

AGENDA

Board of Directors Meeting

**October 2, 2024
10:00 a.m.**

LOCATION

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

TELECONFERENCING WILL BE AVAILABLE AT THE FOLLOWING LOCATION:

**Needles City Hall
817 Third Street
Needles, CA 92363**

Board of Directors

President

Ray Marquez, Council Member
City of Chino Hills

Vice-President

Rick Denison, Council Member
Town of Yucca Valley

Daniel Ramos, Mayor Pro Tem
City of Adelanto

Art Bishop, Mayor Pro Tem
Town of Apple Valley

Carmen Hernandez, Council Member
City of Barstow

Rick Herrick, Council Member
City of Big Bear Lake

Eunice Ulloa, Mayor
City of Chino

Frank Navarro, Mayor
City of Colton

Acquanetta Warren, Mayor
City of Fontana

Bill Hussey, Mayor
City of Grand Terrace

Rebekah Swanson, Mayor Pro Tem
City of Hesperia

Larry McCallon, Mayor Pro Tem
City of Highland

Ronald Dailey, Mayor Pro Tem
City of Loma Linda

John Dutrey, Mayor
City of Montclair

Janet Jernigan, Mayor
City of Needles

Alan Wapner, Council Member
City of Ontario

L. Dennis Michael, Mayor
City of Rancho Cucamonga

Paul Barich, Mayor Pro Tem
City of Redlands

Deborah Robertson, Mayor
City of Rialto

Helen Tran, Mayor
City of San Bernardino

Joel Klink, Mayor Pro Tem
City of Twentynine Palms

Rudy Zuniga, Council Member
City of Upland

Debra Jones, Council Member
City of Victorville

Bobby Duncan, Council Member
City of Yucaipa

Paul Cook, Supervisor
County of San Bernardino

Jesse Armendarez, Supervisor
County of San Bernardino

Dawn Rowe, Supervisor
County of San Bernardino

Curt Hagman, Supervisor
County of San Bernardino

Joe Baca, Jr., Supervisor
County of San Bernardino

Catalino Pining, 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

**October 2, 2024
10:00 a.m.**

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

TELECONFERENCING WILL BE AVAILABLE AT THE FOLLOWING LOCATION:

Needles City Hall, 817 Third Street, Needles, CA 92363

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

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional *“Meeting Procedures”* and agenda explanations are attached to the end of this agenda.

CALL TO ORDER

(Meeting Chaired by Ray Marquez)

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

Pg. 14

Public Comment

Opportunity for members of the public to speak on any subject within the Board's jurisdiction.

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. 15

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.

INFORMATIONAL ITEMS

Items listed are receive and file items and are expected to be routine and non-controversial. Unlike the Consent Calendar, items listed as Informational Items do not require a vote.

2. August 2024 Procurement Report

Pg. 17

Receive the August 2024 Procurement Report.

Presenter: Alicia Bullock

This item was received by the General Policy Committee on September 11, 2024.

3. Transit and Rail Programs Contract Change Orders to On-Going Contracts

Pg. 24

Receive and file Change Order Report.

Presenter: Victor Lopez

This item was received by the Transit Committee on September 12, 2024.

CONSENT CALENDAR

The Consent Calendar will be acted upon as a single motion. 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. No public comment will be allowed on the Consent Calendar, unless the item was not previously reviewed at a policy committee. 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

4. Fiscal Year 2024/2025 Budget Amendments

Pg. 26

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

A. Approve the creation of the new fund, Fund 2801 – State One-time Awards to account for one-time state funding, to include the award for Priority Legislative Budget Projects Assembly Bill 179 for Task No. 0941.

B. Approve amendments to the Fiscal Year 2024/2025 Budget for Task No. 0941 – Mountain/Desert Planning and Project Development to decrease fund (Fund 6010) by \$500,000 and to increase the State One-time Award fund (Fund 2801) by \$750,000.

C. Approve an amendment to the Fiscal Year 2024/2025 Budget for Task No. 0155 - Fringe to decrease the Indirect Cost Allocation Fund (Fund 7110) by \$2,521,000.

D. Approve an amendment to the Fiscal Year 2024/2025 Budget for Task No. 0860 - Arterial Projects to add Local Bridge Seismic Retrofit Account-Proposition 1B (Fund 2622) of \$266,463.

E. Approve an amendment to the Fiscal Year 2024/2025 Budget for Task No. 0805 – Building Operations to increase the Indirect Cost Fund (Fund 7001) by \$331,663.

F. Approve an amendment to the Fiscal Year 2024/2025 Budget for Task No. 0511 – Council of Governments to decrease the State of California Department of Parks and Recreation (Fund 2666) by \$230,000.

G. Approve an amendment to the Fiscal Year 2024/2025 Budget for Task No. 0750 - Express Lane Operations to increase the Interstate 10 Express Lanes Contract 1 (Fund 7550) by \$1,000,000 from the Measure I Backstop. **Presenter: Lisa Lazzar**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on September 11, 2024.

- 5. Procurement Audit Results for Fiscal Years 2020/2021, 2021/2022, and 2022/2023** Pg. 30
Receive and file the audit of San Bernardino County Transportation Authority's procurement files resulting in one exception for Fiscal Years 2020/2021, 2021/2022, and 2022/2023.
Presenter: Alicia Bullock
This item was received by the General Policy Committee on September 11, 2024.
- 6. Fiscal Year 2024/2025 Budget Action Plan - First Quarter Report** Pg. 37
Receive the Fiscal Year 2024/2025 Budget Action Plan – First Quarter Report.
Presenter: Raymond Wolfe
This item was received by the General Policy Committee on September 11, 2024.

Consent - Project Delivery

- 7. US 395 Phase 2 Widening Project – Construction Management Services Contract Award** Pg. 49
That the Board, acting as the San Bernardino County Transportation Authority (SBCTA):
- A. Allocate \$500,000 in Measure I Victor Valley Major Local Highway Projects Program funds to the US 395 Phase 2 Widening Project to allow for constructability review prior to authorization of Federal funds for Construction Management Services.
- B. Authorize the Executive Director, or his designee, to award and execute Contract No. 24-1003120 with WSP USA, Inc., to provide Construction Management Services for the US 395 Phase 2 Widening Project, in an amount not-to-exceed \$6,969,268.77, to be funded with Measure I Victor Valley Major Local Highway Projects Program funds and Federal Surface Transportation Block Grant Program funds, upon receipt of the Pre-Award Audit and subject to approval as to form by SBCTA General Counsel.
- C. Authorize the Executive Director, or his designee, to approve a 10% contingency budget, to be released in accordance with SBCTA Contracting and Procurement Policy No. 11000, VIII.B.6.
- Presenter: David Tan**
- This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on September 13, 2024. SBCTA General Counsel, Procurement Manager, and Enterprise Risk Manager have reviewed this item and the draft contract.**

Consent - Regional/Subregional Planning

- 8. Local Outreach on Priority Transit Corridors for the Long Range Multimodal Transportation Plan** Pg. 124
Receive information on outreach being conducted to cities for Priority Transit Corridors in the Omnitrans service area, as part of the Long Range Multimodal Transportation Plan.
Presenter: Steve Smith
This item was received by the Transit Committee on September 12, 2024.

9. Contract No. 25-1003202 with Nikola Corporation for Hydrogen Truck Fueling Station in the City of Victorville Pg. 132

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

A. Authorize the Executive Director, or his designee, to finalize and execute Contract No. 25-1003202 with Nikola Corporation for construction of a Hydrogen Truck Fueling Station in the City of Victorville for an amount not to exceed \$5,000,000 and a term ending March 31, 2031, subject to approval as to form by SBCTA General Counsel.

B. Authorize an exception to SBCTA Contracting and Procurement Policy No. 11000 Section IV.B.4, to allow for a contract term of six years and five months, given that the policy limits contracts to a five-year term, absent SBCTA Board approval.

Presenter: Steve Smith

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on September 13, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft contract.

Consent - Transit

10. Fiscal Year 2024/2025 Operator Allocation - City of Needles Pg. 162

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

Allocate an additional \$118,519 of Mountain/Desert State Transit Assistance Funds-Population Share to the City of Needles for a new total of \$256,410.

Presenter: Nancy Strickert

This item was reviewed and unanimously recommended for approval by the Transit Committee on September 12, 2024.

11. Purchase Order with CityCom for Electric Vehicle DC Fast Charger Replacements at the Santa Fe Depot Pg. 164

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

A. Approve the use of \$170,000 of \$2,795,433 in State of Good Repair (SGR) Funds allocated by the Board in July 2023 and July 2024 for the Metrolink Stations Improvement Project to replace the Electric Vehicle (EV) fast charging stations at the San Bernardino Santa Fe Depot.

B. Authorize the Executive Director, or his designee, to issue a Purchase Order for the purchase of EV charger equipment and installation for an amount not-to-exceed \$170,000.

C. Approve a Budget Amendment to increase the Fiscal Year 2024/2025 Budget, Task No. 0313 Transit Right of Way Management, in the amount of \$170,000 to be funded with SGR Funds.

Presenter: Ryan Aschenbrenner

This item was reviewed and recommended for approval (8-1-0; Opposed: Wapner) by the Transit Committee on September 12, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item.

Consent - Council of Governments

12. San Bernardino Region Public Procurement Memorandum

Pg. 166

That the Board, acting as the ~~San Bernardino County Transportation Authority~~
San Bernardino Council of Governments:

A. Receive the San Bernardino Region Public Procurement Memorandum.

B. Direct staff to use the San Bernardino Region Public Procurement Memorandum as a reference for identifying work plan options.

Presenter: Monique Reza-Arellano

This item was reviewed and unanimously recommended for approval by the General Policy Committee on September 11, 2024. This item will be presented to the City/County Managers' Technical Advisory Committee on October 3, 2024.

Consent - Legislative/Public Outreach

13. State Legislative Update

Pg. 186

Receive and file the September 2024 State Legislative Update.

Presenter: Otis Greer

This item was received by the Legislative Policy Committee on September 11, 2024.

14. Federal Legislative Update

Pg. 226

Receive and file the September 2024 Federal Legislative Update.

Presenter: Otis Greer

This item was received by the Legislative Policy Committee on September 11, 2024.

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

15. US 395 Phase 2 Project Hearing to Consider Resolutions of Necessity for Property interests within the Cities of Hesperia and Victorville

Pg. 228

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

A. Conduct public hearings to consider condemnation of real property required for the US 395 Phase 2 Project in the Cities of Hesperia and Victorville.

B. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-010 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The Jennifer Lichuan Ko Family Trust (Assessor's Parcel Number 3136-261-06). The resolution must be approved by at least a two-thirds majority.

C. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-013 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The Camp and Julia Second Family Limited Partnership (Assessor's Parcel Number 3136-251-02). The resolution must be approved by at least a two-thirds majority.

Agenda Item 15 (cont.)

D. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-014 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Shahin Trust (Assessor's Parcel Number 3134-121-42). The resolution must be approved by at least a two-thirds majority.

E. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-015 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395 Properties 26, LLC (Assessor's Parcel Number 3096-361-04). The resolution must be approved by at least a two-thirds majority.

~~F. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-016 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Lighthouse Petroleum Victorville, LLC (Assessor's Parcel Number 3071-331-11). The resolution must be approved by at least a two-thirds majority.~~

G. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-017 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: City of Victorville (Assessor's Parcel Number 3096-361-10). The resolution must be approved by at least a two-thirds majority.

H. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-018 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395, LLC (Assessor's Parcel Number 3064-591-01 and 3064-591-03). The resolution must be approved by at least a two-thirds majority.

I. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-019 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Jagroop Dhillon (Assessor's Parcel Number 3064-381-07). The resolution must be approved by at least a two-thirds majority.

J. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-020 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Hanna Trust (Assessor's Parcel Number 3064-381-05). The resolution must be approved by at least a two-thirds majority.

K. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-021 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The S & P Family Trust (Assessor's Parcel Number 3064-381-29). The resolution must be approved by at least a two-thirds majority.

L. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-022 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Varinder Paul Sangha (Assessor's Parcel Number 3064-371-12). The resolution must be approved by at least a two-thirds majority.

Agenda Item 15 (cont.)

~~M. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-023 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The Hazboon Family Trust (Assessor's Parcel Number 3064-371-11). The resolution must be approved by at least a two-thirds majority.~~

N. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-024 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: JM Built Corporation (Assessor's Parcel Number 3064-371-08). The resolution must be approved by at least a two-thirds majority.

O. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-025 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Daniel Lindsey Song (Assessor's Parcel Number 3064-371-06). The resolution must be approved by at least a two-thirds majority.

P. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-026 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: MPNR Properties, LLC/Farsai's, LLC (Assessor's Parcel Number 3039-361-09). The resolution must be approved by at least a two-thirds majority.

Presenter: Sal Chavez

This item was reviewed and recommended for approval (5-0-0) without a quorum present by the Mountain/Desert Policy Committee on September 13, 2024. SBCTA General Counsel has reviewed this item. The RONS were prepared and reviewed by outside ROW Counsel.

Discussion - Air Quality/Traveler Services

16. Status of Agreement No. 24-1003125 with the California Highway Patrol for Freeway Service Patrol Pg. 412

Receive information on the status of the San Bernardino County Transportation Authority Agreement No. 24-1003125 with the California Highway Patrol (CHP). This agreement is for a five-year term beginning November 1, 2024, through October 31, 2029, in the amount of \$3,063,952 for daily oversight of the state and locally funded Freeway Service Patrol (FSP) Program and FSP CHP oversight for construction activity which includes the FSP services in Express Lane Project areas.

Presenter: Kelly Lynn

This item has not received prior policy committee or technical advisory committee review. This item is being taken directly to Board because the current contract expires on October 31, 2024, and this Board meeting is the only opportunity to receive full Board input prior to contract expiration, should another path be required that is different from what the Board approved at its September meeting.

Discussion - Administrative Matters

17. Deallocation of PACE Revenue from SBCOG Task

Pg. 428

That the Board, acting as the San Bernardino Council of Governments:

A. Approve the deallocation of Property Assessed Clean Energy (PACE) funds for other Council of Governments functions and reserve the carryover fund balance for unknown future PACE-related expenditures.

B. Approve a Budget Amendment to the Fiscal Year 2024/2025 Budget, Task No. 0511 – Council of Governments, to decrease the PACE (Fund 2911) by \$313,214.

Presenter: Lisa Lazzar

This item has not received prior policy committee or technical advisory committee review. This is being brought directly to the Board to accompany the COG Work Plan agenda item being presented by the Chief of COG and Equity Programs.

Discussion - Council of Governments

18. San Bernardino Council of Governments Work Plan, Policy 10014, and Proposed Amendment to Bylaws

Pg. 430

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

A. Receive an update on the development of the SBCOG Work Plan.

B. Review and provide comments on the proposed revisions to the SBCOG Bylaws, proposed Policy No. 10014 - SBCOG Member Agency Dues Collection, and the SBCOG Work Plan.

Presenter: Monique Reza-Arellano

This item has not received prior policy committee review. This item will be presented to the City/County Managers' Technical Advisory Committee on October 3, 2024. SBCTA General Counsel has reviewed this item, the draft policy, and the proposed revisions to the Bylaws.

Comments from Board Members

Brief Comments from Board Members

Executive Director's Comments

Brief Comments from the Executive Director

ADJOURNMENT

Additional Information

Attendance

Pg. 499

Acronym List

Pg. 501

Agency Reports

Mobile Source Air Pollution Reduction Review Committee Agency Report

Pg. 504

Committee Membership

Representatives on SCAG Committees

Pg. 508

Appointments to External Agencies

Pg. 509

Committee Membership

Pg. 511

Mission Statement

Mission Statement

Pg. 517

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 & Language Assistance - The meeting facility is accessible to persons with disabilities. A designated area is reserved with a microphone that is ADA accessible for public speaking. A designated section is available for wheelchairs in the west side of the boardroom gallery. If assistive listening devices, other auxiliary aids or language assistance 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.

Service animals are permitted on SBCTA's premises. The ADA defines service animals as dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work, or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Accesibilidad y asistencia en otros idiomas - Las personas con discapacidad pueden acceder a la sala de reuniones. Se reserva una zona designada con un micrófono accesible que cumple con los requisitos de la ADA para hablar en público. Una sección designada está disponible para sillas de ruedas en el lado oeste de la galería de la sala de reuniones. Si se necesitan dispositivos de ayuda auditiva, otras ayudas auxiliares o servicios de asistencia en otros idiomas para participar en la reunión pública, las solicitudes deben presentarse al Secretario de la Junta al menos tres (3) días hábiles antes de la fecha de la reunión de la Junta. Puede comunicarse con el Secretario llamando al (909) 884-8276 o enviando un correo electrónico a clerkoftheboard@gosbcta.com. La oficina se encuentra en 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Los animales de servicio están permitidos en las instalaciones de SBCTA. La ADA define a los animales de servicio como perros o caballos miniatura que son entrenados individualmente para hacer trabajo o realizar tareas para personas con discapacidades. Según la ADA, los animales de servicio deben tener un arnés o ser atados, a menos que estos dispositivos interfieran con el trabajo del animal de servicio, o que la discapacidad de la persona impida el uso de estos dispositivos. En ese caso, la persona debe mantener el control del animal a través de su voz, señales u otros controles efectivos.

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 35 copies to the Clerk of the Board for distribution. If providing written information for distribution to the Board, such information must be emailed to the Clerk of the Board, at clerkoftheboard@gosbcta.com, no later than 5:00 pm the day before the meeting in order to allow sufficient time to distribute the information. 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.

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



Important Dates to Remember...

October 2024

SBCTA Meetings - Cancelled: None

SBCTA Meetings – Scheduled:

General Policy Committee	Oct 9	9:00 am	SBCTA Lobby, 1st Floor
Legislative Policy Committee	Oct 9	Immediately following GPC	SBCTA Lobby, 1st Floor
Transit Committee	Oct 10	9:00 am	SBCTA Lobby, 1st Floor
Metro Valley Study Session	Oct 10	Immediately following TC	SBCTA Lobby, 1st Floor
Mountain/Desert Policy Committee	Oct 11	9:30 am	Mojave Desert AQMD

Other Meetings/Events:

Business 2 Business Expo	Oct 16	9:00 am	Ontario Convention Center, CA
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SBCTA Offices will be CLOSED:

- **October 14th, Columbus Day**

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

Minute Action

AGENDA ITEM: 1

Date: *October 2, 2024*

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	24-1003120	WSP USA, Inc. <i>Derich Sukow</i>	B&R Consulting Engineers, Inc. Guida Surveying, Inc. MTGL, Inc. Dynamic Engineering Services, Inc. ZT Consulting Group, Inc.
9	25-1003202	Nikola Corporation	None
10	Allocation	City of Needles	None
11	PO	CityCom <i>Mike Fortunato</i>	None

Item No. 15 – US 395 Phase 2 Hearing to Consider Resolutions of Necessity

APN#	Principals & Agents
3136-261-06	The Jennifer Lichuan Ko Family Trust
3136-251-02	The Camp and Julia Second Family Limited Partnership
3134-121-42	Shahin Trust
3096-361-04	395 Properties 26, LLC
3096-361-10	City of Victorville
3064-591-01	395, LLC
3064-591-03	395, LLC
3064-381-07	Jagroop Dhillon
3064-381-05	Hanna Trust
3064-381-29	The S & P Family Trust
3064-371-12	Varinder Paul Sangha
3064-371-08	JM Built Corporation
3064-371-06	Daniel Lindsey Song
3039-361-09	MPNR Properties, LLC/Farsai's, LLC

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

Item No.	Contract No.	Principals & Agents	Subcontractors
16	24-1003125	California Highway Patrol	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: October 2, 2024
 Witnessed By:

Minute Action

AGENDA ITEM: 2

Date: *October 2, 2024*

Subject:

August 2024 Procurement Report

Recommendation:

Receive the August 2024 Procurement Report.

Background:

The Board of Directors (Board) adopted the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997, and approved the last revision on January 4, 2023. The Board 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 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; 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 and the solicitation has been listed in the Annual Budget, and are estimated not-to-exceed \$1,000,000.

The Board 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.

Lastly, the Board authorized CityCom Real Estate Services, Inc. (CityCom) to issue contracts and purchase orders.

Below is a summary of the actions taken by SBCTA authorized staff:

- No new contracts were executed.
- One contract amendment was executed.
- Three CTOs were executed.
- Two CTO amendments were executed.
- Two contingency amendments were executed.
- Five purchase orders were executed.
- No purchase order amendments were executed.
- No IFBs or RFPs were released.

Below is a summary of the actions taken by CityCom:

- No new contracts were executed.
- One new purchase order was executed.

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

Board of Directors Agenda Item

October 2, 2024

Page 2

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 August 2024 are presented herein as Attachment A, all RFPs and IFBs are presented in Attachment B, and all CityCom's contracts and purchase orders are presented in Attachment C.

Financial Impact:

This item is consistent with the adopted Budget for Fiscal Year 2024/2025. Presentation of the monthly procurement report demonstrates compliance with the Contracting and Procurement Policy.

Reviewed By:

This item was received by the General Policy Committee on September 11, 2024.

Responsible Staff:

Alicia Bullock, Procurement Manager

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Attachment A - 1
August 2024 Contract/Amendment/CTO Actions

Type	Contract Number	Amendment/CTO	Vendor Name	Contract Description	Original Amount	Prior Amendments	Current Amendment	Total Amount	Total On-Call Contract Amount*
Contract Amendment	23-1002833	1	PFM Financial Advisors, LLC	Financial Advisory Services for the Development of an Operations Model for Toll Operations.	\$ 71,125.00	\$ -	\$ 35,562.00	\$ 106,687.00	N/A
CTO	23-1002904	CTO No. 6	Mott MacDonald Group Inc.	On-Call Transit and Rail Services - West Valley Connector Quality Manager.	\$ 491,000.00	\$ -	\$ -	\$ 491,000.00	\$20,000,000 (available \$14,294,000)
CTO	23-1002995	CTO No. 14	Costin Public Outreach Group	Public Outreach Support for Interstate 10/Mt. Vernon Avenue Interchange.	\$ 75,070.00			\$ 75,070.00	\$5,000,000 (available \$2,536,350)
CTO	23-1002995	CTO No. 15	Costin Public Outreach Group	Public Outreach Support for Construction Activities Associated with State Route 210/Waterman Avenue.	\$ 51,000.00			\$ 51,000.00	\$5,000,000 (available \$2,485,350)
CTO Amendment	22-1002744	CTO No. 2.3	WSP USA, Inc.	On-Call General Support Services.	\$ 75,000.00			\$ 75,000.00	\$20,000,000 (available \$8,630,295)
CTO Amendment	22-1002744	CTO No. 4.3	WSP USA, Inc.	On-Call Engineering Right-of-Way Plan Review.	\$ 15,000.00			\$ 15,000.00	\$20,000,000 (available \$8,430,295)

Attachment: August 2024 Procurement Report - PDF (10907 : August 2024 Procurement Report)

*Total amount authorized for the associated on-call services bench which is typically shared with multiple vendors and controlled via contract task orders (CTO).

Attachment A - 2
August 2024 Contingency Released Actions

Contract No. & Contingency No.	Reason for Contingency Amendment (Include a Description of the Contingency Amendment)	Vendor Name	Original Contract Amount	Prior Amendments	Prior Contingencies	Current Contingencies	Amended Contract Amount
23-1002971 No. 0A	Cover additional costs to allow more extensive Right-of-Way services and utility coordination tasks which are essential for the Mount Vernon Viaduct Project.	Anser Advisory Management, LLC.	\$ 3,655,940.60	\$ -	\$ -	\$ 104,747.85	\$ 3,760,688.45
15-1001251 No. 6C	Design support during construction for contractor Request for Information and coordination with Resident Engineer for review of garden wall over San Bernardino County Flood Control District channel and fabrication of tile for City seal on bridge wall for the State Route 60 Central Avenue Interchange Project.	AECOM Technical Services, Inc.	\$ 2,012,549.64	\$ 739,011.37	\$ -	\$ 4,236.00	\$ 2,755,797.01

Attachment A - 3

August 2024 Purchase Order and Purchase Order Amendment Actions

Type	PO No.	PO Posting Date	Vendor Name	Description of Services	Original Purchase Order Amount	Prior Amendments	Current Amendment	Total Purchase Order Amount
New PO	4002514	8/9/2024	INTELLI-TECH	Fortigate Services Annual Renewal.	\$ 2,040.00	\$ -	\$ -	\$ 2,040.00
New PO	4002521	8/16/2024	Environmental Systems Research (ESRI)	ESRI Software License Renewal for Fiscal Year 2025.	\$ 19,610.00	\$ -	\$ -	\$ 19,610.00
New PO	4002522	8/16/2024	San Bernardino County Sheriff's Department Bureau of Administration	Fiscal Year 2024/2025 Sheriff Deputies for Board and Committee Meetings.	\$ 9,500.00	\$ -	\$ -	\$ 9,500.00
New PO	4002533	8/23/2024	ENVOY, INC.	ENVOY Visitor System Software Renewal 2024-2025.	\$ 7,476.60	\$ -	\$ -	\$ 7,476.60
New PO	4002535	8/15/2024	County of San Bernardino	City County Conference Fee Reimbursement 2024.	\$ 65,448.23	\$ -	\$ -	\$ 65,448.23

Attachment B
August 2024 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
None				

Attachment C

August 2024 CityCom's Issued Purchase Orders/Contracts

PO/Contract No.	Vendor Name	Description of Services	Total Amount
PO No. SBCTA50329	Vortex	Boardroom double doors, replace latch and keypad.	\$ 4,060.00

Minute Action

AGENDA ITEM: 3

Date: *October 2, 2024*

Subject:

Transit and Rail Programs Contract Change Orders to On-Going Contracts

Recommendation:

Receive and file Change Order Report.

Background:

The San Bernardino County Transportation Authority has three ongoing construction contracts, and one vehicle procurement contract related to Transit and Rail Programs.

A. Contract No. 23-1002891 with Griffith Company for the West Valley Connector Project Mainline Construction has had two Contract Change Orders (CCOs) executed since the last report.

1. CCO 01: Additional Signage Installation and Relocation. (\$7,242.55)
2. CCO 03: Cucamonga Valley Water District Drawing Revisions. (\$3,050)

B. Contract No. 23-1002961 with Proterra Builders, Inc. for the Arrow Maintenance Facility (AMF) Hydrogen Fuel Upgrade: Equipment Procurement has had no CCOs executed since the last report.

C. Contract No. 23-1002922 with Metro Builders & Engineers Group, Ltd. for the AMF Hydrogen Fuel Upgrade: AMF Retrofit has had no CCOs executed since the last report.

D. Contract No. 20-1002310 with Stadler US for Zero Emission Multiple Unit Rail Vehicle Procurement has had no CCOs executed since the last report.

Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item was received by the Transit Committee on September 12, 2024.

Responsible Staff:

Victor Lopez, Director of Transit & Rail Programs

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

Entity: San Bernardino County Transportation Authority

Transit and Rail Programs Contracts Executed Change Orders		
Number	Description	Amount
West Valley Connector Mainline Construction Griffith Company (23-1002891)		
1	Additional Signage Installation and Relocation	\$7,242.55
3	CVWD Drawing Revisions	\$3,050.00
	CCO Total	\$10,292.55
	Approved Contingency	\$11,995,991.00
	Remaining Contingency	\$11,985,698.45
ZEMU - Arrow Maintenance Facility (AMF) Proterra Builders, Inc. (23-1002961)		
Number	Description	Amount
	CCO Total	\$0.00
	Approved Contingency	\$56,280.21
	Remaining Contingency	\$56,280.21
ZEMU - Arrow Maintenance Facility (AMF) Metro Builders & Engineers Group, Ltd. (23-1002922)		
	Description	Amount
	CCO Total	\$0.00
	Approved Contingency	\$962,657.10
	Remaining Contingency	\$962,657.10
ZEMU- Vehicle Procurement Stadler (20-1002310)		
Number	Description	Amount
	CCO Total	\$2,592,169.12
	Approved Contingency	\$3,487,482.12
	Remaining Contingency	\$895,313.00

Minute Action

AGENDA ITEM: 4

Date: *October 2, 2024*

Subject:

Fiscal Year 2024/2025 Budget Amendments

Recommendation:

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

A. Approve the creation of the new fund, Fund 2801 – State One-time Awards to account for one-time state funding, to include the award for Priority Legislative Budget Projects Assembly Bill 179 for Task No. 0941.

B. Approve amendments to the Fiscal Year 2024/2025 Budget for Task No. 0941 – Mountain/Desert Planning and Project Development to decrease fund (Fund 6010) by \$500,000 and to increase the State One-time Award fund (Fund 2801) by \$750,000.

