **TRUE POINT OF BEGINNING 2**;

Thence continuing along said southerly line, North 89°35'39" East, 10.70 feet to the westerly line of Mt. Vernon Ave.;

Thence along said westerly line, North 0°22'19" West, 47.28 feet to the northeasterly corner of said lands;

December 23, 2021
BKF Job No: 20172152

Thence along the northerly line of said lands, South $89^{\circ}36'11''$ West, 10.60 feet to the beginning of a non-tangent curve, concave westerly, having a radius of 1,944.50 feet, from said point a radial line bears South $89^{\circ}03'03''$ West;

Thence leaving said northerly line and along said curve through a central angle of $1^{\circ}23'36''$ an arc length of 47.29 feet to the **TRUE POINT OF BEGINNING 2.**

Containing 499 square feet, more or less

Containing a combined area of 735 square feet, more or less.

END OF DESCRIPTION

As shown on plat attached hereto and by this reference made part hereof as Exhibit B.

For: BKF Engineers

Davis Thresh, P.L.S. No. 6868

12/23/2021

Dated



LEGEND

POC = POINT OF COMMENCEMENT
 TCE = TEMPORARY CONSTRUCTION EASEMENT
 TPOB = TRUE POINT OF BEGINNING

— — — — — = CENTERLINE
 — — — — — = DESCRIBED EXTENTS
 — — — — — = DIMENSIONAL TIE
 — — — — — = LOT LINE

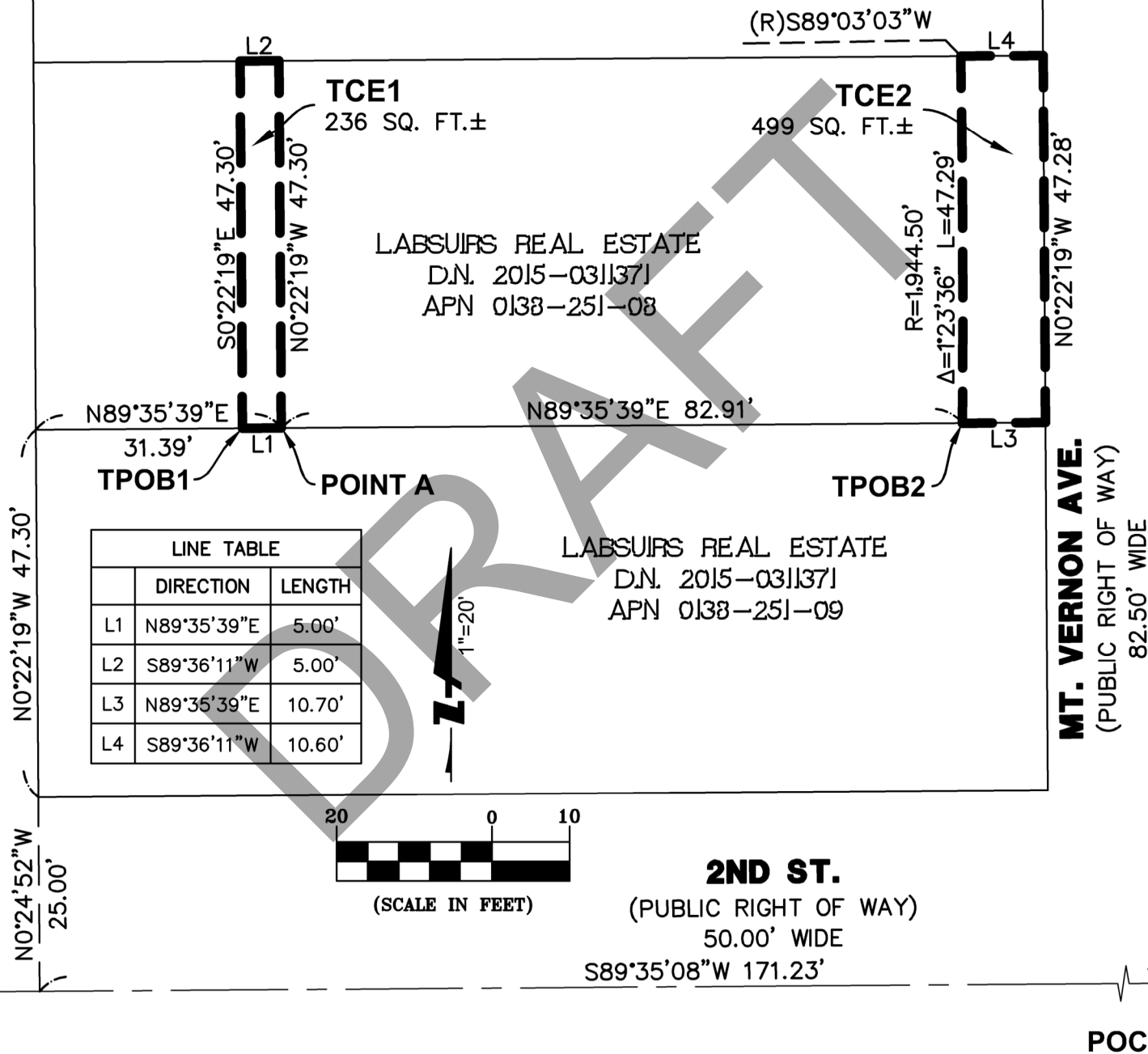
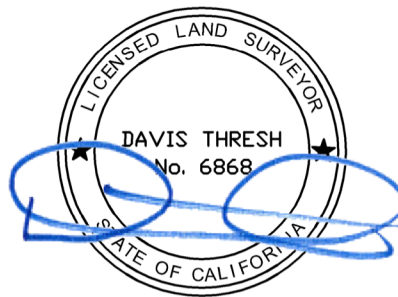


EXHIBIT "3"

DRAFT

August 25, 2021
BKF Job No: 20172152

LEGAL DESCRIPTION
EXHIBIT A
ROADWAY EASEMENT

Real property situate in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Being a portion of the lands described in that certain Grant Deed to Labsuirs Real Estate, filed on July 22, 2015 as Document No. 2015-0311371, Official Records of San Bernardino County, more particularly described as follows:

Commencing at the intersection of 2nd Street and Mt. Vernon Avenue;

Thence along the centerline of said 2nd Street South 89°35'08" West, 41.23 feet;

Thence perpendicular to the last described course, North 0°24'52" West, 25.00 feet to the **TRUE POINT OF BEGINNING**;

Thence along the eastern line of said lands, North 0°22'19" West, 30.45 feet;

Thence leaving said easterly line along the following four (4) courses:

- 1) South 43°16'08" West, 30.96 feet;
- 2) South 86°05'18" West, 67.77 feet;
- 3) North 45°13'08" West, 20.41 feet;
- 4) North 0°22'19" West, 28.89 feet to the northerly line of said lands;

Thence along said northerly line, South 89°35'39" West, 26.60 feet;

Thence along the westerly line of said lands, South 0°22'19" East, 47.30 feet;

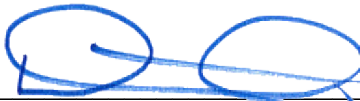
Thence along the southerly line of said lands, North 89°35'08" East, 130.00 feet to the **TRUE POINT OF BEGINNING**.

Containing 2,236 square feet, more or less.

END OF DESCRIPTION

As shown on plat attached hereto and by this reference made part hereof as Exhibit B.

For: BKF Engineers


Davis Thresh, P.L.S. No. 6868

8/25/2021

Dated



LEGEND

POC = POINT OF COMMENCEMENT

RWE = ROADWAY EASEMENT

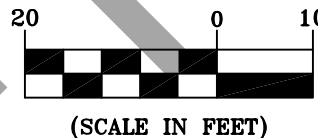
TPOB = TRUE POINT OF BEGINNING

— — — — — = CENTERLINE

- - - - - = DESCRIBED EXTENTS

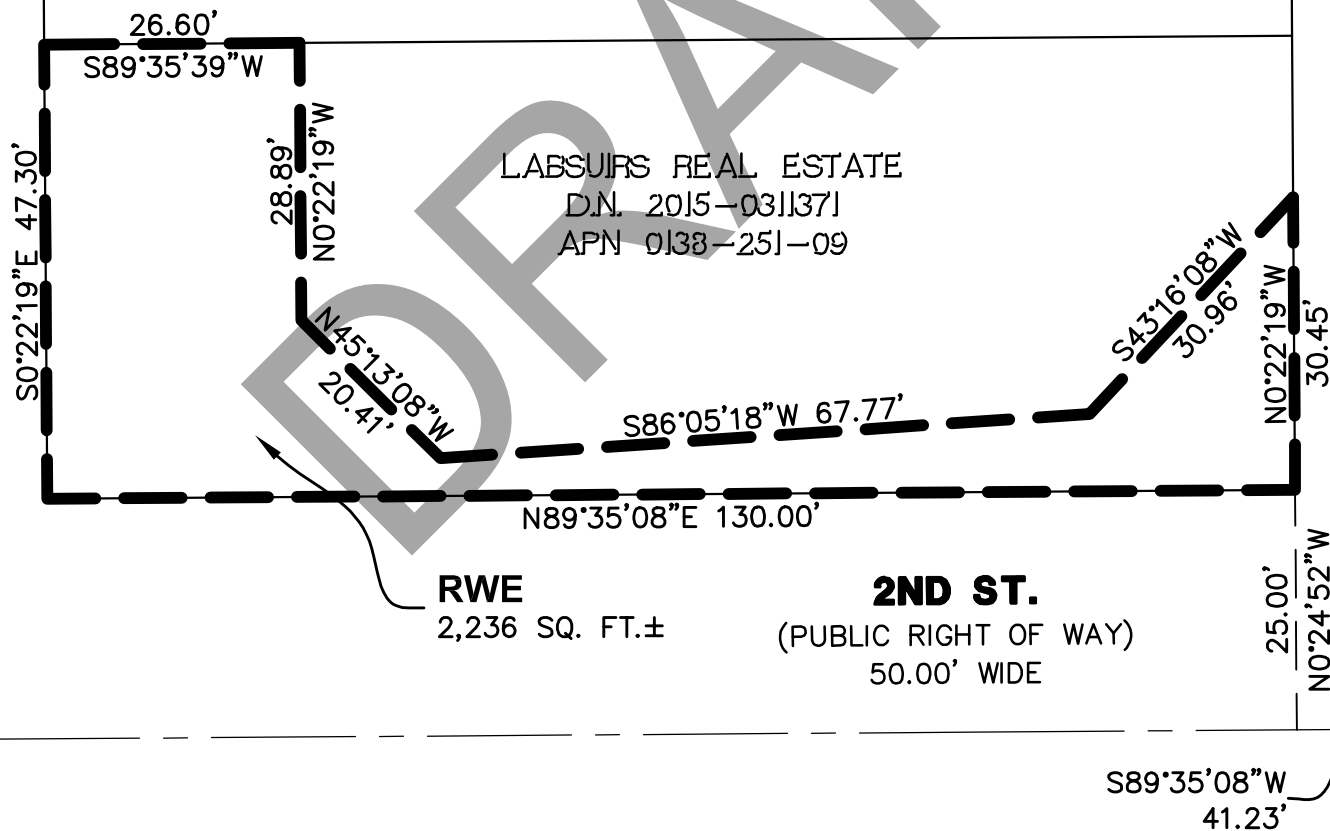
- - - - - = DIMENSIONAL TIE

— — — — — = LOT LINE



LABSUIRS REAL ESTATE
D.N. 2015-0311371
APN 0138-251-08

LABSUIRS REAL ESTATE
D.N. 2015-0311371
APN 0138-251-09



MT. VERNON AVE.
(PUBLIC RIGHT OF WAY)
82.50' WIDE

RWE
2,236 SQ. FT.±

2ND ST.
(PUBLIC RIGHT OF WAY)
50.00' WIDE

S89°35'08"W
41.23' **POC**

EXHIBIT "4"

DRAFT

TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Parcel No.: 0138-251-09

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "SBCTA") in connection with the construction of the Mount Vernon Avenue Bridge Project. The TCE shall be for a period of thirty-six (36) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

Rights and Limitations of Use and Occupancy of TCE:

- SBCTA shall provide the owner and occupants of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, SBCTA may place a temporary fence around the TCE area.
- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- At least one-half of the driveway providing access to the remainder property from 2nd Street shall remain open and passable at all times.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by SBCTA or replaced in-kind.
- Prior to the termination of the Construction Period, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be restored to grade by SBCTA.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

February 25, 2022
BKF Job No: 20172152

LEGAL DESCRIPTION

EXHIBIT A – TEMPORARY CONSTRUCTION EASEMENT

Real property situate in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Being a portion of the lands described in that certain Grant Deed to Labsuirs Real Estate, filed on July 22, 2015 as Document No. 2015-0311371, Official Records of San Bernardino County, more particularly described as follows:

Commencing at the intersection of 2nd Street and Mt. Vernon Avenue;

Thence along the centerline of said Mt. Vernon Avenue North 0°22'21" West, 72.27 feet;

Thence perpendicular to the last described course, South 89°37'39" West, 16.20 feet to the northeasterly corner of said lands, said corner being also the **TRUE POINT OF BEGINNING**;

Thence along the easterly line of said lands, South 0°22'19" East, 16.83 feet;

Thence leaving said easterly line along the following four (4) courses:

- 1) South 43°16'08" West, 30.96 feet;
- 2) South 86°05'18" West, 67.77 feet;
- 3) North 45°13'08" West, 20.41 feet;
- 4) North 0°22'19" West, 28.89 feet to the northerly line of said lands;

Thence along said northerly line North 89°35'39" East, 5.00 feet;

Thence leaving said northerly line along the following four (4) courses:

- 1) South 0°22'19" East, 16.79 feet;
- 2) North 89°28'18" East, 76.48 feet;
- 3) North 43°16'08" East, 16.14 feet;
- 4) North 0°31'02" East, 4.95 feet to the northerly line of said lands;

Thence along said northerly line, North 89°35'39" East, 10.70 feet to the **TRUE POINT OF BEGINNING**.

Containing 2,514 square feet, more or less.

END OF DESCRIPTION

As shown on plat attached hereto and by this reference made part hereof as Exhibit B.

For: BKF Engineers

Davis Thresh, P.L.S. No. 6868

2/25/2022
Dated



LEGEND

POC = POINT OF COMMENCEMENT

SLOPE = SLOPE EASEMENT

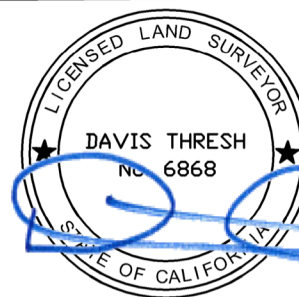
TPOB = TRUE POINT OF BEGINNING

— — — — — = CENTERLINE

- - - - - = DESCRIBED EXTENTS

- - - - - = DIMENSIONAL TIE

— — — — — = LOT LINE

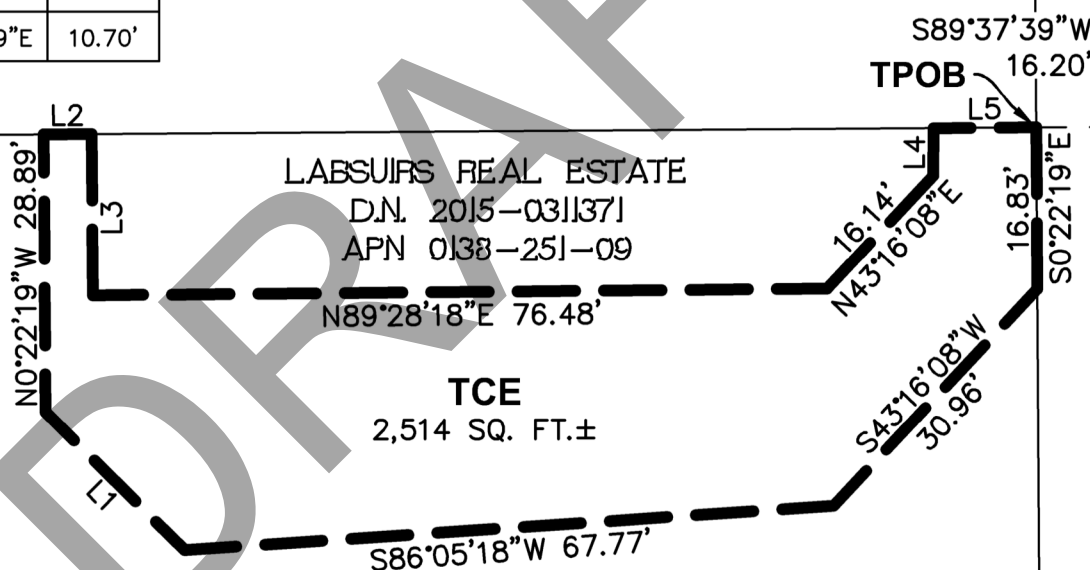


LINE TABLE		
	DIRECTION	LENGTH
L1	N45°13'08"W	20.41'
L2	N89°35'39"E	5.00'
L3	S0°22'19"E	16.79'
L4	N0°31'02"E	4.95'
L5	N89°35'39"E	10.70'

LABSUIRS REAL ESTATE
D.N. 2015-0311371
APN 0138-251-08



MT. VERNON AVE.
(PUBLIC RIGHT OF WAY)
82.50' WIDE



2ND ST.
(PUBLIC RIGHT OF WAY)
50.00' WIDE

POC

NO°22'21"W 72.27'

RESOLUTION OF NECESSITY No. 22-100
MERUELO PROPERTY
(APNs 0138-291-02, 0138-291-03,
0138-291-04, 0138-291-05 and
0138-291-19)

DRAFT

RESOLUTION NO. 22-100

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 0138-291-02, 0138-291-03, 0138-291-04, 0138-291-05, and 0138-291-19.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking the Mount Vernon Avenue Bridge Project (the "Project"); and

WHEREAS, the Project is intended to replace the existing Mount Vernon Avenue Bridge (Bridge Number 54C-066) over the Burlington Northern Santa Fe ("BNSF") rail yard in the City of San Bernardino, San Bernardino County, California. The Project will replace the existing four-lane bridge with a new four-lane bridge from Rialto Avenue to 5th Street; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, California Public Utilities Code section 130809, subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, portions of the vacant real property located at W. 2nd Street, east of Mount Vernon Avenue, at the southwest corner of 2nd Street and Giovanola Avenue, in the City of San Bernardino, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are: a roadway easement as legally described and depicted in Exhibit "1" hereto; and a temporary construction easement as legally described and depicted in Exhibit "2" hereto (collectively, the "Property Interests"); and

WHEREAS, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

WHEREAS, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

Attachment: Meruelo - final RON (8635 : Hearing to Consider Resolutions of Necessity for Property Interests-Mt. Vernon Viaduct)

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

WHEREAS, SBCTA provided written notice to the City of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents, and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for June 1, 2022, at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure, and notice that additional notification will be provided if an opportunity subsequently arises that would allow them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809, subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to replace the existing Mount Vernon Avenue Bridge (Bridge Number 54C-066) over the BNSF rail yard in the City of San Bernardino, San Bernardino County, California. The Project will replace the existing four-lane bridge with a new four-lane bridge from Rialto Avenue to 5th Street.

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines, and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent that any of the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portion thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where a change in design allows the reduction without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on June 1, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

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

EXHIBIT "1"

DRAFT

January 4, 2022
BKF Job No: 20172152

LEGAL DESCRIPTION
EXHIBIT A
ROADWAY EASEMENT

Real property situate in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Being a portion of Parcel 2 as described in that certain Grant Deed to Alex Meruelo on behalf of Alex Meruelo Living Trust dated August 6, 1996 filed on September 27, 2006 as Document No. 2006-0659669, Official Record of San Bernardino County, more particularly described as follows:

Commencing at the centerline intersection of Mt. Vernon Ave. and 2nd St;

Thence along the centerline of 2nd St. North 89°35'01" East, 397.39 feet;

Thence perpendicular to the last course, South 0°24'59" East, 30.00 feet to a point on the southerly line of 2nd St., said point being the **TRUE POINT OF BEGINNING**;

Thence leaving said southerly line the following two (2) courses:

- 1) South 87°57'33" West, 156.15 feet;
- 2) South 87°57'33" West, 50.03 feet to the westerly line of said lands of Meruelo;

Thence along said westerly line North 0°21'57" West, 5.85 feet to the northwesterly corner of said lands;

Thence along the northerly line of said lands North 89°35'01" East, 206.10 feet to the **POINT OF BEGINNING**.

Containing an area of 602 square feet, more or less.

END OF DESCRIPTION

As shown on plat attached hereto and by this reference made part hereof as Exhibit B.

For: BKF Engineers

Davis Thresh, P.L.S. No. 6868

1/4/2022

Dated



Attachment: Meruelo - final RON (8635 : Hearing to Consider Resolutions of Necessity for Property Interests-Mt. Vernon Viaduct)

LEGEND

POC = POINT OF COMMENCEMENT

TPOB = TRUE POINT OF BEGINNING

_____ = CENTERLINE

- - - - - = DESCRIBED EXTENTS

- - - - - = DIMENSIONAL TIE

_____ = LOT LINE

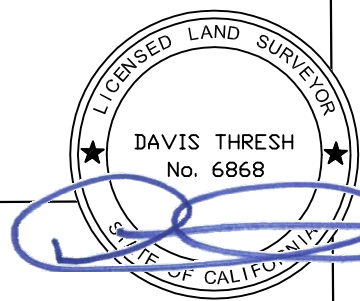
MT. VERNON AVE.

(PUBLIC RIGHT OF WAY)

82.50' WIDE

POC

LINE TABLE		
	DIRECTION	LENGTH
L1	N0°21'57"W	5.85'



APN 0138-291-02

APN 0138-291-03

ROADWAY EASEMENT

602 SQ. FT.±

APN 0138-291-04

APN 0138-291-05

APN 0138-291-19

ALEX MERUELO LIVING TRUST
D.N. 2006-659669

S87°57'33"W

50.03'

S87°57'33"W 156.15'

N89°35'01"E 206.10'

N89°35'01"E 397.39'

2ND ST.(PUBLIC RIGHT OF WAY)
WIDTH VARIES

TPOB

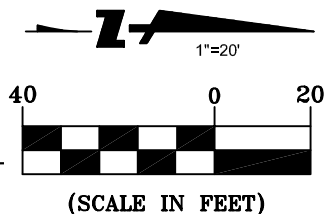
S0°20'59"E
30.00'

EXHIBIT "2"

DRAFT

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel Nos. 0138-291-02, 0138-291-03,
0138-291-04, 0138-291-05, & 0138-291-19**

This temporary construction easement shall be in, on, upon, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto, subject to the rights and limitations set forth herein ("TCE"). The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") in connection with the construction of the Mount Vernon Avenue Bridge Project. The TCE shall be for a period of twenty-four (24) months, subject to the Rights and Limitations of Use and Occupancy set forth below.

Rights and Limitations of Use and Occupancy of TCE:

- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA and its contractor(s) shall access the TCE from the public right of way.
- Improvements within the TCE area will be removed as needed by SBCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by SBCTA or replaced in-kind.
- Prior to the termination of the TCE, SBCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

January 4, 2022
BKF Job No: 20172152

LEGAL DESCRIPTION
EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT

Real property situate in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Being a portion of Parcel 2 as described in that certain Grant Deed to Alex Meruelo on behalf of Alex Meruelo Living Trust dated August 6, 1996 filed on September 27, 2006 as Document No. 2006-0659669, Official Record of San Bernardino County, more particularly described as follows:

Commencing at the centerline intersection of Mt. Vernon Ave. and 2nd St;

Thence along the centerline of 2nd St. North 89°35'01" East, 475.09 feet;

Thence perpendicular to the last course, South 0°24'59" East, 30.00 feet to a point on the northerly line of said lands, said point being also the **TRUE POINT OF BEGINNING**;

Thence leaving said line the following five (5) courses;

- 1) South 0°26'49" east, 2.80 feet;
- 2) South 87°57'33" West, 233.77 feet;
- 3) South 86°30'18" West, 37.68 feet;
- 4) South 13°34'18" West, 27.20 feet;
- 5) South 88°29'36" West, 5.98 feet to the westerly line of said lands;

Thence along the westerly line of said lands, North 0°21'57" West, 32.11 feet;

Thence leaving said westerly line, North 87°57'33" East, 50.03 feet to a point on the northerly line of said lands being also the southerly line of 2nd St.;

Thence along said line, North 89°35'01" East, 77.73 feet to the **TRUE POINT OF BEGINNING**.

Containing an area of 1,606 square feet, more or less.

END OF DESCRIPTION

As shown on plat attached hereto and by this reference made part hereof as Exhibit B.

