AGENDA
Mountain/Desert Policy Committee

August 18, 2023
9:30 AM
Location
Mojave Desert Air Quality Management District
Mojave Desert Air Quality Management District
14306 Park Avenue, Victorville, CA 92392

Mountain/Desert Policy Committee Membership

Chair
Paul Cook, Supervisor
County of San Bernardino

Paul Courtney, Mayor
City of Barstow

Joel Klink, Council Member
City of Twentynine Palms

Vice Chair
Debra Jones, Mayor
City of Victorville

Rick Herrick, Council Member
City of Big Bear Lake

Rick Denison, Mayor
Town of Yucca Valley

Daniel Ramos, Mayor Pro Tem
City of Adelanto

Rebekah Swanson, Council Member
City of Hesperia

Dawn Rowe, Supervisor
County of San Bernardino

Art Bishop, Council Member
Town of Apple Valley

Janet Jernigan, Mayor
City of Needles
San Bernardino County Transportation Authority
San Bernardino Council of Governments

AGENDA

Mountain/Desert Policy Committee Meeting

August 18, 2023
9:30 AM

Location

Mojave Desert Air Quality Management District
14306 Park Avenue, Victorville, CA 92392

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 Paul Cook)

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

Possible Conflict of Interest Issues

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

1. Information Relative to Possible Conflict of Interest

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

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

Discussion - Project Delivery

2. US 395 Phase 2 Right-of-Way Incentive Program

That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Authorize the Director of Project Delivery, or her designee, upon California Department of Transportation (Caltrans) approval, to implement the Right-of-Way (ROW) Acquisition Incentive Payment Program for 20% above Just Compensation, to expedite acquisition of necessary ROW rights for the US 395 Widening Project - Phase 2, consistent with Federal Highway Administration (FHWA) and Caltrans guidelines and applicable SBCTA policies and procedures.

B. Authorize the Director of Project Delivery, or her designee, to implement the ROW Acquisition Incentive Payment Program for the standard 10% above Just Compensation, in the event that Caltrans does not approve the 20% incentive request to expedite acquisition of necessary ROW rights for the US 395 Project - Phase 2, consistent with FHWA and Caltrans guidelines and applicable SBCTA policies and procedures.

Presenter: Sal Chavez

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

Discussion - Transportation Programming and Fund Administration

3. Fund Transfer Agreement No. 23-1002998 with the California Department of Transportation for the State Route 247/62 Emergency Bypass Lane Study

That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Approve Fund Transfer Agreement No. 23-1002998 with the California Department of Transportation (Caltrans) for an earmark in the amount of $1,000,000 from the Priority Legislative Budget Projects Program for the San Bernardino County Transportation Authority State Route 247/62 Emergency Bypass Lane Study.

B. Adopt Resolution No. 23-044 authorizing the execution of Fund Transfer Agreement, Contract No. 23-1002998, and designating the Executive Director, or his designee, to execute the Fund Transfer Agreement with Caltrans in substantially the same form as the agreement attached to this item, subject to approval as to form by SBCTA General Counsel.

Presenter: Jamie Carone

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel and Risk Manager have reviewed this item and the draft fund transfer agreement.
Public Comment
Brief Comments from the General Public

Note: Public Comment will only be allowed on items listed on this agenda during this committee meeting. No public comment will be allowed on committee items placed on the Consent Agenda at the Board of Directors meeting. If an item has substantially changed after consideration during the committee meeting, the item will be placed on Discussion for Board and public comment will be allowed.

Comments from Board Members
Brief Comments from Board Members

ADJOURNMENT

Additional Information
Attendance
Acronym List
Mission Statement

The next Mountain/Desert Policy Committee meeting is scheduled for September 8, 2023.
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 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 President of the Board or Committee Chair (“President”) will announce the subject matter of the closed session. If reportable action is taken in closed session, the President shall 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, except Board agenda items that were previously considered at a Policy Committee meeting where there was an opportunity for public comment. Individuals in attendance at SBCTA who desire to speak on an item may complete and turn in a "Request to Speak" form, specifying each item an individual wishes to speak on. Individuals may also indicate their desire to speak on an agenda item when the President asks for public comment. When recognized by the President, speakers should be prepared to step forward and announce their name for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The President 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. Any individual who wishes to share written information with the Board may provide copies to the Clerk of the Board for distribution. Information provided as public testimony is not read into the record by the Clerk.

Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda. Any consent item that is pulled for discussion shall be treated as a discussion item, 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** – An opportunity is also provided for members of the public to speak on any subject within the Board’s jurisdiction. Matters raised under “Public Comment” will not be acted upon at that meeting. See, “Public Testimony on an Item,” above.

**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 President 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 President of the Board or Chair of a Policy Committee (Chair) has the option of taking attendance by Roll Call. 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.
- 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.
- Votes at teleconferenced meetings shall be by roll call, pursuant to the Brown Act, or, at any meeting, upon the demand of five official representatives present or at the discretion of the presiding officer.