C. Approve an amendment to the Fiscal Year 2024/2025 Budget for Task No. 0155 - Fringe to decrease the Indirect Cost Allocation Fund (Fund 7110) by \$2,521,000.

D. Approve an amendment to the Fiscal Year 2024/2025 Budget for Task No. 0860 - Arterial Projects to add Local Bridge Seismic Retrofit Account-Proposition 1B (Fund 2622) of \$266,463.

E. Approve an amendment to the Fiscal Year 2024/2025 Budget for Task No. 0805 – Building Operations to increase the Indirect Cost Fund (Fund 7001) by \$331,663.

F. Approve an amendment to the Fiscal Year 2024/2025 Budget for Task No. 0511 – Council of Governments to decrease the State of California Department of Parks and Recreation (Fund 2666) by \$230,000.

G. Approve an amendment to the Fiscal Year 2024/2025 Budget for Task No. 0750 - Express Lane Operations to increase the Interstate 10 Express Lanes Contract 1 (Fund 7550) by \$1,000,000 from the Measure I Backstop.

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 requested by departments and approved by the SBCTA Board of Directors (Board) 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 other departments are 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 Policies; 2) additional funds made available from allocations or grants; 3) unforeseen costs; or 4) other unexpected changes.

At the end of Fiscal Year 2023/2024, SBCTA was notified by the Southern California Association of Governments (SCAG) to stop work on the Regional Early Action Planning 2.0

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

program due to possible budget cuts at the State level. Due to successful legislative advocacy work from the region, the cuts to the program resulted in a minimal reduction from the adopted State budget, and SCAG verified that full awards have been restored; thus, no budget amendment is required at this time.

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

Recommendation A:

On September 8, 2022, Governor Gavin Newsom signed Assembly Bill (AB) 179, which amended the Budget Act of 2022 to reflect changes necessary to implement the budget agreement for the State. AB 179 also appropriated funding for Priority Legislative Budget Projects (PLBP), otherwise known as State earmarks. The PLBP program includes earmarks for a variety of projects, including transportation-related projects. In April 2022, SBCTA submitted a request for an earmark in the amount of \$1,000,000 to conduct the State Route (SR) 247/62 Emergency Bypass Study. On December 12, 2022, SBCTA was notified that the request was approved and included in AB 179. The California Department of Transportation is the authorizing agency for the proper distribution of the funding provided by this legislation. The acquisition of these earmarks requires the establishment of a new fund. The request is to establish a fund to account for various one-time funding from the State and avoid creation of multiple funds for one-time use.

Recommendation B:

On May 1, 2024, the Board approved the award of Contract No. 24-1003069 to WSP USA, Inc. for the SR 247/62 Emergency Bypass Study. This study aims to develop a bypass strategy for closures on Interstate 15/Cajon Pass and identify potential geometric and operational improvements on SR 247 and SR 62. The contract is for an amount not-to-exceed \$762,899, funded by State earmark funds from the PLBP program, with a term ending on June 30, 2026. Through discussions with WSP USA, Inc., it was confirmed that a significant portion of the work would be completed in Fiscal Year 2024/2025. Prior to the creation of the new fund, \$500,000 was budgeted for this project under Fund 6010. As a result, an adjustment is being made to move all funds allocated for this project in Fund 6010 while also increasing the Fiscal Year budget for this project in the new fund (Fund 2801) – State One-time Awards established in recommendation A by \$250,000.

Recommendations C:

In April 2024, SBCTA paid the Unfunded Actuarial Accrued Liability (UAAL) to the San Bernardino County Employee's Retirement Association. The UAAL represents the shortfall between the Actuarial Accrued Liability and the Valuation Value of Assets, with the amount spread over 20 years to smooth out the impact. This total UAAL encompasses actuarial losses and gains from the past 20 years, changes in assumptions, methodology updates, and the implementation of the Alameda Decision. There was a delay in determining the effect on the employer's share of the Fiscal Year 2024/2025 contribution rate. As a result, an adjustment is being made to lower the budget by \$2,521,000 in the Indirect Cost Allocation Fund (Fund 7110), reflecting a decrease in the employer contribution rate for Fiscal Year 2024/2025. Specifically, the Tier 1 rate decreased from 34.98% to 13.79%, and the Tier 2 rate dropped from 29.80% to 8.61%, resulting in an overall reduction of 21.19% for both tiers.

Recommendation D:

Project Delivery Department staff is requesting approval of a budget addition of \$266,463 in the Local Bridge Seismic Retrofit – Proposition 1B Fund (Fund 2622) to accommodate expenditures for the Mount Vernon Viaduct Project.

Recommendation E:

Management Services Department staff is requesting approval of an additional \$331,663 in the Indirect Cost Fund (Fund 7001) for Building Operations (Task 0805). This request is to cover unanticipated increases in the cost of facility operations, maintenance, supply services, and utilities as well as the cost-sharing arrangement between SBCTA and the City of San Bernardino for the unanticipated vacant Local Agency Formation Commission unit. Funding for this request will come from the General Purpose Reserve of \$500,000 approved in the Fiscal Year 2024/2025 budget.

Recommendation F:

On January 3, 2024, the Board approved Revenue Agreement No. 23-1002837 with the State of California Department of Parks and Recreation and Agreement No. 23-1002836 with the Inland Empire Community Foundation and Lifting Our Stories contingent upon receipt of a certificate of insurance that meets all contract insurance requirements. The required insurance, as specified in Article 22 of Agreement No. 23-1002836 and agreed upon by all parties, was initially due 10 days after the request was made on February 12, with a due date of February 22. Two time extensions were granted, extending the deadline to March 19, as requested by the vendor. Due to the State deadline of March 22, for executing the contract and the absence of the required insurance to meet the contract terms, no additional extensions could be granted. As a result, an adjustment is necessary to decrease the budget in the State of California Department of Parks and Recreation (Fund 2666) by \$230,000.

Recommendation G:

In September 2023, the Board approved a budget increase of \$5,104,000 in Fiscal Year 2023/2024 to provide cash flow for operations and maintenance expenses incurred on the Interstate 10 (I-10) Express Lanes Contract 1 Project before the revenue commencement date. The revenue commencement has been delayed to August 2024 due to changes in the delivery timeline. To meet the initial reserve requirement for operations and maintenance, an additional \$1,000,000 is needed, which will come from the Measure I Backstop. Under the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan Agreement No. 21-1002566 with the United States Department of Transportation (US DOT), the I-10 Express Lanes can borrow from Measure I programs. Specifically, the Measure I Freeway fund (Fund 4110) will lend to the I-10 Express Lanes Contract 1 fund (Fund 7550). This arrangement will ensure cash flow for early stage operational and maintenance expenses. Toll revenues generated will be managed according to the financial covenants of the TIFIA loan agreement, including the replenishment of Measure I Programs utilized for the Measure I Backstop.

Financial Impact:

A budget amendment is required as described in Recommendations B-G and described in the background section of this item.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the General Policy Committee on September 11, 2024.

Board of Directors Agenda Item
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Responsible Staff:

Lisa Lazzar, Chief of Fiscal Resources

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 5

Date: *October 2, 2024*

Subject:

Procurement Audit Results for Fiscal Years 2020/2021, 2021/2022, and 2022/2023

Recommendation:

Receive and file the audit of San Bernardino County Transportation Authority's procurement files resulting in one exception for Fiscal Years 2020/2021, 2021/2022, and 2022/2023.

Background:

Over the last few years, several improvements and changes have occurred in Procurement. Procurement processes have been centralized and additional procurement staff has been hired to process and maintain all of the agency's procurements. In an effort to ensure all improvements, procedures, and internal controls are in compliance, an auditing firm is procured every two years to review several contract audit files. Due to staff changes in Procurement this audit covered three years.

Crowe LLP (Crowe) was selected based on bids obtained from San Bernardino County Transportation Authority's (SBCTA) bench of audit firms under contract. Crowe selected four Federally funded procurement files out of a pool of eight closed solicitations conducted within the last three years. Crowe's report is provided as Attachment A.

The audit resulted in one exception noted, which was a California Department of Transportation (Caltrans) 10-O2 Consultant Contract DBE Commitment form being submitted four days after the required due date. This was due to the form being signed on a Friday by the Procurement Manager and then sent to Caltrans on Monday by the Procurement Analyst. The process during the time of this audit was that the Caltrans 10-O2 Consultant Contract DBE Commitment form was submitted to the Procurement Analyst by the firm and the Procurement Analyst would send it to the Procurement Manager for signature and once signed, the Procurement Analyst would send it back to Caltrans. In order to address this audit exception, the new process will be that once the Procurement Analyst sends the Caltrans 10-O2 Consultant Contract DBE Commitment form to the Procurement Manager for signature the Procurement Manager will then send it to Caltrans directly. Although, SBCTA had one minor exception noted this report confirms that SBCTA follows its own procurement policy and procedures.

Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025. The audit contract costs are budgeted in the General-Indirect Fund.

Reviewed By:

This item was received by the General Policy Committee on September 11, 2024.

Responsible Staff:

Alicia Bullock, Procurement Manager

Board of Directors Agenda Item
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Page 2

Approved
Board of Directors
Date: October 2, 2024
Witnessed By:

San Bernardino County Transportation Authority

Attachment A

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

Independent Accountant's Report on
Applying Agreed-Upon Procedures

For Completed Federal Procurements
from Fiscal Years 2020/2021,
2021/2022, and 2022/2023

INDEPENDENT ACCOUNTANT'S
REPORT ON APPLYING AGREED-UPON
PROCEDURES ON COMPLETED FEDERAL
PROCUREMENTS

San Bernardino County Transportation Authority
 1170 West 3rd Street, 2nd Floor
 San Bernardino, CA 92410

We have performed the procedures enumerated below on completed Federal procurements by San Bernardino County Transportation Authority for Fiscal Years 2020/2021, 2021/2022, and 2022/2023. SBCTA is responsible for the procurements.

SBCTA has agreed and acknowledged that the procedures performed are appropriate to gain an understanding of the completed Federal procurements by San Bernardino County Transportation Authority for Fiscal Years 2020/2021, 2021/2022, and 2022/2023. We make no representation regarding the appropriateness of the procedures either for the purpose for which this report has been requested or for any other purpose. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes. An agreed-upon procedures engagement involves performing specific procedures that the engaging party has agreed to and acknowledged to be appropriate for the intended purpose of the engagement and reporting on findings based on the procedures performed.

See table below for the population provided by SBCTA and the samples selected for the performance of procedures by Crowe:

Program	Contract Description	Sampled (Y/N)
FHWA	RFP22-1002775 US 395 Phase 2 Professional Services	N
FHWA	IFB22-1002780 North 1st Avenue Bridge over BNSF Railroad	Y
FHWA	RFP22-1002722 I-10 Freight and Express Lanes	N
FHWA	RFP21-1002469 Construction Management (CM) services for the North 1 st Avenue Bridge over BNSF Railroad	N
FHWA	RFP23-1002844 Right of Way Services for US395 Phase 2 Project	Y
FTA	RFP21-1002662 West Valley Connector CM	Y
FTA	RFP22-1002744 On-call Transit and Rail Services	N
FTA	RFP21-1002452 PCM Ontario Loop	Y

The procedures and the associated results are detailed on the following pages.

Agreed Upon Procedures and Results

The procedures and the associated findings are as follows:

1. Select a random sample of 50% of completed federal procurements from Fiscal Year 2020/2021, 2021/2022, and 2022/2023 listed in the table appearing on the page above. The sample must include two procurements funded with FHWA and two funded with FTA. If the random sample result does not include at least two procurements funded with FHWA and two funded with FTA, randomly select additional FHWA and/or FTA procurements from the population until there is at least two of each included in the selection.

Results – *No exceptions noted.* See table on previous page for sample selected.

2. Trace each procurement's audit contract file to the procurement file "Table of Contents" listed in Exhibit C. An exception will be noted if the supporting documentation is not included in the contract file.

Results – *No exceptions noted.*

3. For all federal-aid contracts sampled from procedure 1 above, observe that the contract agreement contains the required provisions identified in Section IX General Federal Requirements of SBCTA's Procedure 11000 Procurement Manual.

Results – *No exceptions noted.*

4. For FHWA contracts sampled from procedure 1 above, complete the following:
 - a. Observe that the SBCTA executed a contract type identified as allowable by Caltrans, which includes: 1) Actual Cost-Plus-Fixed-Fee; 2) Cost Per Unit of Work; 3) Specific Rates of Compensation; and 4) Lump Sum or Fixed Firm Price. In addition, compare the contract components to the contract type component requirements specified in Section X Federal Highways Administration of SBCTA's Procedure 11000 Procurement Manual and observe that SBCTA executed the proper contract type.

Results – *No exceptions noted.*

- b. For all federal-aid contracts sampled from procedure 1 above, observe that SBCTA completed and submitted an Exhibit 9-D: DBE Contract Goal Methodology form to the DLAE prior to advertisement. For construction contract estimates greater than \$2M and consultant contract estimates greater than \$500K, also observe that the DBE goal was approved by Caltrans, as required by Section 9.7 DBE Contract Participation; Submitting Exhibit 9-D of LAPM Chapter 9.

Results – *No exceptions noted.*

- c. For all construction or consultant contracts sampled from procedure 1 above, observe that SBCTA included the Exhibit 15-G: Construction Contract DBE Commitment or Exhibit 10-O2: Consultant Contract DBE Commitment form in the construction or consultant contract whether or not there is a DBE goal on the contract. Also observe that SBCTA submitted these forms to the DLAE within 30 days of contract execution, as required by Section 9.7 DBE Contract Participation; Local Public Agency Bidder or Proposer DBE Commitment and DBE Information Forms of LAPM Chapter 9.

Results – *One exception noted.*

- i. Crowe noted one instance where SBCTA did not submit timely the Exhibit 10-02: Consultant Contract DBE Commitment form to the DLAE within 30 days of contract execution. The contract between SBCTA and Epic Land Solutions, Inc. (RFP23-1002844 Right of Way Services for US395 Phase 2 Project) was executed on May 16th, 2023, requiring submission to the DLAE by June 15th, 2023. SBCTA did not submit the form to the DLAE until June 19th, 2023, which is 4 days after the required due date.
- d. For all construction or consultant contracts sampled from procedure 1 above, inquire with SBCTA on whether the contract was completed. If yes, observe that SBCTA obtained a completed Exhibit 17-F: Final Report-Utilization of DBE and First-Tier Subcontractors from the contractor and submitted a copy of the completed form to the DLAE as a part of its Final Report of Expenditure package before final payment, as required by Section 9.7 DBE Contract Participation; Final Report of LAPM Chapter 9.

Results – No exceptions noted.

- e. Inquire with SBCTA on whether the contract engaged Architectural and Engineering (A&E) Consultants to develop the federal-aid funded project. If yes, observe that:
 - A) SBCTA obtained ICR supporting documentation from the A&E consultants;
 - B) SBCTA provided Caltrans Independent Office of Audits and Investigations (IOAI) a copy of the Certification of Indirect Costs and Financial Management System form;
 - C) The ICR included on SBCTA's proposal matches the ICR on the Certification of Indirect Costs and Financial Management System form and the consultant's schedule;
 - D) SBCTA maintained documentation that a cost analysis was performed; and
 - E) For consultant contracts with a proposed contract dollar value equal to or greater than \$1M, SBCTA provided IOAI all documents included within the Financial Document Review Request form, as required by Section 10.1.3 A&E Consultant Audit and Review Process; Local Public Agencies' Responsibilities of LAPM Chapter 10.

Results – No exceptions noted.

- f. Inquire with SBCTA on whether the contract was for a federally financed "significant NHS project" (as defined by LAPM Chapter 7). If yes, observe that Caltrans and the District Local Assistant Engineer (DLAE) approved SBCTA's construction administration procedures; and that Caltrans provided SBCTA a written Authorization to Proceed with construction before any construction contracts for the project were administered, as required by Section 15.2 Approval for LPA to Administer Projects; Significant NHS Projects of LAPM Chapter 15.

Results – No exceptions noted.

- g. If the federally financed construction project was not for a "significant NHS project" as detailed in step 4d above, observe that SBCTA completed the Exhibit 15-A: Local Agency Construction Contract Administration Checklist and received, in writing, an Authorization to Proceed with construction from Caltrans prior to advertising the project, as required by Section 15.2 Approval for LPA to Administer Projects of LAPM Chapter 15.

Results – No exceptions noted.

- 5. For FTA contracts sampled from procedure 1 above, complete the following:
 - a. Inquire with SBCTA on whether there were any amendments or change orders issued under the contract. If yes, observe that the amendment or change order is within the scope of the original contract and is not considered an "improper contract expansion" or "cardinal change",

as identified within Section XI Federal Transit Administration of SBCTA's Procedure 11000 Procurement Manual.

Results – No exceptions noted.

- b. Inquire with SBCTA on whether there were advance payments to the contractor. If yes, observe that either: the advance payment was for an allowable cost type (rent, tuition, insurance premiums, subscription to publications, software licenses, construction mobilization costs, public utility connections); or SBCTA received prior approval from FTA for the advance payment, as required by Section 2.4.4.2 Advance Payments of the FTA Best Practices Procurement Manual.

Results – No exceptions noted.

- c. Inquire with SBCTA on whether the contract was for rolling stock, steel, iron, or manufactured products with a greater value than \$100,000. If yes, observe that SBCTA obtained a certification of compliance or non-compliance with the Buy America requirements for each bid or offer. For instances of contracts awarded to non-compliant contractors, also observe that SBCTA received a waiver from FTA to contract with the entity, as required by Section 4.3.3.2.2 Buy America Certification of the FTA Best Practices Procurement Manual.

Results – No exceptions noted.

We were engaged by SBCTA to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on completed Federal procurements by San Bernardino County Transportation Authority for Fiscal Years 2020/2021, 2021/2022, and 2022/2023. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of SBCTA and to meet our ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the SBCTA and is not intended to be, and should not be, used by anyone other than the specified party.

Crowe LLP
Crowe LLP

Los Angeles, California
June 26, 2024

Minute Action

AGENDA ITEM: 6

Date: *October 2, 2024*

Subject:

Fiscal Year 2024/2025 Budget Action Plan - First Quarter Report

Recommendation:

Receive the Fiscal Year 2024/2025 Budget Action Plan – First Quarter Report.

Background:

The San Bernardino County Transportation Authority's (SBCTA) Fiscal Year 2024/2025 Budget Action Plan (BAP) establish the Board of Directors priorities for the year. The Executive Director uses this as a tool with the Executive Management Team to evaluate SBCTA's progress in achieving the Board's priorities. The Executive Director or his designee will provide quarterly updates on the status of the goals as listed in the attached BAP.

Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item was received by the General Policy Committee on September 11, 2024.

Responsible Staff:

Raymond Wolfe, Executive Director

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

Entity: San Bernardino County Transportation Authority

Initiative #1: Transparent and Accountable Allocation Strategies				
Division Strategy: Complete timely audits of Measure I and Transportation Development Act recipients				
1A	Action Plan	Milestones	Milestone Status	Responsibility
	Manage and communicate with audit firm to plan and complete annual audits.	Q2		Finance
	Inform Committees and Board of status of audits.	Q3		
	Notes			
Division Strategy: Use strategic programming to ensure that no funds are lost				
1B	Action Plan	Milestones	Milestone Status	Responsibility
	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		Fund Administration, Project Delivery, Transit, Planning
		June 30 is California Transportation Commission (CTC) deadline for project allocation or extension requests - Q4		
	Manage projects to ensure funds are not lost.	Request allocation of competitive grant funds and State Transportation Improvement Program (STIP) for I-10 Contract 2 - Q4		Fund Administration
		Request allocation of competitive grant funds for US 395 Phase 2 - Q4	First of three allocation requests will be presented to CTC in October 2024.	
		Request allocation of Planning, Programming and Monitoring funds for Fiscal Year 2025/2026 - Q4		
	Notes			
Division Strategy: Protect San Bernardino County’s equitable share of available state and federal funds				
1C	Action Plan	Milestones	Milestone Status	Responsibility
	Develop funding strategies that maximize resources available and result in opportunities to seize additional state and federal funds.	Release Request for Proposals for Air Quality Consultant to remain eligible for Federal Congestion Mitigation and Air Quality Improvement funding - Q4		Fund Administration
		Nominate projects to SCAG for programming of federal formula funds in accordance with the 2024 Update to the 10-Year Delivery Plan, and the 10-Year Plan for transit operators’ implementation of the zero emission bus mandate (pending schedule for call for projects) - Q4	Call for projects schedule has not yet been released.	Fund Administration, Project Delivery, Transit
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2024/2025 Budget Action Plan

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Division Strategy: Develop long-term bonding needs to help leverage other funds and deliver projects				
1D	Action Plan	Milestones	Milestone Status	Responsibility
	Establish plan for sales tax revenue bond program through development of the 2024 Update to the 10-Year Delivery Plan.	Present final 2024 Update to the 10-Year Delivery Plan to the Board for approval - Q3	10-Year Delivery Plan is scheduled to be presented to the Board for approval in February 2025.	Fund Administration, Finance, Project Delivery, Transit, Planning
		Monitor implementation of the 2024 Update to the 10-Year Delivery Plan and Measure I revenue receipts to identify need for short-term borrowing – Ongoing		
	Notes			
Division Strategy: Manage geographic equity in fund distribution across the County				
1E	Action Plan	Milestones	Milestone Status	Responsibility
	Manage long-term strategy for ensuring geographic equity in fund distribution over the life of the Measure.	Monitor results of SCAG project selection for federal formula funds and ensure long-term equity between subareas of San Bernardino County is maintained - Q4		Fund Administration
	Notes			
Division Strategy: Manage SBCTA railroad right-of-way in an efficient and comprehensive fashion				
1F	Action Plan	Milestones	Milestone Status	Responsibility
	Manage SBCTA railroad right of way in an efficient and comprehensive fashion.	Ongoing		Transit
	Notes			
Initiative #2: Engender Public Trust				
Division Strategy: Secure an unmodified opinion of Comprehensive Annual Financial Report (Annual Report)				
2A	Action Plan	Milestones	Milestone Status	Responsibility
	Schedule a meeting with Executive Board officers and certified public accountant (CPA) firm to cover audit process and timing.	Q4		Finance
	Notes			
Division Strategy: Obtain Certificate of Achievement for Excellence in Financial Reporting				
2B	Action Plan	Milestones	Milestone Status	Responsibility
	Apply for Government Finance Officers Association (GFOA) award for the Annual Financial Report (Annual Report).	Q3		Finance
	Notes			

Yellow shading means the work is behind schedule
Red text signifies urgent and significant challenges in completing the task

San Bernardino County Transportation Authority
Fiscal Year 2024/2025 Budget Action Plan

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Division Strategy: Obtain Distinguished Budget Presentation Award				
2C	Action Plan	Milestones	Milestone Status	Responsibility
	Apply for GFOA award for annual budget.	Q1	Application submitted in June 2024.	Finance
	Notes			
Division Strategy: Complete internal control self-assessment to identify areas of improvement.				
2D	Action Plan	Milestones	Milestone Status	Responsibility
	Complete review of annual internal control self-assessment (AICA).	Q4		Finance
	Notes			
Division Strategy: Implement the Records Retention Schedule				
2E	Action Plan	Milestones	Milestone Status	Responsibility
	Continue with the implementation of the Records Retention Program, including establishing quarterly meetings with records coordinators, two annual clean up days, a system that will assist tracking which documents have passed retention.	Clean up day - Q1 & Q3	Q1 Cleanup completed in July/August.	Executive Administration and Support, Management Services
		Automate retention to remaining libraries in Laserfiche - Q4		
		Automate retention to four (4) department sites in SharePoint - Q4		
	Notes			
Division Strategy: Streamline Agency Operations				
2F	Action Plan	Milestones	Milestone Status	Responsibility
	Update procurement templates.	Q4		Finance, General Counsel
	Begin implementation of new enterprise resource system (accounting system).	Q1	So far have researched beginning of implementation and during implementation. Final recommendation pending feedback from users with post implementation feedback. Targeting recommendation by end of calendar year.	Finance, Project Delivery, Management Services
	Implement Microsoft 365 G5 Licenses.	Q4		Management Services
	Notes			

Attachment: FY 24_25 Budget Action Plan Quarter 1 Update (10909 : Fiscal Year 2024/2025 Budget Action

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Initiative #3: Focus on Creating and Strengthening Collaborative Partnerships with Governmental and Business Entities				
Division Strategy: Work with other governments and business groups to leverage resources for our region's benefit				
3A	Action Plan	Milestones	Milestone Status	Responsibility
	Prepare tools to assist local agencies with changes to statewide housing policies and environmental regulations.	Update Work Plan for the Council of Governments - Q3	Significant outreach occurred to SBCOG subregions in Q1 to identify activities of greatest interest for the work plan.	COG, General Counsel
		Provide Technical Assistance to jurisdictions through REAP 2.0 Program - Ongoing	Full REAP 2.0 funding provided and MOU executed with SCAG. Projects underway.	
	Partner with local and government agencies to improve opportunities in workforce development.	Continue to incorporate small business interests into B2B - Q2		
		Small Business Study to be presented to CCMTAC and Board - Q1	On schedule to present to General Policy Committee in September and CCMTAC in October.	
	Establish Housing Trust JPA.	Execute JPA with member agencies - Q3	REAP funding secured. Will begin work for the formation of the Trust.	
		Review draft Administrative Plan - Q4		
	Smart County Master Plan.	Complete Plan - Q3	Draft received in Q1 and undergoing review.	
	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	Cucamonga station agreements and local rail service agreements approved at the July 2024 Board.	Transit
	Complete the RAISE grant agreement and subrecipient agreement for the construction of the Brightline West High Desert Stations.	Q1	Delayed to Q2. FRA and Brightline prioritized finalizing the NDOT \$3 billion grant. Discussions related to the Brightline West High Desert Station will resume once the NDOT grant is finalized.	Transit
	Notes			
Division Strategy: Enhance COG role, and leverage synergy of being the CTA and COG				
3B	Action Plan	Milestones	Milestone Status	Responsibility
	Plan annual City/County Conference.	In person conference set for Spring 2025.		Legislative/Public Affairs, COG
	Collaborate with member agencies through City/County Manager Technical Advisory Committee (CCMTAC).	Ongoing bi-monthly meetings		
	Notes			

San Bernardino County Transportation Authority
Fiscal Year 2024/2025 Budget Action Plan

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Division Strategy: Enhance SBCOG's and the region's ability to compete for grant funding				
3C	Action Plan	Milestones	Milestone Status	Responsibility
	Host Workshop.	Q3		COG
	Communicate grant opportunities to member agencies. Expand the function of SBCOG with regard to grant and project development.	Establish a project development process and grant writing coordination through SBCOG on behalf of member agencies - Q3		
		Continue to provide updates to member agencies on new grant opportunities - Ongoing	Continuing to provide information to local jurisdictions. Notified of significant grant awards: Emergency Evacuation Network Resilience (Caltrans) CPRG through AQMD, Residential Decarb through LAC.	
	Notes			
Division Strategy: Assist local governments with environmental and efficiency initiatives				
3D	Action Plan	Milestones	Milestone Status	Responsibility
	Award contract for the replacement of the EV chargers in employee parking lot.	Q1	Delayed to Q2. Received quotes for replacement and an item seeking funding authority is scheduled for September Transit Committee.	Transit
	Work with local agencies with Zero Emission Vehicle (ZEV) readiness plan and assist in identifying grant opportunities for charging infrastructure.	Ongoing	Developing EV charging projects in conjunction with private vendors for purposes of SB 1 TCEP, CPRG grant with AQMD, and support letters for various local projects.	Air Quality/Mobility
	Assist local agencies with reducing energy consumption and achieving savings through formation of the Inland Regional Energy Network (I-REN).	Ongoing	Progress report provided at September Board.	
	Notes			
Initiative #4: Accelerate Delivery of Capital Projects				
Division Strategy: Support Delivery the West Valley Connector Phase I				
4A	Action Plan	Milestones	Milestone Status	Responsibility
	Complete Stage 1 (North Side of Holt Blvd)	Q2	Delayed to Q3. The latest construction schedule shows delays associated with SCE's underground project along Holt Blvd.	Transit
	Notes			
Division Strategy: Produce Zero Emission Multiple Unit				
4B	Action Plan	Milestones	Milestone Status	Responsibility
	Complete ZEMU testing program	Q2	Delayed to Q3. PTC software update will be needed and additional testing will be required to validate PTC software updates.	Transit
	Complete construction of hydrogen fuel station	Q4		
	Complete construction of maintenance facility retrofit	Q4		
	Notes			
The ZEMU testing program is scheduled to be substantially complete in Q2. However, a software update is needed for the Positive Train Control (PTC) system, which pushes out FRA approval and the start of revenue service. Contract for a temporary fueler has been executed and the contract for permanent fueling equipment is under negotiations.				