For: BKF Engineers

Davis Thresh, P.L.S. No. 6868

1/4/2022

Dated



POC

MT. VERNON AVE.(PUBLIC RIGHT OF WAY)
82.50' WIDE

APN 0138-291-02

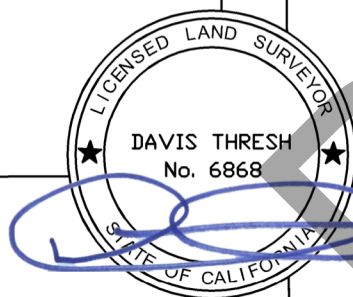
APN 0138-291-03

TCE
1,606 SQ. FT.±
APN 0138-291-04

APN 0138-291-05

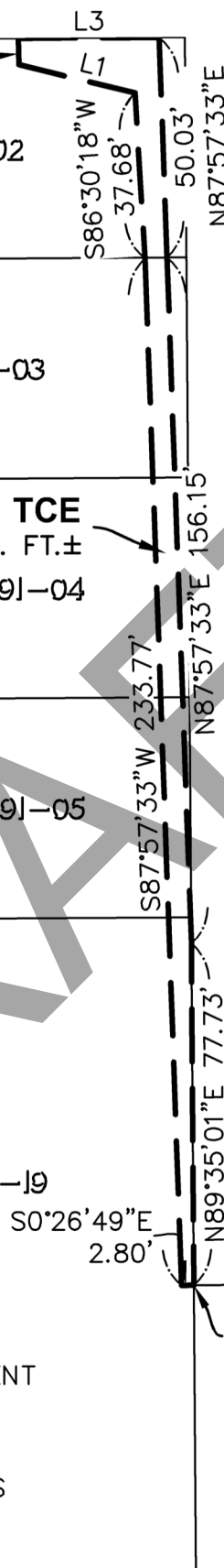
APN 0138-291-19

LINE TABLE		
	DIRECTION	LENGTH
L1	S13°34'18"W	27.20'
L2	S88°29'36"W	5.98'
L3	N0°21'57"W	32.11'

ALEX MERUELO LIVING TRUST
D.N. 2006-659669**LEGEND**

POC = POINT OF COMMENCEMENT
TCE = TEMPORARY CONSTRUCTION EASEMENT
TPOB = TRUE POINT OF BEGINNING

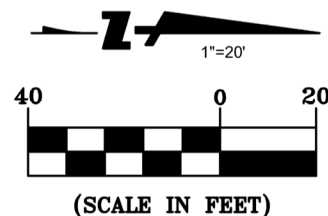
— — — — — = CENTERLINE
- - - - - = DESCRIBED EXTENTS
- - - - - = DIMENSIONAL TIE
— — — — — = LOT LINE



N89°35'01"E 475.09'

2ND ST.
(PUBLIC RIGHT OF WAY)
WIDTH VARIES

TPOB



RESOLUTION OF NECESSITY No. 22-101
GUZMAN PROPERTY
(APN 0138-283-40)

DRAFT

RESOLUTION NO. 22-101

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NO. 0138-283-40.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking the Mount Vernon Avenue Bridge Project (the "Project"); and

WHEREAS, the Project is intended to replace the existing Mount Vernon Avenue Bridge (Bridge Number 54C-066) over the Burlington Northern Santa Fe ("BNSF") rail yard in the City of San Bernardino, San Bernardino County, California. The Project will replace the existing four-lane bridge with a new four-lane bridge from Rialto Avenue to 5th Street; and

WHEREAS, the Project requires the acquisition of property or property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, California Public Utilities Code section 130809, subdivision (b) authorizes SBCTA to exercise the power of eminent domain to acquire said property or property interests for public use by condemnation; and

WHEREAS, portions of the real property located at 196 N. Mount Vernon Avenue, in the City of San Bernardino, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are: three (3) roadway easements as collectively and legally described and depicted in Exhibit "1" hereto; and a temporary construction easement as legally described and depicted in Exhibit "2" hereto (collectively, the "Property Interests"); and

WHEREAS, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and

WHEREAS, SBCTA communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

Attachment: Guzman - final RON (8635 : Hearing to Consider Resolutions of Necessity for Property Interests-Mt. Vernon Viaduct)

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure, SBCTA mailed a Notice of Hearing on the Intent of SBCTA to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Subject Property; and

WHEREAS, SBCTA provided written notice to the City of San Bernardino as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents, and all other evidence presented to SBCTA's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, SBCTA scheduled a hearing for June 1, 2022, at 10:00 a.m. at Santa Fe Depot—SBCTA Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure, and notice that additional notification will be provided if an opportunity subsequently arises that would allow them to appear virtually online or by telephone at said hearing; and

WHEREAS, said hearing has been held by SBCTA's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in SBCTA's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, SBCTA may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of SBCTA's Board of Directors under California Code of Civil Procedure sections 1240.030 and 1245.230, SBCTA does hereby find and determine as follows:

Section 1. **Incorporation of Findings and Recitals.** The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. **Compliance with California Code of Civil Procedure.** There has been compliance by SBCTA with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. California Public Utilities Code section 130809, subdivision (b)(4) authorizes SBCTA to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to replace the existing Mount Vernon Avenue Bridge (Bridge Number 54C-066) over the BNSF rail yard in the City of San Bernardino, San Bernardino County, California. The Project will replace the existing four-lane bridge with a new four-lane bridge from Rialto Avenue to 5th Street.

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of the Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "2" attached hereto and incorporated herein by reference.

Section 6. Findings. SBCTA hereby finds, determines, and declares each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the California Code of Civil Procedure, to the extent that any of the Property Interests, or any portion thereof, are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property Interests, or any portion thereof, are already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interests, or any portion thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to California Code of Civil Procedure sections 1240.320 and/or 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and for the Project. The substitute property may be conveyed by SBCTA to the owner(s) of the necessary property.

Section 9. Authority to Exercise Eminent Domain. SBCTA is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. Further Activities. SBCTA's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of SBCTA by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit SBCTA to take possession of the Property Interests at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where a change in design allows the reduction without substantially impairing the construction and operation of the Project for which the Property Interests are being acquired.

Section 11. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED by the San Bernardino County Transportation Authority on June 1, 2022 by the following votes:

AYES:

NOES:

ABSENT:

Curt Hagman, Board President
San Bernardino County Transportation Authority

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

EXHIBIT "1"

DRAFT

August 25, 2021
BKF Job No: 20172152

LEGAL DESCRIPTION
EXHIBIT A
ROADWAY EASEMENT

Real property situate in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Being a portion of the lands granted to Arturo and Carmen Guzman by that certain Grant Deed filed for record on June 6, 2014 as Document No. 2014-0206053, Official Record of San Bernardino County, more particularly described as follows:

ROADWAY EASEMENT 1:

Commencing at an iron pipe monument found at the centerline intersection of King Street and Mt. Vernon Avenue;

Thence along the centerline of said Mt. Vernon Avenue North 0°22'22" West, 205.49 feet;

Thence perpendicular to the last described course South 89°37'38" West, 41.25 feet to the southeasterly corner of said lands of Guzman (Doc. No. 2014-0206053), said corner also being the **TRUE POINT OF BEGINNING 1;**

Thence along the easterly line of said lands North 0°22'22" West, 0.90 feet to a point on said easterly line hereon referred to as **POINT A;**

Thence leaving said easterly line South 67°00'26" West, 0.81 feet;

Thence South 0°0'0" East, 0.59 feet to the southerly line of said lands;

Thence along said southerly line North 89°34'31" East, 0.75 feet to the **TRUE POINT OF BEGINNING 1;**

Containing 1 square feet, more or less.

ROADWAY EASEMENT 2:

Commencing from said **POINT A** along said easterly line North 0°22'22" West, 9.11 feet to the **TRUE POINT OF BEGINNING 2;**

Thence continuing along said easterly line North 0°22'22" West, 29.34 feet to a point on said easterly line hereon referred to as **POINT B;**

Thence leaving said easterly line South 65°13'13" West, 0.22 feet;

Thence South 0°20'08" East 29.15 feet;

Thence South 65°40'32" East 0.24 feet to the **TRUE POINT OF BEGINNING 2;**

Containing 6 square feet, more or less.

Attachment: Guzman - final RON (8635 : Hearing to Consider Resolutions of Necessity for Property Interests-Mt. Vernon Viaduct)

August 25, 2021
BKF Job No: 20172152

ROADWAY EASEMENT 3:

Commencing from said **POINT B** along said easterly line North $0^{\circ}22'22''$ West, 28.18 feet to the **TRUE POINT OF BEGINNING 3**;

Thence continuing along said easterly line North $0^{\circ}22'22''$ West, 20.25 feet;

Thence along the northerly line of said lands, South $89^{\circ}35'08''$ West, 20.17 feet;

Thence leaving said northerly line, South $0^{\circ}24'52''$ East, 0.75 feet to the beginning of a non-tangent curve, having a radius of 19.00 feet, concave southwest, from said curve a radial line bears South $0^{\circ}24'52''$ East;

Thence southeasterly along said curve through a central angle of $91^{\circ}24'48''$, for an arc length of 30.31 feet;


Thence South $89^{\circ}00'05''$ East, 1.17 feet to the **TRUE POINT OF BEGINNING 3**.

Containing 115 square feet, more or less.

The combined area being 122 square feet, more or less

As shown on plat attached hereto and by this reference made part hereof as Exhibit B.

For: BKF Engineers



Davis Thresh, P.L.S. No. 6868

8/25/2021

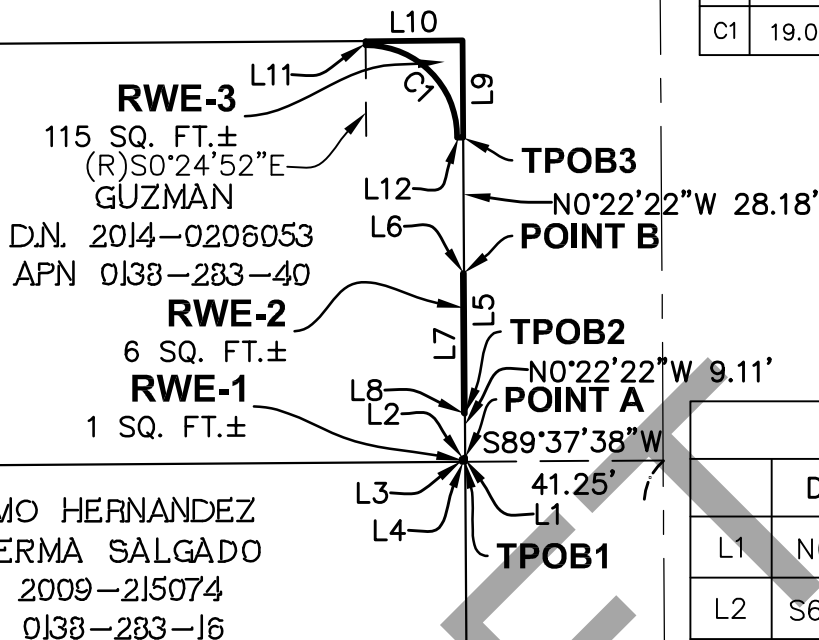
Dated



2ND STREET(PUBLIC RIGHT OF WAY)
WIDTH VARIES

CURVE TABLE

	RADIUS	DELTA	LENGTH
C1	19.00'	91°24'48"	30.31'



LINE TABLE

	DIRECTION	LENGTH
L1	N0°22'22"W	0.90'
L2	S67°00'26"W	0.81'
L3	S0°00'00"E	0.59'
L4	N89°34'31"E	0.75'
L5	N0°22'22"W	29.34'
L6	S65°13'13"W	0.22'
L7	S0°20'08"E	29.15'
L8	S65°40'32"E	0.24'
L9	N0°22'22"W	20.25'
L10	S89°35'08"W	20.17'
L11	S0°24'52"E	0.75'
L12	S89°00'05"E	1.17'

LEGEND

POC = POINT OF COMMENCEMENT
RWE = ROADWAY EASEMENT
TPOB = TRUE POINT OF BEGINNING

— — — — — = CENTERLINE
————— = DESCRIBED EXTENTS
- - - - - = DIMENSIONAL TIE
_____ = LOT LINE

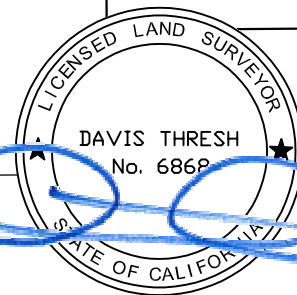


EXHIBIT "2"

DRAFT

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel No. 0138-283-40**

This temporary construction easement ("TCE") shall be in, on, upon, over, under, and across that certain real property described in Exhibit "A" and depicted in Exhibit "B" attached hereto (the "TCE Area"), subject to the rights and limitations set forth herein. The TCE shall be used by the San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") in connection with the construction of the Mount Vernon Avenue Bridge Project. The TCE shall be for a period of twenty-four (24) months, a portion of which shall be exclusive (subject to the Rights and Limitations of Use and Occupancy set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE Area shall be limited to a period of three (3) consecutive months within the twenty-four (24) month TCE period (the "Construction Period"). During the Construction Period, SBCTA's use and occupancy of the TCE will be exclusive, subject to the Rights and Limitations of Use and Occupancy set forth below. SBCTA's use and occupancy of the TCE during the remaining twenty-one (21) months of the TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of TCE:

- SBCTA shall provide the owner and occupants of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- During the Construction Period, SBCTA may place a temporary fence around the TCE Area.
- Reasonable pedestrian and vehicular access to the remainder property will be maintained at all times.
- SBCTA and its contractor(s) shall access the TCE Area from the public right of way.
- Except as to those improvements identified below as being protected in place, improvements within the TCE Area will be removed as needed by SBCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by SBCTA or replaced in-kind.
- The following improvements within the TCE Area will be protected in place:
 - The approximate 20-foot pole sign located along the eastern property line facing Mt. Vernon will be protected in place; and
 - Any paving will be protected in place or restored if damaged.
- Prior to the termination of the Construction Period, SBCTA will remove from the TCE Area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris.

SBCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

December 23, 2021
BKF Job No: 20172152

LEGAL DESCRIPTION

EXHIBIT A - TEMPORARY CONSTRUCTION EASEMENT

Real property situate in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Being a portion of the lands granted to Arturo and Carmen Guzman by that certain Grant Deed filed for record on June 6, 2014 as Document No. 2014-0206053, Official Record of San Bernardino County, more particularly described as follows:

Commencing at an iron pipe monument found at the centerline intersection of King Street and Mt. Vernon Avenue;

Thence along the centerline of said Mt. Vernon Avenue North $0^{\circ}22'22''$ West, 205.49 feet;

Thence perpendicular to the last described course South $89^{\circ}37'38''$ West, 41.25 feet to the southeasterly corner of said lands of Guzman (Doc. No. 2014-0206053), said corner also being the **TRUE POINT OF BEGINNING**;

Thence along the easterly line of said lands North $0^{\circ}22'22''$ West, 67.53 feet;

Thence North $89^{\circ}00'05''$ West, 1.17 feet to the beginning of a non-tangent curve, having a radius of 19.00 feet, concave southwest, from said point a radial line bears North $89^{\circ}00'05''$ West;

Thence northwesterly along said curve through a central angle of $91^{\circ}24'48''$, for an arc length of 30.31 feet;

Thence North $0^{\circ}24'52''$ West, 0.75 feet to the northerly line of said lands;

Thence along said northerly line, South $89^{\circ}35'08''$ West, 40.76 feet;

Thence leaving said northerly line, South $0^{\circ}24'52''$ East, 7.42 feet;

Thence leaving said westerly line along the following five (5) courses:


- 1) South $79^{\circ}42'53''$ East, 12.27 feet;
- 2) North $89^{\circ}23'47''$ East, 22.12 feet;
- 3) South $47^{\circ}59'59''$ East, 22.78 feet;
- 4) South $0^{\circ}56'55''$ East, 62.78 feet;

Thence North $89^{\circ}34'31''$ East, 9.28 feet to the **TRUE POINT OF BEGINNING**.

Containing 1,343 square feet, more or less.

As shown on plat attached hereto and by this reference made part hereof as Exhibit B.

For: BKF Engineers


Davis Thresh, P.L.S. No. 6868



12/23/2021
Dated

2ND STREET(PUBLIC RIGHT OF WAY)
WIDTH VARIESGUZMAN
D.N. 2014-0206053
APN 0138-283-40TCE
1,343 SQ. FT.±ERASMO HERNANDEZ
AND ERMA SALGADO
D.N. 2009-215074
APN 0138-283-16**CURVE TABLE**

	RADIUS	DELTA	LENGTH
C1	19.00'	91°24'48"	30.31'

LEGEND

- POC = POINT OF COMMENCEMENT
TCE = TEMPORARY CONSTRUCTION EASEMENT
TPOB = TRUE POINT OF BEGINNING
- — — — — = CENTERLINE
— — — — — = DESCRIBED EXTENTS
— — — — — = DIMENSIONAL TIE
— — — — — = LOT LINE

KING STREET(PUBLIC RIGHT OF WAY)
60.00' WIDE

POC

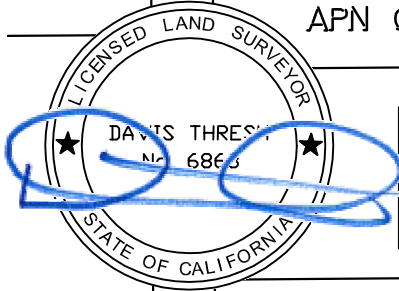
MT. VERNON AVENUE(PUBLIC RIGHT OF WAY)
82.50' WIDE**LINE TABLE**

	DIRECTION	LENGTH
L1	N89°00'05"W	1.17'
L2	N0°24'52"W	0.75'
L3	S0°24'52"E	7.42'
L4	S89°35'08"W	40.76'
L5	S79°42'53"E	12.27'
L6	N89°23'47"E	22.12'
L7	S47°59'59"E	22.78'
L8	N89°34'31"E	9.28'

1"=40'



(SCALE IN FEET)



Minute Action

AGENDA ITEM: 30

Date: June 1, 2022

Subject:

Hearing to Consider Resolutions of Necessity for Property Interests for the West Valley Connector Project

Recommendation:

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

A. Conduct public hearings to consider condemnation of interests in real property described more particularly in each of the Resolutions of Necessity described below (referred to below collectively as the “Subject Property Interests”), which are required for the West Valley Connector Project.

B. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-153 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by MJ United, Inc., a California corporation (Assessor’s Parcel Number [APN] 1049-011-05). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

C. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-155 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by Daru Property Management, LLC, a California limited liability company (APN 1048-522-10). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

D. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-156 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by Alicia Rojas, Trustee of The Alicia Rojas Family Trust established December 15, 2008, and Luis Alberto Rojas, Trustee of the Luis Alberto Rojas Family Trust established December 15, 2008 (APNs 1049-063-03 & 04). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

E. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-157 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by Joao Ricardo Carvalho and Lisa Castro Carvalho, husband and wife, as joint tenants (APN 1049-063-05). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

F. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-158 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

June 1, 2022

Page 2

real property interests on the real property owned by B&G Plaza, a California general partnership (APN 1049-065-11). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

G. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-159 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by Judy Almaraz, Trustee of the Judy Almaraz Family Trust, dated June 3, 2008 (APN 1049-091-04). The Resolution must be approved by at least a two-thirds vote of the Board of Directors; and

~~H. Upon completion of the public hearing, that the Board of Directors adopt the Resolution of Necessity No. 22-160 authorizing and directing General Counsel, or her designees, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring certain real property interests on the real property owned by John Roubian, a married man, as his sole and separate property (APNs 1049-093-03 & 04). The Resolution must be approved by at least a two-thirds vote of the Board of Directors.~~

Background:

The San Bernardino County Transportation Authority (SBCTA), in cooperation with Omnitrans, and the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana, proposes to construct the West Valley Connector Project (“WVC Project”). The WVC Project is a 100% zero-emission Bus Rapid Transit (“BRT”) system. It is the first stage of the San Bernardino County Zero Emission Bus Initiative and second BRT route in San Bernardino County. The WVC Project is a proposed 35-mile-long transit improvement project that would connect the cities of Pomona, Montclair, Ontario, Rancho Cucamonga and Fontana. The WVC Project includes up to 60 station platforms at 33 locations/major intersections and associated improvements. A new operations and maintenance facility for light maintenance activities would be constructed. The WVC Project would be constructed in two phases including Phase I/Milliken Alignment, from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga, and Phase II/Haven Alignment, from Ontario International Airport (ONT) to Kaiser Permanente Medical Center in Fontana. Phase I is scheduled for operation in early 2025. Construction of Phase II/Haven Alignment is scheduled to occur after the completion of Phase I when funding is available. Stations would be “rapid bus” style stations designed for fast boarding.

Phase 1 of the WVC Project is 19 miles and will upgrade a portion of existing Route 61 which runs along Holt Boulevard, adding approximately 3.5 miles as center running, dedicated bus-only lanes. There will be 21 stations in Phase 1 that will provide a much-improved transit connection to ONT and help build transit connectivity by linking ONT, two Metrolink lines (San Bernardino and Riverside), and multiple major activity centers along the route, including Ontario Mills and Victoria Gardens. Headways will be 10 minutes in the peak commute period and 15 minutes off-peak, providing a high level of service to the community.

The WVC involves use of local, state, and federal funding, including funds administered by the Federal Transit Administration (FTA). Based on the multiple funding sources, the environmental documentation was prepared jointly in compliance with both the

California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). SBCTA was the lead agency under CEQA and FTA was the lead agency under NEPA.

In May 2020, the SBCTA Board of Directors (Board) adopted Resolution No. 20-046, making findings necessary to approve the Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations, and approving and certifying the Final Environmental Impact Report (EIR) in compliance with CEQA for the WVC Project. Subsequently, on May 12, 2020, FTA approved the Findings of No Significant Impact (FONSI) in accordance with NEPA, which concluded the Environmental Clearance of the WVC Project. In adopting Resolution No. 20-046, the Board found that Alternative B, which was designated as the preferred alternative, would better meet the purpose of the WVC Project and need than Alternative A. The Board emphasized that the City of Ontario commissioned a Holt Boulevard Mobility and Streetscape Strategic Plan that is consistent with the proposed improvements included with Alternative B. Accordingly, the Board rejected Alternative A.

The Board further found that the benefits of the WVC Project outweigh the unavoidable environmental impacts. The Board emphasized that the WVC Project (under the approved Alternative B alternative) has significant benefits, including improved travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The WVC Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA's Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario's Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the WVC Project with exclusive bus-only lanes on Holt Boulevard. In addition, the WVC Project would facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the WVC Project area. The WVC Project is supported by Caltrans, Districts 7 and 8, and the cities along the WVC Project corridor, including Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana. Further, the Board found that the WVC Project would have economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way.

In January 2021, the Board authorized SBCTA staff and its consultants to proceed with the acquisition activities, including appraisals, appraisal reviews, negotiations, relocation assistance, property management, environmental site assessments, and building demolition in support of the right-of-way acquisition needs for the WVC Project.

The Board further authorized staff to proceed with the acquisition of the required property or property rights necessary for the WVC Project from identified property owners, including relocation assistance, demolition of existing structures, property management, disposal of excess property, and environmental testing and remediation. The Board also authorized the Director of Transit and Rail Programs to add or remove parcels from the list of properties as the Director determines from time to time are necessary for the WVC Project, provided said parcels are environmentally cleared.

The WVC Project requires that SBCTA acquire the necessary property interests expeditiously to ensure that construction can be completed within the proposed timeline to ensure that there are no costly delays or impacts to funding. Throughout the environmental and preliminary engineering process, SBCTA has made extensive efforts to plan the WVC Project in a way that minimizes the impacts of the WVC Project on properties in the WVC Project area. These efforts include minimizing impacts to parcels from which SBCTA requires certain property interests and maintaining ingress and egress from the adjacent street to the impacted properties during construction of the WVC Project. Although most of the proposed improvements are anticipated to be constructed within the existing right-of-way, SBCTA will require certain property interests to accommodate the WVC Project.

SBCTA's acquisition agents continue to negotiate in good faith, on behalf of SBCTA, with the owners of properties impacted by the WVC Project. Based on the timing of the WVC Project, however, it is necessary for SBCTA to consider the adoption of resolutions of necessity at this time to acquire the property interests necessary for the WVC Project and obtain possession of said property interests in time to ensure that the WVC Project is operational by early 2025.

SBCTA has complied with applicable law and requirements for the acquisition of property for public use by eminent domain. In accordance with Code of Civil Procedure Section 1245.235, SBCTA mailed to the owners of the Subject Property Interests a Notice of Hearing regarding the intent of SBCTA to adopt a Resolution of Necessity for acquisition by eminent domain of the respective Subject Property Interests. The Code of Civil Procedure Section 1245.235 notice of hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the property of which the respective Subject Property Owners are a part. Further, in accordance with Code of Civil Procedure Section 1245.235, SBCTA also mailed a Notice of Hearing regarding the intent of SBCTA to adopt a Resolution of Necessity for acquisition by eminent domain of the respective Subject Property Interests to the Cities of Ontario, Pomona, Rancho Cucamonga and Montclair as required by Public Utilities Code Section 130220.5(c).

The purpose of this Agenda item is for the Board to consider the information and evidence to support the findings required for the adoption of the Resolutions of Necessity to authorize the acquisition by eminent domain of the Subject Property Interests described in this report. Although the adoption of the Resolutions of Necessity is recommended for the Subject Property Interests in order to maintain the WVC Project schedule and avoid delays, SBCTA's acquisition agents will continue to negotiate with the property owners in an effort to acquire the Subject Property Interests needed through a voluntary purchase and avoid litigation in the eminent domain process.

The owners of the subject properties are:

- MJ United, Inc., a California corporation
- Daru Property Management, LLC, a California limited liability company
- Alicia Rojas, Trustee of The Alicia Rojas Family Trust established December 15, 2008, and Luis Alberto Rojas, Trustee of the Luis Alberto Rojas, Trustee of the Luis Alberto Rojas Family Trust established December 15, 2008

- Joao Ricardo Carvalho and Lisa Castro Carvalho, husband and wife, as joint tenants
- B&G Plaza, a California general partnership
- Judy Almaraz, Trustee of the Judy Almaraz Family Trust, dated June 3, 2008
- John Roubian, a married man, as his sole and separate property

Support for Adoption of Resolutions of Necessity

SBCTA is authorized to acquire property by eminent domain pursuant to the California Public Utilities Code Sections 130220.5 and 130809(b)(4). SBCTA is also authorized to acquire property for public use by eminent domain pursuant to Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.320, 1240.330, 1240.510, 1240.610, 1240.650 and by other provisions of law. Acquisition of the property interests by eminent domain will allow SBCTA to obtain legal rights to the properties needed for the WVC Project in cases where a negotiated sale cannot be reached. Adoption of a Resolution of Necessity authorizes SBCTA to file an eminent domain proceeding for the acquisition by eminent domain of the property interests described in each Resolution of Necessity. It is necessary to obtain authorization to commence eminent domain proceedings at this time because it can take several months to obtain possession of the Subject Property Interests needed for the WVC Project. SBCTA needs to obtain prejudgment possession in time to ensure that the WVC Project is operational by early 2025.

To adopt the subject Resolutions of Necessity, SBCTA must make the four findings discussed below for each of the property interests needed for the WVC Project in accordance with Code of Civil Procedure Sections 1240.030 and 1245.230. The issue of the amount of just compensation for each of the property interests is not addressed by these Resolutions of Necessity and is not an issue before the Board at the hearing. The four necessary findings are:

1. ***The public interest and necessity require the WVC Project;***
2. ***The WVC Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;***
3. ***The Subject Property Interests sought to be acquired are necessary for the WVC Project; and***
4. ***The offer required by Government Code Section 7267.2 has been made to the owner or owners of record.***

The four required findings are supported by the evidence set forth below.