The Vote as specified in the SBCTA Administrative Code and 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. (Note that Alternates may vote only at meetings of the Board of Directors, Metro Valley Study Session and Mountain/Desert Policy Committee.)
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 Chair shall ask the maker of the original motion if he or she would like to amend the 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 may require deviation from general practice (but not from the Brown Act or agency policy).
- 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
Revised June 7, 2023
Minute Action

AGENDA ITEM: 1

Date: August 18, 2023

Subject:
Information Relative to Possible Conflict of Interest

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

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

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Contract No.</th>
<th>Principals &amp; Agents</th>
<th>Subcontractors</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>N/A</td>
<td>California Department of Transportation</td>
<td>None</td>
</tr>
<tr>
<td>3</td>
<td>23-1002998</td>
<td>California Department of Transportation</td>
<td>None</td>
</tr>
</tbody>
</table>

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

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

Responsible Staff:
Andrea Zureick, Director of Fund Administration

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

AGENDA ITEM: 2

**Date:** August 18, 2023

**Subject:**
US 395 Phase 2 Right-of-Way Incentive Program

**Recommendation:**
That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Authorize the Director of Project Delivery, or her designee, upon California Department of Transportation (Caltrans) approval, to implement the Right-of-Way (ROW) Acquisition Incentive Payment Program for 20% above Just Compensation, to expedite acquisition of necessary ROW rights for the US 395 Widening Project - Phase 2, consistent with Federal Highway Administration (FHWA) and Caltrans guidelines and applicable SBCTA policies and procedures.

B. Authorize the Director of Project Delivery, or her designee, to implement the ROW Acquisition Incentive Payment Program for the standard 10% above Just Compensation, in the event that Caltrans does not approve the 20% incentive request to expedite acquisition of necessary ROW rights for the US 395 Project - Phase 2, consistent with FHWA and Caltrans guidelines and applicable SBCTA policies and procedures.

**Background:**
The US 395 Widening Project – Phase 2 (Project) is currently in the final design phase and it is anticipated that 74 partial takes will be required to implement the Project based on the design. Right-of-Way (ROW) appraisal and support services for the acquisition of these property rights were awarded May 3, 2023.

**Project – ROW Acquisition Incentive Payment Program**

In accordance with Federal and State laws and regulations, statutory offers for purchase of property rights will be made for an amount established as just compensation, which shall be determined through the appraisal process. Pursuant to these laws, San Bernardino County Transportation Authority (SBCTA) is required to offer property owners the full amount of the appraised value. In an effort to expedite agreements with property owners, staff requests approval of the proposed Project ROW Acquisition Incentive Payment Program (Payment Program) to acquire ROW rights necessary for the Project (Attachment A). SBCTA’s Payment Program will be consistent with Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) adopted guidelines and SBCTA policies and procedures, as mentioned in the attached Caltrans memorandum (Attachment B).

Building upon Caltrans and Orange County Transportation Authority prior project successes with an incentive payment program, SBCTA Board of Directors (Board), with Caltrans concurrence/approval, approved and adopted an incentive payment program in 2017 for the Interstate 10 (I-10) Corridor Freight and Express Lanes Project - Contract 1. Staff’s request for approval of the proposed Payment Program is consistent with the program approved and adopted for the I-10 Corridor Freight and Express Lanes Project - Contract 1.

*Entity: San Bernardino County Transportation Authority*
The Payment Program will provide an incentive to all property owners that execute an agreement within 60 days of the first written offer. The current Caltrans program authorizes a 10% incentive payment above the appraised value, but staff has requested authorization from Caltrans to offer incentive payments up to 20% above the appraised value. The proposed Payment Program incentive will allow payment of a lump sum of 20% above the appraised value, with a minimum incentive payment of $1,000, and a maximum incentive payment of $100,000 for each acquisition. The Payment Program is intended to help maintain the Project's delivery schedule, reduce the possibility of impasses in negotiations with property owners, and reduce legal and administrative costs in trying to reach settlements. Recent studies by FHWA on the use of incentive payments on transportation projects demonstrate that incentive payments can be effective in decreasing the time to acquire needed ROW. Considering fluctuating cost trends for real estate and construction labor and materials, as well as legal expense and Project delay cost risks associated with eminent domain, it is in the interest of the public and SBCTA to use any method available to implement transportation projects quickly with as little reliance on eminent domain as possible.

The proposed Payment Program will be a key tool to allow staff to expedite the delivery of ROW. The anticipated cost of this Payment Program is estimated at approximately $840,000 and is anticipated to be offset by a total savings estimated to exceed $3,000,000. This net savings includes a combination of support costs required for consultant and staff time involved with settlement discussions, court appearances, depositions, review meetings, legal fees, and additional administrative costs. As a result, staff anticipates that this will not only provide significant benefits for the Project as a whole and help ensure delivery of the ROW on schedule, but also yield a net cost savings estimated at $2,000,000.

Financial Impact:
This item is consistent with the Fiscal Year 2023/2024 Budget.

Reviewed By:
This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel has reviewed this item.