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San Bernardino County Transportation Authority
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Division Strategy: Deliver the Tunnel to ONT Project					
4C	Action Plan	Milestones	Milestone Status	Responsibility	
	Environmental Document approval	Q2		Transit	
	Award design-build contract	Q4			
	Notes				
	Public circulation of the environmental document is scheduled for Q2.				
Division Strategy: Delivery of Capital Projects - Plans, Specifications and Estimate (PS&E); Engineering Reports Milestones:					
4D	Action Plan	Milestones	Milestone Status	Responsibility	
	I-10 Mount Vernon Avenue	PS&E approval - Q1	Delayed to Q2. ROW certification pending utility agreement with the City of Colton.	Project Delivery	
	US-395 Widening Project - Phase 2	PS&E approval - Q4			
	Notes				
Division Strategy: Delivery of Capital Projects - Construction Milestones:					
4E	Action Plan	Milestones	Milestone Status	Responsibility	
	SR-210 Waterman Avenue	Start construction - Q1	Delayed to Q2. Contract award pending cooperative amendment going to SBCTA Board and City of San Bernardino City Council. Construction NTP expected to be issued in Nov 2024.	Project Delivery	
	I-215 University Parkway	Start construction - Q1	Delayed to Q2. Contract award was delayed because the cooperative agreement needed to be amended, which required SBCTA Board action and San Bernardino City Council action. The coop agreement has been amended. The Notice of Award was sent to the contractor on 8/20/2024. The construction contract is currently out for signature. The administrative NTP is expected to be issued in September, and the construction NTP is targeted to be issued in October 2024.		
	I-10 Mount Vernon Avenue	Start construction - Q2	Delayed to Q4. The ROW certification delay in the design phase pushes the construction start into the beginning of the 4th quarter. The construction NTP is estimated to be issued in April 2025.		
	I-215 Bi-County/Segment 5 Landscaping	Start construction - Q3	Delayed to Q4. Final design approval by Caltrans was anticipated in early August. It is now anticipated in mid-September. However, even though Caltrans may approve the design in September, the E-76 cannot be issued due to a federal shutdown in September (until new federal budget is approved).		
	North First Avenue Bridge over BNSF	Complete for Beneficial Use - Q1	On schedule		
	SR-210 Waterman Avenue	Complete for Beneficial Use - Q3	Delayed to Q1 FY25/26. Construction start was delayed because cooperative agreement had to be amended to add funding; this pushed the entire schedule.		
	Metrolink ATP - Phase 2	Complete for Beneficial Use - Q3			
	I-10 Cedar Avenue	Complete for Beneficial Use - Q4			
	I-10 Eastbound Truck Climbing Lane	Complete for Beneficial Use - Q4			
	Notes				

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San Bernardino County Transportation Authority
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Division Strategy: Delivery of Express Lanes Projects				
4F	Action Plan	Milestones	Milestone Status	Responsibility
	I-10 Corridor Freight and Express Lanes Project (Contract 2) Segment 2a	PS&E approval - Q2		Project Delivery
	I-10 Corridor Freight and Express Lanes Project (Contract 2) Segment 2b	PS&E approval - Q4		
	I-15 Corridor Freight and Express Lanes Project (Contract 1)	Start construction- Q2	Delayed to Q3. Bids came in higher than anticipated; team is going to October CTC meeting to request additional funding.	
	I-10 Corridor Freight and Express Lanes Project (Contract 1)	Complete for Beneficial Use - Q1	On schedule	Express Lanes
	Notes			
Division Strategy: Support Delivery of Gold Line				
4G	Action Plan	Milestones	Milestone Status	Responsibility
	Present Funding Agreement and Operations and Maintenance Agreement to SBCTA Board.	Q1	Delayed to Q2. LA Metro is in the process of preparing a draft of the funding and O&M agreement.	Transit
	Monitor SBCTA funding gap and LA Metro funding commitment to build to the County line.	Q3		Transit
	Notes			
Initiative #5: Maximize Funding Opportunities and Cost-Effectiveness of Investments				
Division Strategy: Conduct regional forums to discuss issues of importance across our region				
5A	Action Plan	Milestones	Milestone Status	Responsibility
	Advocate for policies and funding formulas at the state and federal levels that are favorable for SBCTA to construct and deliver transportation projects.	Ongoing	Support - AB 2590 (Gomez-Reyes) - for a more efficient procurement process.	Legislative/Public Affairs
	Support for legislation regarding progressive design build delivery and oppose legislation that would adversely impact transportation funding. Build coalitions in support of state and federal transportation grant applications and budget items as well as additional transit operational funding. Maintain good working relationships and communication with state and federal officials.	Ongoing	Oppose - AB 2535 (Bonta) - would shift TCEP funds away from transportation projects. Support - HR 7650 (Carter/Obernalte) - prevents the loss of federal dollars for EPA non-attainment.	Legislative/Public Affairs
	Notes			
Division Strategy: Operate and Maintain SB Express Lanes				
5B	Action Plan	Milestones	Milestone Status	Responsibility
	I-10 Corridor Freight and Express Lanes Project (Contract 1) Operations and Maintenance.	Ongoing starting Q1	On schedule	Express Lanes
Notes				

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Initiative #6: Awareness of SBCTA Programs, Services, and Transit Options				
Division Strategy: Build awareness of SBCTA programs and services				
6A	Action Plan	Milestones	Milestone Status	Responsibility
	Highlight Measure I’s contributions to the region’s transportation system. Annual state of transportation event; monthly blog series "Measure I (Impact)".	Ongoing	State of Transportation planned (B2B) for October 16, 2024. Updates to Measure I landing page in process.	Legislative/Public Affairs, Fund Administration
	Market SBCTA identity, promote awareness of programs and services. Employee spotlight blog series.	Ongoing	Continued use of on-call for support and marketing of SBCTA projects, programs and events with traditional and social media platforms.	Legislative/Public Affairs
	Notes			
Division Strategy: Leverage and grow public outreach and communication services				
6B	Action Plan	Milestones	Milestone Status	Responsibility
	Continue to enhance traditional and social media presence by providing project updates, alerts, and information.	Ongoing	Continue to support Project Delivery and Transit departments with public outreach services.	Legislative/Public Affairs
	Utilize On-Call Public Outreach Contracts, On-Call Graphic Design Services Contracts, Marketing & Branding Services Contract to utilize new tools and capitalize on communication opportunities throughout the region.	Ongoing	Continued use of on-call for support and marketing of express lanes, promoting the arrival of ZEMU, Arrow service, and SBCTA accomplishments with "SBCTA Today".	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	Continue to provide services for the Annual Budget book, 10-Year Delivery Plan, COG communicator.	Legislative/Public Affairs, Fund Administration
	Notes			
Division Strategy: Highlight transit options in San Bernardino County				
6C	Action Plan	Milestones	Milestone Status	Responsibility
	In partnership with transit operators, highlight transit connectivity options in the region. Provide legislative information and updates, advocate at the state and federal levels for transit maintenance and operations funding.	Ongoing	Continued coordination with the Transit Department.	Legislative/Public Affairs, Transit
	Notes			
Division Strategy: SB Express Lanes Customer Support				
6D	Action Plan	Milestones	Milestone Status	Responsibility
	Manage SB Express Lanes Walk-In Center.	Ongoing	Ongoing	Express Lanes
	Manage SB Express Lanes Website.	Ongoing	Ongoing	Express Lanes
	Notes			

Initiative #7: Long Range Strategic Planning				
Division Strategy: Analyze long range transportation strategy in a financially constrained framework				
7A	Action Plan	Milestones	Milestone Status	Responsibility
	Prepare a Long Range Multimodal Transportation Plan (LRMTP).	Draft LRMTP - Q3	Consultant drafted modal sections of LRMTP for review. Scenarios run for land use, transit, pricing, and work-at-home strategies. Primary public outreach in September.	Planning, Transit, Fund Administration
		Final LRMTP - Q4		
	Prepare for the 2028 Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).	Work with SCAG to establish project schedule - Q3		Planning, Fund Administration
		Begin setting up San Bernardino County Growth Projection Model - Q4		
	Notes			
Division Strategy: Conduct strategic planning of Measure I projects and update policies to be consistent with practice				
7B	Action Plan	Milestones	Milestone Status	Responsibility
	Maintain Measure I Strategic Plan Parts 1 and 2.	Ongoing	No updates this quarter.	Planning, Fund Administration
	Notes			
Division Strategy: Provide current, quality planning data				
7C	Action Plan	Milestones	Milestone Status	Responsibility
	Support other departments with data analysis and mapping/Geographic Information System (GIS).	Ongoing	Mapping provided for LRMTP, ROW, etc.	Planning
	Update SBTAM "Plus" modeling system.	Model Validation Report - Q1	SBTAM project completed. Executed vendor subscriptions and made training videos available.	
		Vehicle Miles Traveled/Land Use Model and Scenario Samples - Q2		
		Final Documentation & Presentation - Q4		
	Incrementally implement an SBCTA agency-wide data and analytics dashboard.	Ongoing		
	Notes			
Division Strategy: Conduct subarea and modal studies				
7D	Action Plan	Milestones	Milestone Status	Responsibility
	State Route 247/62 Emergency Bypass Lane Study.	Phase 1 report - Q4	Held kick-off meeting in Q1 and assembled multi-agency stakeholder group.	Planning
	Notes			

Initiative #8: Environmental Stewardship, Sustainability, and Grant Applications				
Division Strategy: Monitor and Provide Input to State, Federal, and Regional Plans and Guidelines				
8A	Action Plan	Milestones	Milestone Status	Responsibility
	Provide technical comments on draft reports, plans, and guidelines from Caltrans, CTC, OPR, CARB, CalSTA, and other state agencies.	Ongoing	Provided comments on SB 1 grant guidelines for Cycle 4 TCEP and SCCP.	Planning, COG
	Prepare Grant Applications for state (e.g. SB 1, Active Transportation, etc.), federal (e.g. RAISE, INFRA/Mega, etc.) and other funding.	Senate Bill 1 (SB1) Grant(s) Submitted - Q2	Worked with jurisdictions to prepare specific projects for TCEP funding. Worked with Caltrans on potential partnership for SCCP grant for ONT Connector.	Planning, Fund Administration
		Other state and federal grants - Ongoing	Planning and Fund Administration worked together on STBG, CMAQ, and CRP funding applications submitted to SCAG late in FY 23/24.	
	Notes			
Division Strategy: Assist jurisdictions, developers, and other stakeholders with area-wide sustainability studies				
8B	Action Plan	Milestones	Milestone Status	Responsibility
	Begin development of Vehicle Miles Traveled (VMT) mitigation bank and/or approaches to mitigation under SB 743.	Establishment of the Program Structure - Q2	REAP funding received, and consultant selected for VMT mitigation bank development.	Planning
		Start VMT App Development - Q3		
	Countywide Evacuation Route Study and Modeling for member jurisdictions.	Initiate project - Q1	Consultant selected and project initiated.	
		Begin Modeling Work - Q3		
	Assist local agencies with housing initiatives under Regional Early Action Plan (REAP) 2.0.	Begin Project - Q1	REAP funding received and project initiated.	
	Notes			
Division Strategy: Prepare effective active transportation plans				
8C	Action Plan	Milestones	Milestone Status	Responsibility
	Implement Safe Routes to School Program (with SBCSS and the County DPH).	Complete Programs - Q4		Planning
	Manage Transit Development Act (TDA) Article 3 bike/ped project invoicing.	Ongoing	Projects monitored and status reports prepared.	
	Notes			
Division Strategy: Implement components of ATP Metrolink Station Accessibility Grant				
8D	Action Plan	Milestones	Milestone Status	Responsibility
	Implementation of Phase 2 of the Bicycle and Pedestrian improvements around the Metrolink Stations on the San Bernardino and Riverside Lines.	Construction Completion for Beneficial Use - Q3	Construction underway.	Planning, Project Delivery
	Notes			

San Bernardino County Transportation Authority
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Division Strategy: Develop and administer programs to improve the efficient use of our existing freeway network				
8E	Action Plan	Milestones	Milestone Status	Responsibility
	Manage the Southern California 511 (SoCal 511) program with other County Commissions.	Ongoing	Continuing coordination with LA, Orange, and Riverside Counties.	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	Monitoring and coordination of program continues. Initiated a review of forecast funding and identified options for cost savings.	
	Notes			
Division Strategy: Support access to jobs, healthcare, and education while reducing roadway congestion				
8F	Action Plan	Milestones	Milestone Status	Responsibility
	Administer multi-modal programs to reduce congestion and improve quality of life including coordination with transit providers and Consolidated Transportation Service Agencies (CTSA) serving San Bernardino County.	Work with the transit providers and CTSAs, to identify key activities for inclusion in the SBCTA LRMTTP based on the approved Public Transit-Human Services Transportation Coordination Plan – Q3	Development of multimodal LRMTTP strategic initiatives continues. Held outreach meetings with individual jurisdictions to discuss interest in next round of Express Bus/BRT investment.	Planning
	Notes			
Initiative #9 Meet Equity Goals of SBCTA/SBCOG				
Division Strategy: Ensure Equity goals met for internal structure and policies				
9A	Action Plan	Milestones	Milestone Status	Responsibility
	Establish equity goals and policies for ensuring structural equity within the business processes and procedures within SBCTA/SBCOG.	Project outreach in Q1 and Q2	Consultant activities underway.	COG
	Notes			
Division Strategy: Ensure Equity goals met for projects and programs implemented in collaboration with SBCOG/SBCTA member agencies				
9B	Action Plan	Milestones	Milestone Status	Responsibility
	Small Business Training Program.	Study to be presented - Q1	Small business study presented to GPC in Q1.	COG
	Notes			

Attachment: FY 24_25 Budget Action Plan Quarter1 1 Update (10909 : Fiscal Year 2024/2025 Budget Action

Yellow shading means the work is behind schedule
Red text signifies urgent and significant challenges in completing the task

Minute Action

AGENDA ITEM: 7

Date: *October 2, 2024*

Subject:

US 395 Phase 2 Widening Project – Construction Management Services Contract Award

Recommendation:

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

A. Allocate \$500,000 in Measure I Victor Valley Major Local Highway Projects Program funds to the US 395 Phase 2 Widening Project to allow for constructability review prior to authorization of Federal funds for Construction Management Services.

B. Authorize the Executive Director, or his designee, to award and execute Contract No. 24-1003120 with WSP USA, Inc., to provide Construction Management Services for the US 395 Phase 2 Widening Project, in an amount not-to-exceed \$6,969,268.77, to be funded with Measure I Victor Valley Major Local Highway Projects Program funds and Federal Surface Transportation Block Grant Program funds, upon receipt of the Pre-Award Audit and subject to approval as to form by SBCTA General Counsel.

C. Authorize the Executive Director, or his designee, to approve a 10% contingency budget, to be released in accordance with SBCTA Contracting and Procurement Policy No. 11000, VIII.B.6.

Background:

US 395 is designated as a “Priority Interregional Highway” in the California Department of Transportation (Caltrans) 2021 Interregional Transportation Strategic Plan (ITSP). US 395 is widely recognized as a critical linkage for goods movement, supporting the economies of multiple inland counties and an important agricultural route to and from the Central Valley.

On July 6, 2022, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) awarded the professional services contract to initiate the Plans, Specifications, and Estimates (PS&E) phase of the US 395 Phase 2 Widening Project (Project).

On April 3, 2024, the Board authorized the release of Request for Proposals (RFP) No. 24-1003120, for procurement of Construction Management (CM) services. The RFP was released on April 9, 2024, and sent to 904 vendors registered on PlanetBids. The RFP was downloaded by 69 firms. On April 16, 2024, the pre-proposal meeting was held virtually and was attended by over 18 individuals representing various firms.

The Project is currently in the final design phase with a target for design approval in winter 2025. To allow for constructability reviews prior to completion of the PS&E package and prior to Federal authorization of the Project for construction, staff is recommending that \$500,000 in Measure I Victor Valley Major Local Highway Projects Program funds be allocated to the Project to fund these reviews. After Federal authorization to proceed with construction, the contract will be funded with Federal Surface Transportation Block Grant Program funds that were previously allocated to the Project by the Board.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

October 2, 2024

Page 2

On May 9, 2024, eight proposals were received from the following firms (in alphabetical order) by the date and time specified in the RFP. Staff reviewed each submittal and deemed each proposal responsive to the requirements outlined in the RFP.

1. ABA Global, Inc.
2. Anser Advisory Management LLC
3. Falcon Engineering Services, Inc.
4. Fountainhead Consulting Corporation
5. FCG Consultants Inc.
6. TRC Engineers, Inc.
7. HDR Construction Control Corporation
8. WSP USA, Inc.

The Evaluation Committee was comprised of three SBCTA staff members. Each committee member thoroughly reviewed each proposal and independently scored each firm based on the following evaluation criteria; Qualifications of the Firm – 30%, Proposed Staffing and Project Organization - 30%, and Work Plan - 40%. The Evaluation Committee members met on May 23, 2024 and ranked the firms based on total score. At the completion of discussions, five firms were invited to the interview. On June 25, 2024, the following firms were interviewed:

1. Anser Advisory Management LLC
2. Falcon Engineering Services, Inc.
3. FCG Consultants Inc.
4. HDR Construction Control Corporation
5. WSP USA, Inc.

After careful consideration, the Evaluation Committee ranked WSP USA, Inc. (WSP) as the best qualified firm for the Project and recommended CM Services Contract No. 24-1003120 to be awarded to WSP. WSP 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 showing the ability to perform all work and services necessary to complete the Project.

Following the Evaluation Committee's recommendation for selection, staff negotiated the final cost with the consultant. Staff is recommending that the Board authorize the Executive Director, or his designee, to award and execute CM Services Contract No. 24-1003120, for a total not-to-exceed amount of \$6,969,268.77, upon receipt of the Pre-Award Audit and subject to approval as to form by SBCTA General Counsel. As part of the procurement process for architectural and engineering services, the contract is subject to a pre-award audit which may change the not-to-exceed amount slightly.

Staff is also recommending that the Board, authorize the Executive Director, or his designee, to approve a 10% contingency budget, to be released in accordance with SBCTA Contracting and Procurement Policy No. 11000, VIII.B.6.

Financial Impact:

This Project is included in the adopted budget for Fiscal Year 2024/2025 and funded with Measure I Victor Valley Major Local Highway Projects Program funds and Federal Surface Transportation Block Grant Program funds in Program 40, Project Delivery.

San Bernardino County Transportation Authority

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on September 13, 2024. SBCTA General Counsel, Procurement Manager, and Enterprise Risk Manager have reviewed this item and the draft contract.

Responsible Staff:

David Tan, Senior Project Manager

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

Contract No.: 24-1003120 Amendment No.: _____

Contract Class: Payable Department: Project Delivery

Vendor No.: 01610 Vendor Name: WSP USA, Inc.

Description: US 395 Phase 2 Construction Management Services

List Any Related Contract Nos.: _____

Dollar Amount				
Original Contract	\$	6,969,268.77	Original Contingency	\$ 696,926.88
Prior Amendments	\$	-	Prior Amendments	\$ -
Prior Contingency Released	\$	-	Prior Contingency Released (-)	\$ -
Current Amendment	\$	-	Current Amendment	\$ -
Total/Revised Contract Value	\$	6,969,268.77	Total Contingency Value	\$ 696,926.88
	Total Dollar Authority (Contract Value and Contingency)			\$ 7,666,195.65

Board of Directors	Date: 10/02/2024	Board	Item # 10905
Contract Management (Internal Purposes Only)			

Board of Directors

Date: 10/02/2024

Board

Item # 10905

Contract Management (Internal Purposes Only)

Other Contracts

Sole Source? No

No Budget Adjustment

Federal/Local

Construction Management

N/A

Accounts Payable

Estimated Start Date:	10/14/2024
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Expiration Date: 09/30/2029

Revised Expiration Date:

NHS: N/A

QMP/QAP: Yes

Prevailing Wage: Yes

Total Contract Funding:

Total Contingency:

[illegible]

David Tan

Kristi Lynn Harris

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: MSI to be used 100% until CON E76 approved, then STP 100%. Amounts per source are estimates.

CONTRACT NO. 24-1003120**BY AND BETWEEN****SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY****AND****WSP USA, INC.****FOR****CONSTRUCTION MANAGEMENT SERVICES FOR US395 PHASE 2 WIDENING PROJECT**

This contract (referred to as “Contract” or “Agreement”), is made and entered into by and between the San Bernardino County Transportation Authority (“SBCTA” or “LOCAL AGENCY”) whose address is 1170 W. 3rd Street, 2nd Floor, San Bernardino, California 92410-1715; and WSP USA, Inc. (“CONSULTANT”) whose address is 862 E. Hospitality Lane, Suite 350, San Bernardino, CA 92408. 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 work 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 I. INTRODUCTION

- A. The work to be performed under this Contract is set forth in Exhibit A “Scope of Work” and Exhibit B “CONSULTANT’s Approved Cost Proposal” (“Cost Proposal”) dated August 5, 2024 (collectively the “Work” or “Services”).
- B. 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.
- C. Without the written consent of SBCTA, this Contract is not assignable by CONSULTANT either in whole or in part. SBCTA may assign its rights and obligations under this Contract in whole or in part to any related or successor agency. However, claims for money due or which become due to CONSULTANT from LOCAL AGENCY under this Contract may be assigned to a financial institution or to a trustee in bankruptcy, without such approval. Notice of any assignment or transfer whether voluntary or involuntary shall be furnished promptly to the LOCAL AGENCY.

- D. No alteration or variations of the terms of this Contract shall be valid, unless made in writing and signed by the Parties; and no oral understanding or agreement not incorporated herein shall be binding on any of the Parties.
- E. The consideration to be paid to CONSULTANT as provided in this Contract 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.
- F. SBCTA's Project Manager for this Contract is David Tan. The Notice to Proceed will be issued by SBCTA's Procurement Analyst.

ARTICLE II. PROJECT DESCRIPTION/SCOPE OF WORK

CONSULTANT agrees to perform the 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. The Work performed under this Contract shall be completed to the satisfaction of SBCTA, with its satisfaction being based on prevailing applicable professional standards. Scope of Work is sometimes referred to as Statement of Work in this Contract. The Scope of Work is more fully described in Exhibit A.

ARTICLE III. CONSULTANT'S REPORTS OR MEETINGS

- A. CONSULTANT shall submit progress reports to SBCTA at least once a month. The report should be sufficiently detailed for Contract Administrator 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.
- B. CONSULTANT's project manager shall meet with SBCTA's Contract Administrator, as needed, to discuss progress on the Contract.

ARTICLE IV. PERFORMANCE PERIOD

- A. This Contract shall go into effect on **October 2, 2024**, contingent upon approval by LOCAL AGENCY, and CONSULTANT shall commence work after notification to proceed by LOCAL AGENCY'S Procurement Analyst. The Contract shall end on **September 30, 2029**, unless extended by contract amendment.
- B. CONSULTANT is advised that any recommendation for contract award is not binding on LOCAL AGENCY until the Contract is fully executed and approved by LOCAL AGENCY.

ARTICLE V. ALLOWABLE COSTS AND PAYMENTS

- A. The method of payment for this Contract will be based on actual cost plus a fixed fee. LOCAL AGENCY will reimburse CONSULTANT for actual costs (including labor costs, employee benefits, travel, equipment rental costs, overhead and other direct costs) incurred by CONSULTANT in performance of the Work. CONSULTANT will not be reimbursed for actual costs that exceed the estimated wage rates, employee benefits, travel, equipment rental, overhead, and other estimated costs set forth in the approved CONSULTANT'S Cost Proposal, Exhibit B, unless additional reimbursement is provided for by contract amendment. In no event will CONSULTANT be reimbursed for overhead costs at a rate that exceeds LOCAL AGENCY's approved overhead rate set forth in the Cost Proposal, Exhibit B. In the event that LOCAL AGENCY determines that a change to the Work from that specified in the Cost Proposal and Contract is required, the contract time or actual costs reimbursable by LOCAL AGENCY shall be adjusted by contract amendment to accommodate the changed Work. The maximum total cost as specified in Paragraph "H" shall not be exceeded, unless authorized by contract amendment.
- B. The indirect cost rate established for this Contract is extended through the duration of this specific Contract.
- C. In addition to the allowable incurred costs, LOCAL AGENCY will pay CONSULTANT a fixed fee of \$276,619.26. The fixed fee is nonadjustable for the term of the Contract, except in the event of a significant change in the Scope of Work and such adjustment is made by contract amendment.
- D. Reimbursement for transportation and subsistence costs shall not exceed the rates specified in the approved Cost Proposal.
- E. When milestone cost estimates are included in the approved Cost Proposal, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from the Contract Administrator before exceeding such cost estimate.
- F. Progress payments will be made monthly in arrears based on services provided and allowable incurred costs. A pro rata portion of CONSULTANT's fixed fee will be included in the monthly progress payments. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in the Scope of Work, LOCAL AGENCY shall have the right to delay payment or terminate this Contract in accordance with the provisions of Article VI Termination.
- G. No payment will be made prior to approval of any Work, nor for any Work performed prior to approval of this Contract.
- H. CONSULTANT will be reimbursed, as promptly as fiscal procedures will permit, upon receipt by LOCAL AGENCY's Contract Administrator of itemized invoices. Invoices shall be submitted no later than 45 calendar days after the performance of Work for which CONSULTANT is billing except for the month of June, which will require the invoice to be submitted by July 10th. Invoices shall detail the work performed on each milestone and

each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference this contract number and project title. Final invoice must contain the final cost and all credits due LOCAL AGENCY including any equipment purchased under the provisions of Article XI Equipment Purchase of this Contract. The final invoice should be submitted within 60 calendar days after completion of CONSULTANT's work. Invoices shall be emailed to LOCAL AGENCY's Contract Administrator at: ap@gosbeta.com

For large files over 30 megabytes, invoices can be submitted using this link:

<https://sanbag-lfweb.sanbag.ca.gov/Forms/Invoice-submission>

I. The total amount payable by LOCAL AGENCY including the fixed fee shall not exceed \$6,969,268.77.

J. Salary increases will be reimbursable if the new salary is within the salary range identified in the approved Cost Proposal and is approved by LOCAL AGENCY's Contract Administrator.

For personnel subject to prevailing wage rates as described in the California Labor Code, all salary increases which are the direct result of changes in the prevailing wage rates are reimbursable.

K. All subcontracts in excess of \$25,000 shall contain the provisions of this Article.

ARTICLE VI. TERMINATION

A. LOCAL AGENCY reserves the right to terminate this Contract upon thirty (30) calendar days written notice to CONSULTANT with the reasons for termination stated in the notice.

B. LOCAL AGENCY may temporarily suspend this Contract, at no additional cost to LOCAL AGENCY, provided that CONSULTANT is given written notice (delivered by certified mail, return receipt requested) of temporary suspension. If LOCAL AGENCY gives such notice of temporary suspension, CONSULTANT shall immediately suspend its activities under this Contract. A temporary suspension may be issued concurrent with the notice of termination.

C. LOCAL AGENCY may terminate this Contract with CONSULTANT should CONSULTANT fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination, LOCAL AGENCY may proceed with the Work in manner deemed proper by LOCAL AGENCY. If LOCAL AGENCY terminates this Contract with CONSULTANT, LOCAL AGENCY shall pay CONSULTANT the sum due to CONSULTANT under this Contract prior to termination, unless the cost of completion to LOCAL AGENCY exceeds the funds remaining in the Contract, in which case the overage shall be deducted from any sum due CONSULTANT under this Contract and the balance, if any, shall be paid to CONSULTANT upon demand.

ARTICLE VII. COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS

- A. CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR Part 31, shall be used to determine the cost allow ability of individual items.
- B. CONSULTANT also agrees to comply with federal procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- C. Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 2 CFR, Part 200 or 48 CFR Part 31, are subject to repayment by CONSULTANT to LOCAL AGENCY.

ARTICLE VIII. RETENTION OF RECORDS/AUDIT

- A. For the purpose of determining compliance with Government Code 8546.7, CONSULTANT, subconsultants, and LOCAL AGENCY shall maintain and make available for inspection all books, documents, papers, accounting records, Independent CPA Audited Indirect Cost Rate work papers, and other evidence pertaining to the performance of the Contract, including but not limited to, the costs, of administering the Contract. All parties, including the CONSULTANT's Independent CPA, 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, LOCAL AGENCY, Federal Highway Administration (FHWA), or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of CONSULTANT and its certified public accountants' (CPA) work papers that are pertinent to the Contract and indirect cost rates (ICR) for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested.