1. The public interest and necessity require the WVC Project.

The WVC Project, as planned and designed, will be a 100% zero-emission BRT system, the first stage of the San Bernardino County Zero Emission Bus Initiative and second BRT route in San Bernardino County. The WVC Project is a proposed 35-mile-long transit improvement project that would connect the cities of Pomona, Montclair, Ontario, Rancho Cucamonga and San Bernardino County Transportation Authority

Fontana. The WVC Project includes up to 60 station platforms at 33 locations/major intersections and associated improvements. The WVC Project will also construct a new operations and maintenance facility for light maintenance activities. The WVC Project will be constructed in two phases, including Phase I/Milliken Alignment, from the Pomona Regional Transit Center to Victoria Gardens in Rancho Cucamonga and Phase II/Haven Alignment, from ONT to Kaiser Permanente Medical Center in Fontana. Phase I is scheduled for operation in early 2025. Construction of Phase II/Haven Alignment is scheduled to occur after the completion of Phase I when funding is available. Stations would be “rapid bus” style stations designed for fast boarding

Phase 1 of the WVC Project is 19 miles and will upgrade a portion of existing Route 61 which runs along Holt Boulevard, adding approximately 3.5 miles as center running, dedicated bus-only lanes. There will be 21 stations in Phase 1 that will provide a much-improved transit connection to ONT and help build transit connectivity by linking ONT, two Metrolink lines (San Bernardino and Riverside) and multiple major activity centers along the route including Ontario Mills and Victoria Gardens. Headways will be 10 minutes in the peak commute period and 15 minutes off-peak, providing a high level of service to the community. The WVC Project traverses an urban corridor, and BRT stations have been located to create a comfortable, efficient transit place that fits into the community fabric. The WVC Project is in the public interest and necessity because it will create an efficient alternative to the use of personal vehicles thereby reducing the overall emissions into the environment.

The WVC is also in the public interest and necessity because it will improve travel time and the speed and reliability of bus transit based on the proposed exclusive bus-only lanes with five center-running stations in Ontario. The WVC Project is consistent with several regional and local land-use plans, including helping to achieve the goals of Southern California Association of Governments’ (SCAG) Regional Comprehensive Plan and Regional Transportation Plan/Sustainable Communities Strategy, SBCTA’s Long-Range Transit Plan for San Bernardino Valley, goals related to improving transit opportunities in the General Plans of the cities of Pomona, Montclair, Ontario, Rancho Cucamonga, and Fontana and the counties of Los Angeles and San Bernardino, and the Specific Plans, Community Plans, and Master Plans along the project corridor. Resolution No. 20-046 highlighted that the City of Ontario’s Holt Boulevard Mobility and Streetscape Strategic Plan specifically reflects the WVC Project with exclusive bus-only lanes on Holt Boulevard. In addition, the WVC Project will facilitate future transit-oriented developments and mixed-use developments along the project corridor to revitalize the WVC Project area. The WVC Project is also in the public interest and necessity because it will result in economic benefits for the area, revitalize adjacent land uses along the corridor, and improve sidewalks and parkways associated with land acquisition for the widened right-of-way.

2. The WVC Project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

The purpose of the WVC Project is to improve corridor mobility and transit efficiency in the western San Bernardino Valley from the city of Pomona, in Los Angeles County, to the city of Fontana, in San Bernardino County, with an enhanced, state-of-the-art BRT system (i.e., a system that includes off-board fare vending, all-door boarding, Transit Signal Priority (TSP) optimized operating plans, and stations that consist of branded shelter/canopy, security cameras,

benches, lighting, and variable message signs). The WVC Project seeks to address the growing traffic congestion and travel demands of the nearly one million people that would be added to Los Angeles and San Bernardino County by 2040 as set forth in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy growth forecast. Improved rapid transit along the project corridor would help Omnitrans and SBCTA achieve the long-range goals to cost effectively enhance lifeline mobility and accessibility, improve transit operations, increase ridership, support economic growth and redevelopment, conserve nonrenewable resources, and improve corridor safety.

The WVC Project, is planned and designed to improve transit service by better accommodating existing high bus ridership. It is also planned and designed to improve ridership by providing a viable and competitive transit alternative to the automobile and improve efficiency of transit service delivery while lowering Omnitrans' operating costs per rider. Further, the WVC Project supports local and regional planning goals to organize development along transit corridors and around transit stations. Current and future population and employment conditions establish a need for higher-quality transit service. The WVC Project corridor is primarily an inter-city route that serves densely populated neighborhoods with a high percentage of transit patrons that are minority, low-income, and/or transit dependent. The WVC Project corridor includes a current high level of employment and several key activity centers. Regionally, the Inland Empire leads the six-county southern California region in growth. Current and future transportation conditions establish a need for an improved transit system. The current standard bus service has several deficiencies that do not make transit an attractive alternative to the automobile, particularly in terms of corridor travel time. Current and future travel demand is expected to accompany the projected growth in population and employment, further increasing the need for an improved transit system. Finally, transit-related opportunities exist in the WVC Project area. Current transit access to employment and intermodal centers is considered inadequate to meet current and future needs. High-quality, reliable rapid transit service is needed to deliver riders to these multiple destinations; the WVC Project would provide such a service. The WVC Project alignment passes through potential redevelopment and transit-oriented development areas and would help foster their potential for development.

The WVC Project will affect approximately 241 parcels, and will require several business and residential relocations. SBCTA held several meetings and considered alternatives to the current Alternative B design that the Board selected as the preferred alternative based on the benefits to the WVC Project corridor. The WVC Project was planned and designed in a manner to accomplish the greatest public good and cause the least private injury. SBCTA and its acquisition agents have had numerous communications with the owners of the properties impacted by the WVC Project and will work with all owners of impacted parcels to minimize the impact of the WVC Project on the subject properties and to assist those persons and businesses displaced by the WVC Project to receive applicable relocation assistance and benefits.

3. Each of the Subject Property Interests SBCTA seeks to acquire is necessary for the WVC Project.

SBCTA seeks to construct the WVC Project, as planned and designed, to improve bus efficiency and reduce carbon emissions over a 19-mile segment. The WVC Project requires the acquisition of additional right-of-way for the proposed bus way. Phase 1 of the WVC Project is 19 miles and will upgrade a portion of existing Route 61 which runs along Holt Boulevard, adding

approximately 3.5 miles as center running, dedicated bus-only lanes. There will be 21 stations in Phase 1 that will provide a much-improved transit connection to ONT and help build transit connectivity by linking ONT, two Metrolink lines (San Bernardino and Riverside) and multiple major activity centers along the route including Ontario Mills and Victoria Gardens. Headways will be 10 minutes in the peak commute period and 15 minutes off-peak, providing a high level of service to the community. The WVC Project traverses an urban corridor, and BRT stations have been identified to create a comfortable, efficient transit place that fits into the community fabric. The WVC Project will create an efficient alternative to the use of personal vehicles thereby reducing the overall emissions into the environment.

Although SBCTA is constructing portions of the WVC Project within existing ROW, the WVC Project requires acquisition of the Subject Property Interests listed below and cannot be constructed without the acquisition of said Subject Property Interests:

- MJ United, Inc., a California corporation: A permanent roadway easement and a temporary construction easement are needed for construction of the WVC Project improvements.
- Daru Property Management, LLC, a California limited liability company: A permanent roadway easement and a temporary construction easement are needed for construction of the WVC Project improvements.
- Alicia Rojas, Trustee of The Alicia Rojas Family Trust established December 15, 2008; Luis Alberto Rojas, Trustee of the Luis Alberto Rojas Family Trust established December 15, 2008: A permanent roadway easement and a temporary construction easement are needed for construction of the WVC Project improvements.
- Joao Ricardo Carvalho & Lisa Castro Carvalho, husband and wife, as joint tenants: A permanent roadway easement and a temporary construction easement are needed for construction of the WVC Project improvements.
- B&G Plaza, a California general partnership: A permanent roadway easement and a temporary construction easement are needed for construction of the WVC Project improvements.
- Judy Almaraz, Trustee of the Judy Almaraz Family Trust, dated June 3, 2008: A permanent roadway easement and a temporary construction easement are needed for construction of the WVC Project improvements.
- John Roubian, a married man, as his sole and separate property: A permanent roadway easement and a temporary construction easement are needed for construction of the WVC Project improvements.

A number of parcels have constructed improvements that encroach within the public right-of-way. SBCTA is compensating the property owners for any improvements affected by the WVC Project, even in those cases where said improvements encroach in the public right-of-way.

As stated above, the public use for which SBCTA seeks to acquire the Subject Property Interests, namely street widening for bus related purposes to improve corridor mobility and transit efficiency with an enhanced, state-of-the-art BRT system, and all uses necessary or convenient thereto, will not unreasonably interfere with or impair the continuance of the public use to which any easement holders may have appropriated the area (Code of Civil Procedure Section 1240.510). Further, the WVC Project may require the relocation of several utilities to the proposed new right-of-way area. The public use for which SBCTA seeks to acquire the Subject Property Interests, namely street widening for bus related purposes to improve corridor mobility and transit efficiency with an enhanced, state-of-the-art BRT system, and all uses necessary or convenient thereto is a more necessary public use within the meaning of Code of Civil Procedure Section 1240.650 than the uses to which public utility easement holders have appropriated any utility easements located in the Subject Property Interests that are affected by the WVC Project. Accordingly, SBCTA is authorized to acquire the Subject Property Interests pursuant to Code of Civil Procedure Sections 1240.510, 1240.610, and 1240.650.

Pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610, to the extent that any of the Subject Property Interests are already devoted to a public use, the use proposed by this WVC Project is a more necessary public use than the use to which the Subject Property Interests, or any portion thereof, are already devoted, or, in the alternative, are a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property Interests, or any portion thereof, are already devoted.

In addition, to the extent the Subject Property Interests, or portions thereof, are currently devoted to or held for some public use, SBCTA intends to acquire substitute property pursuant to Code of Civil Procedure Sections 1240.320 and 1240.330. The requirements of said Sections have been satisfied and the acquisition of said substitute property is necessary for the WVC Project. The substitute property may be conveyed by SBCTA to the owner(s) of the property interests needed for the WVC Project.

4. Offers required by Section 7267.2 of the Government Code have been made to the owner or owners of record.

SBCTA, pursuant to Government Code Section 7260 *et seq.*, obtained a fair market value appraisal of the Subject Property Interests, set just compensation in accordance with the fair market value and extended a written offer to the owners of record of the Subject Property Interests. As detailed above, the SBCTA extended to the owner of record of the Subject Property Interest, a written offer pursuant to Government Code Section 7267.2 to acquire the Subject Property Interests for a public use, namely public road widening and related purposes, and all uses necessary or convenient thereto. Specifically, SBCTA extended a written offer to the following record owners of the Subject Property interests:

- SBCTA extended a written offer to MJ United, Inc., a California corporation to purchase an approximate 533 square foot permanent easement and impacted site improvements, as well as an approximate 93 square foot temporary construction easement with a term of twenty-four months, over portions of the real property for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the WVC Project, from the real property located at 739 W. Holt Boulevard, Ontario,

and identified as San Bernardino County Tax Assessor's Parcel Number 1049-011-05.

- SBCTA extended a written offer to Daru Property Management, LLC, a California limited liability company to purchase an approximate 637 square foot permanent easement and impacted site improvements, as well as an approximate 6,173 square foot temporary construction easement with a term of twenty-four months, over portions of the real property for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the WVC Project, from the real property located at 517 E. Holt Boulevard, Ontario, and identified as San Bernardino County Tax Assessor's Parcel Number 1048-522-10.
- SBCTA extended a written offer to Alicia Rojas, Trustee of The Alicia Rojas Family Trust established December 15, 2008, and Luis Alberto Rojas, Trustee of the Luis Alberto Rojas Family Trust established December 15, 2008, to purchase an approximate 507 square foot permanent easement and impacted site improvements, as well as an approximate 4,021 square foot temporary construction easement with a term of twenty-four months, over portions of the real property for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the WVC Project, from the real property located at 220-222 E. Holt Boulevard, Ontario, and identified as San Bernardino County Tax Assessor's Parcel Numbers 1049-063-03 & 04.
- SBCTA extended a written offer to Joao Ricardo Carvalho & Lisa Castro Carvalho, to purchase an approximate 584 square foot permanent easement and impacted site improvements, as well as an approximate 3,944 square foot temporary construction easement with a term of twenty-four months, over portions of the real property for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the WVC Project, from the real property located at 226-230 E. Holt Boulevard, Ontario, and identified as San Bernardino County Tax Assessor's Parcel Number 1049-063-05.
- SBCTA extended a written offer to B&G Plaza, a California general partnership to purchase an approximate 826 square foot permanent easement and impacted site improvements, as well as an approximate 2,832 square foot temporary construction easement with a term of twenty-four months, over portions of the real property for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the WVC Project, from the real property located at 326 E. Holt Boulevard, Ontario, and identified as San Bernardino County Tax Assessor's Parcel Number 1049-065-11.
- SBCTA extended a written offer to Judy Almaraz, Trustee of the Judy Almaraz Family Trust, dated June 3, 2008, to purchase an approximate 1,800 square foot permanent easement and impacted site improvements, as well as an approximate

4,066 square foot temporary construction easement with a term of twenty-four months, over portions of the real property for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the WVC Project, from the real property located at 526 E. Holt Boulevard, Ontario, and identified as San Bernardino County Tax Assessor's Parcel Number 1049-091-04.

- SBCTA extended a written offer to John Roubian, a married man, as his sole and separate property, to purchase an approximate 1,171 square foot permanent easement and impacted site improvements, as well as an approximate 3,965 square foot temporary construction easement with a term of twenty-four months, over portions of the real property for public road widening and related purposes, and all uses necessary or convenient thereto in connection with the construction and future maintenance of the WVC Project, from the real property located at 630 E. Holt Boulevard, Ontario, and identified as San Bernardino County Tax Assessor's Parcel Numbers 1049-093-03 & 04.

Incorporation of Above-Referenced Documents:

The following documents on file with the SBCTA's Clerk's Office, which are referenced in this report, are incorporated herein by this reference:

- Resolutions of Necessity
- SBCTA Resolution No. 20-046
- Offer letter to the record owners of the Subject Property Interests
- Notice pursuant to Code of Civil Procedure Section 1245.235 to the record owners of the Subject Property Interests
- Notice pursuant to Code of Civil Procedure Section 1245.235 to the Cities of Montclair, Ontario, Pomona, and Rancho Cucamonga as required by Public Utilities Code Section 130220.5(c)
- Project plans
- Environmental Documents relating to the WVC Project

Financial Impact:

This item is consistent with the Proposed Fiscal Year 2022/2023 Budget.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on May 12, 2022. SBCTA General Counsel has reviewed this item and the draft resolutions.

Responsible Staff:

Ramie Dawit, Transit and Rail Consultant - WSP

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Attachment A

PowerPoint Presentation

and

Letters Submitted for the Public Hearing

WEST VALLEY CONNECTOR PROJECT

RESOLUTIONS OF NECESSITY FOR PROJECT RIGHT-OF-WAY

Presenter: Ramie Dawit
SBCTA Right-of-Way Manager

Board of Directors
June 1, 2022



cta

San Bernardino County
Transportation Authority

SBCTA IS REQUESTED TO MAKE THE FOLLOWING FINDINGS:

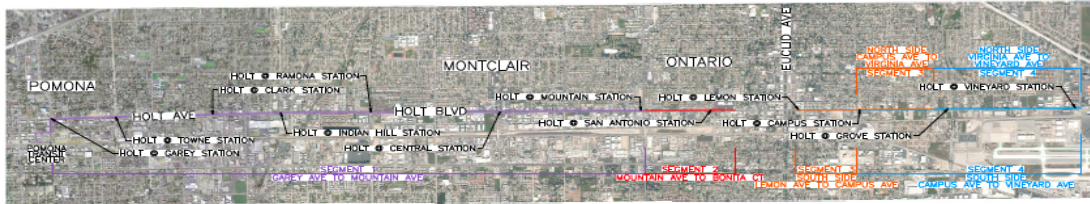
1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



SBCTA Request

Attachment: WVS RONs - BOD 06 01 22 PDF (8654 : Hearing to Consider RON for Property Interests for the WVC Project)

- Connect the Pomona, Montclair, Ontario, and Rancho Cucamonga communities with improved bus service with 10-minute headways during peak hour and 15-minute headways off peak hour and with stops at the Pomona Transit Center, Ontario International Airport, Ontario Mills, Rancho Cucamonga Metrolink Station, and Victoria Gardens
- Construct 21 bus stations serving the 19-mile-long route between the Pomona Transit Center in Pomona and Victoria Gardens in Rancho Cucamonga
- Widen approximately 3.5 miles of Holt Boulevard in Ontario to accommodate dedicated bus lanes and five center-running bus stations
- Introduce transit signal priority at intersections to improve bus service
- Provide enhanced amenities for passengers at stations including bike racks and improved wayfinding signage
- Install pantograph charging to allow for use of sustainable electric bus fleet
- Construct continuous sidewalk along both sides of Holt Boulevard through the City of Ontario to improve pedestrian accessibility



WEST VALLEY CONNECTOR
PROJECT
INFORMATION ONLY DO NOT RECORD



West Valley Connector Project

OWNER: MJ UNITED, INC.



LEGEND

- | | |
|---------------------------------------|--------------------------------------|
| SELECTED PARCEL(S) | PERMANENT EASEMENT AREA |
| EXISTING RIGHT OF WAY | TEMPORARY CONSTRUCTION EASEMENT AREA |
| TEMPORARY CONSTRUCTION EASEMENT (TCE) | |
| PROPOSED RIGHT OF WAY | |

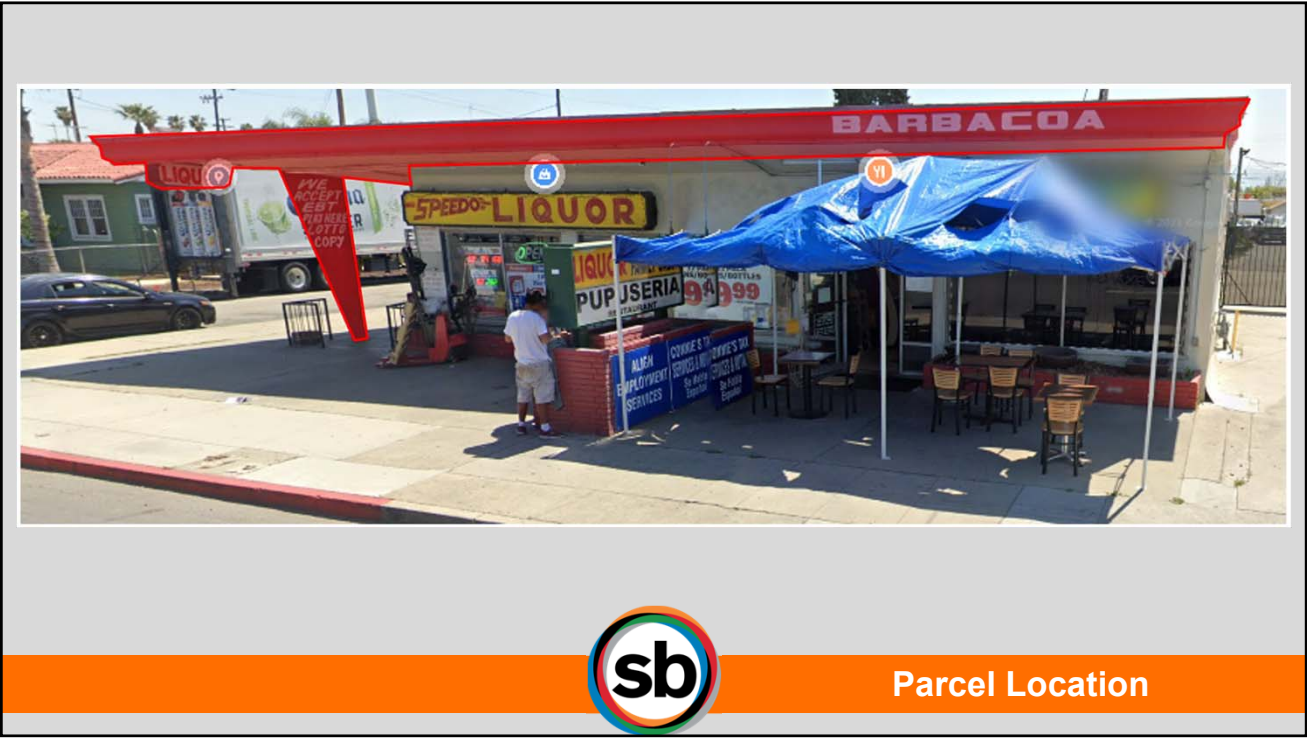
PROJECT AREA

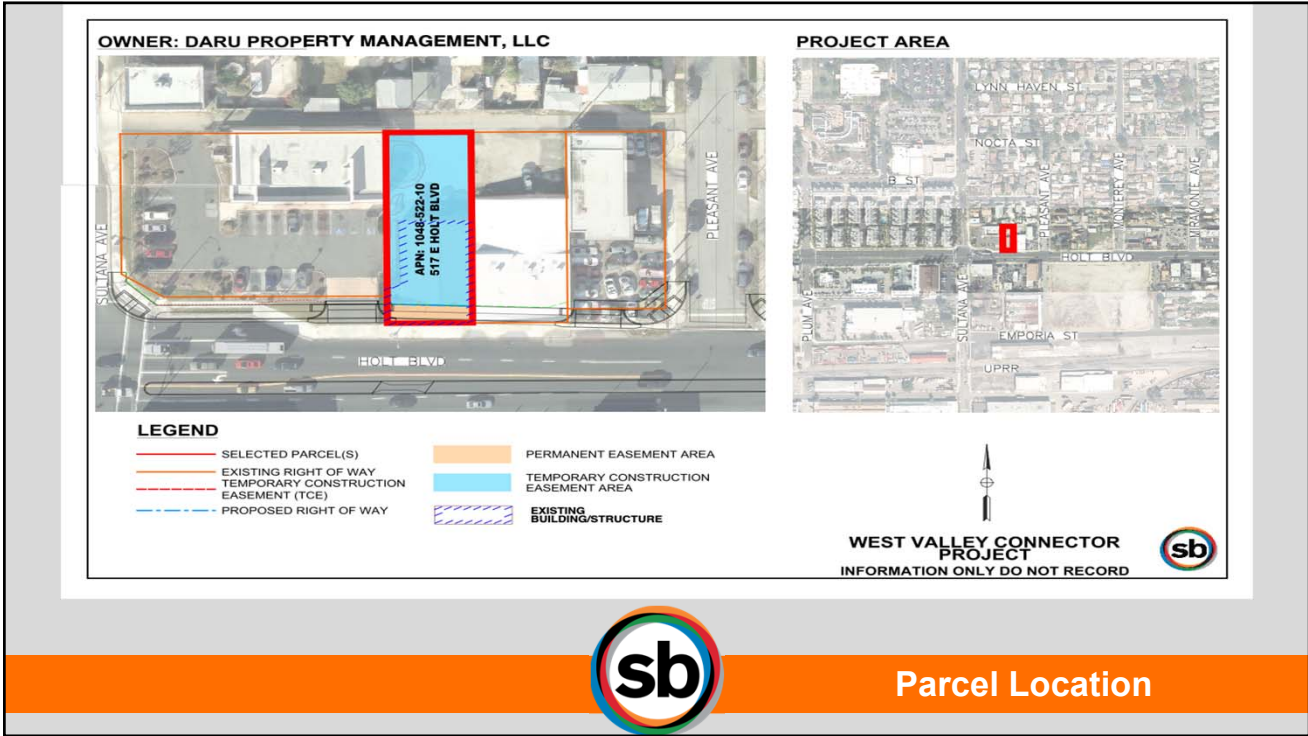


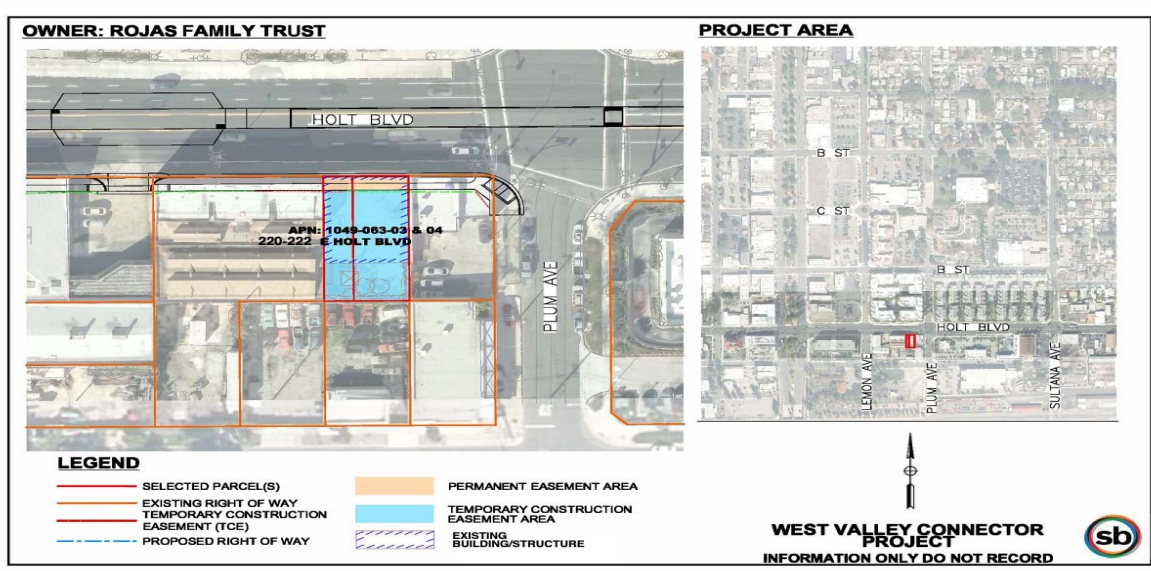
WEST VALLEY CONNECTOR
PROJECT
INFORMATION ONLY DO NOT RECORD



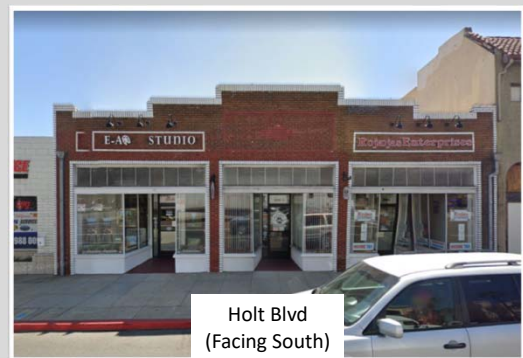
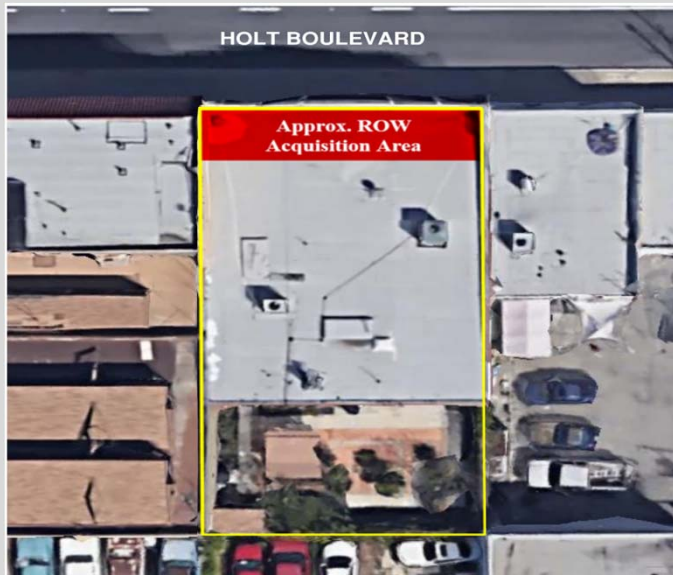
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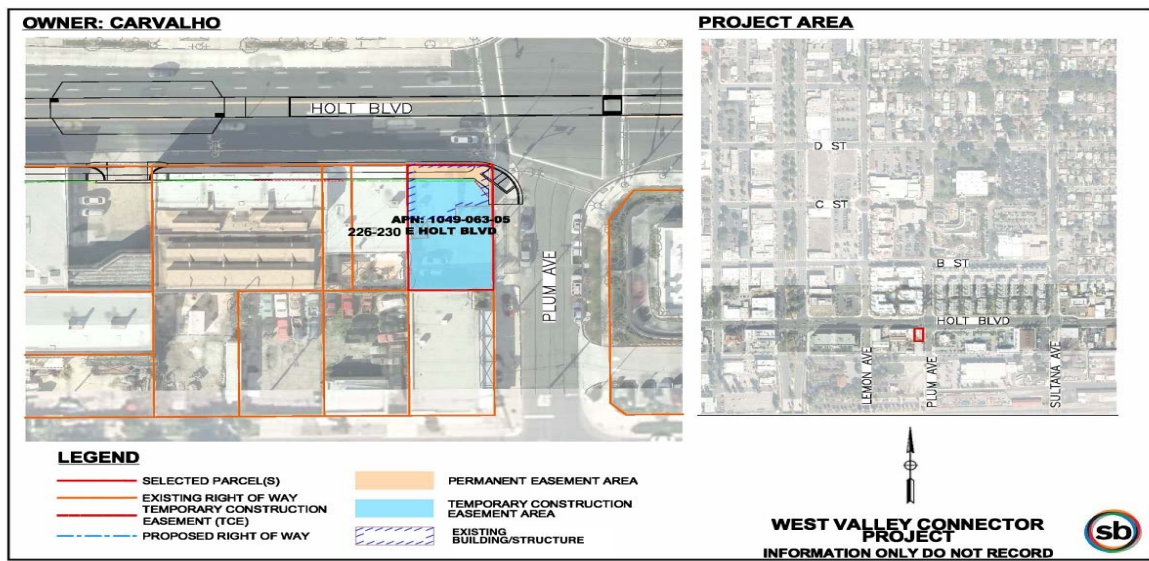