Responsible Staff:
Sal Chavez, Project Delivery Manager
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
US 395 WIDENING PHASE 2 ACQUISITION – INCENTIVE PAYMENT PROGRAM

The San Bernardino County Transportation Authority (SBCTA) Acquisition – Incentive Payment Program (Payment Program) encourages the expeditious acquisition of needed real property and is consistent with the intent of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). The Federal Highway Administration (FHWA), Office of Real Estate Services, has determined that the FHWA may participate in right-of-way acquisition incentive payments made under the FHWA-approved plan or program. Acquisition incentive payments are payments that are over and above the just compensation offer provided by the Uniform Act.

The authority for the FHWA to participate in incentive payments is found in 23 CFR 710.203(b)(2)(ii) which allows federal participation in relocation assistance and payments provided under the law of the State that may exceed the requirements of 49 CFR Part 24. The FHWA has the general authority to participate in the costs of construction that includes costs of right-of-way acquisition (See 23 U.S.C. §101(a)(3)). The use of incentive programs for right-of-way acquisition is analogous to the use of incentive / disincentive provisions for early completion in contracts for construction of federal aid projects (See 23 CFR 635.127(d)).

On June 12, 2014, the California Department of Transportation (Caltrans) adopted an Acquisition – Incentive Payment Program.

Based on the authority granted by the SBCTA Board of Directors and the concurrence of FHWA and Caltrans, SBCTA shall implement the US 395 Widening Phase 2 Payment Program as follows:

Written offers to owners for the purchase of their property shall be based on the fair market value of the property (just compensation). The US 395 Widening Phase 2 Payment Program payment (Payment) amounts will be based on the appraised value. The use of the Payment does not preclude the use of administrative and legal settlements, and each administrative and legal settlement will require independent support.

The procedures on the Payment shall incorporate the same level of safeguard against coercive negotiation practices as do standard SBCTA’s Real Estate Policies and Procedures and Caltrans' Right-Of-Way Procedures. Per federal regulation, SBCTA is required to allow at least 30 days for property owners to consider an offer prior to initiating the condemnation process (See 49 CFR 24.102(f) and Appendix A). Parcels acquired using acquisition incentive offers will be subject to the same quality control and quality assurance processes that are used for SBCTA's right-of-way activities.

The Payment will be offered for both permanent and temporary acquisitions.

For all offers, the Payment for a permanent or temporary acquisition will be based on a lump sum payment of 20 percent of the appraised value of all parcels under the same ownership with a minimum payment of $1,000, and a maximum payment of $100,000.
The Payment amount will be calculated on the final appraised value and will then be rounded separately from the final appraised value based on the rounding rules found in Section 7.02.11 of the Caltrans' Right-of-Way Manual.

The Payment is a standing offer for 60 days. The 60 days starts with the Initiation of Negotiations (ION) as day one. The 60 days includes weekends and holidays. For mailed offers, it starts on the date the offer was received by certified mail.

If the 60th day falls on a weekend or holiday and the SBCTA acquisition agent working with the grantor will not be available to conduct business with the grantor, the agent may end the incentive period on the first working day after the 60-day period is complete. Personal leave of the SBCTA acquisition agent working with the grantor will not be cause to extend the incentive period. An alternate SBCTA acquisition agent should be identified to address the issue.

The Payment offer will end at the execution of the right-of-way contract or at 5:00 p.m. on the 60th day if a right-of-way contract has not been signed by grantor. The 60 days will restart with a new offer based on an approved appraisal revision if one is deemed necessary by SBCTA. An appraisal revision may result in a change in the Payment amount.

The Payment is a standing offer for 60 days regardless of SBCTA initiating eminent domain proceedings. Additionally, this time period will be sufficient to allow the property owner the opportunity to obtain their own appraisal where SBCTA pays the reasonable cost of the appraisal up to $5,000, as provided by California Code of Civil Procedure section 1263.025.

The following clause will be used in right-of-way contracts pertaining to the Payment Program for the US 395 Widening Phase 2 Project (Project):

“In addition to the Fair Market Value, it is agreed by and between the parties hereto that the amount in clause XX above includes the sum of $_________ as an incentive to the grantor for the timely signing of this Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE).”

The US 395 Widening Phase 2 Payment Program will be applied to all parcels in the Project, including public agencies, regardless of type, size, appraisal, amount, or ownership.
### US 395 Widening Phase 2 Acquisition – Incentive Payment Program Examples:

<table>
<thead>
<tr>
<th>Acquisition Type</th>
<th>Incentive Amount</th>
<th>Minimum Payment</th>
<th>Maximum Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partial Take</td>
<td>20% of Appraisal</td>
<td>$1,000</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

#### Example 1 (Minimum Payment)

- **Appraised Value**: $4,500
- **Calculated at 20%**: $900
- **Minimum Payment**: $1,000
- **Incentive Payment for Acquisition**: $1,000
- **Total Amount of Incentive Offer**: $5,500

#### Example 2 (20% Payment)

- **Appraised Value**: $50,000
- **Calculated at 20%**: $10,000
- **Incentive Payment for Acquisition**: $10,000
- **Total Amount of Incentive Offer**: $60,000

#### Example 3 (Maximum Payment)

- **Appraised Value**: $1,000,000
- **Calculated at 20%**: $200,000
- **Maximum Payment**: $100,000
- **Incentive Payment for Acquisition**: $100,000
- **Total Amount of Incentive Offer**: $1,100,000
Attachment B