ARTICLE IX. AUDIT REVIEW PROCEDURES

- A. 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 LOCAL AGENCY'S Chief Financial Officer.
- B. Not later than 30 days after issuance of the final audit report, CONSULTANT may request a review by LOCAL AGENCY'S Chief Financial Officer of unresolved audit issues. The request for review will be submitted in writing.
- C. Neither the pendency of a dispute nor its consideration by LOCAL AGENCY will excuse CONSULTANT from full and timely performance, in accordance with the terms of this Contract.
- D. CONSULTANT and subconsultant contracts, including cost proposals and ICR, are subject to audits or reviews such as, but not limited to, a contract audit, an incurred cost audit, an ICR Audit, or a CPA ICR audit work paper review. If selected for audit or review, the

Contract, Cost Proposal and ICR and related work papers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR audit work paper review it is CONSULTANT's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's work papers including making copies as necessary. The Contract, Cost Proposal, and ICR shall be adjusted by CONSULTANT and approved by LOCAL AGENCY contract manager to conform to the audit or review recommendations. CONSULTANT agrees that individual terms of costs identified in the audit report shall be incorporated into the Contract by this reference if directed by LOCAL AGENCY at its sole discretion. Refusal by CONSULTANT to incorporate audit or review recommendations, or to ensure that the federal, state or local governments (including LOCAL AGENCY) have access to CPA work papers, will be considered a breach of contract terms and cause for termination of the Contract and disallowance of prior reimbursed costs.

- E. CONSULTANT's Cost Proposal may be subject to a CPA ICR Audit Work Paper Review by Caltrans' Independent Office of Audits and Investigation (IOAI). IOAI, at its sole discretion, may review and/or audit and approve the CPA ICR documentation. The Cost Proposal shall be adjusted by the CONSULTANT and approved by the LOCAL AGENCY Contract Administrator to conform to the Work Paper Review recommendations included in the management letter or audit recommendations included in the audit report. Refusal by the CONSULTANT to incorporate the Work Paper Review recommendations included in the management letter or audit recommendations included in the audit report will be considered a breach of the Contract terms and cause for termination of the Contract and disallowance of prior reimbursed costs.
1. During IOAI's review of the ICR audit work papers created by the CONSULTANT's independent CPA, IOAI will work with the CPA and/or CONSULTANT toward a resolution of issues that arise during the review. Each party agrees to use its best efforts to resolve any audit disputes in a timely matter. If IOAI identifies significant issues during the review and is unable to issue a cognizant approval letter, LOCAL AGENCY will reimburse the CONSULTANT at an accepted ICR until a FAR compliant ICR (e.g., 48 CFR, part 31; GAGAS (Generally Accepted Auditing Standards); CAS (Cost Accounting Standards), if applicable; in accordance with procedures and guidelines of the American Association of State Highways and Transportation Officials Audit Guide; and other applicable procedures and guidelines) is received and approved by IOAI. Accepted rates will be as follows:
 - a. If the proposed rate is less than one hundred fifty percent (150%) - the accepted rate reimbursed will be ninety percent (90%) of the proposed rate.
 - b. If the proposed rate is between one hundred fifty percent (150%) and two hundred percent (200%) - the accepted rate will be eighty-five percent (85%) of the proposed rate.
 - c. If the proposed rate is greater than two hundred (200%) - the accepted rate will be seventy-five percent (75%) of the proposed rate.

2. If IOAI is unable to issue a cognizant letter per paragraph E.1. above, IOAI may require CONSULTANT to submit a revised independent CPA-audited ICR and audit report within three (3) months of the effective date of the management letter. IOAI will then have up to six (6) months to review the CONSULTANT's and/or the independent CPA's revisions.
3. If the CONSULTANT fails to comply with the provisions of this Section E, or if IOAI is still unable to issue a cognizant approval letter after the revised independent CPA-audited ICR is submitted, overhead cost reimbursement will be limited to the accepted ICR that was established upon initial rejection of the ICR and set forth in paragraph E.1., above, for all rendered services. In this event, this accepted ICR will become the actual and final ICR for reimbursement purposes under this Contract.
4. CONSULTANT may submit to LOCAL AGENCY final invoice only when all of the following items have occurred: (1) IOAI accepts or adjusts the original or revised independent CPA-audited ICR; (2) all work under this Contract has been completed to the satisfaction of LOCAL AGENCY; and (3) IOAI has issued its final ICR review letter. The CONSULTANT must submit its final invoice to LOCAL AGENCY no later than 60 days after occurrence of the last of these items. The accepted ICR will apply to this Contract and all other contracts executed between LOCAL AGENCY and the CONSULTANT, either as a prime or subconsultant, with the same fiscal period ICR.

ARTICLE X. SUBCONTRACTING

- A. Nothing contained in this Contract or otherwise shall create any contractual relation between LOCAL AGENCY and any subconsultant(s), and no subcontract shall relieve CONSULTANT of its responsibilities and obligations hereunder. CONSULTANT agrees to be as fully responsible to LOCAL AGENCY for the acts and omissions of its subconsultant(s) and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by CONSULTANT. CONSULTANT's obligation to pay its subconsultant(s) is an independent obligation from LOCAL AGENCY'S obligation to make payments to the CONSULTANT.
- B. 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 written authorization by LOCAL AGENCY's Contract Administrator, except that which is expressly identified in the approval Cost Proposal.
- C. CONSULTANT shall pay its subconsultants within ten (10) calendar days from receipt of each payment made to CONSULTANT by LOCAL AGENCY.
- D. All subcontracts entered into as a result of this Contract shall contain all the provisions stipulated in this Contract to be applicable to subconsultants.
- E. Any substitution of subconsultant(s) must be approved in writing by LOCAL AGENCY's Contract Administrator prior to the start of work by the subconsultant(s).

F. Prompt Progress Payment:

CONSULTANT or subconsultant shall pay to any subconsultant, not later than fifteen (15) days after receipt of each progress payment, unless otherwise agreed to in writing, the respective amounts allowed CONSULTANT on account of the work performed by the subconsultants, to the extent of each subconsultant's interest therein. In the event that there is a good faith dispute over all or any portion of the amount due on a progress payment from CONSULTANT or subconsultant to a subconsultant, CONSULTANT or subconsultant may withhold no more than one hundred fifty percent (150) of the disputed amount. Any violation of this requirement shall constitute a cause for disciplinary action and shall subject the licensee to a penalty, payable to the subconsultant, of 2 percent of the amount due per month for every month that payment is not made.

In any action for the collection of funds wrongfully withheld, the prevailing party shall be entitled to his or her attorney's fees and costs. The sanctions authorized under this requirement shall be separate from, and in addition to, all other remedies, either civil, administrative, or criminal. This clause applies to both DBE and non-DBE subconsultants.

ARTICLE XI. EQUIPMENT PURCHASE

- A. Prior authorization in writing by LOCAL AGENCY's Contract Administrator 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.
- B. For purchase of any item, service or consulting work not covered in CONSULTANT's Cost Proposal and exceeding five thousand dollars (\$5,000), with prior authorization by LOCAL AGENCY's Contract Administrator, three competitive quotations must be submitted with the request, or the absence of proposal must be adequately justified.
- C. Any equipment purchased with funds provided under the terms of this Contract is subject to the following:
 - a. 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 five thousand dollars (\$5,000) or more. If the purchased equipment needs replacement and is sold or traded in, LOCAL AGENCY 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 LOCAL AGENCY 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 LOCAL AGENCY procedures; and credit LOCAL AGENCY 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 by LOCAL AGENCY and CONSULTANT, if it is determined to sell the equipment; the terms and conditions of such sale must be approved in advance by LOCAL AGENCY.
 - b. Regulation 2 CFR Part 200 requires a credit to Federal funds when participating equipment with a fair market value greater than five thousand dollars (\$5,000) is credited to the project.

ARTICLE XII. STATE PREVAILING WAGE RATES

- A. CONSULTANT and Subconsultants must register with the Department of Industrial Relations (DIR) pursuant to Labor Code §1725.5. Registration with DIR must be maintained throughout the entire term of this Contract, including any subsequent amendments.
- B. The CONSULTANT shall comply with all of the applicable provisions of the California Labor Code requiring the payment of prevailing wages in accordance with the General Prevailing Wage Rate Determinations available and on file with the Department of Transportation's Regional/District Labor Compliance Officer (<https://dot.ca.gov/programs/construction/labor-compliance>), as well as the Department of Industrial Relations website at <http://www.dir.ca.gov>. These wage rates are made a specific part of this Contract by reference pursuant to Labor Code §1773.2 and will be applicable to work performed at a construction project site. Prevailing wages will be applicable to all inspection work performed at LOCAL AGENCY construction sites, at LOCAL AGENCY facilities and at off-site locations that are set up by the construction contractor or one of its subcontractors solely and specifically to serve LOCAL AGENCY projects. Prevailing wage requirements do not apply to inspection work performed at the facilities of vendors and commercial materials suppliers that provide goods and services to the general public.
- C. CONSULTANT shall ensure that it and each of its subconsultants keep accurate certified payroll records in accordance with Labor Code §1776 and 8 CCR §16000.
- D. When prevailing wage rates apply, the CONSULTANT is responsible for verifying compliance with certified payroll requirements.
- E. Eight (8) hours labor constitutes a legal day's work. Time of service of any worker employed by CONSULTANT or any of its Subconsultants for each calendar day during which such worker is required or permitted to work is restricted or limited to no more than eight (8) hours in any one calendar day and forty (40) hours in any one calendar week, except that work performed by employees in excess of eight (8) hours per day, and forty (40) hours during any one week, shall be permitted upon compensation for all hours worked in excess of eight (8) hours per day and forty (40) hours in any week, at not less than one and one-half (1.5) times the basic rate of pay, as provided in §1815. Any violation of this provision shall subject CONSULTANT to penalties as specified in Labor Code §1813.
- F. Employment of Apprentices.
 - a. Where either the prime AGREEMENT or the subagreement exceeds thirty thousand dollars (\$30,000), the CONSULTANT and any subconsultants under him or her shall comply with all applicable requirements of Labor Code §§ 1777.5, 1777.6 and 1777.7 in the employment of apprentices.
 - b. CONSULTANT and subconsultants are required to comply with all Labor Code requirements regarding the employment of apprentices, including mandatory ratios of journey level to apprentice workers. Prior to commencement of work, CONSULTANT and subconsultants are advised to contact the DIR Division of Apprenticeship Standards website at <https://www.dir.ca.gov/das/>, for additional information regarding the employment of apprentices and for the specific journey-to- apprentice ratios for the AGREEMENT work. The CONSULTANT is responsible for all subconsultants' compliance with these requirements. Penalties are specified in Labor Code §1777.7.

ARTICLE XIII. CONFLICT OF INTEREST

- A. CONSULTANT shall disclose any financial, business, or other relationship with LOCAL AGENCY that may have an impact upon the outcome of this Contract, or any ensuing LOCAL AGENCY construction project. CONSULTANT shall also list current clients who may have a financial interest in the outcome of this Contract, or any ensuing LOCAL AGENCY construction project, which will follow.
- B. 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.
- C. CONSULTANT hereby certifies that neither CONSULTANT, nor any firm affiliated with CONSULTANT, will bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from this Contract. An affiliated firm is one which is subject to the control of the same persons through joint-ownership or otherwise.
- D. Except for subconsultants whose services are limited to providing surveying or materials testing information, no subconsultant who has provided design services in connection with this Contract shall be eligible to bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from this Contract.
- E. CONSULTANT is obligated to fully disclose to SBCTA, in writing, any conflict of interest issues as soon as they are known to CONSULTANT. CONSULTANT and its staff shall comply with SBCTA's Conflict of Interest Code.

ARTICLE XIV. 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 LOCAL AGENCY employee. For breach or violation of this warranty, LOCAL AGENCY 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 XV. PROHIBITION OF EXPENDING LOCAL AGENCY STATE OR FEDERAL FUNDS FOR LOBBYING

- A. CONSULTANT certifies to the best of his or her knowledge and belief that:
 - 1. No State, Federal or LOCAL AGENCY appropriated funds have been paid or will be paid, by or on behalf of CONSULTANT, to any person for influencing or attempting to influence an officer or employee of any local, State or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or an employee of a Member of the Legislature or Congress, in connection with the awarding of any state or federal contract; the making of any state or federal grant; the making of any state or federal loan; the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any state or federal contract, grant, loan, or cooperative agreement.

2. If any funds other than federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Contract, CONSULTANT shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each such failure.
 - C. CONSULTANT also agrees by signing this document that he or she shall require that the language of this certification be included in all lower-tier subcontracts, which exceed one hundred thousand dollars (\$100,000) and that all such sub-recipients shall certify and disclose accordingly.

ARTICLE XVI. NON-DISCRIMINATION AND STATEMENT OF COMPLIANCE

- A. 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 CCR § 8103.
- B. During the performance of this Contract, Consultant and its subconsultants shall not deny the Contract's benefits to any person on the basis 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, sexual orientation, or military or veteran status, nor shall they 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, sexual orientation or military or veteran status. Consultant and subconsultants shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.
- C. Consultant and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (2 CC R § 110005 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in 2 CCR §§ 8100-8504, are incorporated into this Contract by reference and made a part hereof as if set forth in full.
- D. Consultant shall permit access by representatives of the Department of Fair Employment and Housing Act and the LOCAL AGENCY upon reasonable notice at any time during the normal business hours, but in no case less than twenty-four (24) hours' notice, to such of its books, records, accounts, and all other sources of information in its facilities as said Department or LOCAL AGENCY shall require to ascertain compliance with this clause.

- E. Consultant and its subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.
- F. The Consultant shall comply with regulations relative to Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq. Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the state of California shall, on the basis of race, color, national origin, religion, sex, age, or disability, be excluded from participation in, denied the benefits of or subjected to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.
- G. The CONSULTANT, with regard to the work performed by it during the Agreement, shall act in accordance with regulations relative to non-discrimination in federally-assisted programs of the U.S. Department of Transportation (49 CFR Part 21 – Effectuation of Title VI of the Civil Rights Act of 1964). Specifically, the Consultant shall not participate directly or indirectly in the discrimination prohibited by 49 CFR § 21.5, including employment practices and the selection and retention of Subconsultants.
- H. CONSULTANT shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this Contract.
- I. CONSULTANT, subrecipient or subconsultant will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR 26 on the basis of race, color, sex, or national origin. In administering the LOCAL AGENCY components of the DBE Program Plan, CONSULTANT, subrecipient or subconsultant will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

ARTICLE XVII. DEBARMENT AND SUSPENSION CERTIFICATION

- A. CONSULTANT's signature affixed herein shall constitute a certification under penalty of perjury under the laws of the State of California that CONSULTANT has complied with Title 2 CFR, Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)", which certifies that he/she or any person associated therewith in the capacity of owner, partner, director, officer, or manager, is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years. Any exceptions to this certification must be disclosed to LOCAL AGENCY.
- B. Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining CONSULTANT responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of action.

- C. Exceptions to the Federal Government excluded parties (<https://sam.gov/content/home>) maintained by the U.S. General Services Administration are to be determined by the FHWA.

ARTICLE XVIII. FUNDING REQUIREMENTS

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

ARTICLE XIX. CHANGE IN TERMS

- A. This Contract may be amended or modified only by mutual written agreement of the Parties.
- B. 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.
- C. There shall be no change in CONSULTANT's Project Manager or members of the project team, as listed in the CONSULTANT's Approved Cost Proposal, without prior written approval of SBCTA.

ARTICLE XX. DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION

- A. CONSULTANTS must give consideration to DBE firms as specified in 49 CFR, Part 26. If the Contract has a DBE goal, CONSULTANT must meet the DBE goal by using DBEs as subconsultants or documenting a good faith effort to have met the goal. CONSULTANT shall make work available to DBEs and select work parts consistent with available DBE subconsultants and suppliers. If a DBE subconsultant is unable to perform, CONSULTANT must make a good faith effort to replace the subconsultant with another DBE subconsultant if the goal is not otherwise met. A DBE may be terminated only with written approval by SBCTA and only for the reasons specified in 49 CFR 26.53(f). Prior to requesting SBCTA's consent for the proposed termination, CONSULTANT must meet the procedural requirements specified in 49 CFR 26.53(f).

- B. SBCTA, as a recipient of federal financial assistance, is required to implement a Disadvantaged Business Program in accordance with federal regulations at 49 CFR Part 26 issued by the U.S. Department of Transportation (DOT). The contract specific goal for this project pursuant to the CONSULTANT's Approved Cost Proposal is **22 %**. Participation by DBE CONSULTANT or subconsultants shall be in accordance with information contained in Exhibit 10-O2: Consultant Contract DBE Commitment attached hereto and incorporated as part of the Contract. If a DBE subconsultant is unable to perform, CONSULTANT must make a good faith effort to replace him/her with another DBE subconsultant, if the goal is not otherwise met.
- C. CONSULTANT must furnish all documentation satisfactory to SBCTA that the work committed to DBEs was actually performed by DBEs. Requests for progress payments must include a summary of payments (Caltrans Form Exhibit 9-F) actually made to DBEs during the invoice period, which includes a total of all payments made to all subconsultants under this Contract. DBE participation shall be credited toward the overall DBE goal only when payments are actually made to the DBE firms. CONSULTANT shall submit on the Exhibit 9-F form per the Caltrans Exhibit 9-F Instructions. Upon completion of the Contract, CONSULTANT shall submit "Final Report-Utilization of Disadvantaged Business Enterprises--First Tier Subconsultants" Form 17-F with the final invoice. Failure to submit the required reports shall result in SBCTA imposing a penalty of \$100 per day, per report.
- D. CONSULTANT shall carry out all applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted Contract. Failure by CONSULTANT to carry out these requirements is a material breach of this Contract, which may result in SBCTA exercising the right to impose administrative remedies, which shall include, but shall not be limited to the following: withholding of payment due to CONSULTANT equivalent to the difference between the actual DBE attainment and the Contract DBE goal; suspension of payment to CONSULTANT of any other monies held by SBCTA; and termination of the Contract, in whole or in part. The administrative remedies shall not apply if the CONSULTANT is able to demonstrate, to the satisfaction of SBCTA, that it exercised Good Faith Efforts in an attempt to meet the Contract DBE goal.
- E. SBCTA will bring to the attention of the DOT Operating Administration, in writing, any false, fraudulent, or dishonest conduct in connection with SBCTA's administration of Caltrans' DBE program, to enable the DOT Operating Administration to take the necessary and appropriate steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, or action under suspension and debarment or Program Fraud and Civil Penalties rules) as provided in Title 49 CFR, Part 26, Section 26.109. SBCTA also will consider similar action under its own legal authorities, including, but not limited to, responsibility determinations in future contracts.
- F. Any subcontract entered into as a result of this Contract shall contain all of the provisions of this Article.

ARTICLE XXI. 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 the 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 XXII. DISPUTES

Prior to either party commencing any legal action under this Contract, the parties agree to try in good faith, to settle any dispute amicably between them. If a dispute has not been settled after a reasonable period of time of good-faith negotiations and as may be otherwise provided herein, then either party may commence legal action against the other.

- A. 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 Analyst and SBCTA's Program Manager who may consider written or verbal information submitted by CONSULTANT.
- B. Not later than 30 days after completion of all deliverables necessary to complete the plans, specifications and estimate, 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.
- C. Neither the pendency of a dispute nor its consideration by SBCTA's Executive Director excuses CONSULTANT from full and timely performance in accordance with the terms of this Contract.

ARTICLE XXIII. INSPECTION OF WORK

CONSULTANT and any subconsultant shall permit SBCTA, the State, and the FHWA if federal participating funds are used in this Contract, 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 XXIV. SAFETY

- A. CONSULTANT shall comply with OSHA regulations applicable to CONSULTANT regarding necessary safety equipment or procedures. CONSULTANT shall comply with safety instructions issued by SBCTA and SBCTA representatives. CONSULTANT personnel shall wear hard hats and safety vests at all times while at the construction project site.

- B. 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.
- C. Any subcontract entered into as a result of this Contract, shall contain all of the provisions of this Article.

ARTICLE XXV. INSURANCE

- A. CONSULTANT shall furnish SBCTA with original Certificates of Insurance, including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page(s) of the CGL policy listing all policy endorsements, before work begins. SBCTA reserves the right to require full-certified copies of all Insurance coverages and endorsements. Prior to commencing the Work, at all times during the performance of the Work, and for such additional periods as required herein, CONSULTANT shall, at CONSULTANT's sole expense, procure and maintain insurance coverage with the following minimum requirements, and shall require all subcontractors of every tier performing any portion of the Work to procure and maintain such insurance as specified below:

1. Professional Liability. The policies must include the following:

- \$3,000,000 per claim limits
- \$9,000,000 in the aggregate for all claims.
 - 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 five (5) years after Contract completion.

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 (ISO form WC 00 03 13, or equivalent) 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. SBCTA and CONSULTANT must be certificate holders and must be provided at least 30 days advance notice of cancellation, unless the cancellation is for non-payment, then at least 10 days advance notice of cancellation shall be provided. Where coverage is provided through the California State Compensation Insurance Fund, the requirement for a minimum A.M. Best rating does not apply.

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

A commercial general liability policy written on an occurrence form that shall provide coverage at least as broad as the coverage provided by ISO form CG 00 01. The Indemnified Parties shall be named, by specific endorsement, as additional insureds using ISO form CG 20 10 10 01 and ISO form CG 20 37 10 01, or their respective equivalent forms, to include completed operations coverage, and the following:

- \$7,000,000 per occurrence limit/\$7,000,000 in the aggregate for property damage or bodily injury
- \$2,000,000 per occurrence limit/\$2,000,000 in the aggregate for personal injury and advertising injury
- \$7,000,000 per occurrence limit for products/completed operations coverage. CONSULTANT shall maintain products and completed operations coverage for 10 years following the acceptance of Work or until all applicable statutes of limitations expire, whichever length of time is longer. Coverage is to be on an "occurrence" form. "Claims made" and "modified occurrence" forms are not acceptable.
- An endorsement stating that any aggregate limits apply on a "per project" and on a "per location" basis.
- The project name must be indicated under "Description of Operations/Locations."
- The policy shall be endorsed to provide: "This insurance will be primary and noncontributory with any other insurance of the additional insureds."
- Shall have no endorsement or modification of the CGL limiting the scope of coverage for liability assumed under an insured contract
- Have no exclusion for professional services except the latest ISO form CG 22 79 or CG 22 80 or both; and include products and completed operations liability coverage for a period of not less than 5 years following the Expiry Date.
- All sub-consultants 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 sub-consultants' and all subs of any tier deductibles or self-insured retentions must be acceptable to SBCTA's Risk Manager.

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.

5. Commercial Auto. The policy must include the following:

- Auto Liability limits of not less than \$5,000,000 each accident
- Combined Bodily Injury and Property Damage Liability insurance
- Coverage must include owned autos, hired or non-owned autos

The commercial automobile liability insurance shall be written on the most recent edition of ISO form CA 00 01 or equivalent acceptable to SBCTA and shall include, without limitation, contractual liability coverage and additional insured status for the Additional Insureds named below. CONSULTANT waives all rights of subrogation against the Additional Insureds named below for recovery of loss, injury and/or damages to the extent such loss, injury and/or damages are covered by the commercial automobile liability insurance required herein. 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 the same waiver of subrogation in favor of all parties named as Additional Insureds below, and CONSULTANT.

6. Cyber Liability/Technology Professional Liability Errors and Omissions Insurance – Coverage shall be 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.

7. Pollution Liability. Intentionally Omitted

B. General Provisions

1. Qualifications of Insurance Carriers. 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.
2. Additional Insured Coverage. All policies, except those for Workers’ Compensation, Cyber Liability and Professional Liability insurance, shall name San Bernardino County Transportation Authority (SBCTA), Caltrans, City of Victorville and City of Hesperia, and their officers, directors, members, employees, and agents, as additional insureds (“Additional Insureds”). The Indemnified Parties shall be named, by specific endorsement, as additional insureds using ISO form CG 20 10 10 01 and ISO form CG 20 37 10 01 , or their respective equivalent forms, to include completed operations coverage. 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 any additional insured to vicarious liability, but shall allow coverage for all additional insureds to the full extent provided by the policy.
3. Proof of Coverage. Evidence of insurance in a form acceptable to SBCTA’s Risk Manager, including 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.

4. Deductibles or 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. At the option of SBCTA, if the deductible or SIR 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 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.
5. CONSULTANT's and Subconsultants' Insurance 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 to be primary coverage, and any coverage carried by any of the Additional Insureds named herein shall be excess and non-contributory.
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. Such insurance and coverages provided shall not prohibit CONSULTANT from waiving the right of subrogation prior to a loss or claim.

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 insurance@gosbcta.com to the attention of SBCTA's Risk Manager, and by depositing a copy of the notice in the U.S. Mail in accordance with the notice provisions of this Contract.
8. 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 Subcontractor. 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.
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 obligations 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.

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.
11. 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.
12. 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.
13. 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 Contract amendment.
14. 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 the amounts of insurance limits provided by sub-consultants 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 sub-consultant. CONSULTANT shall be held responsible for all modifications, deviations, or omissions in these insurance requirements as they apply to subconsultant.
15. 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.
16. 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 XXVI. INDEMNITY

- A. 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) San Bernardino County Transportation Authority, Caltrans, City of Victorville and City of Hesperia, and their respective directors, officers, employees, agents and volunteers ("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 design professional to the maximum extent permitted by Civil Code Section 2782.8.

- B. For all other Work and obligations under this Contract, CONSULTANT agrees to indemnify, defend (with legal counsel reasonably approved by SBCTA) and hold harmless 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 Indemnitees 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 an Indemnitee's "active" as well as "passive" negligence but does not apply to an Indemnitee's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

ARTICLE XXVII. OWNERSHIP OF DATA

- A. 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.
- B. Additionally, it is agreed that the Parties intend this to be a Contract for services and each considers the products and results of the services to be rendered by CONSULTANT hereunder to be work made for hire. CONSULTANT acknowledges and agrees that the work (and all rights therein, including, without limitation, copyright) belongs to and shall be the sole and exclusive property of SBCTA without restriction or limitation upon its use or dissemination by SBCTA.
- C. 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.
- D. 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 on 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.

- E. Applicable patent rights provisions regarding rights to inventions shall be included in the Contract as appropriate (48 CFR 27, Subpart 27.3, Patent Rights under Government Contracts for federal-aid contracts).
- F. SBCTA may permit copyrighting reports or other agreement products. If copyrights are permitted, the agreement 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.
- G. 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 XXVIII. CLAIMS FILED BY SBCTA's CONSTRUCTION CONTRACTOR

- A. 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.
- B. 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.
- C. Services of 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.
- D. 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 XXIX. CONFIDENTIALITY OF DATA

- A. 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.
- B. Permission to disclose information on one occasion or at a public hearing held by SBCTA relating to the Contract shall not authorize CONSULTANT to further disclose such information or disseminate the same on any other occasion.
- C. 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.

- D. 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 prior review of the contents thereof by SBCTA and receipt of SBCTA's written permission.
- E. 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 or except by court order. 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 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. If CONSULTANT or any of its officers, employees, or subcontractors does voluntarily provide information in violation of this Contract, SBCTA has the right to reimbursement and indemnity from CONSULTANT for any damages caused by CONSULTANT releasing the information, including, but not limited to, SBCTA's attorney's fees and disbursements, including without limitation experts' fees and disbursements.
- F. Any subcontract entered into as a result of this Contract shall contain all of the provisions of this Article.
- G. 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 XXX. 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 ordered CONSULTANT to comply with an order of the National Labor Relations Board.

ARTICLE XXXI. 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 together with the comments shall be retained as part of the Contract file. This information may be used when evaluating the firm on future proposal submittals.

ARTICLE XXXII. RETENTION OF FUNDS

- A. Any subcontract entered into as a result of this Contract shall contain all of the provisions of this Article.

B. Retention.

1. As partial security against CONSULTANT's failure to perform under this CONTRACT, SBCTA shall withhold a retention of ten percent (10%) of the total amount of each invoice from CONSULTANT up to \$250,000. CONSULTANT may request in writing a reduction of retention from 10% to five percent (5%) upon acceptable completion of at least 50% of the Work, as determined by SBCTA. All retained funds shall be released by SBCTA within sixty (60) calendar days after the last to occur of:
 - a. SBCTA's payment of the final invoice, unless SBCTA elects to audit CONSULTANT's records in accordance with this Contract. If SBCTA elects to audit, then retained funds shall be paid to CONSULTANT within thirty (30) calendar days of completion of the audit in an amount reflecting any adjustments required by the audit; or
 - b. final resolution of all Stop Notices, claims for payment and/or other claims arising out of the Work performed under the Contract.
2. 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 26.29) 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. Any violation of this provision shall subject the violating CONSULTANT or subconsultant to the penalties, sanctions and other remedies specified in Section 7108.5 of the Business and Professions Code. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to CONSULTANT or subconsultant in the event of a dispute involving late payment or non-payment by CONSULTANT, deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE consultants and subconsultants.