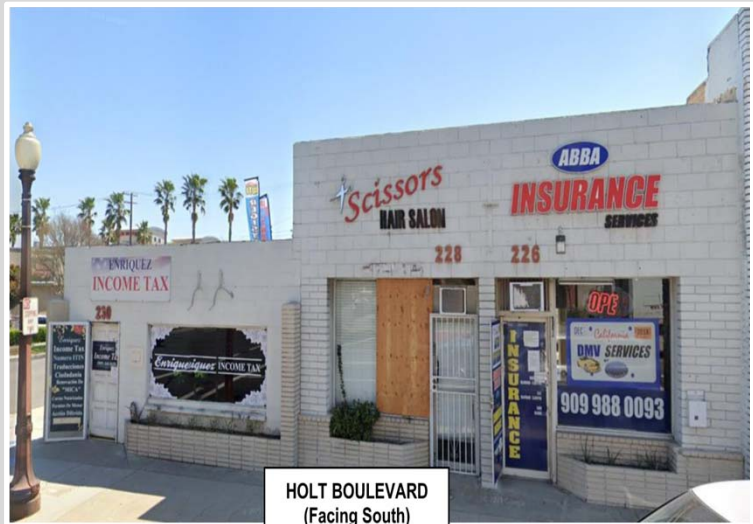
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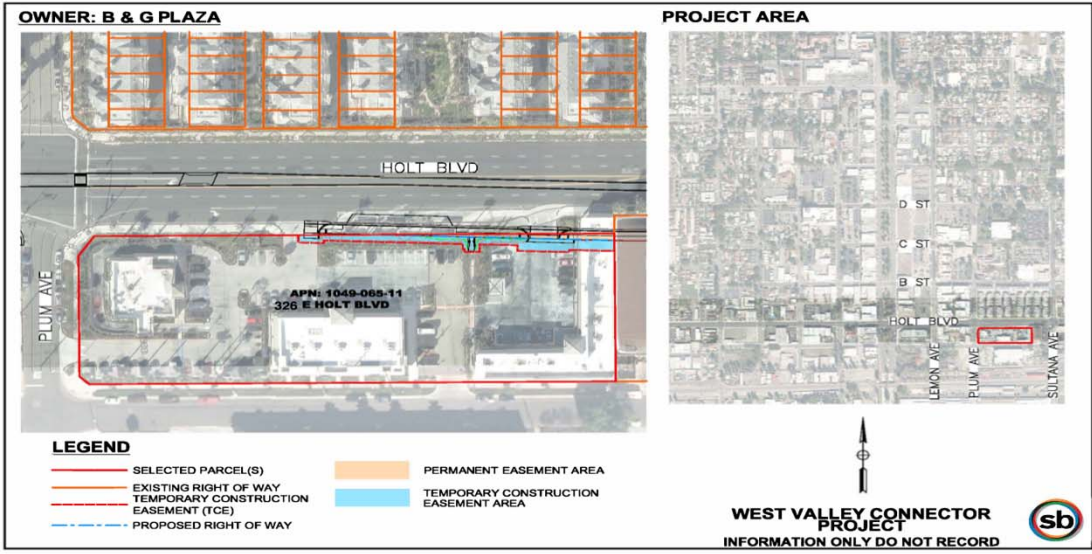
Parcel Location



Parcel Location



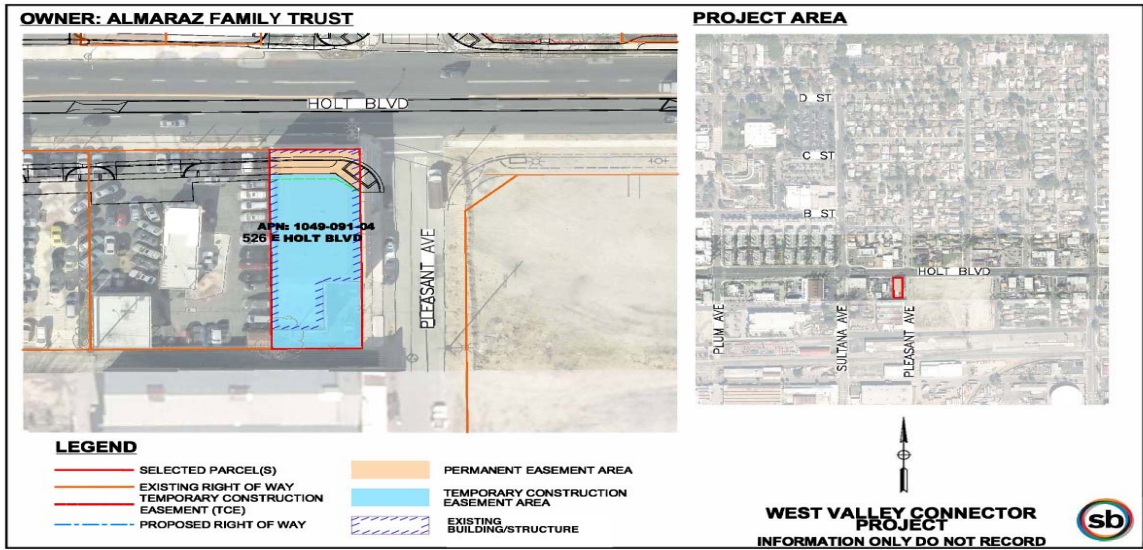
Parcel Location



Parcel Location



Parcel Location



Parcel Location



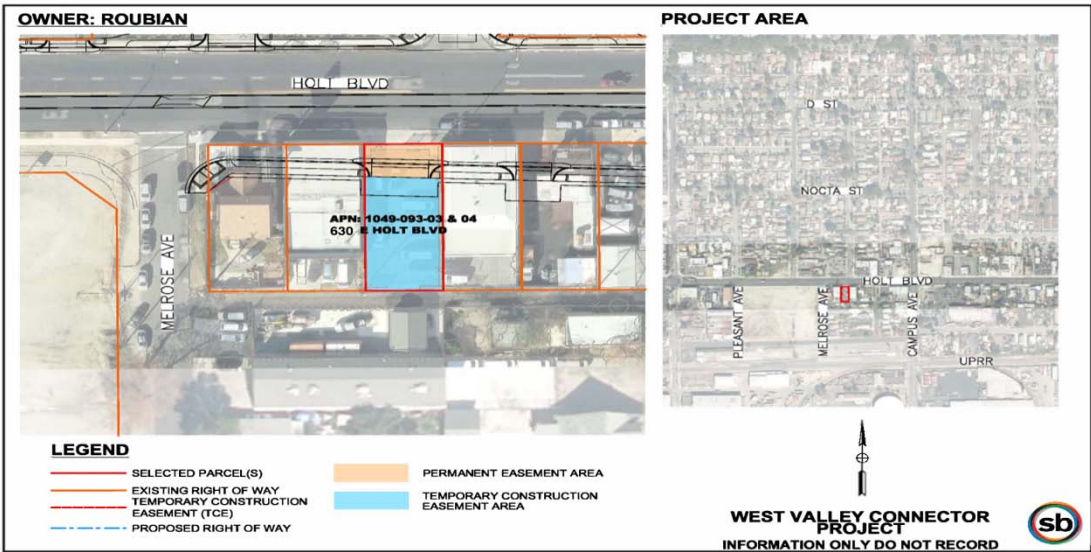
Parcel Location



526 HOLT BOULEVARD
Approximate 18' ROW Acquisition
with a corner clip that is roughly 10' deep



Parcel Location



Parcel Location

No.	Ownership	Date of First Contact	Mailing	In Person Meetings	Phone Contacts	E-Mails	Attorney Contacts	Unsuccessful Contacts*	Total
B.	MJ United Inc	1/21/22	1	1	3	0	0	5	10
C.	Daru Property Management, LLC	5/6/21	3	1	8	4	20	0	36
D.	Rojas Family Trust	5/21/21	0	1	5	3	1	3	13
E.	Carvalho	4/26/21	1	0	8	4	0	0	13
F.	B&G Plaza	2/9/22	0	2	3	3	0	2	10
G.	Almaraz Family Trust	10/4/21	1	1	5	7	0	0	14
H.	Roubian	10/29/21	1	0	4	10	0	0	15
*Property visit, phone call and/or email with no response									



Communication Summary

Item	Ownership	Offer Date
B.	MJ United Inc	2/18/22
C.	Daru Property Management, LLC	2/10/22
D.	Rojas Family Trust	2/10/22
E.	Carvalho	2/14/22
F.	B&G Plaza	2/10/22
G.	Almaraz Family Trust	2/2/22
H.	Roubian	2/2/22



Offer of Just Compensation

**SBCTA ADOPT A RESOLUTION OF NECESSITY
BASED ON THE FOLLOWING FINDINGS:**

1. The public interest and necessity require the proposed project
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury
3. The real property to be acquired is necessary for the project
4. The offer of just compensation has been made to the property owner



Staff Recommendation

THANK YOU



PETERSON LAW GROUP

PROFESSIONAL CORPORATION
 SUITE 290
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May 18, 2022

SBCTA
 c/o Marleana Roman
 Clerk of the Board
 1170 W. 3rd Street, 2nd Floor
 San Bernardino, CA 92410-1715

Email: clerkoftheboard@gosbcta.com

Re: SBCTA intent to adopt a Resolution of Necessity to acquire a portion of 517 E. Holt Ave., Ontario (APN 1048-522-10), for the West Valley Connector Project
HEARING: June 1, 2022
Property Owner: Daru Property Management, LLC

Honorable Members of the Board:

This office represents property owner Daru Property Management, LLC, and Three Angels Medical Corporation, which operates a medical clinic on the above referenced property. We request that this letter and its attachments be made part of the record at the above referenced hearing, and reserve the right to appear at the hearing and be heard on this matter.

Our clients received a purchase offer dated February 7, 2022, from SBCTA, to acquire a frontage portion of the property plus a temporary construction easement. Initially, SBCTA made an offer to purchase the entirety of the property in fee for the project, dated August 17, 2021, but subsequently rescinded that offer and later presented the February 7 offer. The new offer on which the resolution of necessity would be based appears to require a frontage of portion of the property that fronts Holt Avenue, and would include acquisition of the front portion of the building in which Three Angels operates.

On behalf of our clients, we object to the adoption of the resolution of necessity to acquire a frontage portion and temporary construction easement only, and request that the Board adopt a resolution to acquire the entirety of the property, in fee. A frontage acquisition is in contravention of Code of Civil Procedure section 1245.230 (c)(2), which requires a proposed project to be “planned or located in the manner that will be most compatible with the greatest public good and the least private injury.” A frontage acquisition would result in a remnant parcel that is no longer viable.

Attached to the February 7 offer is an engineering analysis from Proactive Engineering Consultants that provides a recommended “fix” to the portion of the building that would remain after the proposed partial acquisition by SBCTA, and states that approximately 19% of the building would be acquired. The proposed fix is a lateral restraint system, bracing, and constructing a new shear wall or “moment frames.” The Proactive report notes that “the entire [medical] lobby waiting room would be impacted by the approximate 14-foot proposed ROW area of acquisition.”

Moreover, SBCTA proposes a temporary construction easement (TCE) over the entirety of the property, which would necessitate demolishing and reconstructing the entire existing building. Proactive notes that this course of action “will impact the business for several months.”

A part-take as proposed is not feasible. On behalf of Daru and Three Angels, we ask that SBCTA acquire the entirety of the property in fee, as it previously offered in August 2021, under Code of Civil Procedure section 1240.410 (noneconomic remnants). A part-take would result in the same effects as a full take on both the business and the real property.

As to the building, the medical office would be losing the entirety of its patient waiting room, reception desk, file storage, and portions of other storage rooms and examination rooms. In order for the property to remain a viable medical office, a complete reconfiguration of the interior of the building would be required in order to preserve the patient exam rooms, offices, and the interconnectivity of the various processes that occur in different rooms. The building would have to be reconstructed in such a manner as to occupy a portion of the existing parking lot to prevent losing valuable square footage of the medical clinic. Set back requirements and safety matters would require construction of the building with at least the same set back square footage in the “after condition” as the building currently enjoys.

This, in turn, would bring the building’s parking below the minimum requirements per use and zoning standards set forth by the City of Ontario. Proactive Engineering concludes that parking would not be impacted by the proposed part-take. On the contrary, a majority of the parking lot would be occupied by the newly constructed and reconfigured building. Again, this is not feasible since the parking minimums would be unable to be achieved as a result of the project as proposed.

As to the business and medical operations, it would be impossible to see patients during the acquisition and reconstruction and/or reconfiguration of the entire building if the front portion of the building is demolished for the project. The medical clinic would be forced to close and attempt to relocate even under a part-take scenario, as currently offered by SBCTA. Medical clinics serve limited geographic demographics.

Once that clinic closes, patients simply find a different clinic to receive medical services. This would effectively result in a total loss of business goodwill, even if the clinic were to reopen after construction of the project and after the building is reconfigured and reconstructed.

SBCTA Board
c/o Clerk of the Board
May 18, 2022
Page 3 of 3

PETERSON LAW GROUP PC

A part-take is not feasible, and the effects would be virtually identical to a full acquisition, both to the business and to the real property and improvements. There is not a reasonable, practical, and economically sound means to prevent the property from becoming a noneconomic remnant. This must be a full take or no take at all.

We object to the adoption of the resolution of necessity to acquire a partial frontage take and temporary construction easement, as set forth in the SBCTA February 7, 2022, offer to purchase and accompanying appraisal.

Sincerely,



Chris Peterson

Enclosures

cc: Ramie Dawit, Right of Way Manager
By Email: rdawit@gosbcta.com

Attachment: Ltr to SBCTA Board RE RON _ 05.18.22 (8654 : Hearing to Consider RON for Property Interests for the WVC Project)


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CODE OF CIVIL PROCEDURE - CCP

PART 3. OF SPECIAL PROCEEDINGS OF A CIVIL NATURE [1063 - 1822.60] (Part 3 enacted 1872.)

TITLE 7. EMINENT DOMAIN LAW [1230.010 - 1273.050] (Title 7 repealed [comm. with Section 1237] and added by Stats. 1975, Ch. 1275.)

CHAPTER 3. The Right to Take [1240.010 - 1240.700] (Chapter 3 added by Stats. 1975, Ch. 1275.)

ARTICLE 5. Excess Condemnation [1240.410 - 1240.430] (Article 5 added by Stats. 1975, Ch. 1275.)

1240.410. (a) As used in this section, "remnant" means a remainder or portion thereof that will be left in such size, shape, or condition as to be of little market value.

(b) Whenever the acquisition by a public entity by eminent domain of part of a larger parcel of property will leave a remnant, the public entity may exercise the power of eminent domain to acquire the remnant in accordance with this article.

(c) Property may not be acquired under this section if the defendant proves that the public entity has a reasonable, practicable, and economically sound means to prevent the property from becoming a remnant.

(Added by Stats. 1975, Ch. 1275.)

1240.420. When property is sought to be acquired pursuant to Section 1240.410, the resolution of necessity and the complaint filed pursuant to such resolution shall specifically refer to that section. It shall be presumed from the adoption of the resolution that the taking of the property is authorized under Section 1240.410. This presumption is a presumption affecting the burden of producing evidence.

(Added by Stats. 1975, Ch. 1275.)

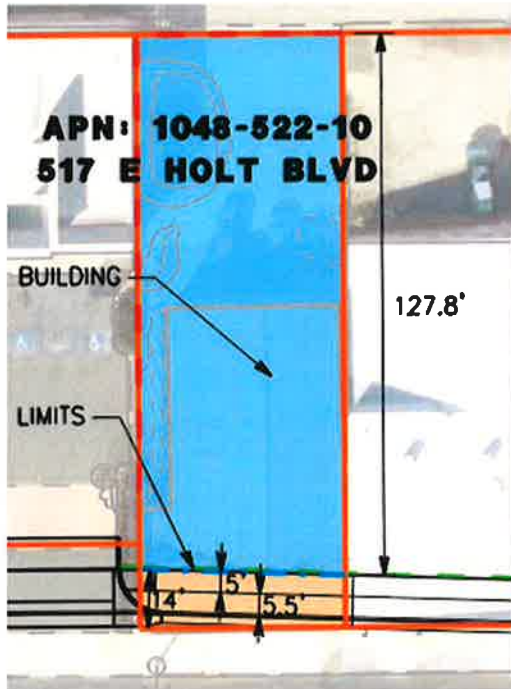
1240.430. A public entity may sell, lease, exchange, or otherwise dispose of property taken under this article and may credit the proceeds to the fund or funds available for acquisition of the property being acquired for the public work or improvement. Nothing in this section relieves a public entity from complying with any applicable statutory procedures governing the disposition of property.

(Added by Stats. 1975, Ch. 1275.)

This report summarizes the findings from the above noted effort:

General Property Understanding

The San Bernardino County Transportation Authority (SBCTA) is proposing to construct road widening improvements as part of the West Valley Connector Project on Holt Boulevard. This widening will impact the above noted property thru: **ROW Acquisition and building impacts.**



517 HOLT BOULEVARD
Approximate 14' ROW Acquisition



Property Impacts

1. **General Summary:**

The site fronts Holt Boulevard, between Stereo City on the west, and Little John's Appliances on the east. The site has one main building that appears to be built in two separate phases (the retail frontage was a likely expansion). The front portion of the building is directly adjacent to the existing Holt Boulevard ROW (zero setback) and is adjoined to the neighboring 523 E. Holt Boulevard building. There is a small parking lot in the rear (north side) of the building. The building structure is approximately 3,200SF, and is partially within the proposed new ROW. The overall ROW acquisition consists of the southerly approximate 14-feet of the approximate 7,200SF property (about 10% or roughly 700SF).

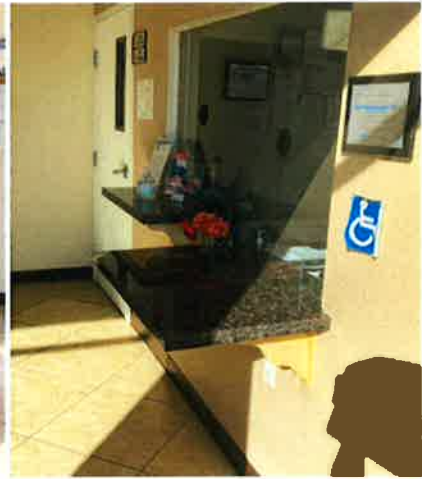
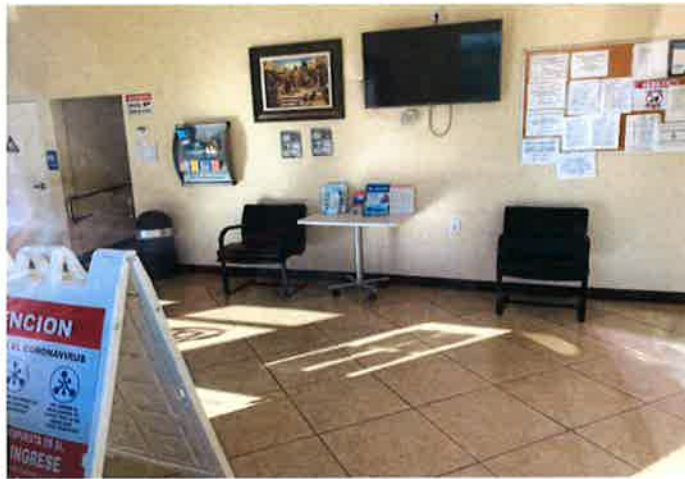
2. Building Impacts:

The building will be impacted by the proposed ROW acquisition of approximately 14-feet, which would mean a removal of a minimum of the front (southernmost) 14-feet of the building frontage (approximately 19% or 600SF of the overall approximate 3,200SF footprint of the building) so that its new facade lines up with the proposed new ROW. The partial demolition of the front of this building, while keeping the remaining building area in place, appears to be possible.

Proposed Mitigation:

Cut and reface the building, which consists of a wood frame shell with stucco finish and wood framed roof. Conduct full structural analysis for both the lateral and gravity systems of this structure. This will include vertical and horizontal lateral resisting system strengthening. Add structural shear walls or moment frames for storefront large openings with stucco to the front of the building and storefronts to match existing construction materials.

Note: It appears that the entire Medica's lobby waiting room would be impacted by the approximate 14-foot proposed ROW area of acquisition.





a different kind of company

3. **Parking:**

Parking for the property is accessed via a single alleyway that runs east-west along the north edge of parking lot. The property's parking lot is located on the north side of the building, is approximately 3,200SF, and contains seven marked/striped parking spaces.

Proposed Mitigation:

Parking would not be impacted and would actually provide for a greater parking ratio since approximately 19% of the building area would be eliminated, thus lessening the need for parking (i.e., lower parking ratio in "after" condition).

4. **Landscape/Irrigation:**

There is a small (approximately 90SF) strip of landscaping on the rear west side of the building that is not within the proposed ROW acquisition area.

Proposed Mitigation:

N/A

5. **Site Lighting:**

There is a small exterior flood-lighting fixture on the building's south façade above the existing doorway that will be impacted. There is also a CalTrans type City light pole in the existing ROW sidewalk at Holt Boulevard, at the southwest corner of the building, that will be impacted by the proposed new ROW.

Proposed Mitigation:

Façade lighting will need to be replaced by project, and the City Light Pole will need to be relocated or replaced by the CIP to maintain current light levels.

6. **Property Signage:**

Business' signage is printed on panels on the west parapet of the building section that is within the proposed ROW acquisition area and will therefore be impacted.

Proposed Mitigation:

Remove and reattach signage in-kind on new façade.



a different kind of company

7. Temporary Construction Easement (TCE):

The TCE is currently shown to match the proposed Right of Way.

Proposed Mitigation:

This TCE work to be completed with overall building reconstruction that will impact the business for several months.