Memorandum

To: DISTRICT DIRECTORS
   DISTRICT REGION RIGHT OF WAY MANAGERS

From: BRENT L. GREEN
      Chief
      Division of Right of Way and Land Surveys

Subject: ACQUISITION – INCENTIVE PAYMENT PROGRAM

The Federal Highway Administration (FHWA), Office of Real Estate Services has determined that the FHWA may participate in right-of-way acquisition incentive payments made under an FHWA approved plan or program. Acquisition incentive payments (Payments) are payments that are over and above the just compensation offer provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). Recent studies on the use of incentive payments on transportation projects demonstrate that they can be effective in decreasing the time needed to acquire and clear needed rights-of-way.

The authority for the FHWA to participate in incentive payments is found in 23 CFR 710.203(b)(2)(ii) which allows Federal participation in relocation assistance and payments provided under the law of the State that may exceed the requirements of 49 CFR Part 24. The FHWA has the general authority to participate in the costs of construction that includes costs of right-of-way acquisition (See 23 U.S.C. §101(a)(3)). The use of incentive payments for right-of-way acquisition is analogous to the use of incentive/disincentive provisions for early completion in contracts for construction of Federal aid projects (See 23 CFR 635.127(d)).

This policy is consistent with the intent of the Uniform Act in that it encourages the expeditious acquisition of real property. Language in the implementing regulation focuses on the assurance that property owners and displaced persons receive at least the level of benefits to which they are entitled.

Considering fluctuating costs and trends for real estate and construction labor and materials, as well as the negative public perception of the court expense and project delay costs associated with the application of eminent domain, it is clearly in the public interest to use any tool available to produce transportation projects quickly with as little reliance on condemnation as possible.

The California Department of Transportation (Caltrans) is authorized to make incentive payments under California Law. Although California statutes do not specifically address incentive payments, they do require that written offers to owners for the purchase of their property be based on the fair market value of the property (just compensation). Caltrans has long

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability."

Date: June 12, 2014
File: Acquisition
applied administrative settlements (justified offers above appraised amounts) during negotiations which have as their foundation the appraised value. Similarly, Payment amounts will be based on the appraised value. In fact, the use of Payments does not preclude the use of administrative settlements and each administrative settlement will require independent support.

The procedures on Payments incorporate the same level of safeguard against coercive negotiation practices as do standard Caltrans Right of Way procedures. Per Federal regulation, Caltrans is required to allow at least thirty (30) days for property owners to consider an offer prior to initiating the condemnation process (See 49 CFR 24.102(f) and Appendix A). Projects and parcels acquired using acquisition incentive offers will be subject to the same quality control and quality assurance processes that are used for all Caltrans Right of Way activities.

The Division of Right of Way and Land Surveys is implementing an acquisition incentive program to encourage property owners to sign Right of Way (ROW) contracts within sixty (60) days of the Initiation of Negotiations (ION) or any offer based on an approved appraisal revision. Payments will be offered for both permanent and temporary acquisitions.

The Payment for a permanent or temporary acquisition will be based on a lump sum payment of 10% of the appraised value of all parcels under the same ownership with a minimum payment of $1,000 and a maximum payment of $100,000.

<table>
<thead>
<tr>
<th>Acquisition Type</th>
<th>Incentive Amount</th>
<th>Minimum Payment</th>
<th>Maximum Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary or Permanent</td>
<td>10% of Appraisal</td>
<td>$1,000</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

The Payment amount will be calculated on the final appraised value and will then be rounded separately from the final appraised value based on the rounding rules found in Section 7.02.11 of the Right of Way Manual.

Example 1:

Appraised Value $22,400.00
Calculated at 10% $2,240.00
Rounded (R/W Manual 7.02.11) $2,250.00
Incentive Payment for Acquisition $2,250.00

*Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability*
Example 2:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appraised Value</td>
<td>$ 359,000</td>
</tr>
<tr>
<td>Calculated at 10%</td>
<td>$ 35,900</td>
</tr>
<tr>
<td>Rounded (R/W Manual 7.02.11)</td>
<td>$ 35,900</td>
</tr>
<tr>
<td><strong>Incentive Payment for Acquisition</strong></td>
<td>$ 35,900</td>
</tr>
</tbody>
</table>

Example 3:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appraised Value</td>
<td>$ 2,658,000</td>
</tr>
<tr>
<td>Calculated at 10%</td>
<td>$ 265,800</td>
</tr>
<tr>
<td>Maximum Incentive Payment = $100,000.00</td>
<td>$ 100,000</td>
</tr>
<tr>
<td><strong>Incentive Payment for Acquisition</strong></td>
<td>$ 100,000</td>
</tr>
</tbody>
</table>

The Payment is a standing offer for sixty (60) days. The 60 days starts with the Initiation of Negotiations (ION) as day one (1). The 60 days includes weekends and holidays. For mailed offers it starts on the date the offer was received by certified mail.