ARTICLE XXXIII. RESPONSIBILITY OF CONSULTANT

- A. 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 CONSULTANT under the Contract. The Contract includes reference to the appropriate standards for design or other standards for Work performance stipulated in the Contract.
- B. 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 in regard 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 will enable SBCTA to understand and evaluate the magnitude and effect of the risk and/or uncertainties involved.

- C. INTENTIONALLY OMITTED
- D. INTENTIONALLY OMITTED
- E. INTENTIONALLY OMITTED
- F. INTENTIONALLY OMITTED

ARTICLE XXXIV. TECHNICAL DIRECTION

- A. Performance of Work under this Contract shall be subject to the technical direction of SBCTA's Project Manager. The term "Technical Direction" is defined to include, without limitation:
 - 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.
 - 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.
 - 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.
 - 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.
- B. Technical Direction must be within the Scope of Work under this Contract. SBCTA does not have the authority to, and may not, issue any Technical Direction which:
 - 1. Increases or decreases the Scope of Work;
 - 2. Directs CONSULTANT to perform Work outside the original intent of the Scope of Work;

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;
 4. Changes any of the expressed terms, conditions or specifications of the Contract; unless identified herein;
 5. Interferes with the CONSULTANT's right to perform the terms and conditions of the Contract; or
 6. Approves any demand or claim for additional payment.
- C. 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, shall be subject to the provisions of the "DISPUTES" Article herein.
- D. All Technical Direction shall be issued in writing by SBCTA's Project Manager.
- E. CONSULTANT shall proceed promptly with the performance of Technical Direction, 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 falls within one of the categories defined in B.1. through B.6. of this Article, 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's Project Manager shall:
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.
 2. Advise CONSULTANT within a reasonable time whether SBCTA will or will not issue a written amendment.
- F. There shall be no changes in CONSULTANT's Key Personnel as identified herein, without prior written approval by SBCTA's Project Manager.

ARTICLE XXXV. 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 reallocating any tasks or hours of Work that are the responsibility of key personnel to other personnel, CONSULTANT shall notify SBCTA in writing 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's Project Manager. CONSULTANT shall not substitute any key personnel without the prior written consent of SBCTA's Project Manager. In the event that the Parties cannot agree as to the substitution of key personnel, SBCTA may terminate the Contract.

Key Personnel are:

Name	Job Classification/Function
Ken Loncharich	Project Manager
George Malacalza	Resident Engineer
Abunnasr Husain	Assistant Resident Engineer/Structural Representative

ARTICLE XXXVI. 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 XXXVII. ADDITIONAL TERMINATION PROVISIONS

- A. In addition to the terms of Article VI, the following provisions apply to termination of the Contract.
- B. 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 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.
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 of this Contract.
 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.
 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.
- C. 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 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.

1. 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.
 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.
- D. 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 XXXVIII. OPTION TERMS

INTENTIONALLY OMITTED.

ARTICLE XXXIX. ADDITIONAL PAYMENT TERMS.

A. ESCALATION.

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 to total benefits for the private industry economic sector, not be seasonally adjusted, but will include a 12-month percent change. Escalation shall commence as of January 2026, and then shall be applied each January for the term of the Contract.

B. STATEMENT WITH INVOICES.

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 during the period will be satisfied upon the making of such payment. SBCTA shall not be obligated to make payments to CONSULTANT until CONSULTANT furnishes such statement and release.

C. JUNE INVOICES.

The invoice for Work performed in the month of June shall be submitted by July 10th.

ARTICLE XL. 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 XLI. 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 XLII. CONFLICT OF INTEREST CODE

See Article XIII.

ARTICLE XLIII. 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: WSP USA, INC.	To: SBCTA
862 E Hospitality Lane, Suite 350	1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92408	San Bernardino, CA 92410-1715
Attn: Ken Loncharich	Attn: David Tan
	Email: dtan@gosbcta.com
	Cc: Procurement Manager
Email: kenneth.loncharich@wsp.com	Email: procurement@gosbcta.com
Phone: 949-283-0854	Phone: (909) 884-8276

ARTICLE XLIV. 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 the "TERMINATION" provisions in Articles VI and XXXVII.

ARTICLE XLV. 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 XLVI. 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 XLVII. 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 XLVIII. 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.

LOCAL AGENCY is not required to make any deductions or withholdings from the compensation payable to CONSULTANT under the provisions of the Contract, and is not required to issue W-2 Forms for income and employment tax purposes for any of CONSULTANT's assigned personnel.

Any third party person(s) employed by CONSULTANT shall be entirely and exclusively under the direction, supervision, and control of CONSULTANT. CONSULTANT hereby indemnifies and holds LOCAL AGENCY harmless from any and all claims that may be made against SBCTA based upon any contention by any third party that an employer-employee relationship exists by reason of this Contract.

ARTICLE XLIX. PROMPT PAYMENT FROM THE LOCAL AGENCY TO CONSULTANT

The LOCAL AGENCY shall make any progress payment within 30 days after receipt of an undisputed and properly submitted payment request from CONSULTANT or as promptly as fiscal procedures will permit. If SBCTA fails to pay promptly, SBCTA shall pay interest to CONSULTANT, which accrues at the rate of 10 percent per annum on the principal amount remaining due. Upon receipt of a payment request, SBCTA shall act in accordance with both of the following:

- A. Each payment request shall be reviewed by SBCTA as soon as practicable after receipt for the purpose of determining that the payment request is a proper payment request.
- B. Any payment request determined not to be a proper payment request suitable for payment shall be returned to CONSULTANT as soon as practicable, but not later than seven (7) days after receipt. A request returned pursuant to this paragraph shall be accompanied by a document setting forth in writing the reasons why the payment request is not proper.

ARTICLE L. ATTORNEYS' 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 LI. 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 LII. 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 LIII. PRECEDENCE

- A. The Contract consists of the Contract Articles, Exhibit A "Scope of Work," Exhibit B "CONSULTANT's Approved Cost Proposal," SBCTA's Request For Proposals and CONSULTANT's Proposal, all of which are incorporated into this Contract by this reference.
- B. The following order of precedence shall apply: first, the Contract Articles; second, Exhibits A and B; third, SBCTA's Request For Proposals; and last, CONSULTANT's Proposal.
- C. 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 LIV. 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 LV. 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 LVI. DRUG FREE WORKPLACE

CONSULTANT agrees to comply with the Drug Free Workplace Act of 1990 per Government Code Section 8350 et seq, the Drug-Free Workplace Act of 1988, as amended, 41 U.S.C. § 8103, et seq.; U.S. DOT regulations, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)," 49 CFR Part 32; and U.S. OMB regulatory guidance, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)," 2 CFR Part 182, particularly where the U.S. OMB regulatory guidance supersedes comparable provisions of 49 CFR Part 32.

ARTICLE LVII. 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 LVIII. COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

CONSULTANT shall comply with all applicable provisions of the Americans With Disabilities Act (42 U.S.C. § 12101 et seq.) in performing Work under this Contract.

ARTICLE LIX. CLEAN AIR

CONSULTANT shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq. and the Federal Water Pollution Control Act (33 U.S.C. §§ 1251-1387) as amended. CONSULTANT shall report each violation to SBCTA, who will in turn report each violation as required to assure notification to the Federal Awarding Agency and the appropriate EPA Regional Office. CONSULTANT agrees to include this requirement in all of its subcontracts which exceed \$100,000.

ARTICLE LX. TITLE VI ASSURANCES

CONSULTANT must adhere to the Title VI assurances listed below:

- A. During the performance of this Agreement, the contractor, for itself, its assignees and successors in interest (hereinafter collectively referred to as CONSULTANT) agrees as follows:
1. **Compliance with Regulations:** CONSULTANT shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the REGULATIONS), which are herein incorporated by reference and made a part of this agreement.
 2. **Nondiscrimination:** CONSULTANT, with regard to the work performed by it during the AGREEMENT, shall not discriminate on the grounds of race, color, sex, national origin, religion, age, or disability in the selection and retention of sub-applicants, including procurements of materials and leases of equipment. CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the agreement covers a program set forth in Appendix B of the Regulations.
 3. **Solicitations for Sub-agreements, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by CONSULTANT for work to be performed under a Sub-agreement, including procurements of materials or leases of equipment, each potential sub-applicant or supplier shall be notified by CONSULTANT of the CONSULTANT'S obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
 4. **Information and Reports:** CONSULTANT shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the recipient or FHWA to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information, CONSULTANT shall so certify to the recipient or FHWA as appropriate, and shall set forth what efforts CONSULTANT has made to obtain the information.
 5. **Sanctions for Noncompliance:** In the event of CONSULTANT's noncompliance with the nondiscrimination provisions of this agreement, the recipient shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - i. withholding of payments to CONSULTANT under the Agreement within a reasonable period of time, not to exceed ninety days (90); and/or
 - ii. cancellation, termination or suspension of the Agreement, in whole or in part.

6. Incorporation of Provisions: CONSULTANT shall include the provisions of paragraphs (1) through (6) in every sub-agreement, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.
- B. CONSULTANT shall take such action with respect to any sub-agreement or procurement as the recipient or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event CONSULTANT becomes involved in, or is threatened with, litigation with a sub-applicant or supplier as a result of such direction, CONSULTANT may request the recipient enter into such litigation to protect the interests of the State, and, in addition, CONSULTANT may request the United States to enter into such litigation to protect the interests of the United States.
- C. During the performance of this Contract, the CONSULTANT, for itself, its assignees, and successors in interest (hereinafter referred to as the “CONSULTANT”) agrees to comply with the following nondiscrimination statutes and authorities, including, but not limited to:
- Pertinent Non-Discrimination Authorities:
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
 - The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
 - Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.), prohibits discrimination on the basis of sex;
 - Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.) as amended; (prohibits discrimination on the basis of disability); and 49 CR Part 27;
 - The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.) (prohibits discrimination on the basis of age);
 - Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123) as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
 - The Civil Rights Restoration Act of 1987 (PL 100-209) (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
 - Titles II and III of the Americans with Disabilities Act, which prohibit discrimination of the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations 49 C.F.R. parts 37 and 38;
 - The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance (Provides that national origin discrimination includes discrimination based on limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100));
- Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq) (prohibits discrimination based on sex in education programs or activities).

D. All subcontracts shall contain the provisions of this Article.

ARTICLE LXI. ENTIRE DOCUMENT

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

The two Parties to this Contract, who are the CONSULTANT and SBCTA, hereby agree that this Contract constitutes the entire agreement which is made and concluded in duplicate between the two Parties. Both of these Parties for and in consideration of the payments to be made, conditions mentioned, and Work to be performed, each agree to diligently perform in accordance with the terms and conditions of this Contract as evidenced by the signatures below.

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

IN WITNESS WHEREOF, the Parties hereto have executed this Contract on the day and year written below.

**WSP USA, INC.,
A NEW YORK CORPORATION**

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Derich Sukow
Senior Vice President

By: _____
Raymond W. Wolfe
Executive Director

Date: _____

Date: _____

APPROVED AS TO FORM

By: _____
Julianna K. Tillquist
General Counsel

CONCURRENCE

By: _____
Alicia J. Bullock
Procurement Manager

Attachment: 24-1003120 (10905 : US 395 Phase 2 Widening Project - Construction Management Services Contract Award)

Exhibit A
“SCOPE OF WORK”

DRAFT

INDEX

- A. DESCRIPTION OF SERVICES
- B. PERFORMANCE REQUIREMENTS
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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, construction surveying for the Project. A description of the Project is given below.

US 395 Widening Phase 2 Project

The United States Highway 395 (US-395) Phase 2 Freight Mobility and Safety Project is a cooperative effort between San Bernardino County Transportation Authority (SBCTA), the California Department of Transportation (Caltrans), the City of Victorville, and City of Hesperia to relieve congestion and enhance the safety and operational efficiency of the corridor by constructing a continuous four-lane highway, which would improve passing opportunities and add capacity to meet future traffic volumes. The existing US-395 has two lanes within the project limits, one lane in each direction, with additional turning lanes at intersections. This Project would widen US-395 from 2 lanes to 4 lanes, with a continuous median, for a distance of approximately 7 miles between I-15 and SR-18 (Palmdale Rd) including adding a bridge over the California Aqueduct.

SBCTA intends to advertise, award and administer one construction contract for this project. The successful consultant firm will provide the requested construction management and support services.

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 review; oversight, survey and inspection of early utility relocation, construction project advertising, bid analysis, and award; construction inspection; construction surveying, materials testing, landscape inspection, contractor interface and contract administration; office engineering; and other assorted duties as appropriate in managing construction of a Caltrans and city roadway improvement project.

It is expected that the Consultant will 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 and through the duration of the contract. The Consultant is expected to provide a Survey Project Manager, Materials Testing/Source Inspection Project Manager, and Landscape Architect 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 early utility company relocations and during the construction phase.

SBCTA anticipates that the total contract will be approximately 36 months in duration, with preconstruction services starting in May 2024, early utility relocation activities starting in mid- 2024

through mid-2025. SBCTA anticipates advertising for the construction contract in January 2025, awarding the construction contract in April 2025 with Construction LNTP of 120-calendar day procurement period of long lead items, followed by Construction NTP in August 2025, following completion of utility relocations and project completion in February 2027 (19 Months), in addition of 2 months of project closeout. The estimated construction capital cost of the project is approximately \$35 million.

CONSULTANT shall provide qualified construction management and inspection, materials testing, construction surveying and public relations 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 SBCTA Director of Project Delivery has designated a Construction Manager to coordinate all construction activities.

The CONSULTANT shall report to and receive direction from SBCTA through the Construction Manager or assigned designee(s). The SBCTA Construction 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 projects.

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 and a Structures Representative. The Resident Engineer shall be assigned to direct and coordinate construction activities under this contract. Other Assistant Resident Engineers and Assistant Structures Representatives may be assigned to each specific project responsibilities as needed. The Resident Engineer and Structures Representative shall be a Civil Engineer registered in the State of California and shall be responsible in charge of construction management and construction activities 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, approved by SBCTA, until the assigned personnel returns to the Project

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.

Material 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 material 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.

Material 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, wherever 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 provided 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.
 - 2) Perform bid analysis.
 - 3) Development of contractor payment schedules, and other procedural items.
 - 4) Checking Contractor references, licenses, insurance, and sureties.
 - 5) 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 is 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 (LaserFiche?)
- 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 and Structures Representative to effectively manage the Project.
- b. CONSULTANT Resident Engineer shall act as a prime point of contact between Contractor, SBCTA, CONSULTANT's construction surveyor, CONSULTANT's materials inspector, 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 designee(s), 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.

1. 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 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 (Cal-OSHA) and traffic control practices as specified in the Work Area Traffic Control Handbook (WATCH). 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, electrical inspection for traffic, ramp meter and irrigation control equipment, signing and striping inspection, quantity calculations, checking grade and alignment, construction traffic control, soil amendments and plant material identification & quality control, hardscape inspection, trenching & irrigation 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) Identifying common plant diseases and/or pests together with their respective eradication techniques, directing of plant adaptability requirements along with proper planting & pruning techniques, and avoiding potential problems associated with the Project by recommending sound engineering solutions.
 - 4) Perform basic sampling of construction materials in the field per California Test Method 105 and 125 by both the prime and subconsultant personnel.

- 5) 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.
- 6) Preparing complete and accurate daily reports, calculations, project records, payment quantity documents, reports, and correspondence related to Project activities.
- 7) Preparing construction sketches, drawings, and cross-sections, as necessary.
- 8) Assisting in the preparation of as-built plans.
- 9) Providing inspections for environmental compliance.
- 10) Maintaining awareness of water discharge requirements. Monitoring Contractors' compliance with applicable regulations and construction contract provisions.
- 11) Monitoring Contractors' compliance with applicable regulations required by AQMD.
- 12) 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, sanitary sewer, and irrigation systems
- 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.
- d) 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.
- e) 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.
- f) Final monumentation, which includes setting of centerline points of control upon completion of construction.

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. 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 are 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.

- a) 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.
- b) 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:
 - i. LOCAL AGENCY
 - ii. SBCTA Board
 - iii. LOCAL AGENCY and area Emergency Service Providers
 - iv. School Transportation Coordinator(s)
 - v. Local Business Community
 - i) Specific businesses with expanding priority based on proximity to work zone and detours
 - ii) Chamber of Commerce
 - vi. Commuters
 - vii. Recreational Travelers
 - viii. Trucking Industry
 - ix. Local media
 - i) Print
 - ii) Radio
 - iii) Television
- c) 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.
- d) 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.
- f) 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 the set up and breakdown of the event site.

- g) 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 the set up and breakdown of the event site. Staffing this event will be determined based on availability.
- h) 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.
- i) At various stages throughout the Project, SBCTA will request support from CONSULTANT for the following items:
 - i. 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.)
 - ii. Development of a Project fact sheet (include Project description, Project budget, Project schedule, SBCTA contact information, LOCAL AGENCY contact information, photos, logos, etc.)
 - iii. 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.
 - iv. Emergency notices – when needed.
 - v. Develop web content for project tab on SBCTA website. This page should include the same elements as the 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 it to webmaster.
- 2) 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.
- 3) 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 their 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 the 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 but not limited to pre-stress drawings and pile logs, as applicable.
- c. CONSULTANT shall review and verify the 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. Weekly 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.
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(s) 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(s) 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 ensure 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 in advance.

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/yellow 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 working 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.
- 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 the last 6 months.
- h. 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 the 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 on 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 the 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 on 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 the 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 of 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) 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 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 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 a 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 verifies 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 of 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

Minute Action

AGENDA ITEM: 8

Date: *October 2, 2024*

Subject:

Local Outreach on Priority Transit Corridors for the Long Range Multimodal Transportation Plan

Recommendation:

Receive information on outreach being conducted to cities for Priority Transit Corridors in the Omnitrans service area, as part of the Long Range Multimodal Transportation Plan.

Background:

San Bernardino County Transportation Authority (SBCTA) is working with stakeholders at all levels to develop a comprehensive Long Range Multimodal Transportation Plan (LRMTP) that captures the transportation vision for the County of San Bernardino through 2050. Part of this vision involves improvements to service and efficiency that can be made to our existing bus transit routes, both in the Valley and elsewhere.

Omnitrans prepared their original Systemwide Plan of priority transit routes in 2010. The E Street Bus Rapid Transit (BRT) line (Green Line) has been in service for 10 years. The West Valley Connector BRT (future Purple Line) is under construction. As part of the LRMTP, Omnitrans and SBCTA are looking broadly at what investments should be made to other Priority Transit Corridors in the Systemwide Plan and have been seeking input from local jurisdictions over the last month regarding potential investments on routes serving their jurisdictions.

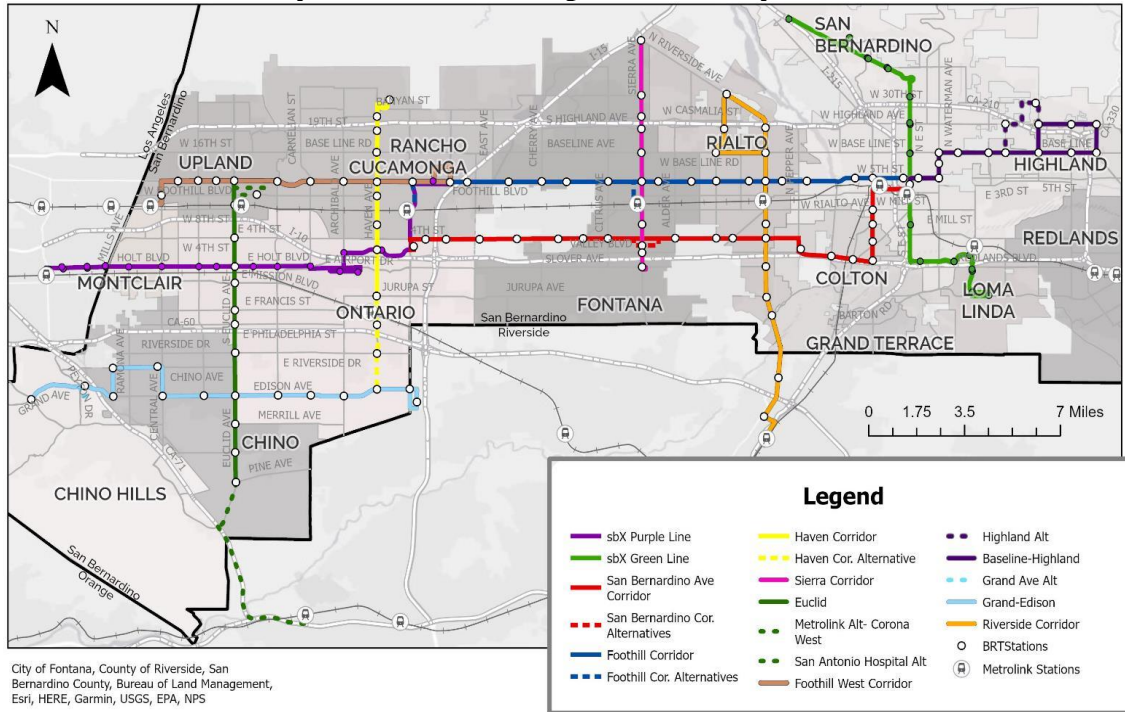
Related to this, SBCTA has estimated that up to \$125 million in funding could be available from the Measure I Express Bus/BRT program through 2040. With the right combination of investments, this funding could be leveraged to bring additional state and federal funds into our area. The types of investments could range from making strategic improvements to transit service on multiple routes, to larger investments more focused on one or two corridors similar to the Green Line or Purple Line.

In parallel, SBCTA/San Bernardino Council of Governments (SBCOG) has been developing the Smart County Master Plan (SCMP). One of the recommendations from that plan is a set of candidate “smart corridors” that could receive investment in both traffic-related and transit-related operational improvements. There very well could be synergy between these two efforts, and it is expected that a recommendation on the right combination of investments could be brought back to the SBCTA Board of Directors in 2025.

Please note that the Highland routes are not necessarily the best corridors for near term investment in priority transit, but the LRMTP process will incorporate additional dialogue regarding the corridor that best benefits the needs of the City of Highland and eastern San Bernardino.

Entity: San Bernardino County Transportation Authority

Exhibit 1. Omnitrans Systemwide Plan – Updated Priority Transit Corridors



Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item was received by the Transit Committee on September 12, 2024.

Responsible Staff:

Steve Smith, Director of Planning & Regional Programs

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:



Priority Transit Corridors Update - City Meetings

**SBCTA TRANSIT COMMITTEE
SEPTEMBER 12, 2024**



1



Long Range Multimodal Transportation Plan (LRMTP)



The San Bernardino County Transportation Authority is working with stakeholders to develop a comprehensive, multimodal transportation vision for the county through 2045.

Schedule

- SPRING 2023**
Project begins
- SUMMER/FALL 2023**
Identify needs, opportunities and challenges
- SPRING 2024**
Develop plan recommendations
- FALL/WINTER 2024**
Finalize LRMTP

2



BUS RAPID TRANSIT

For the LRMTF, one focus is future Transit Priority Routes. These Bus Rapid Transit routes are high-quality bus routes that seek to blend features similar to a light rail system with the **flexibility** and **affordability** of a bus route, thereby providing more **reliable, convenient** and **faster** service than regular bus services.

OmniTrans BRT lines.

- **sbX Green Line**, which opened in 2014, serves *San Bernardino and Loma Linda*
- **sbX Purple Line**, which is expected to open early 2026, will serve *Rancho Cucamonga, Ontario, Montclair and Pomona*

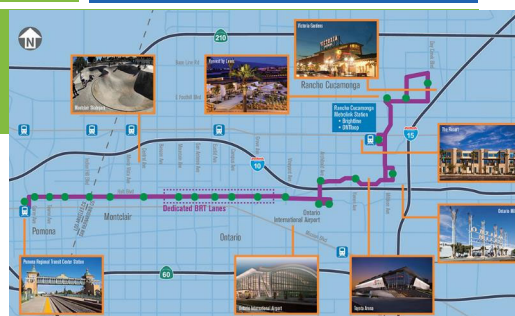


3



WHY BRT?


- Increase Ridership/Mobility through more frequent and reliable service
- Economic Development
- Improved access to Jobs/Housing
- Can promote the development of Transit-Oriented Communities which have federal funding opportunities



sbX PURPLE LINE

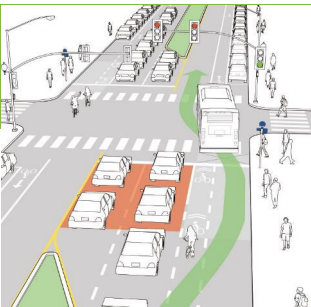
- The **\$320M** received approx. **\$200M** in grant funding
- The project has boosted the city of Ontario's economic development.

4



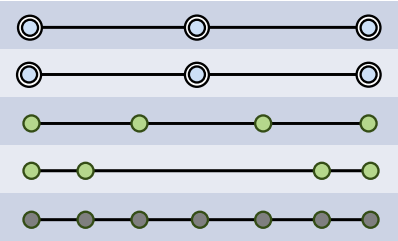
BRT Continuum

	Branding	Increased Stop Spacing	Queue Jump Lanes	Transit Signal Priority	Higher Frequency Service	Enhanced Stations	Exclusive Lanes
Full BRT	✓	✓	✓	✓	✓	✓	✓
BRT Lite	✓	✓	✓	✓	✓	✓	
Limited Stop	✓	✓	✓	✓	✓		
Express Bus	✓	✓					
Local Bus							



Above: Enhanced station

Left: National Association of City Transportation Officials provide an example of a **queue jump** where buses can use **transit signal priority** to skip ahead of traffic at an intersection.




LEGEND

○ Enhanced station

● High ridership stop or destination

● Bus Stop

5



Corridor Discussions with Cities

- Gauge Cities' interest in Transit Priority Corridors
- \$125 million available in Measure I Express Bus/BRT through 2040
- Discussing two general options:
 - Focus remainder of fund on one or two corridors
 - Spread investment more broadly, focusing on transit signal priority, queue jumps, station/stop improvements
- Key strategy is being able to bring in state/federal competitive funds

6



Meeting with Cities

Response has generally been positive.