Preliminary Estimate of Costs:

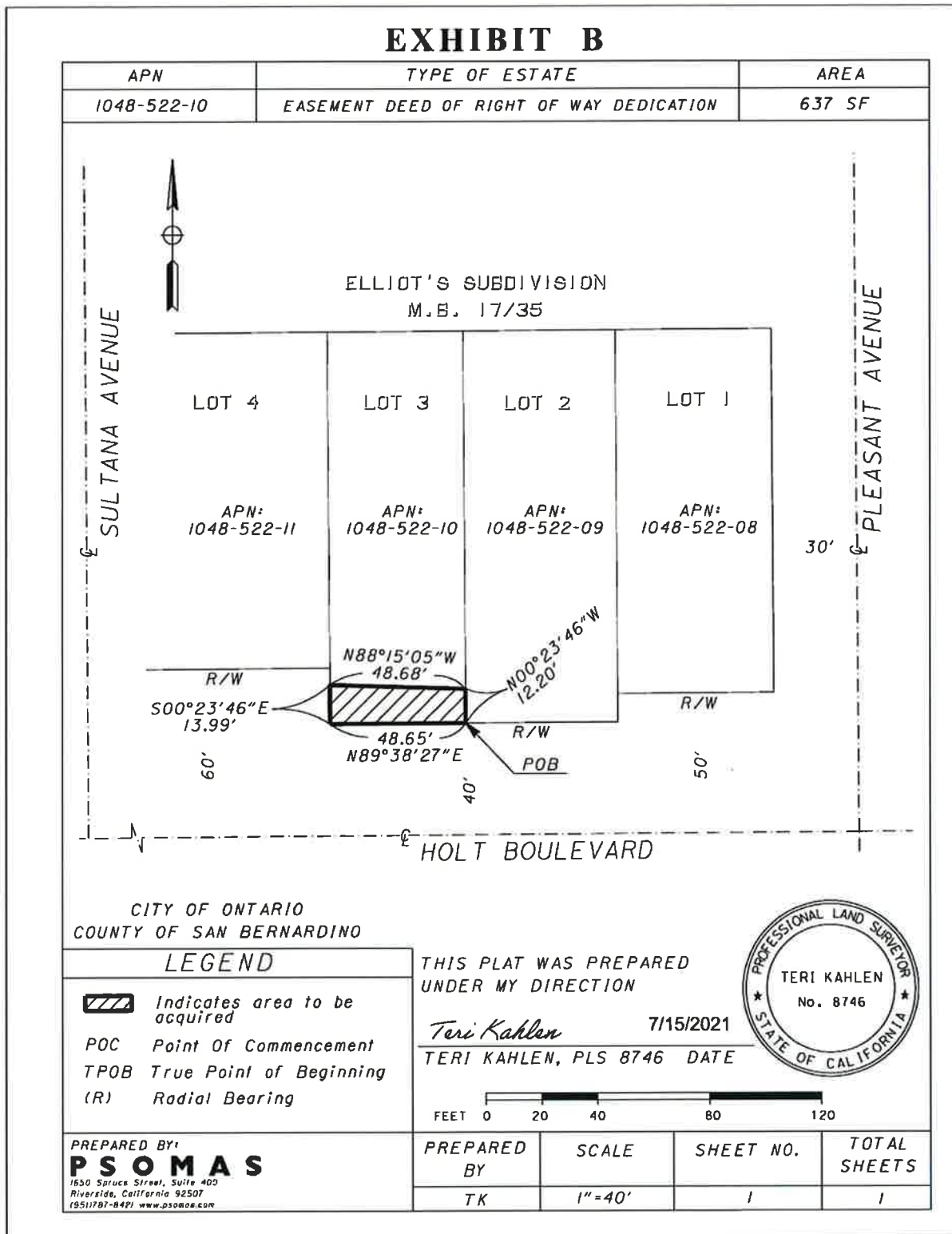
The preliminary estimate of costs to mitigate the CIP impacts to the property is \$223,000. See enclosed cost estimate for detail.

Thank you for the opportunity to be of service.

Sincerely,

A handwritten signature in blue ink, appearing to read "THB", is written over a horizontal line.

Tom Braun, MS, PE
Principal

PARCEL MAP – STREET RIGHT OF WAY DEDICATION

**LEGAL DESCRIPTION – STREET RIGHT OF WAY DEDICATION****EXHIBIT 'A'****Legal Description
Easement Deed of Right of Way Dedication****APN: 1048-522-10**

That portion of Lot 3 of Elliot's Subdivision, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 17, Page 35 of Maps in the office of the County Recorder of said County, described as follows:

Beginning at the southeasterly corner of said Lot 3;

thence along the easterly line of said Lot 3 North 00°23'46" West 12.20 feet;

thence leaving said easterly line North 88°15'05" West 48.68 feet to the westerly line of said Lot 3;

thence along said westerly line South 00°23'46" East 13.99 feet to the southwesterly corner of said Lot 3;

thence along the southerly line of said Lot 3 North 89°38'27" East 48.65 feet to the **True Point of Beginning**.

Parcel contains 637 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/15/2021



Page 1 of 1

Photographs of Street Right of Way Dedication



FRONT VIEW OF SUBJECT PROPERTY



VIEW OF STREET RIGHT OF WAY DEDICATION AREA LOOKING WEST

Attachment: Ltr to SBCTA Board RE RON _ 05.18.22 (8654 : Hearing to Consider RON for Property Interests for the WVC Project)



VIEW OF STREET RIGHT OF WAY DEDICATION AREA LOOKING EAST



VIEW OF REAR PARKING LOT



Analysis of Severance Damages & Benefits

Severance damage is a loss in value to the remaining property after acquisition and construction in the manner proposed. Severance damages are valued by an appraisal of the remainder as a portion of the total property in the before condition and as a remainder in the after condition (disregarding the benefits of the construction project). The remainder is considered damaged if worth less after the project construction because of a legally compensable reason.

By taking the required 637 square feet for a permanent taking for a street right of way dedication, and 6,173 square feet for a temporary construction easement it is concluded that there will be no adverse impact to the property as a whole as parking will be the same in the after condition as before. The building will also be reduced in size by 637 square feet. This will be accomplished with a cut and refacing of the front of the building. The remainder of the building will be less functional with this change, thus we have estimated a contingency for this loss. However, effectively, there will be no change in drainage or grade to the remainder property. Access and visibility will also remain the same. The improvement project will replace or put the improvements back in a manner similar to their current state except for the permanent ROW taking. The highest and best use of the site has also not changed in the after condition. Thus, it is our opinion that the subject remainder property will be negatively impacted by the acquisition of the part taken and the construction of the project improvements. Therefore, it is concluded that there are severance damages to the subject property. We have already appraised the impact to the loss of land and building square footage; however, we must account for the cost to cure the cut and refacing of the building and any functional loss to the building remainder.

Cost to Cure – Cut & Reface Building

Based on the Mitigation Study by Pro-Active Engineering Consultants, provided in the addenda, the cost to cure the taking off of approximately 637 square feet of building area with a cut & refacing of the building is **\$223,000**. The scope as stated in the Mitigation Study is to include the demolishing and replacement of exterior walls, safe off and modify the mechanical, electrical and plumbing (MEP). Excluded from this work is replacing the MEP equipment, any FF&E, modifying the interior layout, site work, relocating of the street-light and extending utilities to the building. The moving of the City light pole is to be completed by the Capital Improvement Project (CIP).

Building Contingency

We have also included a 3% contingency for any functional impact to the remainder of the building to cover any possible impact to the interior layout due to the cut and refacing of the front of the subject building. To calculate this, we have utilized the 3% contingency times the remaining building value of \$466,110 which results in an estimated impact of **\$13,920**. This calculation is shown in the table below.

Residual Value Building Improvements	Take Value Building Improvements	Remaining Building Improvements	Contingency Factor	Contingency Impact
\$580,000	-	\$116,000	= \$464,000 x 3%	= \$13,920

Benefits

Benefits are also valued by appraising the remainder both before, and after, the taking. Benefits are offset against any severance damages. There will be no change in either the drainage or grade level of the remainder property. Traffic and pedestrian flow are expected to improve with the proposed improvement project, but this is considered a benefit to the community at large, as well as to the subject. The widening project will add traffic lanes, and replace the curbs, gutters, sidewalks and street lighting along the subject block. However, in our opinion this does not represent a direct benefit to



the subject. It is a benefit to the community as a whole. Therefore, considering all aspects of the taking and the proposed project, we have concluded that there are no benefits to the subject remainder property.

In the after condition, the subject's land area of 6,810 square feet will be decreased by 637 square feet, leaving a land area of 6,173 square feet. This calculation is shown in the table below.

Total Land SF		Area of Part Taken		Remainder of Land SF
6,810 SF	-	637 SF	=	6,173 SF

In addition, in the after condition, the subject's building area of 3,244 square feet will be decreased by 637 square feet, leaving a building area of 2,607 square feet. This calculation is shown in the table below.

Total Bldg SF		Take Area Bldg SF		Remainder of Bldg SF
3,244 SF	-	637 SF	=	2,607 SF

We have concluded that the subject will suffer \$236,983 in permanent severance damages as a result of the project and will not enjoy any benefits as a result of the project. Because project benefits can only offset damages and because there are no project benefits, the result is a net amount for the severance damages of **\$236,983**. The value of the remainder in the after condition is \$424,776.

Temporary Loss in Income During Reconstruction Period

The subject will also be closed for 4 months due to the reconstruction of the building and site improvements per Preliminary Parcel Summary Report to Mitigate Impacts. The loss in potential rent must be accounted for the 4-month period. The market rent for the subject is estimated at \$2.00 per square foot arrived at in the Income Approach multiplied by the total building square footage for the 4-month reconstruction period. The loss in rental income equates to \$2.00 PSF x 4 months x 3,244 total current square feet of the subject building = **\$25,952**. This calculation is shown in the table below.

Rental Rate Per Mo. PSF		Reconstruction Period in Mos.		Total Bldg SF		Lost Rent During Reconstruction
\$2.00	x	4	x	3,244 SF	=	\$25,952

Description of the Part Taken: TCE

This project proposes to take a temporary construction easement (TCE) of **6,173** square feet that is adjacent to the street right of way dedication along the southern boundary of the subject site. This easement is to provide contractor access to the taking areas previously described. The area is presently improved with part of the building and the rear parking lot. A diagram of this taking and photos are shown on the pages following this discussion.



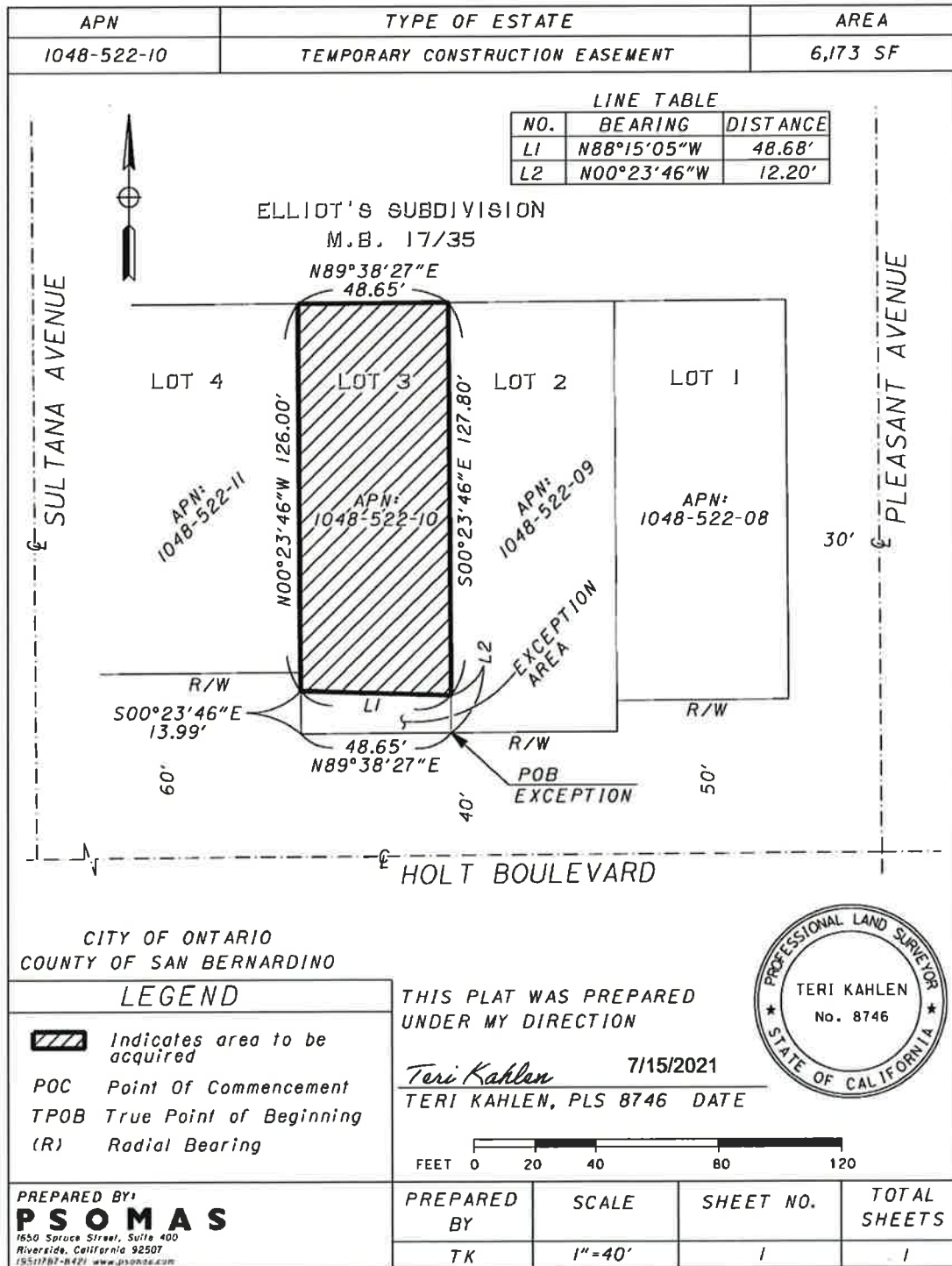
Analysis of the Part Taken – TCE

In the Land Sales Analysis, a value indicator of **\$31.25** per square foot is attributed to the land area for the larger parcel. The temporary construction easement will impact an area of **6,173** square feet. The specified duration for the construction easement is **24** months with a direct impact occupation period of 6 months. It is assumed that the property will be returned to the condition it was in before the temporary construction easement as part of the project construction cost except for the ROW taking square footage of both the building and land. Work will not allow for ingress and egress to the site during the time estimated to cut and reface the front of the building.

Since the temporary construction easement does not represent a permanent easement, a rental amount for the land is applied over the length of the easement agreement. As in the previous analysis, the value of the larger parcel was estimated at **\$31.25** per square foot. This figure, times the land area of 6,173 square feet, equates to \$192,906. Land capitalization rates generally range in the market from 4% to 8% depending upon the location, use, zoning, size, lease terms, etc. Historically a 6% to 10% rate of return was anticipated on land values in this general market. However, with lower interest rates and the strong demand for real estate investments, land capitalization rates in recent years now range from 4% to 8%, generally 6%. Given the administrative time of managing a temporary construction easement, coupled with the owner's responsibility for the property taxes and other expenses to the property, we have utilized a rate slightly higher, say 7%. Thus, utilizing a capitalization rate of 7% multiplied by the \$192,906 land value times 2 years (24 months), results in a Market Value for the Temporary Construction Easement of **\$27,007**. This calculation is shown in the table below.

TEMPORARY CONSTRUCTION EASEMENT (TCE)

Parcel Type	Area of Part Taken	Value Per SF	Total Value	Annual Land Rate of Return	No. of Months	Value Conclusion
Temporary Construction Easement (TCE): 24 Months	6,173 SF	\$31.25	\$192,906	7.0%	24	\$27,007

PARCEL SURVEY MAP: TEMPORARY CONSTRUCTION EASEMENT**EXHIBIT B**

Attachment: Ltr to SBCTA Board RE RON _ 05.18.22 (8654 : Hearing to Consider RON for Property Interests for the WVC Project)

**LEGAL DESCRIPTION – TEMPORARY CONSTRUCTION EASEMENT****EXHIBIT 'A'****Legal Description
Temporary Construction Easement****APN: 1048-522-10**

Lot 3 of Elliot's Subdivision, in the City of Ontario, County of San Bernardino, State of California, as per map filed in Book 17, Page 35 of Maps in the office of the County Recorder of said County.

EXCEPT THEREFROM that portion described as follows:

Beginning at the southeasterly corner of said Lot 3;

thence along the easterly line of said Lot 3 North 00°23'46" West 12.20 feet;

thence leaving said easterly line North 88°15'05" West 48.68 feet to the westerly line of said Lot 3;

thence along said westerly line South 00°23'46" East 13.99 feet to the southwesterly corner of said Lot 3;

thence along the southerly line of said Lot 3 North 89°38'27" East 48.65 feet to the **True Point of Beginning**.

Parcel contains 6,173 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5, 2007.00 epoch. Divide distances shown by 0.999945103 to obtain ground distance.

See Exhibit 'B' attached hereto and made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act (Bus. & Prof. Code §8700).

Signature: Teri Kahlen
Teri Kahlen, PLS 8746

Date: 7/15/2021



Page 1 of 1

Photographs of TCE



VIEW OF TEMPORARY CONSTRUCTION EASEMENT LOOKING WEST



VIEW OF TEMPORARY CONSTRUCTION EASEMENT LOOKING EAST



Conclusion of Value of Proposed Acquisitions

Shown below are the conclusions of this report leading to the value for the subject Parts Taken. These conclusions are subject to the assumptions and limiting conditions included at the end of this report, as of December 1, 2021, and represent the market value of the fee simple interest in the subject property.

Concluded Value of the Proposed Acquisitions		Value of Property Rights to be Acquired
	Valuation Opinions *	
Value of Larger Parcel As Improved in Before Condition	\$795,000	
Permanent Parts to be Acquired		
Value of Part Taken - Street Right-Of-Way Dedication - Land	\$19,906	
Value of Part Taken - Street Right-Of-Way Dedication - Building Improvements	\$116,000	
Total Value of Permanent Rights Taken	\$135,906	\$135,906
Severance Damages		
Cost to Cure - Cut & Reface Building	\$223,000	
3% Contingency for Functional Impact to Remainder of Building	\$13,920	
Total Severance Damages	\$236,920	
Less Benefits	\$0	
Net Severance Damages	\$236,920	\$236,920
Value of Remainder in After Condition	\$422,174	
Temporary Property Rights		
Temporary Loss in Income During Reconstruction Period: 4 months	\$25,952	
Temporary Construction Easement (TCE): 24 Months	\$27,007	
Total Value of Temporary Property Rights	\$52,959	\$52,959
Concluded Value of the Proposed Acquisitions (Parts Taken, Severance Damages/Benefits)		\$425,785
		Rd. \$426,000



Reconciliation and Final Value Conclusion

The final step in the appraisal process is the reconciliation of the indications of value derived by the approaches utilized. This section takes into account the purpose of the report, the type of property appraised, the appropriateness and accuracy of each approach, and the adequacy of the data processed in each of the approaches. Most importantly is which approach most nearly reflects the actions of buyers and sellers in the market. As previously indicated, we have utilized the Sales Comparison Approach for the purpose of this analysis. Presented below are the conclusions arrived at in this report. The conclusions are as of a date of value of December 1, 2021 and represent the Fee Simple interest in the subject property. Therefore, based on the definition of market value for condemnation purposes, we have concluded at the following "Just Compensation" for the subject property. These conclusions are subject to the assumptions and limiting conditions contained in this report.

CONCLUDED VALUE OF THE PROPOSED ACQUISITIONS

Parcel Type	Parcel # Site Address	Owner Name	Site Area Zoning	Right of Way Area	Value Property Rights Acquired
Value of Part Taken - Street Right-Of-Way Dedication - Land	1048-522-10	DARU Property Management LLC	6,810 SF	637 SF	\$19,906
Value of Part Taken - Street Right-Of-Way Dedication - Building Improvements	517 E. Holt Boulevard Ontario		CN	637 SF	\$116,000
Severance - Cost to Cure - Cut & Reface Building					\$223,000
Severance - 3% Contingency for Functional Impact to Remainder of Building					\$13,920
Temporary Loss in Income During Reconstruction Period: 4 months				3,244 SF	\$25,952
Temporary Construction Easement (TCE): 24 Months				6,173 SF	\$27,007
Concluded Value of the Proposed Acquisitions (Parts Taken, Severance Damages/Benefits)					\$425,785
					Rd. \$426,000

Minute Action

AGENDA ITEM: 31

Date: June 1, 2022

Subject:

Election of Officers for Fiscal Year 2022/2023

Recommendation:

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

- A. Receive Nominating Committee recommendations for Board President and Vice President.
- B. Conduct elections for Board President and Vice President.

Background:

The San Bernardino County Transportation Authority (SBCTA) Ordinance No. 17-001 Administrative Code, adopted June 7, 2017, set the process for the election of officers. The process is initiated by the selection of a seven member Nominating Committee. The Nominating Committee consists of one member of the County Board of Supervisors and two members each from the three Subareas: Mountain/Desert, East Valley, and West Valley. The current Board President is automatically included as a member of the Nominating Committee representing either the County or their respective subarea.

On May 4, 2022, the subareas convened caucuses to select their representatives to serve on the Nominating Committee. The members of the Nominating Committee are: Larry McCallon, City of Highland, and David Avila, City of Yucaipa, representing the East Valley; Alan Wapner, City of Ontario, and Dennis Michael, City of Rancho Cucamonga, representing the West Valley; Rick Herrick, City of Big Bear Lake, and Joel Klink, City of Twentynine Palms, representing the Mountain/Desert; and Curt Hagman, representing the County Board of Supervisors.

The Nominating Committee will announce their recommendations at the June 1, 2022 Board of Directors meeting. The Board of Directors will then vote to select the Board President and Vice President. The President and Vice President will take office at the next regular Board meeting subsequent to the election. The persons elected as President and Vice President of the SBCTA Board will also serve as President and Vice President of the San Bernardino Associated Governments (SBCOG) Board in accordance with the SBCOG Bylaws.

Financial Impact:

This item does not impact the Proposed Fiscal Year 2022/2023 Budget.

Reviewed By:

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

Responsible Staff:

Curt Hagman, County of San Bernardino

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

Board of Directors Agenda Item
June 1, 2022
Page 2

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Minute Action

AGENDA ITEM: 32

Date: June 1, 2022

Subject:

SBCTA Proposed Fiscal Year 2022/2023 Budget

Recommendation:

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

- A. Conduct the Public Hearing for the Fiscal Year 2022/2023 Proposed Budget; and
- B. Adopt the SBCTA Fiscal Year 2022/2023 Budget; and
- C. Approve the Fiscal Year 2022/2023 Budget Action Plan.

The Proposed Fiscal Year 2022/2023 Annual Budget is being provided as a separate attachment.

Background:

The development of the Fiscal Year 2022/2023 Budget is now complete. The proposed budget document was distributed to members of the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) prior to the Budget Workshop held during the Board meeting on May 4, 2022. SBCTA's budget process is structured to provide the maximum level of input from all SBCTA policy committees. SBCTA staff provided a budget overview for each program. Each policy committee reviewed the tasks that relate to the functional areas of committee oversight and each task has been reviewed by at least one of the policy committees.

SBCTA's budget process includes a review of the Board's direction as it relates to short-term goals and how it integrates with the agency's long-term goals and objectives. As part of this review, staff analyzes the resources available to help meet the short-term goals as set forth in the fiscal year budget. The Budget Action Plan for Fiscal Year 2022/2023 has been incorporated in the budget document, on which the Executive Director will provide quarterly updates.

For purposes of preparing an annual budget, San Bernardino Associated Governments (SBCOG) is a blended component unit of SBCTA, and its estimated revenues and appropriations are reflected in the proposed budget. SBCTA develops a program-based budget, which is adopted with funding source detail. The modified accrual basis (where revenues are recognized when received and available to meet current year obligations) is the basis for the Fiscal Year 2022/2023 Budget. Fiscal Year 2022/2023 estimated revenues are \$850,430,614, carryover balances are \$261,360,901, appropriations are the largest ever proposed at \$1,111,791,515, and transfers are \$190,012,767. Also included are drawdowns from the US Department of Transportation (USDOT) loan for the I-10 Contract 1 Project under the Transportation Infrastructure Finance and Innovation Act (TIFIA) program of \$125,394,175.

Changes/Updates to Budget Document

The following are significant items included in the Fiscal Year 2022/2023 Budget:

Entity: San Bernardino County Transportation Authority

- Estimates for sales tax increase for Measure I by 27.5% or \$54.0 million and for the Local Transportation Fund by \$18.9 million or 16.9% from current budget are mainly due to the continuous acceleration of on-line shopping and the implementation of the Supreme Court decision of Wayfair v. South Dakota that requires vendors to collect and remit sales tax.
- The indirect cost fund is funded from various Measure I programs, Local Transportation Fund, Service Authority for Freeway Emergencies, and Council of Government funds, as shown on page 271 of the budget document. The estimated carry-over fund balance of \$1.9 million for the indirect cost fund is reserved for emergencies, future improvements of the Santa Fe Depot, and upgrades to information technology systems.
- Reserves of \$62.4 million are established as per policy for the Measure I Funds, the Local Transportation Fund, the State Transit Assistance Fund, and to pay off the net pension liability as shown on page 72.
- Transfers in and out of \$190.0 million represent cash transfers between funds. The purpose of the transfers are to fund various rail projects, planning and transit activities, debt service payments, and indirect costs as shown on page 46 of the budget document. Transfers also include \$125,394,175 from the Express Lanes Operation enterprise fund to the Measure I Freeway fund where the construction costs are recorded. The cash is drawn from the USDOT loan under the TIFIA program for the construction phase of the I-10 Contract 1 Project.
- Allocation of debt service by program area is provided on page 295 of the budget document.
- This budget includes additional reorganizational changes under review at the time of budget preparation to deal with changes in personnel and provide a clearer succession plan for the organization. The changes include the elimination of the Director of Project Delivery and Toll Operations, the addition of a Director of Management Services, the reclassification of Chief of Management Services to Chief of Information Technology, the reclassification of the Chief of Planning to Deputy Director of Planning and salary range adjustments for the Procurement Manager and Risk Manager positions. The Board of Directors adoption of these changes occurred in April 2022. Salary and benefit costs are estimated at \$16,619,122, or 1.5% of the overall budget. The budget includes the following benefit increases: 3.7% Cost of Living Adjustment, \$445,170 to allow the Executive Director to grant merit increases of up to 4% and \$1,200 increase to the medical premium subsidy.

The proposed budget reflects a balanced budget with new revenues and use of fund balance or carryover balances from prior years covering appropriations. This results in a strong cash position with projected ending fund balances of \$673.1 million that includes establishing reserves of \$62.4 million from various funds.

Financial Impact:

Budget estimated new revenues are \$850,430,614, carryover balances are \$261,360,901, appropriations are \$1,111,791,515, and transfers are \$190,012,767. The budget will establish the work program and financial framework to guide the organization throughout Fiscal Year 2022/2023.