If the 60th day falls on a weekend or holiday and the agent working with the grantor will not be available to conduct business with the grantor, the agent may end the incentive period on the first state working day after the 60 day period is complete. Personal leave of the agent working with the grantor will not be cause to extend the incentive period. An alternate agent should be identified to address the issue.

The Payment offer will end at the execution of the right of way contract or at 5:00 pm of the 60th day if a right of way contract has not been signed by the grantor. The 60 days will restart with a new offer based on an approved appraisal revision if one is deemed necessary by Caltrans. An appraisal revision may result in a change in the Payment amount.

The Payment is a standing offer for sixty days regardless of Caltrans initiating eminent domain proceedings. Additionally, this time period will be sufficient to allow the property owner the opportunity to obtain their own appraisal where Caltrans pays the reasonable cost of the appraisal up to $5,000 as provided by California Code of Civil Procedure section 1263.025.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"
The following clause will be used in Right of Way contracts when the Payment program is used on a project:

"In addition to the Fair Market Value, it is agreed by and between the parties hereto that the amount in clause # above includes the sum of $__________, as an incentive to the grantor for the timely signing of this Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE)."

The Payment program may be used on any project that will benefit a district or region. If the Payment program is used on a project it must be applied to all parcels in the project regardless of type, size, appraisal amount, or ownership including public agencies.

The Payment program has the potential to add significant costs to Right of Way capital expenses. Project estimates (i.e., ROW data sheets and/or related documents) may need to be updated to reflect additional costs of Payments. It is advisable to consult with the District/Regional Right of Way Planning and Management Office and the Project Manager to ensure the project has funds available to participate in the Payment program. In order to track these Payments, attached is a sample Federal Participation Memo with the appropriate coding to be used.

While this is the initial Caltrans Payment program, other similar incentive programs may be developed that have different formulae for determining the amounts and/or situations (i.e. Relocation Assistance Program incentives). Such other incentive programs will be established via separate memoranda.

cc: Suzette M. Musetti, Chief, Office of Appraisals and Local Programs, ROW/LS
    Mark Turner, Chief, Office of Land Surveys, ROW/LS
    Michael J. Rodrigues, Chief, Office of Real Property Services, ROW/LS
    Rene Fletcher, Chief, Office of Project Delivery, ROW/LS
    Ben Martin, Chief, Office of Railroads & Utility, ROW/LS
    Lori Brownell, Chief, Office of Planning & Management, ROW/LS
    Paul Pham, Senior Right of Way Agent, ROW/LS
    Robert W. Dauffenbach, Senior Right of Way Agent, ROW/LS
    Mark Zgombic, Senior Right of Way Agent, ROW/LS
    Melani Millard, FHWA

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"
Minute Action

AGENDA ITEM: 3

Date: August 18, 2023

Subject:
Fund Transfer Agreement No. 23-1002998 with the California Department of Transportation for the State Route 247/62 Emergency Bypass Lane Study

Recommendation:
That the Mountain/Desert Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority (SBCTA):

A. Approve Fund Transfer Agreement No. 23-1002998 with the California Department of Transportation (Caltrans) for an earmark in the amount of $1,000,000 from the Priority Legislative Budget Projects Program for the San Bernardino County Transportation Authority State Route 247/62 Emergency Bypass Lane Study.

B. Adopt Resolution No. 23-044 authorizing the execution of Fund Transfer Agreement, Contract No. 23-1002998, and designating the Executive Director, or his designee, to execute the Fund Transfer Agreement with Caltrans in substantially the same form as the agreement attached to this item, subject to approval as to form by SBCTA General Counsel.

Background:
On September 8, 2022, the Governor signed Assembly Bill (AB) 179, which amended the Budget Act of 2022 to reflect changes necessary to implement the budget agreement for the State of California. AB 179 also appropriated funding for the Priority Legislative Budget Projects (PLBP) Program, otherwise known as state earmarks. The PLBP Program includes earmarks for a variety of projects including transportation-related projects. In April 2022, the San Bernardino County Transportation Authority (SBCTA) submitted a request for an earmark in the amount of $1,000,000 to conduct the State Route (SR) 247/62 Emergency Bypass Lane Study (Project). On December 12, 2022, SBCTA was notified that the request was approved and included in AB 179. The California Department of Transportation (Caltrans) is the authorizing agency for the proper distribution of the funding provided by this legislation.

The Project will determine how best to increase the usefulness of SR 247 and SR 62 as a viable alternative to Interstate 15 (I-15) through the Cajon Pass in the event of an emergency, such as earthquake, wild fire, or other disaster. The Project will explore potential countermeasures in order to determine how to limit the negative impacts an extended closure of I-15 would cause and explore geometric improvements as well as operational strategies to maintain traffic flow for freight, person-travel, and emergency services. Outreach to a broad cross-section of agencies, to include California Highway Patrol, Caltrans, local fire and law enforcement agencies and state/federal resource agencies, will also be performed. The Project will be conducted in the context of traffic movement throughout the Victor Valley and take into account existing traffic management plans that have been developed by law enforcement and emergency service agencies to deal with I-15 closures and major incidents. Additionally, the Project will be conducted in a way that identifies specific potential improvements on SR 247 and SR 62 between Barstow, the Town of Yucca Valley, and Interstate 10 near Palm Springs. Any improvement identified may be programmed in state and regional transportation documents that can be used as the basis for funding requests, including state and federal capital grants.