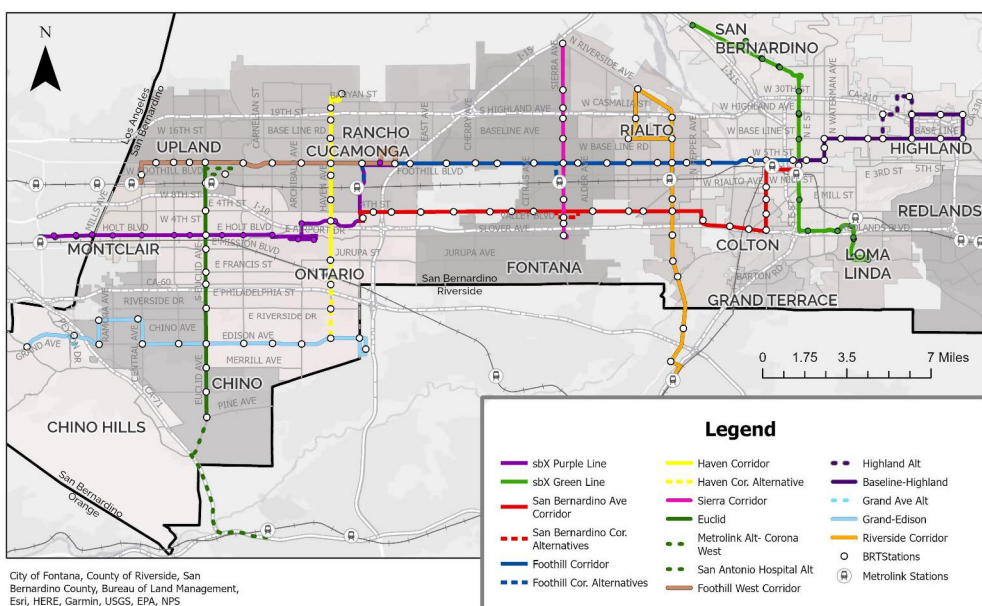
- 7/17 – Chino
- 7/22 – Montclair
- 7/22 – Ontario
- 7/24 – Redlands
- 7/24 – Yucaipa
- 7/30 – Colton
- 7/30 – Rancho Cucamonga
- 7/30 – Fontana
- 8/26 – Rialto
- 8/27 – Highland
- TBD – San Bernardino



7




Corridors




8

	Base-High	Edison	Euclid	Foothill	FH West	Haven	Riverside	SB Ave	Sierra
Current Local Daily Ridership	4,070	659	1,111	4,915	2,198	394	792	4,110	1,081
Total Distance (including alt. routing)	13.55	15.69	20.29	20.49	11.59	14.29	16.72	20.75	8.36
Current Avg Daily Riders/Mile	300.4	42.0	54.7	239.9	189.7	27.6	47.4	198.1	129.4
Potential BRT Stations	16	14	14	21	12	14	15	22	12
Population (2022 ACS) (0.5 mile station radius)	68,408	25,581	55,227	88,915	50,451	33,607	56,970	68,150	41,155
Density (ppl/ml ²) (0.5 mile station radius)	6,462	2,400	5,407	6,229	6,133	3,350	5,252	4,571	5,948
Jobs (2021 LEHD) (0.5 mile station radius)	33,052	34,589	23,940	38,370	32,903	50,889	39,004	50,744	16,846
Density (jobs/ml ²) (0.5 mile station radius)	3,122	3,245	2,344	2,688	4,000	5,073	3,596	3,403	2,435

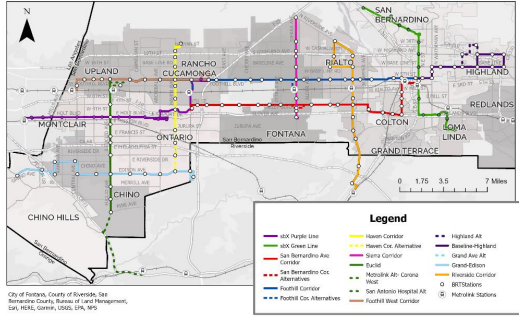
9



LRMTP Next Steps



- **Early Sept 2024:** Public input on corridors & LRMTP
- **Oct 2024:** SBCTA prepares a draft Transit Priority Corridor Investment Plan for the draft LRMTP.
- **Oct-Nov 2024:** Receive input on the draft investment plan as part of the LRMTP review process.
- **Jan-Feb 2025:** Revise the investment plan for the final LRMTP.
- Outline next steps for project programming, seeking grant funding, and schedule.



10



11

Minute Action

AGENDA ITEM: 9

Date: *October 2, 2024*

Subject:

Contract No. 25-1003202 with Nikola Corporation for Hydrogen Truck Fueling Station in the City of Victorville

Recommendation:

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

A. Authorize the Executive Director, or his designee, to finalize and execute Contract No. 25-1003202 with Nikola Corporation for construction of a Hydrogen Truck Fueling Station in the City of Victorville for an amount not to exceed \$5,000,000 and a term ending March 31, 2031, subject to approval as to form by SBCTA General Counsel.

B. Authorize an exception to SBCTA Contracting and Procurement Policy No. 11000 Section IV.B.4, to allow for a contract term of six years and five months, given that the policy limits contracts to a five-year term, absent SBCTA Board approval.

Background:

In 2017, the State Legislature passed, and the Governor signed, Senate Bill 1 (SB 1), known as the Road Repair and Accountability Act, increasing transportation funding and instituting transportation funding reforms. One of the key competitive programs funded by SB 1 is the Trade Corridor Enhancement Program (TCEP), targeted at \$300 million in grant funding per year. The TCEP provides an ongoing source of State funding dedicated to freight-related projects.

This statewide competitive program provides funding for infrastructure improvements on federally designated Trade Corridors of National and Regional Significance on the Primary Freight Network and along corridors that have a high volume of freight movement. The program is administered by the California Transportation Commission (CTC).

Consistent with the SB 1 Grant Application Strategy presented to the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) in November 2021, SBCTA staff submitted TCEP applications requesting funding for the Interstate 10 (I-10) Corridor Freight and Managed Lane Project, Contract 2 (I-10 Contract 2) and the US 395 Freight Mobility and Safety Project, Phase 2. On June 28, 2023, the CTC adopted the Program of Projects for the 2022 TCEP, awarding \$85 million to the I-10 project and \$35 million to the US 395 project. The award for the US 395 project included \$5 million to partially fund a hydrogen truck fueling station in the City of Victorville.

The CTC Accountability and Transparency Guidelines require SBCTA to enter into a Baseline Agreement with the California Department of Transportation (Caltrans) and the CTC for any project receiving TCEP funds. The Baseline Agreement sets forth the agreed upon expected project benefits, scope, schedule, and cost, and provides a benchmark for comparison to the current status of the project and the forecast of conditions under a no-build scenario. Baseline Agreements identify the agency responsible for meeting the reporting requirements and, for locally implemented projects, identify Caltrans' responsibilities relative to the type and

Entity: San Bernardino County Transportation Authority

location of the project. Additionally, the CTC considers the Baseline Agreement as the front-end document that forms the foundation for in-progress and follow-up accountability. The Baseline Agreement for the US 395 Phase 2 project was approved by the CTC in March 2024.

The next step in the process that leads to project construction is “funding allocation,” at which time the grant funding is considered secured, and the allocated phase of the project can advance to construction. The first phase ready for construction for US 395 Phase 2 is the Nikola Hydrogen Truck Fueling Station at the Southern California Logistics Airport (SCLA), and the CTC expects that an agreement for construction between the grantee (SBCTA) and the vendor (Nikola Corporation) will be made available along with the allocation request. The allocation request is scheduled to go to the CTC for approval in October 2024, making the October 2nd SBCTA Board meeting the last meeting prior to the CTC meeting where the agreement can be approved. Given that final wording of the agreement between SBCTA and Nikola Corporation is being negotiated, staff is requesting that the Executive Director, or his designee, be authorized to execute Contract No. 25-1003202 once final wording has been settled and General Counsel has approved it as to form.

Contract No. 25-1003202 covers procurement of hydrogen station equipment and construction at the Nikola station at SCLA. Caltrans also has a TCEP commitment for a portion of the station, which will be covered under a separate agreement between Caltrans and Nikola.

The total estimated cost to construct the SBCTA portion of the station is \$7,250,000. The TCEP dollars will fund \$5,000,000 of this cost, with Nikola funding the matching \$2,250,000 of the total estimated cost. The agreement stipulates that Nikola will operate and maintain the site for a minimum of five years after construction acceptance by SBCTA. Construction acceptance is expected by March 31, 2026, so that the contract will terminate March 31, 2031. This six-year, five-month term requires an exception to SBCTA Contracting Policy IV.B.4, which states: *“Unless otherwise authorized by the Board, the maximum term for Contracts or Purchase Orders shall be five years”* The project will also require a public interest finding from Caltrans District 8 that a non-competitive contract is acceptable, given this was part of a packaged grant award.

Financial Impact:

The project is included in the adopted Budget for Fiscal Year 2024/2025 and funded with State SB 1 Trade Corridor Enhancement Program funds in Program 20, Planning.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on September 13, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item and the draft contract.

Responsible Staff:

Steve Smith, Director of Planning & Regional Programs

Board of Directors Agenda Item
October 2, 2024
Page 3

Approved
Board of Directors
Date: October 2, 2024
Witnessed By:

San Bernardino County Transportation Authority

Contract No.: 25-1003202 Amendment No.: _____

Contract Class: Payable Department: Planning and Regional

Vendor No.: xxxxx Vendor Name: Nikola Corporation

Description: Hydrogen Truck Fueling Station in the City of Victorville

List Any Related Contract Nos.: _____

Dollar Amount							
Original Contract		\$	5,000,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Prior Contingency Released		\$	-	Prior Contingency Released (-)		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	5,000,000.00	Total Contingency Value		\$	-
	Total Dollar Authority (Contract Value and Contingency)					\$	5,000,000.00

Board of Directors	Date: 10/02/2024	Board	Item # 10914
Contract Management (Internal Purposes Only)			

Board of Directors

Date: 10/02/2024

Board

Item # 10914

Contract Management (Internal Purposes Only)

Capital Project Contracts

Sole Source? No

No Budget Adjustment

State

Construction

N/A

[illegible]

Steve Smith

Project Manager (Print Name)

Steve Smith

Task Manager (Print Name)

Additional Notes:

CONTRACT NO. 25-1003202**BY AND BETWEEN****SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY****AND****NIKOLA CORPORATION****FOR****HYDROGEN TRUCK FUELING STATION IN THE CITY OF VICTORVILLE**

This contract ("Contract") is effective on the Effective Date as defined herein, by and between San Bernardino County Transportation Authority ("SBCTA"), whose address is 1170 W. 3rd Street, 2nd Floor, San Bernardino, California 92410-1715, and Nikola Corporation ("CONTRACTOR") whose address is 4141 East Broadway Road Phoenix, AZ 85040. SBCTA and CONTRACTOR are each a "Party" and collectively the "Parties" herein.

RECITALS:

WHEREAS, the California Transportation Commission (CTC) adopted the 2022 Trade Corridor Enhancement Program (TCEP) – Program of Projects, by means of Resolution G-23-46, on June 28, 2023; and

WHEREAS, CTC awarded SBCTA TCEP funds for the US 395 Freight Mobility and Safety Project; and

WHEREAS, SBCTA had included funding for the Nikola Hydrogen Fueling Station in the City of Victorville (PROJECT) as part of its TCEP funding application; and

WHEREAS, Nikola Corporation, is an Arizona(???) corporation with its principal office at 4141 East Broadway Road Phoenix, AZ 85040; and,

WHEREAS, Nikola Corporation, is a constructor and operator of hydrogen truck charging stations; and,

WHEREAS, completion of the PROJECT will accelerate the transition to zero-emission trucks and improve air quality in San Bernardino County and reduce greenhouse gas emissions overall;

NOW, THEREFORE, the Parties hereto agree as follows:

ARTICLE 1. PROJECT DESCRIPTION

The PROJECT includes construction of a hydrogen truck fueling station in Victorville, CA, located on the grounds of the Southern California Logistics Airport, 13640 Phantom East, which will become part of a hydrogen fuel network for Southern California. The fueling station will be open to the public and accommodate heavy-duty zero emission vehicles (ZEVs). The station is part of the Interstate 10 Corridor Freight and Managed Lane Project and will be part of a network of stations that will enable a faster roll out of zero-emission trucks in the Southern California region. This is in anticipation of a surge in demand in response to climate goals and the increase in opting for hydrogen fuel cell trucks that will utilize these stations. In addition to the SBCTA/TCEP contribution of \$5 million to the construction of the station, Caltrans is providing additional funds through a separate TCEP grant, authorized under the same CTC resolution. The SBCTA/TCEP contribution, plus the Nikola match, will enable a fueling capacity of up to 100 trucks per day, with an estimated 4000 kg of H₂/day. The PROJECT refers only to the portion of the fueling facility that will be funded from the SBCTA/TCEP contribution and not to the Caltrans portion. Caltrans is responsible for management of their portion of the overall fueling station construction effort in Victorville.

The following exhibits, which further describe and depict the PROJECT, are incorporated by reference and made a part of this CONTRACT:

Exhibit A, "Statement of Work (Project Components/Tasks)";

Exhibit B, " Project Location Map";

Exhibit C, " Project Budget";

Exhibit D, " Project Schedule";

Exhibit E, "Public Benefits"

ARTICLE 2. Funding, Construction, and Maintenance of the PROJECT

2.1 The total estimated cost to construct the PROJECT (exclusive of any costs for SBCTA to administer this PROJECT, as set forth in Section 5.8 below) is \$7,750,000 (Seven Million, Seven Hundred Fifty Thousand Dollars). The TCEP dollars will fund \$5,000,000 of the total cost, with CONTRACTOR funding \$2,250,000 of the total estimated cost of equipment procurement and construction, as reflected in Exhibit C, "Project Budget." In no case shall SBCTA's share of PROJECT costs exceed \$5,000,000.

CONTRACTOR and SBCTA shall work together in good faith to complete the PROJECT as contemplated in this CONTRACT and in accordance with the PROJECT Schedule as set forth in Exhibit D. CONTRACTOR and SBCTA shall establish periodic meetings and/or telephone calls for coordinating issues related to the construction of the PROJECT. Each Party shall designate a representative (or representatives) for such meetings and/or telephone calls and the representatives shall establish a schedule for joint meetings and bring such other individuals to such meetings as they deem appropriate to expedite the resolution of any issues that may arise. The purpose of these coordination meetings is, among other things, to work together to resolve issues and coordinate timelines and milestones in accordance with the then-current PROJECT schedule. SBCTA shall document all such PROJECT status meetings. The participants at such meetings shall have no authority to alter

the terms of this CONTRACT or the Parties' respective rights and obligations, which can only be affected by a written amendment executed by both Parties.

2.2 CONTRACTOR is responsible for construction engineering or arranging same, including, but not limited to, construction management, inspection, construction surveying, laboratory and field testing, preparation and processing of field reports, records, estimates, and final reports. All work and submittals shall be completed in accordance with the applicable standards of the State of California and the City of Victorville. Work submittals must contain the information required to comply with a state audit, associated with either the TCEP funding or other purpose. CONTRACTOR personnel shall be made available in support of any audit that occurs subsequent to completion of the PROJECT, at no additional charge to the PROJECT.

2.3 CONTRACTOR will be responsible, pursuant to this CONTRACT, to achieve the Public Benefits described in Exhibit E upon completion of the PROJECT as described in Exhibit A. These benefits shall not expire for any PROJECT component with the termination of this CONTRACT, but shall remain an obligation of CONTRACTOR for a minimum of five years following SBCTA's acceptance of the PROJECT. CONTRACTOR shall perform all necessary PROJECT maintenance during and subsequent to the completion of the PROJECT to ensure that the PROJECT continues to generate the Public Benefits, subject to and in accordance with the terms of the "Public Benefits" set forth in Exhibit E.

2.4 SBCTA shall designate a Project Manager to monitor the PROJECT and inspect the work performed by CONTRACTOR under this CONTRACT. CONTRACTOR shall also designate one or more Project Managers to coordinate CONTRACTOR's activities under this CONTRACT. Each Party shall notify the other in writing of their designated Project Manager(s) or of any change in their respective designated PROJECT Manager(s).

2.5 SBCTA's Project Manager and all SBCTA employees entering CONTRACTOR's property shall be accompanied by a CONTRACTOR representative and observe all applicable CONTRACTOR safety rules, regulations, and standards, including those requiring use of protective eyewear and clothing. CONTRACTOR shall provide a copy of applicable safety rules to SBCTA's Project Manager.

2.6 CONTRACTOR shall seek and receive all required permits and approvals necessary to perform PROJECT work, if any. The cost of permit applications either is included in the PROJECT cost or was paid for during PROJECT engineering. Permits and approvals are defined as all approvals legally required by any public agency that has jurisdictional authority or responsibility over regulating or permitting PROJECT work. The Parties shall jointly agree upon which permits are considered legally required for PROJECT. In the event that any public agency claims jurisdictional authority or responsibility over regulating or permitting PROJECT work and asserts a need to issue one or more unanticipated permits, the Parties shall work jointly to resolve the issuance of said permit.

2.7 SBCTA and CONTRACTOR have complied with the requirements of the California Environmental Quality Act (CEQA) as they apply to funding decisions for the PROJECT.

2.8 CONTRACTOR shall comply with all environmental laws applicable to CONTRACTOR's construction of the PROJECT.

2.9 CONTRACTOR agrees to insert in all contracts for work on the PROJECT clauses that require that workers on the PROJECT be paid not less than the general prevailing wage rate as predetermined by the California Director of Industrial Relations to the extent required in California Labor Code Sections 1720-1815. SBCTA shall provide, prior to its Notice to Proceed, the applicable prevailing wage determinations for the PROJECT or a link to where such determinations may be found.

2.10 This CONTRACT is subject to any additional regulations, restrictions, limitations, conditions, or any statute enacted by the United States Government, the California Legislature or the California Treasurer that may affect the provisions, terms, or funding of this CONTRACT in any manner instituted prior to completion of the PROJECT.

ARTICLE 3. PROMPT PAYMENT/RETENTION

CONTRACTOR is required to pay all subcontractors for satisfactory performance of their work no later than seven (7) days from the date CONTRACTOR receives payment from SBCTA. SBCTA shall hold retainage from CONTRACTOR of five percent (5%) from its payments to CONTRACTOR and shall make prompt and regular incremental acceptances of portions, as determined by SBCTA, of the contract work and pay retainage to the CONTRACTOR based on these acceptances. The CONTRACTOR or subcontractor(s) shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work. Any delay or postponement of payment may take place only for good cause and with SBCTA's prior written approval. Any violation of these provisions shall subject CONTRACTOR to the penalties, sanctions, and other remedies specified in section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies otherwise available to the CONTRACTOR or subcontractor in the event of: a dispute involving late payment or nonpayment by the CONTRACTOR; deficient subcontractor performance; and/or non-compliance by a subcontractor. This Article applies to DBE and non-DBE subcontractors.

ARTICLE 4. COMPENSATION

4.1 SBCTA agrees to provide funds and will pay reimbursable costs for the PROJECT based upon allowable costs described in this CONTRACT, to the extent applicable, to CONTRACTOR, not to exceed the total SBCTA Cost amount shown in Exhibit C (i.e., up to \$5,000,000 in TCEP funding; each invoice submitted by CONTRACTOR shall show that the minimum match of 30% has been expended along with the grant funds). Allowable costs for the PROJECT will include applicable sales and use taxes and additives including, for example, the cost of vehicles, machinery, tools, supervision, clerical, lodging and rents, and applicable payroll related costs. SBCTA reserves the right to hold the retainage after the TCEP billings reach \$3,000,000 (i.e., retain up to \$100,000) until the termination date of the CONTRACT as a form of guarantee that CONTRACTOR will operate and maintain the fueling facility for the required minimum five-year period following construction acceptance by SBCTA.

4.2 CONTRACTOR shall submit to SBCTA, monthly in arrears, an invoice that has been signed by CONTRACTOR's PROJECT Manager for actual funds expended for PROJECT work, with back-up documentation to support the amount invoiced. SBCTA shall remit payment of invoices to CONTRACTOR within forty-five (45) days of receipt. Allowable invoice amounts for PROJECT costs shall be determined pursuant to the provisions of Article 2. SBCTA may withhold payment of invoices until Caltrans has received the CTC allocation for the Caltrans portion of the TCEP contribution for the completion of the Caltrans portion of the hydrogen fueling site in Victorville as described in ARTICLE 1.

4.3 CONTRACTOR and its subcontractors shall establish and/or maintain an accounting system and records that properly accumulate and segregate incurred PROJECT costs. CONTRACTOR and its subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for payment of invoices.

4.4 It is expected that CONTRACTOR has performed appropriate risk management analysis and included appropriate contingencies in PROJECT estimate. Subject to the terms of this CONTRACT, CONTRACTOR will fund all PROJECT costs, including cost overruns in excess of the funds provided by SBCTA, as set forth in Section 2.1.

4.5 The Parties recognize that the actual cost of the PROJECT may vary from the amount obligated under this CONTRACT and intend that SBCTA's obligation hereunder is reasonable to cover such; provided, however, that SBCTA shall in no event be required to pay amounts in excess of the amount established in Article IV, Paragraph 4.1, and herein above.

4.6 Following completion of the PROJECT, CONTRACTOR shall determine the actual final allowable cost of the PROJECT and provide a final billing to SBCTA. CONTRACTOR shall be responsible for preparing a final PROJECT expenditure report and submitting it to SBCTA within one hundred eighty (180) days of PROJECT completion. The report shall identify the itemized costs incurred on the PROJECT and the sources of funds and shall itemize the 5% retention identified in Articles 3 and 4.1.

4.7 Intentionally omitted.

4.8 The Parties acknowledge and agree that SBCTA's costs associated with administering this CONTRACT are not included in the PROJECT Budget. Such costs for SBCTA to administer this CONTRACT will come from sources other than the PROJECT Budget.

ARTICLE 5. TAXES, DUTIES AND FEES

Except to the extent expressly provided elsewhere in this Contract, CONTRACTOR shall pay when due, and the compensation set forth in this Contract 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 CONTRACTOR; and d) all other governmental fees and taxes or charges of whatever nature applicable to CONTRACTOR 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 the CONTRACTOR, 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 CONTRACTOR. Nothing herein shall relieve SBCTA from its obligation to compensate CONTRACTOR for work already performed pursuant to this Contract. No penalty shall accrue to SBCTA in the event this provision is exercised. This Contract is contingent on the California Transportation Commission's allocation of \$5 million in TCEP funding for the PROJECT. SBCTA will notify CONTRACTOR upon allocation and provide a copy of the CTC action to CONTRACTOR.

ARTICLE 7. PERMITS AND LICENSES

CONTRACTOR agrees that any subcontractors engaged to conduct the work under the Contract will hold valid licenses in the State of California for the type of work they are contracted to perform, and that the licenses are the correct class of license for said work. CONTRACTOR further agrees that subcontractors will maintain licenses through the entire duration of Contract without additional compensation from SBCTA. CONTRACTOR also agrees to keep current all permits required throughout the duration of the Project.

ARTICLE 8. DOCUMENTATION AND RIGHT TO AUDIT

CONTRACTOR shall provide SBCTA and its authorized representatives or agents access to CONTRACTOR's records which are directly related to this Contract for the purpose of inspection, auditing or copying. CONTRACTOR 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, except in the event of litigation or settlement of claims arising out of this Contract in which case CONTRACTOR agrees to maintain records through the conclusion of all such litigation, appeals or claims related to this Contract. CONTRACTOR further agrees to maintain separate records for costs of work performed by change order. CONTRACTOR shall allow SBCTA, its representatives and agents to reproduce any materials as reasonably necessary.

ARTICLE 9. SCHEDULE

CONTRACTOR agrees to complete the work within the time period as stipulated in Exhibit D. CONTRACTOR shall incur no costs (excluding insurance and bonds) and shall not perform or furnish any work, services or equipment under this Contract, unless and until SBCTA has issued a written Notice To Proceed (NTP).

ARTICLE 10. NONDISCRIMINATION/ EQUAL EMPLOYMENT OPPORTUNITY

10.1. During the performance of this Contract, CONTRACTOR and its subcontractors shall not deny the contract's benefits to any person on the basis 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, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully 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, sexual orientation, or military and veteran

status. CONTRACTOR shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination.

10.2. CONTRACTOR shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code Sections 12900 et seq.), the regulations promulgated thereunder (California Code of Regulations, Title 2, Sections 11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code Sections 11135-11139.5), and the regulations or standards adopted by CALTRANS to implement such article.

10.3. CONTRACTOR shall permit access by representatives of the Department of Fair Employment and Housing and SBCTA upon reasonable notice at any time during the normal business hours, but in no case, less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or SBCTA shall require to ascertain compliance with this clause.

10.4. CONTRACTOR and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

10.5. CONTRACTOR shall include the nondiscrimination and compliance provisions of this clause in all agreements with its subcontractors and shall include a requirement in all agreements with all of same that each of them, in turn, include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts they enter into to perform work under this Contract.

ARTICLE 11. CONFLICT OF INTEREST

CONTRACTOR 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 to be contrary to the interests of SBCTA as to the Project. CONTRACTOR further agrees that in the performance of this Contract, no person having any such interest shall be employed. CONTRACTOR is obligated to fully disclose to SBCTA, in writing, conflict of interest issues as soon as they are known to CONTRACTOR.

ARTICLE 12. REPRESENTATIONS

All work supplied by CONTRACTOR under this Contract shall be supplied by personnel who are qualified, careful, skilled, experienced and competent in their respective trades or professions. CONTRACTOR agrees that the Work performed shall conform to the Statement of Work in Exhibit A, .

ARTICLE 13. PROPRIETARY RIGHTS/CONFIDENTIALITY

13.1 If, as part of this Contract, CONTRACTOR is required to produce materials, documents data, or information ("Products"), then CONTRACTOR, if requested by SBCTA, shall deliver to SBCTA the original of all such products, which shall become the property of SBCTA.

13.2 All materials, documents, data or information obtained from SBCTA's data files or any SBCTA-owned medium furnished to CONTRACTOR 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 CONTRACTOR without the express written consent of SBCTA.

13.3 Except as reasonably necessary for the performance of Work, CONTRACTOR agrees that it, its employees, agents, and subcontractors will hold in confidence and not divulge to third parties, without prior written consent of SBCTA, any information obtained by CONTRACTOR from or through SBCTA in connection with CONTRACTOR's performance of this Contract, unless (a) the information was known to CONTRACTOR prior to obtaining same from SBCTA pursuant to a prior contract, or (b) the information was obtained at the time of disclosure to CONTRACTOR, or thereafter becomes part of the public domain, but not as a result of the fault or an unauthorized disclosure of CONTRACTOR or its employees, agents, or subcontractors, or (c) the information was obtained by CONTRACTOR from a third party who did not receive the same, directly or indirectly, from SBCTA and who had, to CONTRACTOR's knowledge and belief, the right to disclose the same. Any materials and information referred to in this Article which are produced by CONTRACTOR for SBCTA in the performance and completion of CONTRACTOR's Work under this Contract shall be kept confidential until released in writing by SBCTA, except to the extent such materials and information become a part of public domain information through no fault of CONTRACTOR, or its employees or agents.

13.4 CONTRACTOR shall not use SBCTA's name or photographs of the Project in any professional publication, magazine, trade paper, newspaper, seminar or other medium without first receiving the express written consent of SBCTA.

13.5 All press releases 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 the Parties.

13.6 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 14. TERMINATION

14.1 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 CONTRACTOR specifying the date of termination. On the date of such termination stated in said notice, CONTRACTOR shall promptly discontinue performance of Services 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.

14.1.1 CONTRACTOR shall deliver to SBCTA all deliverables prepared by CONTRACTOR or its subcontractors or furnished to CONTRACTOR by SBCTA. Upon such delivery, CONTRACTOR may then invoice SBCTA for payment in accordance with the terms herein.

14.1.2 If CONTRACTOR has fully and completely performed all obligations under this Contract up to the date of termination, CONTRACTOR shall be entitled to receive from SBCTA as complete and full settlement for such termination a pro rata share of the contract cost and a pro rata share of any fixed fee, for such Services satisfactorily executed to the date of termination.

14.1.3 CONTRACTOR shall be entitled to receive the actual cost incurred by CONTRACTOR to return CONTRACTOR's field 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.

14.2 Termination for Cause - In the event CONTRACTOR 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 CONTRACTOR or a receiver shall be appointed on account of its solvency, or if CONTRACTOR 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: (a) hold in abeyance further payments to CONTRACTOR; (b) stop any Work of CONTRACTOR or its subcontractors related to such failure until such failure is remedied; and/or (c) terminate this Contract by written notice to CONTRACTOR specifying the date of termination. In the event of such termination by SBCTA, SBCTA may take possession of the deliverables and finish Services by whatever method SBCTA may deem expedient. A waiver by SBCTA of one default of CONTRACTOR shall not be considered to be a waiver of any subsequent default of CONTRACTOR, nor be deemed to waive, amend, or modify any term of this Contract.

14.2.1 CONTRACTOR shall deliver to SBCTA all finished and unfinished products prepared under this Contract by CONTRACTOR or its subcontractors or furnished to CONTRACTOR by SBCTA within ten (10) working days of said notice.

14.3 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 CONTRACTOR be entitled to any prospective profits or any damages because of such termination.

ARTICLE 15. STOP WORK ORDER

Upon failure of CONTRACTOR or its subcontractors to comply with any 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 the Termination provision herein.

ARTICLE 16. 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 CONTRACTOR for any claim asserted by CONTRACTOR after final payment has been made under this Contract.

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 CONTRACTOR does not agree with the decision, then CONTRACTOR 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 CONTRACTOR, then such dispute may be reviewed by a court of competent jurisdiction.

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

ARTICLE 17. INSURANCE

Prior to commencing the work for the PROJECT (WORK), at all times during the performance of the Work and for such additional periods as required herein, CONTRACTOR shall, at the CONTRACTOR's sole expense, procure and maintain insurance coverage with the following minimum requirements,:

1. 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 CONTRACTOR or any subcontractor of any tier. All subcontractors of any tier performing any portion of the Work for CONTRACTOR shall also obtain and maintain the same insurance coverage as specified in this subparagraph, with a waiver of subrogation in favor of CONTRACTOR and all parties named as Indemnitees below. SBCTA and CONTRACTOR must be certificate holders and must be provided at least 30 days advance notice of cancellation, unless the cancellation is for non-payment, then at least 10 days advance notice of cancellation shall be provided. Where coverage is provided through the California State Compensation Insurance Fund, the requirement for a minimum A.M. Best rating does not apply.