Board of Directors Agenda Item

June 1, 2022

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Reviewed By:

The proposed budget was presented for review at the Board of Directors Budget Workshop held during the Board meeting on May 4, 2022. Since the workshop, the proposed budget document has been updated to include, instead of eliminating, transfers within SBCOG funds. The net transfers for SBCOG remain at \$554,771 and total transfers increased to \$190,012,767. Explanation associated with transfer between SBCOG funds of \$130,614 is included on page 46 of the proposed budget document. Other minor and non-material changes have been made. All SBCTA policy committees have reviewed task descriptions and budget for activities under their purview.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

San Bernardino County Transportation Authority

Budget Action Plan

Action Plan		Milestones	Responsibility
Initiative #1: Transparent and Accountable Allocation Strategies			
Division Strategy: Complete timely audits of Measure I and Transportation Development Act recipients			
1A	Manage and communicate with Audit firm to plan and complete annual audits.	Manage and complete audits - Q2	Finance
	Monitor progress of audits.	Monitor audit until complete - Q2	
	Inform Committees and Board of status of audits.	Committee and Board - Q3	Fund Administration
	Manage Transportation Development Act (TDA) triennial performance audits of SBCTA and transit operators.	Board approval to release request for proposals for audit services - Q4	
Division Strategy: Update construction in progress and conduct annual inventory of capital assets			
1B	Conduct biannual inventory of capital and inventorial assets, including updates to construction in progress (CIP).	Updates to CIP and capital assets - Q2	Finance
Division Strategy: Use strategic programming to ensure that no funds are lost			
1C	Manage projects closely with California Department of Transportation (Caltrans) to ensure adequate resources are available when projects are ready.	May 1 is Caltrans' deadline for guaranteed access to federal Obligation Authority (OA) – Q4 June 30 is California Transportation Commission (CTC) deadline for project allocation or extension requests – Q4	Fund Administration, Project Delivery, Transit
	Manage projects to ensure funds are not lost.	Request allocation of competitive grant funds for I-10 Truck Climbing Plan project - Q3	Fund Administration
		Request allocation of competitive grant funds for West Valley Connector project - Q3	
		Request allocation of Planning, Programming and Monitoring funds for Fiscal Year 2023/2024 - Q4	
		Program Local Partnership Program formula share funds on I-15 Express Lanes Contract 1 - Q4	
		Request allocation or extension of competitive grant funds awards and State Transportation Improvement Program (STIP) for I-15 Express Lanes Contract 1 - Q4	
Division Strategy: Protect San Bernardino County's equitable share of available state and federal funds			
1D	Develop funding strategies that maximize resources available and result in opportunities to seize additional state and federal funds.	Ensure Obligation Authority (OA) and apportionment are available as new projects are ready while planning for implementation of the zero emission bus mandate - Q4	Fund Administration, Project Delivery, Transit
Division Strategy: Develop long-term bonding needs to help leverage other funds and deliver projects			
1E	Establish plan for 2024 sales tax revenue bond program through development of the 2023 Update to the 10-Year Delivery Plan.	Monitor implementation of the 2021 Update to the 10-Year Delivery Plan and Measure I revenue receipts to identify need for short-term borrowing – Ongoing Begin process of development of the 2023 Update to the 10-Year Delivery Plan for adoption by the Board in December 2023 - Q3	Fund Administration (Finance, Project Delivery, Transit, Planning)
Division Strategy: Manage geographic equity in fund distribution across the county			
1F	Manage long-term strategy for ensuring geographic equity in fund distribution over the life of the Measure.	Work with Victor Valley Transit Authority to identify Federal funds required for implementation of the zero emission bus mandate in the North Desert and Victor Valley Subareas - Q2	Fund Administration (Transit)
Division Strategy: Manage SBCTA railroad right of way in an efficient and comprehensive fashion			
1G	Manage SBCTA railroad right of way in an efficient and comprehensive fashion.	Ongoing	Transit
Initiative #2: Engender Public Trust			
Division Strategy: Secure an unmodified opinion of Comprehensive Annual Financial Report (Annual Report)			
2A	Plan meeting at interim field work with Executive Board officers and Certified Public Accountant (CPA) firm.	Meet with Executive Board - Q2	Finance
Division Strategy: Obtain Certificate of Achievement for Excellence in Financial Reporting			
2B	Apply for Government Finance Officers Association (GFOA) award for the Annual Financial Report (Annual Report).	GFOA Award submittal - Q3	Finance
Division Strategy: Obtain Distinguished Budget Presentation Award			
2C	Apply for GFOA award for annual budget.	GFOA Award submittal - Q1	Finance
Division Strategy: Complete internal control self-assessment to identify areas of improvement.			
2D	Complete review of annual internal control self-assessment (AICA).	Review of AICA - Q3	Finance
Division Strategy: Implement the Records Retention Schedule			
2E	Continue with the implementation of the Records Retention Program, including establishing quarterly meetings with records coordinators, an annual clean up day, a system that will assist tracking which documents have passed retention.	Clean up day - Q1	Special Projects and Strategic Initiatives and Executive Administration and Support
		Identify the retention period for boxes located at SBCTA offsite storage for at least four (4) departments - One department per quarter.	
		Automate at least four (4) records series - Q4	
Initiative #3: Focus on Creating and Strengthening Collaborative Partnerships with Governmental and Business Entities			
Division Strategy: Work with other governments and business groups to leverage resources for our region's benefit			
3A	Prepare tools to assist local agencies with changes to statewide housing policies and environmental regulations.	Continue to explore a Housing Trust for our region as a way to leverage additional funds for affordable housing. Work with CCMTAC in Q1/Q2 and report to Board on possible actions and funding.	COG
	Partner with local and government agencies to improve opportunities in workforce development.	Work with state, County and cities to expand participation of our Business to Business event as a tool for improving access for smaller businesses - Event scheduled in Q2.	
		Continue close coordination with Brightline West to support their construction along the San Gabriel Subdivision between I-15 and Cucamonga Station, as well as coordinated development of the Cucamonga Station.	Ongoing
Division Strategy: Enhance COG role			
3B	Organize annual City/County Conference.	In person conference set for Spring 2023.	COG
	Collaborate with Member Agencies through the COG Advisory Group during the decision-making process on items related to the COG work plan and any items related to the Countywide Vision.	Ongoing quarterly meetings with COG Advisory Group and periodic updates to City Managers.	

Budget Action Plan

Action Plan		Milestones	Responsibility
Division Strategy: Enhance SBCOG's and the region's ability to compete for grant funding			
3C	Host grant writing workshop for our members and other local government partners.	Host a workshop - Q3	COG
	Better communicate grant opportunities to member agencies.	Provide monthly updates to member agencies on new grant opportunities.	
Division Strategy: Assist local governments with environmental and efficiency initiatives			
3D	Work with local agencies with Zero Emission Vehicle (ZEV) readiness plan and assist in identifying grant opportunities for charging infrastructure.	Include EV charging infrastructure grants in monthly grant updates.	Air Quality/Mobility
	Assist local agencies with reducing energy consumption and achieving savings through formation of a Regional Energy Network (REN).	Adopt formal REN governing documents in Q1 and begin to implement programs in three focus areas of Public Sector, Workforce Education and Training, and Codes and Standards in Q2.	
Initiative #4: Accelerate Delivery of Capital Projects			
Division Strategy: Deliver the Redlands Passenger Rail Project & Implement Arrow Service			
4A	Start revenue service.	Q2	
Division Strategy: Support Delivery the West Valley Connector Phase I			
4B	Execute full funding grant agreement with the Federal Transit Administration (FTA) for the Small Starts funding and supplemental American Recovery Plan funding.	Q1	Transit
	Issue Invitation for Bids (IFB) for construction.	Q3	
Division Strategy: Produce Zero Emission Multiple Unit			
4C	Begin dynamic testing in Europe.	Q2	Transit
Division Strategy: Deliver the Tunnel to ONT Project			
4D	Draft Environmental Document prepared.	Q4	Transit
Division Strategy: Delivery of Capital Projects			
4E	Project Approval and Environmental Document (PA/ED) Milestones:		Project Delivery
	SR-210 Waterman Ave Interchange	PA/ED approval - Q1	
Division Strategy: Delivery of Capital Projects			
4F	Plans, Specifications and Estimate (PS&E); Engineering Reports Milestones:		Project Delivery
	ATP Metrolink Phase II	PS&E approval - Q1	
	I-215 Bi-County Landscaping	PS&E approval - Q1	
	I-10 Eastbound Truck Climbing Lane	PS&E approval - Q1	
	I-215 University Parkway IC	PS&E approval - Q2	
	I-15 Corridor Freight and Express Lanes Contract 1	PS&E approval - Q4	
Division Strategy: Delivery of Capital Projects			
4G	Construction Milestones:		Project Delivery
	North First Avenue Bridge over BNSF	Start construction - Q1	
	I-10 Cedar Avenue Interchange	Start construction - Q1	
	I-215 Bi-County Landscaping	Start construction - Q3	
	ATP Metrolink Phase II	Start construction - Q3	
	I-10 Eastbound Truck Climbing Lane	Start construction - Q3	
	SR-60 Central Avenue Interchange	Complete for Beneficial Use - Q1	
	I-10 Alabama Street Interchange	Complete for Beneficial Use - Q2	
	SR-210 Base line Interchange	Complete for Beneficial Use - Q4	
	SR-210 Lane Addition	Complete for Beneficial Use - Q4	
Initiative #5: Maximize Funding Opportunities and Cost-Effectiveness of Investments			
Division Strategy: Conduct regional forums to discuss issues of importance across our region			
5A	Advocate for policies and funding formulas at the state and federal levels that are favorable for SBCTA to construct and deliver transportation projects.	Advocate for legislation regarding increase in federal funding for local bridges (AB 2120), CEQA exemptions for transportation projects (SB 922), and flexible use of state funds for discounted transit fares, as well as Brown Act revisions providing for remote participation. Build coalitions in support of state and federal transportation grant applications and budget items. Maintain good working relationships and communication with state and federal officials.	Legislative/Public Affairs
Initiative #6: Awareness of SBCTA Programs, Services, and Transit Options			
Division Strategy: Build awareness of SBCTA programs and services			
6A	Highlight Measure I's contributions to the region's transportation system.	Annual state of transportation event; monthly blog series "Measure I (Impact)".	Legislative/Public Affairs, Fund Administration
	Market SBCTA identity, promote awareness of programs and services.	Employee spotlight blog series.	Legislative/Public Affairs
Division Strategy: Leverage and grow public outreach and communication services			
6B	Continue to enhance traditional and social media presence.	Ongoing: providing project updates, alerts, and information.	Legislative/Public Affairs
	Utilize On-Call Public Outreach Contracts, On-Call Graphic Design Services Contracts, Marketing & Branding Services Contract, and Redlands Passenger Rail Project Outreach Contract to utilize new tools and capitalize on communication opportunities throughout the region.	Ongoing: providing services for Mt. Vernon Viaduct, I-10 Express Lanes, 210 freeway, Redlands Passenger Rail Project.	Legislative/Public Affairs, Transit
	Utilize On-Call Graphic Design Services Contracts & Marketing and Branding Services Contract to support each department in their efforts to communicate internally and externally.	Ongoing: provide assistance with presentations, graphics (i.e. Budget Book), and collateral materials.	Legislative/Public Affairs, Fund Administration
Division Strategy: Highlight transit options in San Bernardino County			
6C	In partnership with transit operators, highlight transit connectivity options in the region.	Ongoing: provide legislative information and updates, advocate at the state and federal levels for transit maintenance and operations funding.	Legislative/Public Affairs, Transit
	Support Omnitrans with implementation of pilot programs first/last mile shuttles from the Cucamonga Station and San Bernardino Transit Center that are coordinated with the Metrolink service schedule.	Q2	Transit
Initiative #7: Long Range Strategic Planning			
Division Strategy: Analyze long range transportation strategy in a financially constrained framework			
7A	Prepare a Long Range Multimodal Transportation Plan (LRMTP).	Complete bus rapid transit study for Valley - Q2	Planning, Transit, Fund Administration
		Initiate full LRMTP - Q3	
		Complete San Bernardino County input on growth and projects to the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities	Assist SCAG with local growth distribution update - Q3

Budget Action Plan

Action Plan		Milestones	Responsibility
	Strategy (RTP/SCS).	Provide updated list of RTP projects to SCAG - Q3	

Budget Action Plan

Action Plan		Milestones	Responsibility
Division Strategy: Conduct strategic planning of Measure I projects and update policies to be consistent with practice			
7B	Maintain Measure I Strategic Plan Parts 1 and 2.	Ongoing	Planning, Fund Administration
Division Strategy: Provide current, quality planning data			
7C	Support other departments with data analysis and mapping/Geographic Information System (GIS).	Ongoing	Planning
	Update SBTAM modeling system.	Complete updated SBTAM for testing - Q3	
		Complete Model Validation - Q4	
	Upgrade to new Congestion Monitoring System.	Initiate operation - Q1	
		Prepare documentation - Q2	
	Incrementally implement an SBCTA agency-wide data and analytics dashboard.	Ongoing	
Division Strategy: Conduct subarea and modal studies			
7D	Update Comprehensive Multimodal Corridor Plans with RCTC and Caltrans, to address SB 1 Solutions for Congested Corridors requirements.	Complete update - Q1	Planning
	Conduct SR-18/138 Corridor Study with Metro and Caltrans.	Prepare final report - Q3	
Initiative #8: Environmental Stewardship, Sustainability, and Grant Applications			
Division Strategy: Monitor and Provide Input to State, Federal, and Regional Plans and Guidelines			
8A	Provide technical comments on draft reports, plans, and guidelines from Caltrans, CTC, OPR, CARB, CalSTA, and other state agencies.	Ongoing	Planning, COG
	Prepare Grant Applications for SB1 and other funding.	Senate Bill 1 (SB1) Grants submitted - Q2 Award announcements - Q4	Planning, Fund Administration
Division Strategy: Assist jurisdictions, developers, and other stakeholders with area-wide sustainability studies			
8B	Begin development of VMT mitigation bank and/or approaches to mitigation under SB 743.	Initiation of VMT mitigation bank - Q4 (conditioned on REAP funding and Board approval)	Planning
	Complete updated draft of the Regional Conservation Investment Strategy (RCIS).	Updated draft - Q3	
	Assist local agencies with housing initiatives under Regional Early Action Plan (REAP 2.0).	Work with SCAG on REAP application to HCD - Q2	
Division Strategy: Prepare effective active transportation plans			
8C	Prepare Active Transportation Plans: Safe Routes to School Program (with County).	Restart plan development following COVID - Q2	Planning
	Manage TDA Article 3 bike/ped project invoicing.	Ongoing	
	Conduct Countywide Sidewalk Inventory, Phase 2.	Complete inventory, documentation, and update active transportation website with added data - Q3	
Division Strategy: Implement components of ATP Metrolink Station Accessibility Grant			
8D	Implementation of Phase 2 of the Bicycle and Pedestrian improvements around the Metrolink Stations on the San Bernardino and Riverside Lines.	Complete final design - Q4	Planning, Project Delivery
Division Strategy: Develop and administer programs to improve the efficient use of our existing freeway network			
8E	Implement a mobile call box program.	Release RFP for call handling for program - Q3 Target for program implementation - Q2	Air Quality/Mobility
	Administer Freeway Service Patrol (FSP) and call box system to improve traffic safety, reduce congestion and traffic delays.	Ongoing. Present annual report on programs to Board - Q4	
	Merge IE 511 with a regional SoCal 511.	Merger expected - Q1	Transit
	Merge the regional rideshare database with OCTA, LA Metro, RCTC, and VCTC enhancing ride matching functionality and customer experience.	Q2	
Division Strategy: Support access to jobs, healthcare, and education while reducing roadway congestion.			
8F	Administer multi-modal programs to reduce congestion and improve quality of life including coordination with transit providers and Consolidated Transportation Service Agencies (CTSA) serving San Bernardino County.	Work with the transit providers and CTSA's, to identify key activities for inclusion in the SBCTA LRMTF, and proposed Fiscal Year 2022/2023 budget based on the approved Public Transit-Human Services Transportation Coordination Plan – Q3	Transit, Fund Administration, Legislative/Public Affairs

Minute Action

AGENDA ITEM: 33

Date: June 1, 2022

Subject:

Appropriations Limitation for Fiscal Year 2022/2023

Recommendation:

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

Adopt Resolution No. 23-020 establishing an appropriations limit of \$1,540,058,546 for Fiscal Year 2022/2023.

Background:

Article XIII B of the California Constitution specifies that the appropriations limit of state and local governments shall be set by resolution annually and may increase annually by a factor comprised of the change in population combined with the change in California per capita personal income.

In accordance with the above-mentioned requirements, Resolution No. 23-020 setting the appropriations limit for the San Bernardino County Transportation Authority (SBCTA) has been prepared and is attached for review and adoption. The California Department of Finance provides the percentage change over the prior year for the per capita personal income and the annual percentage change in population. This factor, multiplied by the approved prior year appropriations limit, establishes SBCTA's Fiscal Year 2022/2023 appropriations limit at \$1,540,058,546. The annual establishment of an appropriations limitation excludes federal grant funds from the calculation.

The previous limit approved by the Board of Directors was \$1,429,944,657. Resolution No. 23-020 adjusts the limit to \$1,540,058,546. The increase from the prior year is due to a 7.55% increase in per capita personal income and 0.14% increase in County population over the prior year.

Financial Impact:

This item imposes no financial impact. The Proposed Fiscal Year 2022/2023 Budget is well below the proposed appropriations limit.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. This item is being presented directly to the Board of Directors at its June 1, 2022, meeting, in conjunction with the adoption of the Fiscal Year 2022/2023 Budget. SBCTA General Counsel has reviewed this item and the draft resolution.

Responsible Staff:

Hilda Flores, Chief Financial Officer

Board of Directors Agenda Item
June 1, 2022
Page 2

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

San Bernardino County Transportation Authority

RESOLUTION NO. 23-020

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY ESTABLISHING APPROPRIATIONS LIMIT FOR FISCAL YEAR 2022/2023

WHEREAS, Article XIII B of the California Constitution and Sections 7900 through 7913 of the California Government Code require the governing body of each local government to annually determine and establish, by resolution, an appropriations limit; and

WHEREAS, the appropriations limit is applicable to the proceeds of taxes levied by or for a local government entity and interest earned on such proceeds, and from the proceeds of state subventions to that local government entity.

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

Section 1. Pursuant to Section 7902(b) of the California Government Code and California Constitution Article XIII B, the appropriations limit for San Bernardino County Transportation Authority for Fiscal Year 2022/2023 is hereby determined to be and is established as \$1,540,058,546.

Section 2. This resolution is effective upon the date adopted.

PASSED AND ADOPTED at a meeting of the San Bernardino County Transportation Authority held on June 1, 2022.

Curt Hagman, President
San Bernardino County Transportation Authority

ATTEST:

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

Dear Fiscal Officer:

Subject: Price Factor and Population Information

Appropriations Limit

California Revenue and Taxation Code section 2227 requires the Department of Finance to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2022, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2022-23. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2022-23 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. California Revenue and Taxation Code section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The code section and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. California Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2022.**

Please Note: The prior year's city population estimates may be revised. The per capita personal income change is based on historical data.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

KEELY MARTIN BOSLER
Director
By:

ERIKA LI
Chief Deputy Director

Attachment

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2022-23 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2022-23	7.55

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2022-23 appropriation limit.

2022-23:

Per Capita Cost of Living Change = 7.55 percent
Population Change = -0.30 percent

Per Capita Cost of Living converted to a ratio: $\frac{7.55 + 100}{100} = 1.0755$

Population converted to a ratio: $\frac{-0.30 + 100}{100} = 0.997$

Calculation of factor for FY 2022-23: $1.0755 \times 0.997 = 1.0723$

Fiscal Year 2022-23

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022 and Total Population, January 1, 2022

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2021-2022	1-1-21	1-1-22	1-1-2022
San Bernardino				
Adelanto	-0.58	36,569	36,357	36,357
Apple Valley	-0.70	76,160	75,628	75,628
Barstow	-0.56	24,996	24,855	25,202
Big Bear Lake	-0.26	5,054	5,041	5,041
Chino	1.75	86,713	88,228	91,998
Chino Hills	-0.60	78,437	77,964	77,964
Colton	-0.44	53,853	53,617	53,617
Fontana	1.39	209,889	212,809	212,809
Grand Terrace	-0.68	13,131	13,042	13,042
Hesperia	0.10	100,225	100,324	100,324
Highland	-0.65	56,915	56,546	56,546
Loma Linda	0.18	25,269	25,314	25,349
Montclair	-0.54	38,052	37,846	37,846
Needles	-0.79	4,915	4,876	4,876
Ontario	1.60	176,689	179,516	179,516
Rancho Cucamonga	0.00	174,484	174,476	174,476
Redlands	-0.48	72,933	72,585	72,585
Rialto	-0.09	104,050	103,954	103,954
San Bernardino	-0.55	220,768	219,544	220,840
Twentynine Palms	-0.77	15,895	15,772	27,685
Upland	0.31	78,891	79,139	79,139
Victorville	0.82	131,522	132,597	136,561
Yucaipa	-0.61	54,830	54,494	54,494
Yucca Valley	-0.15	21,846	21,813	21,813
Unincorporated	-0.46	292,872	291,532	300,003
County Total	0.14	2,154,958	2,157,869	2,187,665

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment: GANN Limit - Price and Population Letter (8460 : Appropriations Limitation for Fiscal Year 2022/2023)

Fiscal Year 2022-23

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022

County	<u>Percent Change</u> 2021-22	<u>--- Population Minus Exclusions ---</u> 1-1-21	1-1-22
Alameda			
Incorporated	-0.53	1,507,763	1,499,840
County Total	-0.62	1,659,616	1,649,285
Alpine			
Incorporated	0.00	0	0
County Total	0.42	1,195	1,200
Amador			
Incorporated	1.23	13,780	13,949
County Total	0.16	36,382	36,440
Butte			
Incorporated	0.44	138,002	138,604
County Total	-2.44	206,640	201,608
Calaveras			
Incorporated	-0.49	3,641	3,623
County Total	-0.40	45,166	44,986
Colusa			
Incorporated	0.50	11,886	11,946
County Total	0.16	21,773	21,807
Contra Costa			
Incorporated	-0.38	983,397	979,614
County Total	-0.41	1,161,240	1,156,471
Del Norte			
Incorporated	-0.88	4,111	4,075
County Total	-0.56	25,330	25,187
El Dorado			
Incorporated	-0.93	32,144	31,845
County Total	-0.32	190,989	190,383

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment: GANN Limit - Price and Population Letter (8460 : Appropriations Limitation for Fiscal Year 2022/2023)

Fiscal Year 2022-23

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022

County	<u>Percent Change</u> 2021-22	<u>--- Population Minus Exclusions ---</u> 1-1-21	1-1-22
Fresno			
Incorporated	0.37	843,814	846,968
County Total	0.19	1,003,895	1,005,767
Glenn			
Incorporated	0.20	14,664	14,694
County Total	-0.13	28,788	28,750
Humboldt			
Incorporated	-0.15	63,511	63,415
County Total	-0.23	135,464	135,158
Imperial			
Incorporated	0.35	142,240	142,737
County Total	0.07	173,157	173,278
Inyo			
Incorporated	0.03	3,868	3,869
County Total	-0.04	18,926	18,919
Kern			
Incorporated	0.53	584,219	587,304
County Total	0.05	889,874	890,340
Kings			
Incorporated	-0.54	108,760	108,177
County Total	-0.63	133,978	133,138
Lake			
Incorporated	-0.28	21,569	21,508
County Total	-0.33	67,585	67,365
Lassen			
Incorporated	1.06	9,677	9,780
County Total	0.49	25,227	25,351

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment: GANN Limit - Price and Population Letter (8460 : Appropriations Limitation for Fiscal Year 2022/2023)

Fiscal Year 2022-23

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022

County	<u>Percent Change</u> 2021-22	<u>--- Population Minus Exclusions ---</u> 1-1-21	1-1-22
Los Angeles			
Incorporated	-0.71	8,907,581	8,844,059
County Total	-0.71	9,923,635	9,853,284
Madera			
Incorporated	-0.66	79,979	79,453
County Total	0.33	151,653	152,155
Marin			
Incorporated	-1.08	191,936	189,869
County Total	-1.11	256,537	253,686
Mariposa			
Incorporated	0.00	0	0
County Total	-0.20	17,018	16,984
Mendocino			
Incorporated	-0.35	28,697	28,596
County Total	-0.78	90,655	89,951
Merced			
Incorporated	0.41	192,660	193,455
County Total	0.88	280,833	283,311
Modoc			
Incorporated	1.00	2,699	2,726
County Total	0.98	8,606	8,690
Mono			
Incorporated	0.56	7,324	7,365
County Total	0.61	13,167	13,247
Monterey			
Incorporated	-0.39	314,094	312,883
County Total	-0.62	419,835	417,224

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment: GANN Limit - Price and Population Letter (8460 : Appropriations Limitation for Fiscal Year 2022/2023)

Fiscal Year 2022-23

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022

County	<u>Percent Change</u> 2021-22	<u>--- Population Minus Exclusions ---</u> 1-1-21	1-1-22
Napa			
Incorporated	-0.78	112,875	111,995
County Total	-0.92	135,759	134,512
Nevada			
Incorporated	-0.12	34,091	34,051
County Total	-0.67	101,875	101,195
Orange			
Incorporated	-0.21	3,035,639	3,029,167
County Total	-0.23	3,168,941	3,161,604
Placer			
Incorporated	0.97	293,504	296,338
County Total	0.37	407,517	409,025
Plumas			
Incorporated	0.74	2,027	2,042
County Total	-3.23	19,574	18,942
Riverside			
Incorporated	0.33	2,024,440	2,031,128
County Total	0.42	2,417,461	2,427,569
Sacramento			
Incorporated	0.08	966,759	967,512
County Total	-0.28	1,576,263	1,571,784
San Benito			
Incorporated	1.38	44,039	44,647
County Total	1.10	64,769	65,479
San Bernardino			
Incorporated	0.23	1,862,086	1,866,337
County Total	0.14	2,154,958	2,157,869

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment: GANN Limit - Price and Population Letter (8460 : Appropriations Limitation for Fiscal Year 2022/2023)

Fiscal Year 2022-23

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022

County	<u>Percent Change</u> 2021-22	<u>--- Population Minus Exclusions ---</u> 1-1-21	1-1-22
San Diego			
Incorporated	-0.04	2,745,332	2,744,337
County Total	-0.08	3,226,278	3,223,583
San Francisco			
Incorporated	-0.79	849,259	842,529
County Total	-0.79	849,259	842,529
San Joaquin			
Incorporated	0.59	619,274	622,907
County Total	0.44	778,272	781,688
San Luis Obispo			
Incorporated	-0.94	159,205	157,711
County Total	0.28	275,671	276,431
San Mateo			
Incorporated	-0.91	689,376	683,093
County Total	-0.92	751,464	744,552
Santa Barbara			
Incorporated	-1.70	307,661	302,422
County Total	0.14	438,522	439,133
Santa Clara			
Incorporated	-0.69	1,822,894	1,810,306
County Total	-0.69	1,906,879	1,893,770
Santa Cruz			
Incorporated	3.27	132,260	136,587
County Total	0.00	266,511	266,522
Shasta			
Incorporated	-0.95	115,241	114,151
County Total	-0.82	181,837	180,347

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment: GANN Limit - Price and Population Letter (8460 : Appropriations Limitation for Fiscal Year 2022/2023)

Fiscal Year 2022-23

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022

County	<u>Percent Change</u> 2021-22	<u>--- Population Minus Exclusions ---</u> 1-1-21	1-1-22
Sierra			
Incorporated	0.00	737	737
County Total	0.12	3,225	3,229
Siskiyou			
Incorporated	-0.66	19,923	19,791
County Total	-0.32	43,926	43,787
Solano			
Incorporated	-0.56	421,401	419,057
County Total	-0.58	439,181	436,647
Sonoma			
Incorporated	-0.93	353,563	350,260
County Total	-0.54	484,109	481,513
Stanislaus			
Incorporated	-0.29	439,690	438,432
County Total	-0.41	551,737	549,466
Sutter			
Incorporated	0.32	78,805	79,057
County Total	0.24	98,908	99,145
Tehama			
Incorporated	-0.66	23,282	23,129
County Total	-0.47	65,257	64,948
Trinity			
Incorporated	0.00	0	0
County Total	-0.19	16,012	15,981
Tulare			
Incorporated	0.33	338,444	339,546
County Total	0.21	473,786	474,770

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment: GANN Limit - Price and Population Letter (8460 : Appropriations Limitation for Fiscal Year 2022/2023)

Fiscal Year 2022-23

Attachment C
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022

County	<u>Percent Change</u> 2021-22	<u>--- Population Minus Exclusions ---</u> 1-1-21	1-1-22
Tuolumne			
Incorporated	0.45	5,121	5,144
County Total	0.80	52,660	53,081
Ventura			
Incorporated	-0.79	743,771	737,860
County Total	-0.64	835,215	829,909
Yolo			
Incorporated	-1.90	188,861	185,265
County Total	1.81	217,237	221,165
Yuba			
Incorporated	-1.33	16,711	16,488
County Total	0.35	79,776	80,055

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Attachment: GANN Limit - Price and Population Letter (8460 : Appropriations Limitation for Fiscal Year 2022/2023)

Minute Action

AGENDA ITEM: 34

Date: June 1, 2022

Subject:

Executive Director and General Counsel Employment Contract Amendments

Recommendation:

Ratify the approval of the following employment contract amendments:

- A. Amendment No. 8 to Employment Contract No. C12222 with Executive Director, Raymond W. Wolfe; and
- B. Amendment No. 1 to Employment Contract No. 19-1002111 with General Counsel, Julianna K. Tillquist.