Entity: San Bernardino County Transportation Authority
In order for SBCTA to receive these funds, SBCTA, as the lead agency for the Project, must enter into a fund transfer agreement with Caltrans. The fund transfer agreement outlines the scope of work of the Project and includes terms and conditions related to funding, costs, and reporting. A resolution authorizing execution of the fund transfer agreement is also required.

**Financial Impact:**
This item is consistent with the Fiscal Year 2023/2024 Budget.

**Reviewed By:**
This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA General Counsel and Risk Manager have reviewed this item and the draft fund transfer agreement.

**Responsible Staff:**
Jamie Carone, Management Analyst III
### General Contract Information

**Contract No:** 23-1002998  
**Amendment No.:**  
**Contract Class:** Receivable  
**Department:** Planning and Regional  
**Customer ID:** CDOT PLBP  
**Customer Name:** Caltrans - Priority Legislative Budget Projects  
**Description:** Priority Legislative Budget Projects (PLBP) funding for SR 247/62 Emergency Bypass Lane Study

### List Any Accounts Payable Related Contract Nos.:  

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<td>Prior Contingency Released</td>
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<td>Current Amendment</td>
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<td>Total/Revised Contract Value</td>
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**Total Dollar Authority (Contract Value and Contingency)**  

### Contract Authorization

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<th>Item #</th>
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### Contract Management (Internal Purposes Only)

**Accounts Receivable**  

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<th>Task</th>
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**Additional Notes:** Please note that the Expiration Date notes the deadline for SBCTA to invoice Caltrans for the full amount of funding. Invoicing for the full amount can take place immediately following approval/execution of the Fund Transfer Agreement. After SBCTA receives full amount of funding, expiration date will be updated.  
On 07/24/2023, we confirmed with Caltrans LPP-F Program Manager, Manuel A. Morales, that this is not covered by Federal or State Master Agreement with Caltrans.
Funds Transfer Agreement Between the California Department of Transportation and the San Bernardino County Transportation Authority

1.1 The California Department of Transportation (Caltrans) and the San Bernardino County Transportation Authority (SBCTA) hereby enter into this Funds Transfer Agreement (Agreement) on the terms and conditions set forth below.

1.2 This Agreement is not valid until signed by both parties. This Agreement shall expire on SBCTA’s completion of its obligations under this Agreement but may be extended by amending this Agreement.

BACKGROUND

2.1 Section 19.56, subdivision g (1)(c) of the Budget Act of 2022 (the Act) appropriated $1,000,000 (the Funds) from the State General Fund to Caltrans, to be allocated to SBCTA for the State Route 247/62 Emergency Bypass Lane Study.

2.2 Caltrans determined the best method for allocation to ensure the funds are used for the purposes specified in Section 19.56 of the Act is a funds transfer agreement.

2.3 Project Need and Goal

The State Route 247/62 Emergency Bypass Lane Study will determine how to best increase the usefulness of State Routes (SR) 247 and 62 as a viable alternative to I-15 through the Cajon Pass in the event of an emergency, such as earthquake, wild fire or other disaster. Running directly over the San Andreas Fault, the I-15 through the Cajon Pass serves as a vital connection between agriculture and a booming housing industry to the north and high-density residential areas and specialized medical care facilities to the south. According to the LA Times, however, a major earthquake could move the San Andreas Fault by as much as 30 feet, splitting the I-15 in two at the Cajon Pass. Since the “Big One” is a when, not a what if, reality facing Southern California, it is critical every potential countermeasure is explored and, to the greatest extent possible, taken in order to limit the negative impacts an extended closure of I-15 would cause. The uniquely situated SR-247, with minimal topographical challenges, can serve as an escape route, access for emergency vehicles, and a conduit for economic recovery if the Cajon Pass is closed for an extended period. The alternate route to the east via SR-247/62 will provide San Bernardino County’s mountain and high

Revised April 2023
Funds Transfer Agreement Between the California Department of Transportation and the San Bernardino County Transportation Authority

desert residents with an escape route, access for emergency vehicles, and a path for continued movement of goods, serving the community both in terms of safety and economic stability.

SCOPE OF WORK
3.1 The Funds provided under this Agreement will be used to conduct the State Route 247/62 Emergency Bypass Lane Study (Project). The Project will determine how best to increase the usefulness of State Routes (SR) 247 and 62 as a viable alternative to I-15 through the Cajon Pass in the event of an emergency, such as earthquake, wild fire or other disaster. The Project will explore potential countermeasures in order to determine how to limit the negative impacts an extended closure of I-15 would cause. The Project will explore geometric improvements as well as operational strategies to maintain traffic flow for freight, person-travel, and emergency services. The Project will include outreach to a broad cross-section of agencies, to include California Highway Patrol, Caltrans, local fire and law enforcement agencies, and state/federal resource agencies. The study will be conducted in the context of traffic movement throughout the Victor Valley and taking into account existing traffic management plans that have been developed by law enforcement and emergency service agencies to deal with I-15 closures and major incidents. The Project will be conducted in a way that identifies specific potential improvements on SR 247/62 between Barstow, the Town of Yucca Valley, and Interstate 10 near Palm Springs so that they may be programmed in state and regional transportation documents that can be used as the basis for funding requests, including state and federal capital grants. A portion of these funds will be used for Caltrans oversight. A consultant will be procured to assist in conducting the study. The Funds provided under this Agreement may be used to support the following components of the Project: project administration and management, which may include SBCTA staff time; costs associated with outreach efforts; consultant services.