2. Commercial General Liability. The policy must include the following throughout the operations phase (entire contract period) \$2,000,000 per occurrence limit/\$2,000,000 in the aggregate for property damage or bodily injury \$1,000,000 per occurrence limit/\$2,000,000 in the aggregate for personal injury and advertising injury

- An endorsement stating that any aggregate limits apply on a "per project" and on a "per location" basis.
- The project name must be indicated under "Description of Operations/Locations."
- The policy shall be endorsed to provide: "This insurance will be primary and noncontributory with any other insurance of the additional insureds."

All commercial general liability insurance policies shall also include premises-operations (including explosion, collapse and underground coverage) and products-completed operations coverage; severability of interests (full separation of insureds); contractual liability coverage (including coverage to the maximum extent possible for the indemnifications contained in this Contract); broad form property damage coverage (including completed operations); and a duty to defend in addition to (without reducing) the limits of the policy(ies). All subcontractors of

any tier performing any portion of the Work for CONTRACTOR shall also obtain and maintain the commercial general liability 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

During the construction phase higher commercial general liability limits are required of all construction contractors as follows:

- \$5,000,000 per occurrence limit/\$5,000,000 in the aggregate for property damage or bodily injury
- \$1,000,000 per occurrence limit/\$2,000,000 in the aggregate for personal injury and advertising injury
- \$5,000,000 per occurrence limit for products/completed operations coverage. CONTRACTOR shall maintain products and completed operations coverage for 10 years following the acceptance of Work or until all applicable statutes of limitations expire, whichever length of time is longer. Coverage is to be on an "occurrence" form. "Claims made" and "modified occurrence" forms are not acceptable.
- An endorsement stating that any aggregate limits apply on a "per project" and on a "per location" basis.
- The project name must be indicated under "Description of Operations/Locations."
- The policy shall be endorsed to provide: "This insurance will be primary and noncontributory with any other insurance of the additional insureds."

All commercial general liability insurance policies shall also include premises-operations (including explosion, collapse and underground coverage) and products-completed operations coverage; severability of interests (full separation of insureds); contractual liability coverage (including coverage to the maximum extent possible for the indemnifications contained in this Contract); broad form property damage coverage (including completed operations); and a duty to defend in addition to (without reducing) the limits of the policy(ies). All subcontractors of any tier performing any portion of the Work for CONTRACTOR shall also obtain and maintain the commercial general liability 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

3. Umbrella/Excess CGL. The CONTRACTOR's policy must include the following:

- \$1,000,000 umbrella or excess liability.
- The umbrella or excess policy shall follow form over the CONTRACTOR'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.

4. Commercial Auto. The policy must include the following:

- Auto Liability limits of not less than \$2,000,000 each accident
- Combined Bodily Injury and Property Damage Liability insurance
- Coverage must include owned autos (if any are owned), hired or non-owned autos

The commercial automobile liability insurance shall be written on the most recent edition of ISO form CA 00 01 or equivalent acceptable to SBCTA and shall include, without limitation, contractual liability coverage and additional insured status for the Additional Insureds named below. CONTRACTOR waives all rights of subrogation against the Additional Insureds named below, for recovery of loss, injury and/or damages to the extent such loss, injury and/or damages are covered by the commercial automobile liability insurance required herein. All subcontractors of any tier performing any portion of the Work for CONTRACTOR shall also obtain and maintain the same insurance coverage as specified in this subparagraph, with the exception of Auto Liability limits to be not less than \$1,000,000 each accident. The same waiver of subrogation in favor of all parties named as Additional Insureds below, and CONTRACTOR shall apply to all subcontractors of any tier performing any portion of the Work for CONTRACTOR.

General Provisions

1. Qualifications of Insurance Carriers. If policies are written by insurer 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.
2. Additional Insurance Coverage. All policies, except those for Workers' Compensation and Professional Liability insurance, shall name San Bernardino County Transportation Authority, Southern California Logistics Airport, and their 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 CONTRACTOR 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 any additional insured to vicarious liability, but shall allow coverage for all additional insureds to the full extent provided by the policy.
3. Proof of Coverage. Evidence of insurance in a form acceptable to SBCTA's Risk Manager, including 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; 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, CONTRACTOR shall submit complete copies of all required insurance policies within ten (10) business days of a written request by SBCTA.

4. Deductibles and Self-Insured Retention. Regardless of the allowance of exclusions or deductibles by SBCTA, CONTRACTOR 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. CONTRACTOR will pay, and shall require its subcontractors 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. At the option of SBCTA, if the deductible or SIR is greater than \$ 50,000 or five (5) percent of the amount of coverage required under this Contract, whichever is less, the CONTRACTOR 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 CONTRACTOR or subcontractor, as applicable, shall procure a bond guaranteeing the amount of the deductible or self-insured retention. 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 CONTRACTOR. The Contractor's policies will neither obligate nor prohibit SBCTA or any other Additional Insured, from paying any portion of any Contractor's deductible or SIR.
5. CONTRACTOR's and Subcontractors' Insurance Primary. All policies required to be maintained by the CONTRACTOR or any subcontractor with the exception of Professional Liability and Worker's Compensation shall be endorsed to be primary coverage, and any coverage carried by any of the Additional Insureds named herein shall be excess and non-contributory. Further, none of CONTRACTOR's or subcontractors' 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.
6. Waiver of Subrogation Rights. To the fullest extent permitted by law, CONTRACTOR hereby waives all rights of recovery under subrogation against the Additional Insureds named herein, and any other contractor, subcontractor or sub-subcontractor 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, CONTRACTOR shall require similar written express waivers and insurance clauses from each of its subcontractors of every tier. CONTRACTOR shall require all of the policies and coverages required in this Article to waive all rights of subrogation against the Additional Insureds. Such insurance and coverages provided shall not prohibit CONTRACTOR from waiving the right of subrogation prior to a loss or claim.
7. Cancellation. If any insurance company elects to cancel or non-renew coverage for any reason, CONTRACTOR will provide SBCTA thirty (30) days prior written notice of such cancellation or nonrenewal. If the policy is canceled for nonpayment of premium, CONTRACTOR will provide SBCTA ten (10) days prior written notice. In any event, CONTRACTOR will provide SBCTA with a copy of any notice of termination or notice of any other change to any insurance coverage required herein which CONTRACTOR receives within one business day after CONTRACTOR receives it by submitting it to SBCTA at insurance@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.

8. Enforcement. SBCTA may take any steps as are necessary to assure CONTRACTOR'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 CONTRACTOR 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 CONTRACTOR or withhold such expense from amounts owed CONTRACTOR, or terminate this Contract. The insurance required or provided shall in no way limit or relieve CONTRACTOR 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 CONTRACTOR 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 CONTRACTOR, or any subcontractor 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.
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.
10. Subcontractor Insurance. Insurance required of the CONTRACTOR shall be also provided by subcontractors or by CONTRACTOR on behalf of all subcontractors to cover their services performed under this Contract. CONTRACTOR may reduce the amounts of insurance limits provided by subcontractors to be proportionate to the amount of the subcontractor's contract and the level of liability exposure for the specific type of work performed by the subcontractor. CONTRACTOR shall be held responsible for all modifications, deviations, or omissions in these insurance requirements as they apply to subcontractors, with the exception of the following provision, which does not apply to subcontractors:
11. Higher limits. If the CONTRACTOR maintains higher limits than the minimums shown above, SBCTA shall be entitled to the higher limits maintained by the CONTRACTOR. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to SBCTA. CONTRACTOR has the right to pay claims out of their own resources and not involve insurance if they so choose.
12. Special Risks or Circumstances. SBCTA reserves the right to reasonably 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. If the changes cause an increase in premium, SBCTA will pay the actual increase in premium. If the changes cause a decrease in premium, CONTRACTOR shall reimburse SBCTA the actual decrease in premium actually received by CONTRACTOR.

ARTICLE 18. INDEMNITY

CONTRACTOR agrees to indemnify, defend (with counsel reasonably approved by SBCTA) and hold harmless Caltrans, Southern California Logistics Airport, San Bernardino County Transportation Authority, San Bernardino Council of Governments, and their officers, directors, members, employees, contractors, agents and volunteers (collectively the "Indemnitees") from any and all claims, actions, losses, damages, and/or liability arising out of this Contract from any cause whatsoever, including the acts, errors, or omissions of any person and for any costs or expenses incurred by the Indemnitees on account of any claim except where such indemnification is prohibited by law. To the extent permitted by law, CONTRACTOR's duties to defend and

indemnify shall apply regardless of the existence or degree of fault of any of the Indemnitees. The duty of CONTRACTOR and its insurers to provide a defense shall be immediate upon receipt of a written tender of defense from any of the Indemnitees, notwithstanding any subsequent allocation of defense costs that may be required by law. CONTRACTOR's indemnification obligation applies to the "passive" negligence of any of the Indemnitees, but does not apply to the "sole" or "active" negligence or "willful misconduct" of any of the Indemnitees within the meaning of Civil Code section 2782.

ARTICLE 19. OWNERSHIP OF DOCUMENTS

All reports developed by CONTRACTOR pursuant to this Contract shall become the property of SBCTA when prepared, whether delivered to SBCTA or not.

ARTICLE 20. RECORD AND INSPECTION AND AUDITING

SBCTA, or any of its designees, representatives or agents, shall at all times have access during normal business hours to CONTRACTOR's operations and products wherever they are in preparation or progress, and CONTRACTOR 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 its rights to require CONTRACTOR to comply with the Contract or to subsequently reject any unsatisfactory Work or products.

ARTICLE 21. INDEPENDENT CONTRACTOR

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

ARTICLE 22. 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 attorney's fees. This Article shall not apply to those costs and Attorney's fees directly arising from any third party legal action against a Party hereto and payable under the "Indemnity" provision of the Contract.

ARTICLE 23. 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 24. FEDERAL, STATE AND LOCAL LAWS

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

ARTICLE 25. PRECEDENCE

In case of a discrepancy among the Contract Documents, the Contract articles shall prevail over any Exhibits.

ARTICLE 26. 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) on the first business day following delivery by fax or email when made not during regular business hours; or (c) on the fourth business day following 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. CONTRACTOR shall notify SBCTA of any changes within ten (10) business days of the change.

To: CONTRACTOR: NIKOLA CORPORATION	To: SBCTA
4141 East Broadway Road	1170 W. 3rd Street, 2nd Floor
Phoenix, AZ 85040	San Bernardino, CA 92410-1715
Attn: xxxxxxxx	Attn: (Steve Smith, P.E.)
Email: xxxxxxx	Email: (ssmith@gosbcta.com)
Phone: xxxxxxxx	Phone: (909) 884-8276

ARTICLE 27. MATERIALS

CONTRACTOR agrees to notify SBCTA if any PROJECT component, which shall include but not be limited to property, equipment, or infrastructure, is not used for the PROJECT up to the point of termination of the contract.

ARTICLE 28. ASSIGNMENT

CONTRACTOR agrees not to sell, transfer, or otherwise dispose of any contract part either voluntarily or by operation of law without prior written consent from SBCTA.

ARTICLE 29. SUBCONTRACTS

Parties acknowledge that CONTRACTOR's participation in the project is primarily to deliver completed and operational fueling equipment and fuel supply for hydrogen fuel cell trucks that have the required technology consistent with requirements of the TCEP program. CONTRACTOR will provide to the PROJECT such equipment and provide to SBCTA

copies of all customary warranties, etc., related to them under the terms of the TCEP grant program. As such, the CONTRACTOR's relationships with suppliers of components and subcomponents of the equipment and any related service providers involved in the manufacturing process are unique and different from a traditional subcontractor relationship for a project of this nature. Therefore, the Parties agree that the term "subcontractor" excludes any and all of CONTRACTOR's tier-1, tier-2 and tier-3 equipment component or subcomponent suppliers and any related service providers involved in the pre-sale manufacturing process, except to the extent necessary to assure compliance with the TCEP program or applicable State or Federal law or regulation. CONTRACTOR assumes responsibility for the products and work of all such suppliers and service providers, and for obtaining and providing any data, information or documents concerning their products or work needed for compliance with the TCEP program, and their products and work shall be included in the CONTRACTOR's own insurance, indemnity, defense and hold harmless obligations under this Contract.

ARTICLE 30. COORDINATION WITH OTHER CONTRACTS

Intentionally omitted.

ARTICLE 31. PREVAILING WAGE REQUIREMENTS

31.1 CONTRACTOR 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.

31.2 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.

ARTICLE 32. SAFETY

32.1 In the performance of this Contract, CONTRACTOR shall comply with all applicable federal, State, and local laws governing safety, health, and sanitation. CONTRACTOR shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as SBCTA may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract. It is a condition of this Contract, and shall be made a condition of each subcontract which the CONTRACTOR enters into pursuant to this Contract, that CONTRACTOR and any subcontractor shall not permit any employee, in performance of this Contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under California Occupational Safety and Health Act of 1973.

32.2 It is a condition of this Contract that the Director of Industrial Relations or authorized representative thereof shall have right of entry to any site of Contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under California Occupational Safety and Health Act of 1973.

ARTICLE 33. DISADVANTAGED BUSINESS ENTERPRISE

Though no DBE goal is set for this Project, SBCTA encourages participation from small and Disadvantaged Business Enterprise (DBE). Firms interested in the DBE program may contact SBCTA's Procurement Manager at (909) 884-8276.

ARTICLE 34. NONSEGREGATED FACILITIES

34.1 CONTRACTOR, subcontractor, material supplier, or vendor, as appropriate, certifies that the firm does not maintain or provide for its employees any segregated facilities at any of its establishments, and that the firm does not permit its employees to perform their services at any location under its control where segregated facilities are maintained. CONTRACTOR agrees that a breach of this certification is a violation of the EEO provisions of this Contract. The firm further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability.

34.2 As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time-clocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive, or are, in fact, segregated on the basis of race, color, religion, national origin, age or disability, because of habit, local custom, or otherwise. The only exception will be for the disabled when the demands for accessibility override (e.g., disabled parking).

34.3 CONTRACTOR agrees that it has obtained or will obtain identical certification from proposed subcontractors or material suppliers prior to award of subcontracts or consummation of material supply agreements of \$10,000 or more and that it will retain such certifications in its files.

ARTICLE 35. GRATUITIES

CONTRACTOR, its employees, agents or representatives shall not offer or give to an officer, official or employee of SBCTA, gifts, entertainment, payments, loans or other gratuities to influence the award of a contract or obtain favorable treatment under a contract.

ARTICLE 36. CONFIDENTIALITY

Any SBCTA materials to which the CONTRACTOR or its agents has access to or materials prepared by the CONTRACTOR during the term of this Contract shall be held in confidence by the CONTRACTOR, who shall exercise all reasonable precautions to prevent disclosure of confidential information to anyone except as authorized by SBCTA. CONTRACTOR shall not release any reports, information of promotional materials or allow for the use of any photos of the project for any purposes without prior written approval from SBCTA.

ARTICLE 37. CONVICT LABOR

In connection with the performance of work under this Contract, CONTRACTOR agrees not to employ any person undergoing sentence of imprisonment at hard labor. This Article does not include convicts who are on parole or probation.

ARTICLE 38. INSPECTION OF SITE

CONTRACTOR acknowledges that it has investigated and satisfied itself as to the conditions affecting the work including, but not restricted to, those bearing upon transportation, disposal, handling and storage of materials, availability of labor, water, electricity and roads, and uncertainties of weather, river stages, tides or similar conditions at the site, the conformation and conditions of the ground, and the character of equipment and facilities needed preliminary to and during prosecution of the work. CONTRACTOR fully acknowledges that it has satisfied itself as to the character, quality and quantity of surface and subsurface materials or obstacles to be encountered insofar as this information is reasonably ascertainable from an inspection of the site, including all exploratory work done by SBCTA, as well as from information presented by the drawings and specifications made a part of this Contract. Any failure by CONTRACTOR to acquaint itself with the available information from SBCTA will not relieve the CONTRACTOR from responsibility.

ARTICLE 39. CLEAN WATER REQUIREMENTS

CONTRACTOR shall comply with all applicable standards, orders, or regulations issued pursuant to the Porter-Cologne Water Quality Control Act (California Water Code §§13000 et seq.) and the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§ 1251 et. seq. CONTRACTOR shall report each violation to SBCTA and understands and agrees that SBCTA will in turn report each violation as required to assure notification to the Regional Water Quality Control Board. CONTRACTOR shall include this requirement in every subcontract.

ARTICLE 40. DRUG FREE WORKPLACE

CONTRACTOR agrees to comply with the Drug Free Workplace Act of 1990 per Government Code Section 8350 et seq, the Drug-Free Workplace Act of 1988, as amended, 41 U.S.C. § 8103, et seq.; U.S. DOT regulations, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)," 49 CFR Part 32; and U.S. OMB regulatory guidance, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)," 2 CFR Part 182, particularly where the U.S. OMB regulatory guidance supersedes comparable provisions of 49 CFR Part 32.

ARTICLE 41. SEVERABILITY

The partial or complete invalidity of any one or more of the provisions of this Contract shall not affect the validity or continuing force and effect of any other provision.

ARTICLE 42. FORCE MAJEURE

CONTRACTOR shall not be in default under this Contract in the event that the Work performed by CONTRACTOR 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, natural disasters such as floods, earthquakes, landslides and fires, or other catastrophic events which are beyond the reasonable control of CONTRACTOR and which CONTRACTOR could not reasonably be expected to have prevented or controlled. "Other catastrophic events" does not include the financial inability of the CONTRACTOR to perform or failure of the CONTRACTOR to obtain 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 the CONTRACTOR.

ARTICLE 43. INCORPORATION OF RECITALS

The Recitals stated above are true and correct and are hereby incorporated into this Contract.

ARTICLE 44. EFFECTIVE DATE

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

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

DRAFT

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

NIKOLA CORPORATION

By: _____

Chief Executive Officer

Date: _____

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____

Raymond W. Wolfe
Executive Director

Date: _____

APPROVED AS TO FORM

Federal Employer
Identification Number

By: _____

Julianna K. Tillquist
General Counsel

Date: _____

Exhibit A

Statement of Work (Project Components/Tasks)

The PROJECT will construct a hydrogen fueling station in Victorville, California for trucks in the corridor. The site in Victorville is a shared site with Caltrans. Both SBCTA and Caltrans, in partnership with Nikola, submitted individual applications for Trade Corridor Enhancement Program (TCEP) funds to construct a hydrogen fueling station in the High Desert region of San Bernardino County. Both projects were awarded funds: the SBCTA US 395 Freight Mobility and Safety Project and the Caltrans Southern California Hydrogen Fueling Stations Project, which will construct multiple sites including the Victorville site. This report is specific to the SBCTA portion of the Victorville site, i.e., the ZE Component of the US 395 Freight Mobility and Safety Project.

The Victorville hydrogen fueling station will serve hydrogen Fuel-Cell Electric Vehicles (FCEV) traveling along US 395 and I-15 and will have the capacity to fuel up to 100 vehicles per day. This portion of the overall project will help jump-start the path to accelerating the turnover to zero-emission truck fleets through early investment in zero-emission fueling infrastructure for medium and heavy-duty trucks.

Table 1: Victorville HRS Project Summary

Item	Description
Project Limit/Footprint	District 8 – San Bernardino County – US-395 Project will construct a hydrogen fueling station in Victorville, CA at 13640 Phantom East.
Total Project Cost	\$7,250,000
Outputs	One hydrogen fueling station with capacity to fuel up to 100 vehicles per day 1 hydrogen refueling nozzle 4,000 kg H2/day refueling capacity
Outcomes	Outcomes include improved movement of goods, development of zero emission infrastructure, and improved community health.
Environmental Determination or Document	CEQA: Notice of Exemption filed by the City of Victorville.

Exhibit B
Project Location Map

Vicinity Map

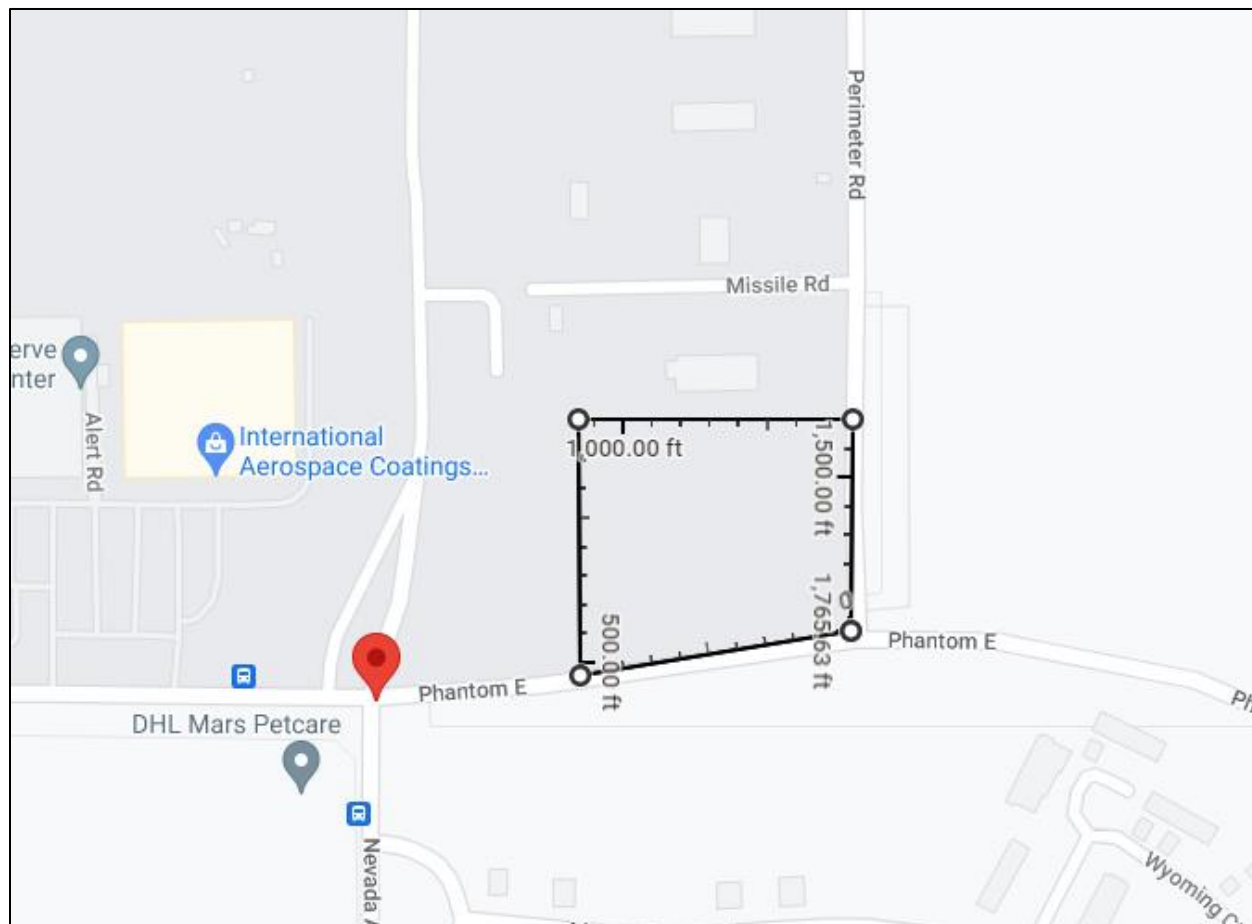


Exhibit C
PROJECT Budget

Nikola Private Funds	Fiscal Year Estimate								
	Prior	23/24	24/25	25/26	26/27	27/28	28/29	Future	Total
Component	In thousands of dollars (\$1,000)								
PA&ED Support									
PS&E Support									
Right-of-Way Support									
Construction Support									
Right-of-Way									
Construction		\$2,250							\$2,250
Total		\$2,250							\$2,250

SBCTA FundsTCEP Funds	Fiscal Year Estimate								
	Prior	23/24	24/25	25/26	26/27	27/28	28/29	Future	Total
Component	In thousands of dollars (\$1,000)								
PA&ED Support									
PS&E Support									
Right-of-Way Support									
Construction Support									
Right-of-Way									
Construction		\$5,000							\$5,000
Total		\$5,000							\$5,000

Estimate

See attached cost estimate for the Victorville hydrogen fueling station. Long lead equipment accounts for approximately 50% of the total project cost. This percentage varies depending on how many on- and off-site improvements are required. Given the site selected in Victorville is a greenfield site, the long lead equipment accounts for less of the project cost than it would at a brownfield site.

Exhibit D
Project Schedule

Project Milestones	Milestone Date (Month/Day/Year)	Milestone Designation (Target/Actual)
Project Study Report Approved	11/15/2022	Actual
Begin Environmental (PA&ED) Phase	9/11/2023	Actual
Circulate Draft Environmental Document – Document Type (ND/MND)/FONSI	12/28/2023	Actual
Draft Project Report	3/31/2024	Target
End Environmental Phase (PA&ED Milestone)	12/28/2023	Actual
Begin Design (PS&E) Phase	1/1/2024	Actual
End Design Phase (Ready to List for Advertisement Milestone)	4/1/2025	Target
Begin Right of Way Phase	1/1/2024	Actual
End Right of Way Phase (Right of Way Certification Milestone)	4/1/2025	Target
Begin Construction Phase (Contract Award Milestone)	9/6/2025	Target
End Construction Phase (Construction Contract Acceptance Milestone)	3/31/2026	Target
Begin Closeout Phase	4/30/2026	Target
End Closeout Phase (Closeout Report)	4/30/2027	Target

Exhibit E

Public Benefits

The Project's goals are to improve the movement of goods, community public health, and ZEV infrastructure to make progress toward a ZE goods movement economy.

Nikola's building and operating of heavy-duty hydrogen fueling stations will result in the movement of goods being zero emission as FCEVs become the preferred mode of transportation. This movement will improve public health in disadvantaged communities as the zero-emission infrastructure will provide enhanced safety benefits and provide cleaner air to disadvantaged neighborhoods that are in industrial areas.

Based on EPA provided averages for annual mileage and fuel economy, each zero tailpipe emissions FCEV should represent an annual GHG emission avoidance of approximately 106 metric tons of carbon dioxide (CO₂), 205 kilograms (kg) of nitrogen oxide (NO_x), and 4 kg of particulate matter (PM) 2.5. FCEVs of other OEMs should result in similar reductions of GHG emissions. This widespread use of FCEVs will also reduce noise which will contribute to overall enjoyment for residents within the community (i.e., 70 decibels (dB) compared to 100dB for diesel trucks). Also, construction of the Victorville fueling station will provide the local community access to high paying energy sector jobs created for the maintenance and operation of the site.

Minute Action

AGENDA ITEM: 10

Date: October 2, 2024

Subject:

Fiscal Year 2024/2025 Operator Allocation - City of Needles

Recommendation:

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

Allocate an additional \$118,519 of Mountain/Desert State Transit Assistance Funds-Population Share to the City of Needles for a new total of \$256,410.

Background:

The City of Needles (City) operates a Dial-A-Ride program that provides curb-to-curb service for seniors (55+) and persons with disabilities. This service is obtained by appointment where riders can call 24 hours (or up to 72 hours) in advance to schedule a ride. Currently, the City is completing their Short Range Transit Plan. As part of this process, a need to purchase two new vehicles for this service has been identified. The first vehicle can be purchased in three years as it has not reached its useful life of four years or 100,000 miles. However, the second vehicle is past its useful service life, currently at 13 years, and needs to be replaced. The vehicle is well maintained and meets all inspections required by the state and local government; however, the vehicle is beginning to show its age with an increase in service interruptions and needs to be replaced. The estimated cost of one vehicle is \$180,857; however, only \$118,519 is needed as the City currently has \$62,338 available to support the purchase of the vehicle. The \$118,519 needed for procurement of the vehicle will come from the Mountain/Desert unallocated State Transit Assistance Fund-Population Share. The revised Fiscal Year 2024/2025 allocation to the City of Needles is presented in Table 1 below.

Table 1 – Revised Allocation to the City of Needles

Fund Source	Original Allocation	Supplemental Allocation	Revised Allocation
Local Transportation Fund	\$347,953		\$347,953
State Transit Assistance - Op	\$4,757		\$4,757
State Transit Assistance - Pop	\$137,891	\$118,519	\$256,410
SGR - Op	\$661		\$661
SGR - Pop	\$8,245		\$8,245
Measure I S & D	\$22,700		\$22,700
FTA Section 5311	\$53,315		\$53,315
SB125 - TIRCP	\$247,084		\$247,084
SB125 – ZETCP	\$16,751		\$16,751
LCTOP	Swapped for STA Pop		Swapped for STA Pop
Total Allocation	\$839,356	\$118,519	\$957,875

Financial Impact:

The necessary budget to support the recommended allocation is included in the adopted Budget for Fiscal Year 2024/2025 in Program 30, Transit.