Background:

Annually, the Board of Directors (“Board”) reviews and evaluates the performance of the Executive Director and General Counsel for purposes of determining compensation increases, if any, and, in the case of the Executive Director, possible extensions to his employment contract term.

After the Board’s evaluation of the performance of the Executive Director and General Counsel on April 6, 2022, and in recognition of their exemplary performance, the Board approved the following:

- Increasing the Executive Director’s annual salary to \$353,202.20, which includes a four (4) percent merit increase and the cost of living adjustment approved for all SBCTA employees (approximately 3.7%);
- Extending the term of the Executive Director’s employment contract to April 9, 2027; and
- Increasing General Counsel’s annual salary to \$224,303.10, which includes a three percent (3%) merit increase and the cost of living adjustment approved for all SBCTA employees (approximately 3.7%).

Historically, amendments to the employment contracts of the Executive Director and General Counsel have been approved by the Board as a consent agenda item. Therefore, on May 4, 2022, the Board approved Amendment No. 8 to the Executive Director’s employment contract (C12222) and Amendment No. 1 to General Counsel’s employment contract (19-1002111) as consent items with no review or discussion by the Board Members. Prior to the close of the May 4th Board meeting, a question was raised regarding the requirement to openly discuss the employment contract amendments for the Executive Director and General Counsel.

Subdivision (c)(3) of Government Code § 54953 provides:

Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken.

Board of Directors Agenda Item

June 1, 2022

Page 2

In order to comply with the above-referenced code section, the employment contract amendments for the Executive Director and General Counsel are being brought back to the Board to orally report the recommended actions and ratify the prior approval of said actions. Copies of the subject amendments are attached to this agenda report. In the future, all employment contracts, or amendments thereto, for the Executive Director and/or General Counsel will routinely be placed on the Board's discussion agenda.

Financial Impact:

This item is consistent with the Proposed Fiscal Year 2022/2023 Budget.

Reviewed By:

The compensation set forth in this item for the Executive Director and General Counsel was reviewed and recommended for approval by the Board of Directors in Closed Session on April 6, 2022. This item was approved as part of the Consent Calendar at the May 4, 2022 Board of Directors meeting; however, in order to comply with Government Code § 54953, these employment contract amendments are being brought back to the Board to orally report the recommended actions and ratify the prior approval of said actions.

Responsible Staff:

Curt Hagman, County of San Bernardino

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

**EIGHTH AMENDMENT TO SAN BERNARDINO COUNTY TRANSPORTATION
AUTHORITY EXECUTIVE DIRECTOR EMPLOYMENT CONTRACT NO. C12222
(C12222-08)**

This Eighth Amendment to the Executive Director Employment Contract No. C12222 (Contract) is made and entered into this _____ day of May, 2022, by and between Raymond W. Wolfe (Employee) and San Bernardino County Transportation Authority (SBCTA or Employer).

RECITALS

A. On March 7, 2012, the Board of Directors approved an Employment Contract (Contract No. C12222) with Employee (“Contract”).

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

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

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

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

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

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

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

I. On May 5, 2021, the Board approved a Seventh Amendment to the Contract extending the Contract term to April 9, 2026.

J. In recognition of Employee’s performance, the Board desires to amend Employee’s Contract to adjust his salary effective June 18, 2022.

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

1. Pursuant to Paragraph B of Section 8 of the Contract, the Contract term is extended by one year. Section 1 of the Contract is amended and resatated as follows:

“SECTION 1. TERM

The term of this Agreement shall be through April 9, 2027, subject to extensions as provided in Section 8, and subject to the early termination provisions as provided in Section 9. Employee serves at the pleasure of SBCTA’s Board of Directors.”

2. Paragraph A of Section 3 of the Contract is amended and restated as follows:

“SECTION 3. SALARY AND COMPENSATION

A. For the services rendered under this Contract, Employee’s annual salary shall be Three Hundred Fifty-three Thousand Two Hundred Two Dollars and Twenty Cents (\$353,202.20) effective June 18, 2022, which shall be paid in the same manner and at the same time as all other salaries of SBCTA employees.”

3. The Contract is incorporated into this Eighth Amendment.

4. All other terms and conditions of the Contract not expressly amended by this Eighth Amendment shall remain the same.

5. This Eighth Amendment is the full and complete understanding of the Parties regarding the rights and obligations of the Parties with respect to Employee’s provision of services.

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

SBCTA/EMPLOYER

EMPLOYEE

Curt Hagman, Board President

Raymond W. Wolfe

Date:_____

Date:_____

APPROVED AS TO FORM

Julianna K. Tillquist
General Counsel

Date:_____

**AMENDMENT NO. 1 TO SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA)
GENERAL COUNSEL EMPLOYMENT AGREEMENT NO. 19-1002111**

THIS AMENDMENT NO. 1 to Contract No. 19-1002111 is made and entered into by and between the San Bernardino County Transportation Authority ("SBCTA" or "Employer"), and Julianna K. Tillquist ("Employee").

A. On April 3, 2019, the Board of Directors of SBCTA (hereinafter referred to as "the Board") appointed Employee as General Counsel effective June 1, 2019 ("Contract"); and

B. The Board has evaluated Employee's performance, and in recognition of Employee's performance, the Board desires to amend Employee's Contract to adjust her salary, effective June 18, 2022, by a three percent (3%) merit increase plus the cost of living allowance awarded to all of Employer's employees (approximately 3.7%).

NOW, THEREFORE, in consideration of mutual covenants herein contained, the parties agree as follows:

1. Section 5. Salary of the Contract is amended and restated as follows:

"5. Salary. Employer agrees to pay Employee for services rendered, Two Hundred Twenty-four Thousand Three Hundred Three Dollars and Ten Cents (\$224,303.10) per year, effective June 18, 2022, payable in installments at the same time and in the same manner as other SBCTA employees. Employer agrees to modify the salary base and other benefits of Employee, by not more or less than the same percentage and amounts, and at the same time and same manner, as the salary and benefits adjustments given to other Professional/Administrative employees of SBCTA. Additionally, in recognition of Employee's accomplishments and outstanding performance, SBCTA may, in its sole discretion, grant merit increases to Employee."

2. The Recitals set forth above are incorporated herein by this reference.
3. Except as amended by this Amendment No. 1, all other provisions of the Contract, shall remain in full force and effect and are incorporated herein by this reference.

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

This Amendment No. 1 is executed by the Parties on the dates indicated below.

SBCTA/EMPLOYER

EMPLOYEE

Curt Hagman, Board President

Julianna K. Tillquist, General Counsel

Date _____

Date _____

Draft

Minute Action

AGENDA ITEM: 35

Date: June 1, 2022

Subject:

Mountain/Desert Policy Committee Membership

Recommendation:

Receive and file information regarding the Mountain/Desert Policy Committee Membership.

Background:

This item is to apprise the Board of a modification to the San Bernardino County Transportation Authority (SBCTA) Mountain/Desert Policy Committee Membership due to San Bernardino County's revised supervisorial district maps. Redistricting was based on the 2020 U.S. Census data, which was released to the State in late 2021. The San Bernardino County redistricting process was completed on December 15, 2021. SBCTA Policy No. 10002 sets guidelines for Policy Committee memberships. The Mountain/Desert Policy Committee is composed of Board Members representing jurisdictions within the Mountain/Desert subregion. The boundary changes have resulted in the Second District no longer representing any part of the Mountain/Desert subregion. This will modify the membership from 12 members to 11 members.

COMMITTEE	PURPOSE
Mountain/Desert Committee Membership consists of 12 11 SBCTA Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, Second , and Third Districts.	Provides ongoing policy level oversight related to the full array of SBCTA responsibilities as they pertain specifically to the Mountain/Desert subregion. The Committee also meets as the Mountain/Desert Measure I Committee as it carries out responsibilities for Measure I Mountain/Desert Expenditure Plan.

Financial Impact:

This item has no financial impact.

Reviewed By:

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

Responsible Staff:

Marleana Roman, Clerk of the Board

Approved
Board of Directors
Date: June 1, 2022

Witnessed By:

Entity: San Bernardino County Transportation Authority

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
General Policy Committee Membership consists of the following: SBCTA President, Vice President, and Immediate Past President 4 East Valley (3 City, 1 County) 4 West Valley (3 City, 1 County) 4 Mt/Desert (3 City, 1 County) City members shall be SBCTA Board Members elected by caucus of city SBCTA Board Members within the subarea. Policy Committee and Board Study Session Chairs are members of this policy committee. All City members serving as Board officers, Committee chairs, or Board Study Session Chair, are counted toward their subareas City membership. Supervisors collectively select their representatives. The SBCTA Vice President shall serve as Chair of the General Policy Committee.	Makes recommendations to Board of Directors and: (1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity; (2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization; (3) Serves as policy review committee for any program area that lacks active policy committee oversight. Committee has authority to approve contracts in excess of \$25,000 with notification to the Board of Directors. (Brown Act)	<u>West Valley</u> Ray Marquez, Chino Hills (Chair TC) Acquanetta Warren, Fontana Alan Wapner, Ontario Curt Hagman, Supervisor (Vice Chair/ President) <u>East Valley</u> Frank Navarro, Colton (Past President) Darcy McNaboe, Grand Terrace Larry McCallon, Highland Dawn Rowe, Supervisor (Chair MVSS & MDC) <u>Mountain/Desert</u> Art Bishop, Apple Valley (Chair/Vice President) Edward Paget, Needles Debra Jones, Victorville Paul Cook, Supervisor Should the chairs of each Committee and the Officers all be from the East Valley, West Valley or Mountain/Desert, additional members may be added to maintain geographical balance. Additional Board Members may be appointed annually at the discretion of the Board President.	6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 Indeterminate (6/30/2022)
Transit Committee Membership consists of 12 SBCTA Board Members: 10 Valley-members, two being Southern California Regional Rail Authority (SCRRA) primary (*) and two being SCRRA alternate (**) members, and 2 Mountain/Desert Board Members. SCRRA members and alternates serve concurrent with their term on the SCRRA Board of Directors as appointed by the SBCTA Board. Other members are appointed by the SBCTA President for 2-year terms.	Provides policy guidance and recommendations to the SBCTA Board of Directors and Southern California Regional Rail Authority (SCRRA) delegates with respect to commuter rail and transit service. * SCRRA Primary Member ** SCRRA Alternate Member (Brown Act)	Ray Marquez, Chino Hills** (Chair) David Avila, Yucaipa (Vice Chair) Frank Navarro, Colton Acquanetta Warren, Fontana Larry McCallon, Highland* John Dutrey, Montclair** Alan Wapner, Ontario* L. Dennis Michael, Rancho Cucamonga Deborah Robertson, Rialto John Valdivia, San Bernardino Rick Denison, Yucca Valley Dawn Rowe, Supervisor	Indeterminate (6/30/2022) 12/31/2022 (6/30/2022) 12/31/2023 12/31/2023 Indeterminate Indeterminate Indeterminate 12/31/2023 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Attachment: SBCTA Policy Committee Membership (8693 : Mountain/Desert Policy Committee

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Mountain/Desert Committee Membership consists of 12-11 SBCTA Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, Second , and Third Districts.	Provides ongoing policy level oversight related to the full array of SBCTA responsibilities as they pertain specifically to the Mountain/Desert subregion. The Committee also meets as the Mountain/Desert Measure I Committee as it carries out responsibilities for Measure I Mountain/Desert Expenditure Plan. (Brown Act)	Art Bishop, Apple Valley (Chair) Paul Cook, Supervisor (Vice Chair) Daniel Ramos, Adelanto Paul Courtney, Barstow Rick Herrick, Big Bear Lake Cameron Gregg, Hesperia Edward Paget, Needles Joel Klink, Twentynine Palms Debra Jones, Victorville Rick Denison, Yucca Valley Janice Rutherford, Supervisor Dawn Rowe, Supervisor	Indeterminate (6/30/20 Indeterminate (6/30/20 Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate
Legislative Policy Committee Membership consists of the following: President, Vice-President, Immediate Past President and four Board members appointed by the Board President. - 1 East Valley member - 1 West Valley member - 1 Mountain/Desert member - 1 County member Members shall serve for the duration of the State and Federal two-year legislative session in which they were appointed, with terms expiring December 31 of odd-numbered years. The SBCTA Board President shall serve as Chair of the Legislative Policy Committee.	Provide guidance and recommendations to the Board of Directors regarding issues and actions relating to the executive, legislative or judicial branches of the State and Federal government, or any other local governing body. Review and provide input on drafting of State and Federal legislative platform, which will serve as guiding principles to support or oppose State and Federal legislation and regulations. (Brown Act)	Curt Hagman, Supervisor (President) Art Bishop, Town of Apple Valley (Vice President) Frank Navarro, Colton (Past President) Larry McCallon, Highland Alan Wapner, Ontario Rick Denison, Yucca Valley Janice Rutherford, Supervisor	Indeterminate Indeterminate Indeterminate 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Policy Committee Meeting Times

General Policy Committee	Second Wednesday, 9:00 a.m., SBCTA Office
Legislative Policy Committee	Second Wednesday, 9:30 a.m., SBCTA Office
Transit Committee	Second Thursday, 9:00 a.m., SBCTA Office
Mountain/Desert Committee	Third Friday, 9:30 a.m., Victorville, CA

Board of Directors Study Sessions for Metro Valley Issues

STUDY SESSION	PURPOSE	MEMBERSHIP	TERMS
Board of Directors Study Sessions for Metro Valley Issues Refer to SBCTA Policy 10007.	To review, discuss, and make recommendations for actions to be taken at regular meetings of the Board on issues relating to Measure I Projects in the Valley. (Brown Act)	Board of Directors Dawn Rowe, Supervisor (Chair) John Valdivia, San Bernardino (Vice Chair)	6/30/2022 6/30/2022

May ~~23~~25, 2022

Page 3 of 5

Meeting Time: Second Thursday, 9:30 a.m., SBCTA Office**I-10 and I-15 Corridor Joint Sub-Committee**

Joint Sub-Committee	PURPOSE	MEMBERSHIP	TERMS
I-10 and I-15 Corridor Joint Sub-Committee of the Board of Directors Metro Valley Study Session and the Mountain/Desert Policy Committee Members of the committee will be members of the SBCTA Board of Directors and will be appointed by the SBCTA Board President. The President will appoint the Chair and Vice-Chair of the Sub-Committee. The Sub-Committee will include a minimum of nine and a maximum of fourteen SBCTA Board members. Membership will be composed of a minimum of three representatives from the East Valley; and a minimum of two representatives from the Victor Valley. The Sub-Committee will meet as necessary immediately following the Metro Valley Study Session.	The purpose is to consider and make recommendations to the Board of Directors on the development of express lanes in San Bernardino County, in particular on the I-10 and I-15 Corridors. (Brown Act)	Alan Wapner, Ontario (Chair) Art Bishop, Town of Apple Valley (Vice Chair) Joe Baca Jr., Supervisor Paul Cook, Supervisor Larry McCallon, Highland L. Dennis Michael, Rancho Cucamonga Frank Navarro, Colton Deborah Robertson, Rialto Acquanetta Warren, Fontana	12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Public and Specialized Transportation Advisory and Coordinating Council (PASTACC) Membership consists of 11 members appointed by the SBCTA Executive Director. 5 representing Public Transit Providers 1 representing County Dept. of Public Works 2 representing the Consolidated Transportation Services Agency - Omnitrans and VVTA also represent CTSA for the Valley and High Desert respectively. 5 At Large Members representing Social Service Providers	Subject to the Transportation Development Act (TDA) Section 99238 – establishes PASTACC’s statutory responsibilities; (1) Review and make recommendations on annual Unmet Transit Needs hearing findings (2) Score and make recommendations for Federal Transit Administration Section 5310 Capital Grant Program applications (3) Assist SBCTA in developing public outreach approach on updating the Coordinated Public Transit/Human Services Transportation Plan (4) Review call for projects for Federal Transit Administration Section 5310 grant applications (5) Monitor and make recommendations on Federal regulatory processes as they relate to transit and specialized transit (6) Monitor and disseminate information in reference to State level law and recommendations as they relate to transit and specialized transit (7) Receive annual reports on funded specialized programs funded through FTA Section 5310 and Measure I (8) Identify regional or county level areas of unmet needs (9) Address special grant or funding opportunities (10) Address any special issues of PASTACC voting and non-voting members (Brown Act)	Standing Membership – Morongo Basin Transit Authority Mountain Transit City of Needles Transit Services Omnitrans Victor Valley Transit Authority County of San Bernardino Dept. of Public Works At Large Membership – San Bernardino Dept. of Aging and Adult Services Foothill Aids OPARC Option House Loma Linda University Health	On-going On-going On-going On-going On-going On-going 5/31/2024 9/30/2023 9/30/2023 6/30/2022 5/31/2024

Meeting Dates and Time: Bi monthly, beginning in January, 2nd Tuesday of the month, 10:00 a.m., (Location rotates: SBCTA Office, VVTA, MBTA)

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

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan</p> <p>The ITOC shall provide citizen review to ensure that all Measure I funds are spent by the San Bernardino County Transportation Authority (hereby referred to as the Authority) in accordance with provision of the Expenditure Plan and Ordinance No. 04-01. The ordinance specifies that each member of the ITOC have certain credentials or experience as follows:</p> <p>A. One member who is a professional in the field of municipal audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector.</p> <p>B. One member who is a licensed civil engineer or trained transportation planner with at least five years of demonstrated experience in the fields of transportation and/or urban design in government and/or the private sector. No member shall be a recipient or sub-recipient of Measure “I” funding.</p> <p>C. One member who is a current or retired manager of a major publicly financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</p> <p>D. One member who is current or retired manager of a major privately financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</p> <p>E. One public member, who possesses the knowledge and skills which will be helpful to the work of the ITOC.</p> <p>In addition to the appointed members, the SBCTA President and Executive Director will serve as ex-officio members.</p>	<p>The ITOC shall review the annual audits of the Authority; report findings based on the audits to the Authority; and recommend any additional audits for consideration which the ITOC believes may improve the financial operation and integrity of program implementation.</p> <p>The Authority shall hold a publicly noticed meeting, which may or may not be included on the agenda of a regularly scheduled Board meeting, with the participation of the ITOC to consider the findings and recommendations of the audits.</p> <p>(Brown Act)</p>	<p>Vacant (A)</p> <p>Gerry Newcombe (B)</p> <p>Wayne Hendrix (C)</p> <p>Rick Gomez (D)</p> <p>Mike Layne (E)</p> <p>Curt Hagman, Ex-Officio</p> <p>Ray Wolfe, Ex-Officio</p>	<p>12/31/24</p> <p>12/31/22</p> <p>12/31/22</p> <p>12/31/22</p>

SBCTA Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
<p>Emerging Technology Ad Hoc Committee</p> <p>On October 6, 2021, the Board approved the establishment of this ad hoc committee composed of Board members appointed by the Board President.</p>	<p>To look broadly at Transportation Technology. This ad hoc has a term ending December 31, 2022.</p>	<p>Art Bishop, Apple Valley</p> <p>Frank Navarro, Colton</p> <p>Acquanetta Warren, Fontana</p> <p>Carlos A. Garcia, Upland</p> <p>John Dutrey, Montclair</p> <p>L. Dennis Michael, Rancho Cucamonga</p> <p>David Avila, Yucaipa</p> <p>Curt Hagman, Supervisor</p>

SBCTA Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
Transportation Technical Advisory Committee (TTAC) Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Administrative Officer.	SBCTA's Transportation Technical Advisory Committee was formed by SBCTA management to provide input to SBCTA staff on technical transportation-related matters and formulation of transportation-related policy recommendations to the SBCTA Board of Directors. The TTAC is not a Brown Act committee.	Generally meets on the first Monday of each month at 1:30 PM, at SBCTA.
City/County Manager's Technical Advisory Committee (CCM TAC) The committee is composed of up to two representatives of the County Administrator's Office and the city manager or administrator from each city and town in the County.	SBCTA's City/County Manager's Technical Advisory Committee was established in the Joint Powers Authority that established San Bernardino Associated Governments (SANBAG). The primary role of the committee is to provide a forum for the chief executives of SANBAG's member agencies to become informed about and discuss issues facing SANBAG/SBCTA. It also provides a forum for the discussion of items of mutual concern and a way to cooperate regionally in addressing those concerns. The CCM TAC is a Brown Act Committee.	Meets on the first Thursday of each month at 10:00 AM, at SBCTA.
Planning and Development Technical Forum (PDTF) Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Chief Executive Officer.	The SBCTA Planning and Development Technical Forum was formed by SBCTA management to provide an opportunity for interaction among planning and development representatives of member agencies on planning issues of multijurisdictional importance. The PDTF is not a Brown Act Committee.	Meets the 4th Wednesday of each month at 2:00 p.m. at the Santa Fe Depot (in the SCAG Office).
Project Development Teams	Project Development Teams (PDTs) are assembled for all major project development activities by SBCTA staff. Teams are generally composed of technical representatives from SBCTA, member jurisdictions appropriate to the project, Caltrans, and other major stakeholder entities that have significant involvement in the project. PDTs make recommendations related to approaches to project development, evaluation of alternatives, and technical solutions. PDTs meet on a regular basis throughout the project phase to review progress and to provide technical input required for project development. The PDTs are not Brown Act Committees.	Varies with the PDT.

ADDITIONAL INFORMATION

BOARD OF DIRECTORS ATTENDANCE RECORD – 2022

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Paul Cook Board of Supervisors	X	X	X	X	X							
Janice Rutherford Board of Supervisors		X	X	X	X							
Dawn Rowe Board of Supervisors	X	X	X	X	X							
Curt Hagman Board of Supervisors	X	X	X	X	X							
Joe Baca, Jr. Board of Supervisors	X	X	X	X	X							
Daniel Ramos City of Adelanto		X	X									
Art Bishop Town of Apple Valley	X	X	X	X	X							
Paul Courtney City of Barstow	X	X	X		X							
Rick Herrick City of Big Bear Lake		X	X		X							
Eunice Ulloa City of Chino	X	X	X	X								
Ray Marquez City of Chino Hills		X	X	X	X							
Frank Navarro City of Colton	X	X	X	X	X							
Acquanetta Warren City of Fontana	X	X	*	X	X							
Darcy McNaboe City of Grand Terrace	X	X	X	X	X							
Rebekah Swanson City of Hesperia	X	X	X	X	X							
Larry McCallon City of Highland	X	X	X	X	X							

X = member attended meeting. * = alternate member attended meeting. Empty box = did not attend meeting Crossed out box = not a Board Member at the time. Shaded box=no meeting

BOARD OF DIRECTORS ATTENDANCE RECORD – 2022

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Rhodes ‘Dusty’ Rigsby City of Loma Linda	X		X	X	X							
John Dutrey City of Montclair	X	X	X	X	X							
Edward Paget City of Needles	X	X	X		X							
Alan Wapner City of Ontario	X	X	X		X							
L. Dennis Michael City of Rancho Cucamonga	X	X	X	X	*							
Paul Barich City of Redlands		X	X	X	X							
Deborah Robertson City of Rialto	X	X	X	X								
John Valdivia City of San Bernardino	X	X	X *	X	X							
Joel Klink City of Twentynine Palms	X	X	X	X	X							
Carlos A. Garcia City of Upland		X	X		X							
Debra Jones City of Victorville	X	X	X	X	X							
David Avila City of Yucaipa	X	X	X	X	X							
Rick Denison Town of Yucca Valley	X	X	X	X	X							
Michael Beauchamp Ex-Official Member	Diane Morales	X	X	X	X							

Communication: Attendance (Additional Information)

X = member attended meeting. * = alternate member attended meeting. Empty box = did not attend meeting. Crossed out box = not a Board Member at the time. Shaded box=no meeting

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

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

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



REPORT: Mobile Source Air Pollution Reduction Review Committee

FROM: Larry McCallon, SBCTA Representative to the MSRC

SYNOPSIS: The Mobile Source Air Pollution Reduction Review Committee held a hybrid meeting on Thursday, April 21, 2022. The following is a summary of the meeting.