3.2 SBCTA shall only use Funds for the Project specified in the Act. SBCTA’s self-attestation verifying the intended use of funds shall be provided to the Department prior to the release of any funds.

FUNDING, COSTS, COST LIMITATION, & PAYMENT
4.1 The Funds will be encumbered within 2 days of the effective date of this Agreement. Pursuant to Section 19.56 of the Act, funds must be encumbered by June 30, 2024, and expended by June 30, 2026, or the funds will revert to the State’s General Fund by operation of law.

Revised April 2023
Funds Transfer Agreement Between the California Department of Transportation and the San Bernardino County Transportation Authority

4.2 Payments shall be made as authorized by Sections 19.56(a) of the Act, including, but not limited to the provisions noted below:
   a. Notwithstanding any other law, a designated state entity administering an allocation pursuant to this section may provide the allocation as an advance lump sum payment, and the allocation may be used to pay for costs incurred prior to the effective date of the act adding this paragraph.
   b. Funding provided in this section shall not be used for a purpose subject to Section 8 of the Article XVI of California Constitution.

4.3 Within 30 days of expending all of the Funds or upon completion or termination of Project, whichever comes first, SBCTA shall submit to Caltrans a Project Closeout Report. The Project Closeout Report at a minimum shall include a description of completed Project component(s) and a description of Project outcomes. Photographs of the Project are encouraged to be included.

4.4 Any Project costs paid using the Funds that are determined by subsequent audit to be unallowable under 48 CFR, Part 31 or 2 CFR, Part 200, are subject to repayment by SBCTA to Caltrans.

4.5 SBCTA shall return any unspent Funds to Caltrans at the conclusion, completion, or termination of the Project.

4.6 Upon written demand by Caltrans, any overpayment to SBCTA by Caltrans shall be returned to Caltrans.

4.7 Should SBCTA fail to refund any moneys due Caltrans as provided herein or should SBCTA breach this AGREEMENT by failing to complete Project without adequate justification and approval by Caltrans, then, within thirty (30) days of demand, or within such other period as may be agreed to in writing between the PARTIES, Caltrans, acting through the State Controller, the State Treasurer, the CTC or any other public entity or agency, may intercept, withhold and demand the transfer of an amount equal to the amounts paid by or owed to Caltrans for Project, from future apportionments or any other funds due SBCTA from the Highway Users Tax Fund or any other sources of funds, and/or may also withhold approval of future state-funded projects proposed by ADMINISTERING AGENCY.

INQUIRIES & NOTICES
5.1 All inquiries during the term of this Agreement will be directed to the representatives listed below:

Revised April 2023
Funds Transfer Agreement Between the California Department of Transportation and the San Bernardino County Transportation Authority

For Caltrans:
Name: Esayas Hagos
Address: 464 W. 4th St, 6th Floor San Bernardino, CA 92401
Phone Number: (909) 963-8732
Email: Esayas.Hagos@dot.ca.gov

For SBCTA:
Name: Jamie Carone
Address: 1170 W 3rd St 2nd floor San Bernardino, CA 92410
Phone Number: (909) 884-8276
Email: jcarone@gosbcta.com

5.2 Each party may change their representative listed above upon 10 calendar days’ written or emailed notice to the other party and without the need for amending this Agreement.

OTHER TERMS & CONDITIONS

6.1 Drug-Free Workplace Requirements: SBCTA will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:
   1) the dangers of drug abuse in the workplace;
   2) the person's or organization's policy of maintaining a drug-free workplace;
   3) any available counseling, rehabilitation and employee assistance programs; and,
   4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:
   1) receive a copy of the company's drug-free workplace policy statement; and,
   2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and SBCTA may be ineligible for award of any future State agreements if Caltrans or the State Department of General Services determines that any of the following has

Revised April 2023
Funds Transfer Agreement Between the California Department of Transportation and the San Bernardino County Transportation Authority

occurred: SBCTA has made false certification, or violated the certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

6.2 Conflict of Interest: SBCTA needs to be aware of the following provisions regarding current or former state employees. If SBCTA has any questions on the status of any person rendering services or involved with the Agreement, Caltrans must be contacted immediately for clarification.


1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If SBCTA violates any provisions of above paragraphs, such action by SBCTA shall render this Agreement void. (Pub. Contract Code §10420,) If the Agreement is rendered void, SBCTA shall return all Funds.

6.3 Labor Code/Workers’ Compensation: SBCTA needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and SBCTA affirms to comply with such provisions before

Revised April 2023
Funds Transfer Agreement Between the California Department of Transportation and the San Bernardino County Transportation Authority

commencing the performance of the work described in this Agreement. (Labor Code § 3700.)

6.4. Americans With Disabilities Act: SBCTA assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. § 12101 et seq.)

6.5. Name Change: An amendment is required to change SBCTA’s name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

6.6. Resolution: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

6.7. Air or Water Pollution Violation: Under State law, SBCTA shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

6.8. Audit: SBCTA agrees that Caltrans, the California Department of General Services, the California State Auditor’s Office, or other State agency with a legitimate business purpose, or their designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. SBCTA agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of record retention is stipulated.

6.9. Amendments: No amendment or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties. Any amendment signed by SBCTA must be approved by its Board of Directors as evidenced by a resolution, order, motion, or ordinance of the SBCTA and a copy provided to Caltrans. No oral understanding or agreement not incorporated in the Agreement is binding on any of the parties.

Revised April 2023
6.10 Caltrans and SBCTA shall continue with their responsibilities under this Agreement during any dispute.

6.11 This Agreement may be executed in separate counterparts.

6.12 An electronically signed copy of this Agreement shall have the same force and effect as if it were signed manually.

6.13 Should SBCTA be declared to be in breach of this AGREEMENT or otherwise in default thereof by Caltrans, and if SBCTA is constituted as a joint powers authority, special district, or any other public entity not directly receiving funds through the State Controller, Caltrans is authorized to obtain reimbursement from whatever sources of funding are available, including the withholding or transfer of funds, pursuant to Article IV – 21, from those constituent entities comprising a joint powers authority or by bringing of an action against SBCTA or its constituent member entities, to recover all funds provided by Caltrans hereunder.
Funds Transfer Agreement Between the California Department of Transportation and the San Bernardino County Transportation Authority

State:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
Printed Name: Jeanie Ward-Waller
Signature: ____________________________
Deputy Director for Planning & Modal Programs
Date: ________________________________

Local Agency:

San Bernardino County Transportation Authority
Printed Name: Raymond W. Wolfe
Signature: ____________________________
Title: SBCTA Executive Director
Date: ________________________________

Accounting Certification

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<td>Jennie Yee</td>
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For Caltrans Use Only

I hereby certify upon my own personal knowledge that budgeted funds are available for encumbrance.

Jennie Yee

6/13/2023

$1,000,000.00

Revised April 2023
RESOLUTION NO. 23-044

RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY AUTHORIZING THE EXECUTION OF THE FUND TRANSFER AGREEMENT FOR PRIORITY LEGISLATIVE BUDGET PROJECTS FOR THE STATE ROUTE 247/62 EMERGENCY BYPASS LANE STUDY

WHEREAS, Assembly Bill 179 appropriated funding for various Priority Legislative Budget Projects (PLBP), including an appropriation of $1,000,000 to the California Department of Transportation (Caltrans), to allocate to the San Bernardino County Transportation Authority (SBCTA) for the State Route 247/62 Emergency Bypass Lane Study; and

WHEREAS, on December 12, 2022, SBCTA was notified that as a PLBP earmark recipient, it must enter into a Fund Transfer Agreement with Caltrans before June 30, 2024; and

WHEREAS, the Fund Transfer Agreement outlines the terms and conditions related to funding, costs and reporting; and

WHEREAS, Fund Exchange Agreements, and/or Fund Transfer Agreements, must be executed with Caltrans before such funds can be claimed; and

WHEREAS, SBCTA desires to delegate the authority to execute these agreements and any amendments thereto to the Executive Director or his designee.

NOW, THEREFORE, the Board of Directors of the San Bernardino County Transportation Authority resolves as follows:

Section 1. The Executive Director of SBCTA or designee is authorized to execute the Fund Transfer Agreement to receive $1,000,000 for the State Route 247/62 Emergency Bypass Lane Study.

Section 2. This resolution shall take effect from and after its adoption.

PASSED AND ADOPTED by the San Bernardino County Transportation Authority at its meeting on September 6, 2023.

Dawn M. Rowe, President
San Bernardino County Transportation Authority

ATTEST:

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

RES 23-044
Additional Information
# MOUNTAIN/DESERT POLICY COMMITTEE ATTENDANCE RECORD – 2023

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X = Member attended meeting  * = Alternate member attended meeting  Empty box = Member did not attend meeting  Crossed out box = Not a Committee 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.

<table>
<thead>
<tr>
<th>Acronym</th>
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<td>AB</td>
<td>Assembly Bill</td>
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<td>ADA</td>
<td>Americans with Disabilities Act</td>
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<td>ADT</td>
<td>Average Daily Traffic</td>
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<td>American Public Transportation Association</td>
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<tr>
<td>AQMP</td>
<td>Air Quality Management Plan</td>
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<tr>
<td>ARRA</td>
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</tr>
<tr>
<td>ATMIS</td>
<td>Advanced Transportation Management Information Systems</td>
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<td>California Association for Coordination Transportation</td>
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<td>California Air Resources Board</td>
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<td>California Environmental Quality Act</td>
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<td>MDAQMD</td>
<td>Mojave Desert Air Quality Management District</td>
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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