FYs 2016-18 Work Program

Hydrogen Infrastructure Partnership Program

As part of the FYs 2016-18 Hydrogen Infrastructure Partnership Program, the MSRC approved an award of \$1,660,000 to Nikola Energy, Inc. (Nikola) to install a publicly accessible hydrogen fueling station in Ontario, California. The station was to be installed on the property of Nikola's partner, Travel Centers of America (TA). After the award, clarification was obtained that the fueling infrastructure would be owned by a special purpose entity established by Nikola and TA: Nikola-TA HRS 1, LLC (a Delaware limited liability company). To enhance accountability in administration of the project, it was recommended that the MSRC substitute Nikola-TA HRS 1, LLC as recipient of the award, in that they are the entity which will actually own the infrastructure. The MSRC considered and approved the substitute award recipient.

FYs 2021-24 Work Program

Major Event Center Transportation Program

The MSRC approved the release of a Program Announcement under the FYs 2021-24 Work Program. The Program Announcement, with an initial targeted funding amount of \$3,000,000, solicits applications from qualifying major event centers and/or transportation providers to provide transportation service for venues not currently served by sufficient transportation service. A geographical funding minimum has been set at \$250,000 per county, which will be made available to projects from other counties if there are insufficient qualifying projects within a county. To qualify, an event center must have an occupancy capacity of at least 7,500, and an average event attendance of at least 5,000. The applicant must demonstrate that the center is impacted by traffic to the extent that the design capacity of the surrounding streets is exceeded. Applications may be submitted at any time from May 6 to October 28, 2022, and projects will be brought to the MSRC for consideration of awards throughout this period. Applicants are eligible to propose a maximum of two consecutive event seasons, and are obligated to continue performing service for an additional two consecutive event seasons.

Transformative Transportation Strategies & Mobility Solutions Program

The MSRC also approved the release of a PON under the FYs 2021-24 Work Program. The PON, with a targeted funding amount of \$3,000,000, seeks the submittal of conceptual projects that offer to demonstrate new and innovative transportation strategies, above and beyond traditional transportation demand strategies, which would be replicable on a broader scale throughout the South Coast region. The PON has a clear focus on “people movement” as opposed to goods movement. Project concepts may be submitted at any time from May 6 to August 5, 2022. Upon receipt of a project concept, the MSRC could a) request a more detailed proposal for possible sole-source award; b) notify entities that an RFP will be issued at a later date; or c) decline the funding request.

Contract Modification Request

The MSRC considered one contract modification request and took the following actions:

1. City of Diamond Bar, Contract #ML18031, which provides \$73,930 to install an EV charging station, procure two light-duty zero emission vehicles and one heavy-duty near-zero emission vehicle, approval of a reduced scope and value and twelve-month term extension.

Contracts Administrator’s Report

The MSRC AB 2766 Contracts Administrator’s report provides a written status report on all open contracts from FY 2007-08 to the present.

COMMITTEE MEMBERSHIP

San Bernardino County Transportation Authority (SBCTA)
Representatives on SCAG Committees

APPOINTING/ELECTING AUTHORITY	REGIONAL COUNCIL (12:15 p.m.)	POLICY COMMITTEES (Regional Council Members Serve on One Each) (Subregional Appointments) (County Commissions Appoint One to TC) (10:00 a.m.)		
		Community, Economic, and Human Development	Energy and Environment	Transportation
District 6 (Grand Terrace, Colton, Loma Linda, Redlands, Yucaipa) District 7 (San Bernardino, Highland) District 8 (Rialto, Fontana) District 9 (Rancho Cucamonga, Upland, Montclair) District 10 (Chino, Chino Hills, Ontario) District 11 (Barstow, Big Bear, Needles, Twentynine Palms, Yucca Valley) District 65 (Adelanto, Apple Valley, Hesperia, Victorville) San Bernardino County † Community of Concern Appointee	F. Navarro L. McCallon D. Robertson L. Michael R. Marquez R. Putz L. Becerra C. Hagman G. Reyes	G. Reyes	D. Robertson R. Putz	F. Navarro L. McCallon L. Becerra C. Hagman
†† San Bernardino County Transportation Authority Appointee	A. Wapner			A. Wapner
SBCTA Subregional Appointees* *One appointee to each policy committee for a total of three appointees per subregion, plus one additional appointee for every SCAG District over three in the subregion. SBCTA has a total of seven subregional appointees to the policy committees. Terms of appointment expire December 31 of odd-numbered years.		David Avila Ed Paget Acquanetta Warren	Cynthia Moran John Valdivia Rick Denison	John Dutrey

Rules of Appointment

1) SBCTA policy stipulates that all SBCTA appointees be SBCTA Board Members. 2) SCAG President appoints Regional Council members to Standing and Policy Committees.

Terms of Appointment

Terms of appointment are two years, commencing on adjournment of the annual General Assembly in May of each year. Even-numbered District representatives' terms expire in even-numbered years; odd-numbered District representatives expire in odd-numbered years. † Community of Concern appointee, appointed by the County Regional Council representative for a two-year term. †† SBCTA Regional Council Representative serves a two-year term from the date of appointment.

Stipend Summary

SCAG Regional Council members receive a \$120 stipend for attendance and travel to SCAG sponsored meetings. Regional Council members may also receive reimbursement for public transit expenses or a mileage reimbursement. Parking is validated at SCAG's downtown Los Angeles office for RC members. RC members are eligible to receive up to six (6) per diem stipends per month. Both RC members and Subregional Appointees, if eligible, may receive reimbursement (\$150 + taxes) for lodging (please review SCAG rules before making expenditure). Subregional Appointees shall receive a \$120 stipend for up to four Policy or Task Force meetings per month.

Meeting Information

The regular meetings of SCAG Regional Council and Policy Committees are on the 1st Thursday of each month at the SCAG offices located at 900 Wilshire Blvd., Ste. 700, Los Angeles. Generally, the Policy Committee meetings start at 10 AM and Regional Council meetings start at 12:15 PM.

Policy Committees

Community, Economic, and Human Development: Provides policy recommendations to the Regional Council on subjects of housing, land use, resource, economic, community development, infrastructure, employment, and regional disaster preparedness issues. Reviews and recommends to the Planning Committee revisions to the Housing, Economy, Growth Management, Human Resources, and Finance Chapters of the Regional Comprehensive Plan and Guide.

Energy and Environment: Acts as the policy advisory committee to the Regional Council on environmental issues, including air and water, hazardous, solid waste management, natural resources conservation, and energy conservation. Reviews the Environmental Impact Report of the Regional Comprehensive Plan and Guide. Provides recommendations to the Planning Committee on state and federal legislative proposals and administrative guidelines affecting environmental quality, resource conservation.

Transportation: Acts as the policy advisory committee to the Regional Council on all regional matters pertaining to the movement of goods and people on land, water, and air. Reviews and recommends to the Regional Council all major utility development plans. Addresses the location, size, or capacity, timing, and impact of facilities.

Appointments to External Agencies

The San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG) work closely with not only the County and cities within the County of San Bernardino, but with a number of regional governments that relate to the multiple counties within the Southern California region. Members of the SBCTA Board of Directors frequently take active roles in representing the interests of San Bernardino County on these regional bodies. This participation provides assurance that the unique needs and characteristics of San Bernardino County are taken into consideration as policies are developed which impact this County and its individual local government units. Active participation in regional organizations further promotes the interests of San Bernardino County and secures its appropriate role in the Southern California region.

The following table lists some of the regional bodies upon which SBCTA and SBCOG representatives serve.

Committee	Appointee	Appointing Authority	Purpose	Term
California Association of Councils of Governments	Alan Wapner, Ontario	President	CALCOG facilitates communication and information sharing among its members. Most members of CALCOG are Councils of Governments (COGs), while some are transportation commissions and others are the large Metropolitan Planning Organizations like SCAG and SANDAG. CALCOG is governed by a Board of Directors comprised of a representative from each member's Board of Directors.	12/31/22
Inland Empire Economic Partnership (IEEP)	Dennis Michael, Rancho Cucamonga	President	The IEEP is a partnership that includes business, government and academic leaders to develop and carry out initiatives to benefit the region.	
The Sam and Alfreda L. Maloof Foundation for Arts and Crafts	Janice Rutherford, Supervisor	Board of Directors	A non-profit corporation that participates in the preparation of the Conservation Plan and oversees the activities and assets of the Foundation. A payment of stipend for participation has not been authorized.	12/31/23
Gold Line Phase II Joint Powers Authority	John Dutrey, Montclair, Primary Ray Marquez, Chino Hills, Alternate	Board of Directors	The Gold Line Phase II Construction Authority is a Joint Powers Authority (JPA) formed by 14 cities along the corridor and SBCTA. The JPA serves as a forum for the review, consideration, study, development and recommendation of policies and plans for the extension of the Gold Line from Pasadena to Montclair. Members receive \$100 payment from Gold Line Authority for participation.	12/31/23 12/31/22
Metro Gold Line Foothill Extension Construction Authority	Alan Wapner, Ontario, Primary John Dutrey, Montclair, Alternate	President	The Authority is responsible for the development of a light rail project from the City of Los Angeles into San Bernardino County. The Authority board meets on the second and fourth Wednesday of the month at 7:00 p.m. at the Authority's office in Monrovia. Members receive \$150 for each day spent on Authority business, not to exceed \$600 per month.	12/31/22 12/31/22
Mobile Source Air Pollution Reduction Review Committee	Larry McCallon, Highland, Primary John Valdivia, San Bernardino, Alternate	Board of Directors	Develops and implements work programs which reduce mobile source emissions, funded by AB2766 (portion of the \$4 motor vehicle registration fee). County Commissions, SCAQMD, and ARB have one appointment with alternates. In April 2005, SBCTA authorized a stipend of \$100 per day. The MSRC meets on the third Thursday of the month at 2:00 p.m. at South Coast Air Quality Management District in Diamond Bar.	12/31/22 12/31/22

Communication: Appointments to External Agencies (Committee Membership)

Appointments to External Agencies

Committee	Appointee	Appointing Authority	Purpose	Term
One Water One Watershed (OWOW) Steering Committee of the Santa Ana Watershed Project Authority	Deborah Robertson, Rialto	Board of Directors	<p>Responsible for developing the integrated Regional Water Management Plan for the Santa Ana River.</p> <p>The term of the appointment is for four years for a city representative from San Bernardino County.</p> <p>Officers leaving elected office after appointment are still eligible to serve. Beginning January 2016, the OWOW meets on the 4th Thursday of every other month at 11:00 a.m. at the Santa Ana Watershed Project Authority (SAWPA). Members of the Steering Committee do not receive a stipend.</p>	12/31/22
SCAG Policy Committees	See associated table.	The Board has authorized the President to make appointments to SCAG Policy Committees.	SBCTA also has authority to appoint up to seven appointees to the three SCAG Policy Committees: i.e., Community Economic and Human Development, Energy and Environment, and Transportation. SCAG pays appointees to policy committees a stipend of \$120 per meeting.	See associated table – Representatives on SCAG Committees
Southern California Regional Rail Authority	Alan Wapner, Ontario, Primary Larry McCallon, Highland, Primary Ray Marquez, Chino Hills, Alternate John Dutrey, Montclair, Alternate	Board of Directors (Recommendation made by the Transit Committee)	<p>SCRRA serves as the governing body for Metrolink, the regional commuter rail system serving the five Southern California Counties.</p> <p>Members receive payment of \$100 per day from SCRRA for participation.</p>	Indefinite
SR 91 Advisory Committee	Ray Marquez, Chino Hills, Ex-Officio Member	Board of Directors	<p>The Committee reviews issues and makes recommendations to OCTA regarding the transportation facilities acquired, including tolls imposed, operations, maintenance, use of toll revenues, and improvements in the area of SR 91 between I-15 and SR 55, including the identification and siting of alternate highways.</p> <p>SBCTA has not authorized payment of stipend for participation.</p>	12/31/22

Communication: Appointments to External Agencies (Committee Membership)

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
General Policy Committee Membership consists of the following: SBCTA President, Vice President, and Immediate Past President 4 East Valley (3 City, 1 County) 4 West Valley (3 City, 1 County) 4 Mt/Desert (3 City, 1 County) City members shall be SBCTA Board Members elected by caucus of city SBCTA Board Members within the subarea. Policy Committee and Board Study Session Chairs are members of this policy committee. All City members serving as Board officers, Committee chairs, or Board Study Session Chair, are counted toward their subareas City membership. Supervisors collectively select their representatives. The SBCTA Vice President shall serve as Chair of the General Policy Committee.	Makes recommendations to Board of Directors and: (1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity; (2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization; (3) Serves as policy review committee for any program area that lacks active policy committee oversight. Committee has authority to approve contracts in excess of \$25,000 with notification to the Board of Directors. (Brown Act)	<u>West Valley</u> Ray Marquez, Chino Hills (Chair TC) Acquanetta Warren, Fontana Alan Wapner, Ontario Curt Hagman, Supervisor (Vice Chair/ President) <u>East Valley</u> Frank Navarro, Colton (Past President) Darcy McNaboe, Grand Terrace Larry McCallon, Highland Dawn Rowe, Supervisor (Chair MVSS & MDC) <u>Mountain/Desert</u> Art Bishop, Apple Valley (Chair/Vice President) Edward Paget, Needles Debra Jones, Victorville Paul Cook, Supervisor Should the chairs of each Committee and the Officers all be from the East Valley, West Valley or Mountain/Desert, additional members may be added to maintain geographical balance. Additional Board Members may be appointed annually at the discretion of the Board President.	6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 6/30/2022 Indeterminate (6/30/2022) 12/31/2022 (6/30/2022) 12/31/2023 12/31/2023 Indeterminate Indeterminate Indeterminate 12/31/2023 12/31/2022 12/31/2022 12/31/2022 12/31/2022
Transit Committee Membership consists of 12 SBCTA Board Members: 10 Valley-members, two being Southern California Regional Rail Authority (SCRRA) primary (*) and two being SCRRA alternate (**) members, and 2 Mountain/Desert Board Members. SCRRA members and alternates serve concurrent with their term on the SCRRA Board of Directors as appointed by the SBCTA Board. Other members are appointed by the SBCTA President for 2-year terms.	Provides policy guidance and recommendations to the SBCTA Board of Directors and Southern California Regional Rail Authority (SCRRA) delegates with respect to commuter rail and transit service. * SCRRA Primary Member ** SCRRA Alternate Member (Brown Act)	Ray Marquez, Chino Hills** (Chair) David Avila, Yucaipa (Vice Chair) Frank Navarro, Colton Acquanetta Warren, Fontana Larry McCallon, Highland* John Dutrey, Montclair** Alan Wapner, Ontario* L. Dennis Michael, Rancho Cucamonga Deborah Robertson, Rialto John Valdivia, San Bernardino Rick Denison, Yucca Valley Dawn Rowe, Supervisor	Indeterminate (6/30/2022) 12/31/2022 (6/30/2022) 12/31/2023 12/31/2023 Indeterminate Indeterminate Indeterminate 12/31/2023 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Communication : Committee Membership (Committee Membership)

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Mountain/Desert Committee Membership consists of 12 SBCTA Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, Second, and Third Districts.	Provides ongoing policy level oversight related to the full array of SBCTA responsibilities as they pertain specifically to the Mountain/Desert subregion. The Committee also meets as the Mountain/Desert Measure I Committee as it carries out responsibilities for Measure I Mountain/Desert Expenditure Plan. (Brown Act)	Art Bishop, Apple Valley (Chair) Paul Cook, Supervisor (Vice Chair) Daniel Ramos, Adelanto Paul Courtney, Barstow Rick Herrick, Big Bear Lake Cameron Gregg, Hesperia Edward Paget, Needles Joel Klink, Twentynine Palms Debra Jones, Victorville Rick Denison, Yucca Valley Janice Rutherford, Supervisor Dawn Rowe, Supervisor	Indeterminate (6/30/20 Indeterminate (6/30/20 Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate
Legislative Policy Committee Membership consists of the following: President, Vice-President, Immediate Past President and four Board members appointed by the Board President. - 1 East Valley member - 1 West Valley member - 1 Mountain/Desert member - 1 County member Members shall serve for the duration of the State and Federal two-year legislative session in which they were appointed, with terms expiring December 31 of odd-numbered years. The SBCTA Board President shall serve as Chair of the Legislative Policy Committee.	Provide guidance and recommendations to the Board of Directors regarding issues and actions relating to the executive, legislative or judicial branches of the State and Federal government, or any other local governing body. Review and provide input on drafting of State and Federal legislative platform, which will serve as guiding principles to support or oppose State and Federal legislation and regulations. (Brown Act)	Curt Hagman, Supervisor (President) Art Bishop, Town of Apple Valley (Vice President) Frank Navarro, Colton (Past President) Larry McCallon, Highland Alan Wapner, Ontario Rick Denison, Yucca Valley Janice Rutherford, Supervisor	Indeterminate Indeterminate Indeterminate 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Policy Committee Meeting Times

General Policy Committee	Second Wednesday, 9:00 a.m., SBCTA Office
Legislative Policy Committee	Second Wednesday, 9:30 a.m., SBCTA Office
Transit Committee	Second Thursday, 9:00 a.m., SBCTA Office
Mountain/Desert Committee	Third Friday, 9:30 a.m., Victorville, CA

Board of Directors Study Sessions for Metro Valley Issues

STUDY SESSION	PURPOSE	MEMBERSHIP	TERMS
Board of Directors Study Sessions for Metro Valley Issues Refer to SBCTA Policy 10007.	To review, discuss, and make recommendations for actions to be taken at regular meetings of the Board on issues relating to Measure I Projects in the Valley. (Brown Act)	Board of Directors Dawn Rowe, Supervisor (Chair) John Valdivia, San Bernardino (Vice Chair)	6/30/2022 6/30/2022

Communication: Committee Membership (Committee Membership)

Meeting Time: Second Thursday, 9:30 a.m., SBCTA Office

I-10 and I-15 Corridor Joint Sub-Committee

Joint Sub-Committee	PURPOSE	MEMBERSHIP	TERMS
I-10 and I-15 Corridor Joint Sub-Committee of the Board of Directors Metro Valley Study Session and the Mountain/Desert Policy Committee Members of the committee will be members of the SBCTA Board of Directors and will be appointed by the SBCTA Board President. The President will appoint the Chair and Vice-Chair of the Sub-Committee. The Sub-Committee will include a minimum of nine and a maximum of fourteen SBCTA Board members. Membership will be composed of a minimum of three representatives from the East Valley; and a minimum of two representatives from the Victor Valley. The Sub-Committee will meet as necessary immediately following the Metro Valley Study Session.	The purpose is to consider and make recommendations to the Board of Directors on the development of express lanes in San Bernardino County, in particular on the I-10 and I-15 Corridors. (Brown Act)	Alan Wapner, Ontario (Chair) Art Bishop, Town of Apple Valley (Vice Chair) Joe Baca Jr., Supervisor Paul Cook, Supervisor Larry McCallon, Highland L. Dennis Michael, Rancho Cucamonga Frank Navarro, Colton Deborah Robertson, Rialto Acquanetta Warren, Fontana	12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022 12/31/2022

Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Public and Specialized Transportation Advisory and Coordinating Council (PASTACC) Membership consists of 11 members appointed by the SBCTA Executive Director. 5 representing Public Transit Providers 1 representing County Dept. of Public Works 2 representing the Consolidated Transportation Services Agency - Omnitrans and VVTA also represent CTSA for the Valley and High Desert respectively. 5 At Large Members representing Social Service Providers	Subject to the Transportation Development Act (TDA) Section 99238 – establishes PASTACC’s statutory responsibilities; (1) Review and make recommendations on annual Unmet Transit Needs hearing findings (2) Score and make recommendations for Federal Transit Administration Section 5310 Capital Grant Program applications (3) Assist SBCTA in developing public outreach approach on updating the Coordinated Public Transit/Human Services Transportation Plan (4) Review call for projects for Federal Transit Administration Section 5310 grant applications (5) Monitor and make recommendations on Federal regulatory processes as they relate to transit and specialized transit (6) Monitor and disseminate information in reference to State level law and recommendations as they relate to transit and specialized transit (7) Receive annual reports on funded specialized programs funded through FTA Section 5310 and Measure I (8) Identify regional or county level areas of unmet needs (9) Address special grant or funding opportunities (10) Address any special issues of PASTACC voting and non-voting members (Brown Act)	Standing Membership – Morongo Basin Transit Authority Mountain Transit City of Needles Transit Services Omnitrans Victor Valley Transit Authority County of San Bernardino Dept. of Public Works At Large Membership – San Bernardino Dept. of Aging and Adult Services Foothill Aids OPARC Option House Loma Linda University Health	On-going On-going On-going On-going On-going On-going 5/31/2024 9/30/2023 9/30/2023 6/30/2022 5/31/2024

Meeting Dates and Time: Bi monthly, beginning in January, 2nd Tuesday of the month, 10:00 a.m., (Location rotates: SBCTA Office, VVTA, MBTA)

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

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan</p> <p>The ITOC shall provide citizen review to ensure that all Measure I funds are spent by the San Bernardino County Transportation Authority (hereby referred to as the Authority) in accordance with provision of the Expenditure Plan and Ordinance No. 04-01. The ordinance specifies that each member of the ITOC have certain credentials or experience as follows:</p> <p>A. One member who is a professional in the field of municipal audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector.</p> <p>B. One member who is a licensed civil engineer or trained transportation planner with at least five years of demonstrated experience in the fields of transportation and/or urban design in government and/or the private sector. No member shall be a recipient or sub-recipient of Measure "I" funding.</p> <p>C. One member who is a current or retired manager of a major publicly financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</p> <p>D. One member who is current or retired manager of a major privately financed development or construction project, who by training and experience would understand the complexity, costs and implementation issues in building large scale transportation improvements.</p> <p>E. One public member, who possesses the knowledge and skills which will be helpful to the work of the ITOC.</p> <p>In addition to the appointed members, the SBCTA President and Executive Director will serve as ex-officio members.</p>	<p>The ITOC shall review the annual audits of the Authority; report findings based on the audits to the Authority; and recommend any additional audits for consideration which the ITOC believes may improve the financial operation and integrity of program implementation.</p> <p>The Authority shall hold a publicly noticed meeting, which may or may not be included on the agenda of a regularly scheduled Board meeting, with the participation of the ITOC to consider the findings and recommendations of the audits.</p> <p>(Brown Act)</p>	<p>Vacant (A)</p> <p>Gerry Newcombe (B)</p> <p>Wayne Hendrix (C)</p> <p>Rick Gomez (D)</p> <p>Mike Layne (E)</p> <p>Curt Hagman, Ex-Officio</p> <p>Ray Wolfe, Ex-Officio</p>	<p>12/31/24</p> <p>12/31/22</p> <p>12/31/22</p> <p>12/31/22</p>

SBCTA Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
<p>Emerging Technology Ad Hoc Committee</p> <p>On October 6, 2021, the Board approved the establishment of this ad hoc committee composed of Board members appointed by the Board President.</p>	<p>To look broadly at Transportation Technology. This ad hoc has a term ending December 31, 2022.</p>	<p>Art Bishop, Apple Valley</p> <p>Frank Navarro, Colton</p> <p>Acquanetta Warren, Fontana</p> <p>Carlos A. Garcia, Upland</p> <p>John Dutrey, Montclair</p> <p>L. Dennis Michael, Rancho Cucamonga</p> <p>David Avila, Yucaipa</p> <p>Curt Hagman, Supervisor</p>

Communication: Committee Membership (Committee Membership)

SBCTA Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
Transportation Technical Advisory Committee (TTAC) Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Administrative Officer.	SBCTA's Transportation Technical Advisory Committee was formed by SBCTA management to provide input to SBCTA staff on technical transportation-related matters and formulation of transportation-related policy recommendations to the SBCTA Board of Directors. The TTAC is not a Brown Act committee.	Generally meets on the first Monday of each month at 1:30 PM, at SBCTA.
City/County Manager's Technical Advisory Committee (CCM TAC) The committee is composed of up to two representatives of the County Administrator's Office and the city manager or administrator from each city and town in the County.	SBCTA's City/County Manager's Technical Advisory Committee was established in the Joint Powers Authority that established San Bernardino Associated Governments (SANBAG). The primary role of the committee is to provide a forum for the chief executives of SANBAG's member agencies to become informed about and discuss issues facing SANBAG/SBCTA. It also provides a forum for the discussion of items of mutual concern and a way to cooperate regionally in addressing those concerns. The CCM TAC is a Brown Act Committee.	Meets on the first Thursday of each month at 10:00 AM, at SBCTA.
Planning and Development Technical Forum (PDTF) Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Chief Executive Officer.	The SBCTA Planning and Development Technical Forum was formed by SBCTA management to provide an opportunity for interaction among planning and development representatives of member agencies on planning issues of multijurisdictional importance. The PDTF is not a Brown Act Committee.	Meets the 4th Wednesday of each month at 2:00 p.m. at the Santa Fe Depot (in the SCAG Office).
Project Development Teams	Project Development Teams (PDTs) are assembled for all major project development activities by SBCTA staff. Teams are generally composed of technical representatives from SBCTA, member jurisdictions appropriate to the project, Caltrans, and other major stakeholder entities that have significant involvement in the project. PDTs make recommendations related to approaches to project development, evaluation of alternatives, and technical solutions. PDTs meet on a regular basis throughout the project phase to review progress and to provide technical input required for project development. The PDTs are not Brown Act Committees.	Varies with the PDT.

Communication: Committee Membership (Committee Membership)



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