Reviewed By:

This item was reviewed and unanimously recommended for approval by the Transit Committee on September 12, 2024.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item
October 2, 2024
Page 2

Responsible Staff:

Nancy Strickert, Transit Manager

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 11

Date: *October 2, 2024*

Subject:

Purchase Order with CityCom for Electric Vehicle DC Fast Charger Replacements at the Santa Fe Depot

Recommendation:

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

- A. Approve the use of \$170,000 of \$2,795,433 in State of Good Repair (SGR) Funds allocated by the Board in July 2023 and July 2024 for the Metrolink Stations Improvement Project to replace the Electric Vehicle (EV) fast charging stations at the San Bernardino Santa Fe Depot.
- B. Authorize the Executive Director, or his designee, to issue a Purchase Order for the purchase of EV charger equipment and installation for an amount not-to-exceed \$170,000.
- C. Approve a Budget Amendment to increase the Fiscal Year 2024/2025 Budget, Task No. 0313 Transit Right of Way Management, in the amount of \$170,000 to be funded with SGR Funds.

Background:

On December 6, 2023, the San Bernardino County Transportation Authority (SBCTA) Board of Directors (Board) authorized the Executive Director to release a Request for Proposals (RFP) to assign the management and ownership of the Electric Vehicle (EV) Charging Station Program currently managed and owned by SBCTA. In order to separate electrical metering for the two fast chargers and four Level 2 chargers in the Santa Fe Depot (Depot) East Parking Lot, the three Level 2 chargers in the Depot West Parking Lot, and the five Level 2 chargers located at the San Bernardino Transit Center from the rest of the SBCTA property, improvements to SBCTA's property would be necessary. Consequently, the work would contain elements which would constitute a public works project under the Public Contract Code, requiring SBCTA to instead issue an Invitation for Bids (IFB) and award to the lowest responsive bidder.

SBCTA staff anticipated third-party program managers might propose a variety of solutions/proposals; however, the Public Contract Code does not permit SBCTA the flexibility to entertain or compare differing approaches. As such, staff has determined the best option is to separate the public works elements from the broader goal of soliciting proposals for the management of the EV Charging Station Program and have SBCTA complete the necessary public works elements prior to the release of the RFP.

Recognizing that, as of March 31, 2023, ChargePoint no longer supports the DC Fast Charger (DCFC) units. In order to meet the demand for a fast charging option while staff works out the details of achieving a broader, sustainable EV Charging Station Program, SBCTA staff seeks authority from the Board to use \$170,000 of the \$2,795,433 in State of Good Repair funding allocated by the Board in July 2023 and July 2024 for the Metrolink Stations Improvement Project towards the purchase and installation of comparable DCFC units to replace the two depreciated DCFC units in the Depot East Parking Lot and to issue a Purchase Order to the Depot property management company, CityCom to procure the goods and services necessary to complete the replacements. Pursuant to SBCTA's contract with CityCom, CityCom must follow SBCTA's Contracting and Procurement Policy No. 11000 in the selection, supervision, and

Entity: San Bernardino County Transportation Authority

engagement with independent contractors, suppliers, and vendors. Procurement of these goods and services is within the scope of CityCom's property management contract.

Additional information added after Transit Committee:

CityCom will act in a staff augmentation capacity as SBCTA's agent in the procurement and installation of the DCFC units. The equipment purchased and any rebates or credits associated with the purchase, installation, and ownership of the equipment will all belong to SBCTA.

Replacement DCFC units will be required to work with the existing ChargePoint Cloud services currently used by SBCTA. EV charging customers who are already set up to charge with ChargePoint will be able to use the replacement DCFC units without signing up for another service.

The DCFC units come with a limited two-year warranty from the manufacturer. ChargePoint offers an additional or extended parts and labor warranty, known as their Assure program.

At least one vendor has a leasing option for ChargePoint electric vehicle charging stations that would allow SBCTA to lease DCFC units and collect the charging revenue and ancillary carbon credit revenue associated with DCFC unit ownership.

Financial Impact:

The Electric Vehicle Charging Station Program is included in the adopted Budget for Fiscal Year 2024/2025 and funded with Electric Charging Stations Fund (Fund 1096) in Program 30, Transit. A budget amendment is required as described in Recommendation C and described in the Background section of this item.

Reviewed By:

This item was reviewed and recommended for approval (8-1-0; Opposed: Wapner) by the Transit Committee on September 12, 2024. SBCTA General Counsel, Enterprise Risk Manager, and Procurement Manager have reviewed this item.

Responsible Staff:

Ryan Aschenbrenner, Right of Way Manager

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

Minute Action

AGENDA ITEM: 12

Date: *October 2, 2024*

Subject:

San Bernardino Region Public Procurement Memorandum

Recommendation:

That the Board, acting as the ~~San Bernardino County Transportation Authority~~ **San Bernardino Council of Governments:**

A. Receive the San Bernardino Region Public Procurement Memorandum.

B. Direct staff to use the San Bernardino Region Public Procurement Memorandum as a reference for identifying work plan options.

Background:

In 2021, San Bernardino Council of Governments (SBCOG) adopted Resolution No. 21-037 that provides staff with direction to examine practices, create tools, and provide a regional forum for efforts that work toward promoting a fair and just region, eliminates barriers and reduces opportunities for residents, and meaningfully advancing justice, equity, diversity, and inclusion. Based on this, in 2021 the Equity Ad Hoc Committee provided staff direction to review procurement policies across the region to identify opportunities for local agencies and SBCOG to help small businesses gain and complete government contracts successfully. The San Bernardino Region Public Procurement Memorandum was completed in December 2023.

Since 2022, staff had been working to complete a procurement study that provides insight into local agency practices, policies, and procedures with the goal of identifying opportunities that can be implemented to benefit small businesses.

Amplify Communities (National Core) and SBCOG conducted a series of focus groups in the summer of 2022 with community-based organizations, government agencies, and other stakeholders. These focus groups elevated areas of concern and opportunities to advance equity. National Core took this information and completed a study through research that focused on the following priorities:

- Advance SBCOG's commitment to study, track, and improve equity outcomes for communities across the county.
- Understand the public agency procurement/contracting environment.
- Identify small business providers, partners, model programs, and best practices.

In order to understand the procurement landscape across the region, a multi-pronged approach was developed:

1. Online research provided preliminary information about the municipalities' procurement policies and practices.
2. Focus Group Discussions which included small business providers and lenders, business councils, chambers of commerce, and City/County Managers' Technical Advisory Committee (CCMTAC).
3. Targeted Interviews.

Entity: San Bernardino Council of Governments

Board of Directors Agenda Item

October 2, 2024

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From this research and interview process, barriers to public contracts were identified as:

1. The public procurement process is difficult to navigate.
2. The public procurement process is relationship driven with little opportunity to establish and foster relationships with contracting agencies.
3. Specialized training and support are needed to access, secure, and retain public procurement contracts.
4. Access to capital and payment delays are hurdles for small businesses, even after winning contracts.
5. Designing and executing more equitable public procurement methods that benefit small businesses will require resources and collaboration.

From this research and interview process, regional strengths were also identified to build off of to enhance the public procurement process:

1. There is interest in supporting a localized public procurement process.
2. Strengthening relationships is crucial to enhancing the public procurement process across the region.
3. Local and National organizations are implementing programs within the region of San Bernardino that can be leveraged.
4. Informal bids as an initial step to boost public procurement opportunities for small businesses.

Following an extensive analysis of this information and through discussions with the CCMTAC, the following recommendations were developed:

- Develop a centralized system to streamline and standardize access to public procurement opportunities within the region.
- Establish a small business preference policy.
- Create a regionally recognized small business certification that individual jurisdictions may opt into.
- Collaborate on vendor and procurement fairs where municipalities, chambers of commerce, business councils, and small business providers can meet with businesses to share information on public procurement opportunities.

Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

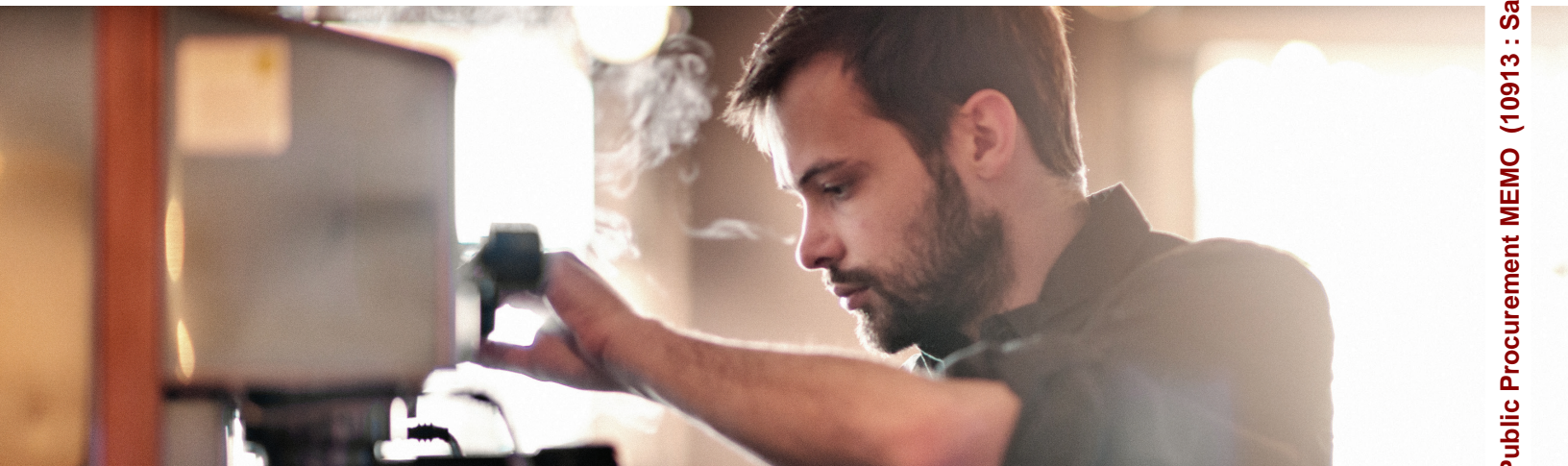
This item was reviewed and unanimously recommended for approval by the General Policy Committee on September 11, 2024. This item will be presented to the City/County Managers' Technical Advisory Committee on October 3, 2024.

Responsible Staff:

Monique Reza-Arellano, Chief of COG and Equity Programs

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:



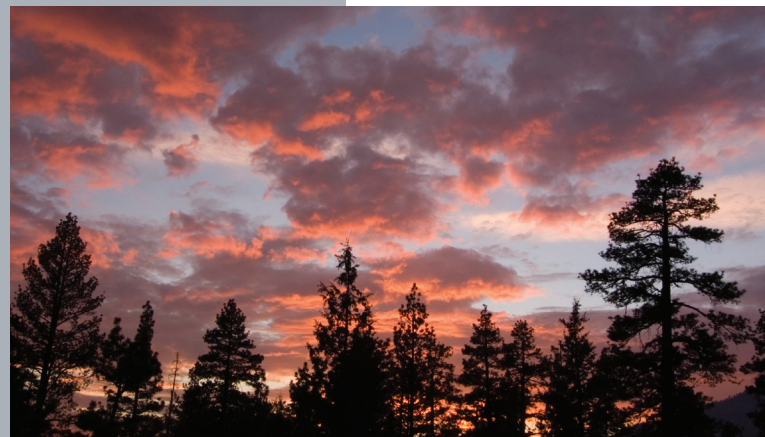
San Bernardino Region Public Procurement Memorandum

December 2023

Prepared for San Bernardino
Council of Governments by

AMPLIFY
COMMUNITIES

Packet Pg. 168



Public procurement is how public sector agencies and private sector organizations contract to deliver a particular service. Public sector agencies are largely funded by taxpayer dollars and are therefore accountable to the public. Improving public procurement systems can assist government agencies in obtaining competitive pricing for their limited funds, expand the playing field to emerging businesses, and create equity in advancing local investment.

- The public procurement process is complex and difficult to navigate.
- Notification of current solicitation opportunities is primarily relationship-driven.
- Specialized training and support are needed by small businesses to access and secure public contracts.
- Access to capital and payment delays are hurdles for small businesses, even after winning contracts.

small businesses in the realm of public procurement in its current landscape. However, reaching larger procurement equity goals will require additional research into each jurisdiction, and resources to fully understand the equity needs of the region. These suggestions and others extracted directly from case studies are discussed in more detail in this report.

- There is interest from local partners in supporting a localized public procurement process.
- Local and national organizations are implementing programs in the county of San Bernardino that can be leveraged.
- Informal bids are an accessible entryway for boosting public procurement participation amongst small and local businesses.

A word cloud visualization of terms related to business development. The words are arranged in various sizes and orientations, with larger words indicating higher frequency or importance. Key terms include:

- Business Development:** business, program, opportunities, relationships, chambers, procurement, services, need, small, businesses, contract.
- Financial & Economic:** cost, want, different, access, partners, resources, county, step, people, clients, capital, government, academy, share, offerings, supplier, partnered, play, negatively, proposed, paragale, match, optimal, issue, entrepreneurship, process, notice, proprietors, preference, payment, potential, shared, report, investments, owned, scale, info, stage, training, overcome, new, networking, money, population, snippets, selection, ability, allow, informal, folks, requirements, economy, working, model, month, buyer, create, scale, ratio, submitals, pranks, primarily, playing, negatively, referred, touch, requires, partnered, partnership, proposed, paragale, match, optimal, issue, entrepreneurship, process, notice, proprietors, preference, payment, potential, shared, report, investments, owned, scale, info, stage, training, overcome, new, networking, money, population, snippets, selection, ability, allow, informal, folks, requirements, economy, working, model, month, buyer, create, scale, ratio, submitals, pranks, primarily, playing, negatively, referred, touch, requires, partnered, partnership.
- Operational & Management:** management, opportunity, strategy, sponsors, patterns, transportation, doesn't, offices, companies, marketing, construction, wealth, credit, main, valley, shared, report, investments, owned, scale, info, stage, training, overcome, new, networking, money, population, snippets, selection, ability, allow, informal, folks, requirements, economy, working, model, month, buyer, create, scale, ratio, submitals, pranks, primarily, playing, negatively, referred, touch, requires, partnered, partnership, proposed, paragale, match, optimal, issue, entrepreneurship, process, notice, proprietors, preference, payment, potential, shared, report, investments, owned, scale, info, stage, training, overcome, new, networking, money, population, snippets, selection, ability, allow, informal, folks, requirements, economy, working, model, month, buyer, create, scale, ratio, submitals, pranks, primarily, playing, negatively, referred, touch, requires, partnered, partnership.



BACKGROUND

In May of 2021, the San Bernardino Council of Governments (SBCOG, hereinafter referred to as the Agency) adopted a Joint Policy on Regional Equity, demonstrating the agencies’ commitment to equitable programs and practices to meaningfully advance justice, equity, diversity, and inclusion in San Bernardino County (hereinafter referred to as the County). To inform the ongoing work of the Agency to study, track, and improve equity outcomes for communities across the County, Amplify Communities and SBCOG conducted a series of focus group meetings in the summer of 2022 with community-based organizations, government agencies, and other stakeholders interested in promoting favorable health, equity, and environmental justice outcomes in communities across the County. Focus group participants elevated areas of concern and opportunities to advance equity and environmental justice.

This report emerged from the feedback provided by these focus groups and is centered on understanding opportunities to advance equity and local wealth-building through public procurement in the County. This research focuses on the following priorities:

- 1. Advance SBCOG’s commitment to study, track, and improve equity outcomes for communities across the County (Joint Policy on Equity, 2021).
- 2. Understand the public agency procurement/contracting environment in the County of San Bernardino, including the barriers to entry and available resources to increase access for small and local businesses.
- 3. Identify small business providers, partners, model programs, and best practices to inform a small and local business program for the County of San Bernardino.

WHAT IS PUBLIC PROCUREMENT?

Overview of Public Procurement (Laws and Regulations)

Public procurement is the process of purchasing goods or hiring services using public funds, and it is a highly complex and regulated process in California. Public procurement in California is governed by the California Public Contract Code (PCC) and the California Code of Regulations (CCR), with the ultimate regulatory mission of ensuring fair and open competition, transparency, and integrity in public contracting. Generally, the state requires competitive bidding, advertisement and notice, standardized bid evaluation, and contract award and protest. While the state mandates that public procurement must involve competitive bidding processes, there are variations in the implementation of the code based on several factors. These include:

- 1. **Type of service or goods being procured.** Public procurement spending typically falls into one of four categories: public works/capital improvement projects, professional services, general services, and purchase of supplies and equipment. Different services carry distinct budgets, which may trigger competitive bidding requirements. For example, the state explicitly establishes regulations for public works projects (e.g., projects with a total estimated cost of \$5,000), while other categories are less defined. Notably, public works contracts in California are also subject to prevailing wage requirements. Table 1 below demonstrates a few public procurement contract types.

Table 1 - Sample of Public Procurement Contracts	
Types of Contracts	Description/Examples
Purchases of Supplies and Equipment	Purchase of goods or commodities such as medical supplies; tools; fire and law enforcement equipment; automobiles; food safety supplies; food; office supplies; furniture; and computer equipment
Public Works/Capital Improvements	(a) A project for the creation, improvement, painting, or repairing of public buildings and works. (b) Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow. (c) Street or sewer work except maintenance or repair. (d) Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.
Professional Services	Hiring of private consulting firms specializing in private architecture, engineering, land surveying, and construction project management
General Services	Hiring for building maintenance, custodial, landscape, and other general services

2. **Type of entity.** California procurement regulations set different requirements for state agencies, cities, counties, and school and community college districts. For public works projects, state agencies, cities, and counties are subject to competitive bidding for costs over \$5,000, while school and community college districts are subject to competitive bidding for costs totaling \$15,000 or more.

3. **Jurisdiction incorporation.** Charter and General Law cities differ in their procurement processes in that charter cities have more flexibility in structuring their procurement processes. Charter cities have more autonomy and local control to govern themselves, including how they regulate procurement. General Law cities derive their statutory framework from the state's general laws and must follow state regulations with little flexibility or opportunity for customization. The breakdown of SBCOG member jurisdictions by incorporation type is listed below in Table 2.
4. **Size of the project.** A project's size (estimated budget) will determine whether competitive bidding is required. The dollar amounts that trigger competitive bidding depend on which spending category it falls within. The state does not regulate thresholds for non-public works projects. Local jurisdictions determine this.

5. **Project funding source(s).** If external agencies provide funding to public projects, there may be specific public procurement requirements associated with the project.

6. **Local Preferences.** Jurisdictions may establish goals or preferences for awarding contracts to small businesses, micro-businesses, women-owned, veteran-owned, and disadvantaged small businesses through preferences for enterprises that have undergone a certification process for their respective business type. To utilize any distinctions, firms must certify with each jurisdiction individually.

Table 2 - Cities by Jurisdiction Type in San Bernardino County	
Charter Cities	General Law Cities
County of San Bernardino	Apple Valley
Adelanto	Barstow
Big Bear Lake	Chino
Loma Linda	Chino Hills
Needles	Colton
San Bernardino	Fontana
Victorville	Grand Terrace
	Hesperia
	Highland
	Montclair
	Ontario
	Rancho Cucamonga
	Redlands
	Rialto
	Twentynine Palms
	Upland
	Yucaipa
	Yucca Valley



7. **Type of Procurement Method.** There is a myriad of procurement types that fall within the competitive bidding process. Jurisdictions may utilize all or some of these different procurement methods, typically depending on the type of service/good and the project size.

These factors all contribute to varied public procurement processes across jurisdictions. The State of California requires municipalities to establish their own procurement procedures in accordance with applicable state regulations within its Municipal Code. Local ordinances governing purchasing for SBCOG member jurisdictions [can be found here](#).

Table 3 - Procurement Method Types	
Procurement Method	Description
Competitive Bidding	A formal process to identify and request products and/or services applicants need so potential service providers can review those requests and submit bids for them.
Request for Proposal (RFP)	This requires public agencies to define the services they need and publish a document with specific information relating to the project. The RFP will define the terms, conditions, and specifications of goods or services required by the public agency. An RFP is primarily intended for large, complex projects where cost and performance are equally important.
Request for Qualifications (RFQ)	A request to seek a written presentation of the professional qualifications and experience of a proposed consultant/contractor.
Request for Information (RFI)	A request for written information about the capabilities of various suppliers.
Request for Bid	A solicitation in which the terms, conditions, and specifications are described, and responses are not subject to negotiation.
Request for Quote	A request for a statement of price, terms of sale, and description of goods or services offered by a vendor to a prospective purchaser. The purchaser uses this to evaluate and compare quotes and competing resources.
Informal Bidding	An informal process for projects totaling under a dollar amount set by the jurisdiction. The request for bid is solicited from a minimum of three vendors on an established list of bidders for that service/good maintained by the jurisdiction.



PUBLIC PROCUREMENT AS LEVERAGE FOR ECONOMIC DEVELOPMENT AND EQUITY

Procurement is a powerful tool to advance local and equitable development. Typically, one-third to one-half of a city’s budget goes toward purchasing from the private sector. Government leaders can leverage this spending to meet economic and social goals. Sixty (60) percent of job growth traditionally comes from small businesses; therefore, cities can leverage their estimated \$1.6 trillion annual spending to support small and locally owned businesses. When governments spend public dollars on locally owned businesses, those businesses rely on local supply chains, creating an “economic multiplier” effect. Utilizing local vendors can also augment local tax revenue in addition to strengthening local supply chains and creating local job growth.

Procurement can be a powerful mechanism for advancing other municipal goals as well. Small business contractors often are more diverse than the

general pool of contractors. By working with small businesses, municipalities can elevate marginalized groups and level out the contractual playing field. Public agencies can also advance diversity in public procurement by outlining the agency’s equity and diversity goals in its call for services. This may include targeting an economic development group to apply, including minority-, woman-, and veteran-owned businesses.

The costs and complexity inherent in today’s public procurement system were intended to minimize risks to public agencies when working with vendors and to ensure that cities remain accountable to taxpayers. However, small businesses are negatively impacted by the hurdles of a complex procurement system. Rethinking procurement systems can benefit small businesses and strengthen local economies and communities.

UNDERSTANDING PUBLIC PROCUREMENT IN THE COUNTY OF SAN BERNARDINO

Landscape Analysis Process

Amplify Communities reviewed SBCOG member jurisdictions’ websites to gather preliminary information about the municipalities’ procurement policies and practices, including vendor registration requirements, frequency of bid opportunities, resources, contact information, and, importantly, threshold amounts that each jurisdiction uses for distinguishing informal and formal bidding.

To augment online findings, a survey was developed for jurisdictions to complete and provide gap in information and details that were unavailable online. To increase participation in the survey, SBCOG facilitated communication with member jurisdictions, specifically asking procurement and purchasing teams to complete the questionnaire. Seven cities responded to the survey, including the Cities of Needles, Chino Hills, Colton, Highland, Barstow, Grand Terrace, and the town of Yucca Valley. The preliminary research results from the member surveys [can be found here](#).

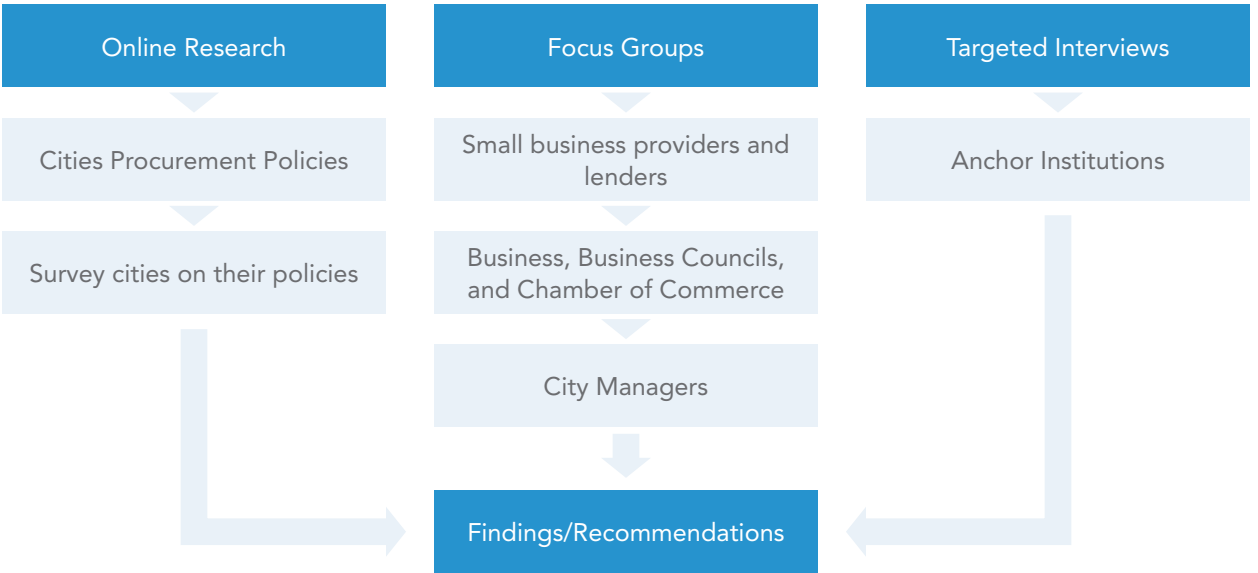
After exploring jurisdictional procurement regulations, Amplify Communities solicited input from small businesses and organizations that provide technical assistance in obtaining public procurement contracts. Additionally, focus groups and targeted interviews were held with anchor institutions such as schools, Native American tribes, and other public agencies to better understand small businesses’ needs and determine opportunities that can be leveraged.

Focus Group Methodology

Focus groups were conducted in person and via Zoom with three key stakeholder groups: small business service providers and lenders, local chambers of commerce through the Inland Empire Chamber Alliance¹, and member jurisdiction city managers. Input gathered from participants was then examined using a strengths, weaknesses, opportunities, and threats (SWOT) analysis approach. This input was central in understanding the current public procurement landscape and in developing a set of recommendations. A detailed list of focus group participants can be found in Appendix A.

Targeted Interviews

A series of targeted interviews with anchor institutions were also held to gain insight into procurement programs being considered or implemented locally. Three entities were interviewed to understand public procurement processes implemented or being considered in the region. While they have different procurement regulations from the state, the interviews provided insight and inspiration for managing a procurement program that can elevate small businesses within a specified geographical area. Altogether, the online research, city surveys, focus groups, and interviews enumerated above informed the following findings, which include both barriers and strengths.



¹ The [Inland Empire Chamber Alliance](#) serves as a forum for member organizations to learn about legislations being considered in the CA Legislature and the US Congress or regulations being proposed by State and Federal Agencies and advocate with a unified voice. Membership is open to Chamber of Commerce or business councils associated with a city or a region.

BARRIERS TO PUBLIC PROCUREMENT CONTRACTS

1.The public procurement process is difficult to navigate.

Each city and town has different procurement regulations and requirements posted online on their websites. Amongst the 24 cities and towns that are SBCOG members, many bidding platforms are used with varying registration requirements; many cities do not have a main point of contact for procurement/purchasing, and few explicitly state the threshold amount for informal/formal bids. Websites contained minimal information on whom to contact for procurement questions.

Additional outreach to local jurisdictions would provide further insight into local procurement processes. However, it is evident that the existing process for obtaining information on public procurement opportunities needs to be more cohesive and presents a significant barrier for small businesses. Small business service providers share this sentiment, often the liaison between cities and small businesses trying to identify client procurement opportunities.

2.The public procurement notification process is currently relationship driven.

Public procurement opportunities are currently noticed through professional relationships and networks. Because many small businesses remain outside of such professional networks, they seldom receive solicitation announcements. Even when small businesses receive procurement opportunity notifications, they have a limited understanding of the application requirements. Small businesses might also feel uninvited from the process and discouraged from pursuing public bids.

3.Specialized training and support are needed to access, secure, and retain public procurement contracts.

Small businesses see public procurement as a path to financial and business growth but lack the capacity to navigate cities’ varied procurement processes successfully. Small businesses feel intimidated by the public procurement process and are often lost when they attempt to participate. They need dedicated staff or outside assistance to register with cities as vendors, complete and submit bids, and negotiate contracts. If awarded, additional assistance and resources are needed to complete the scope. Even cities have a difficult time with county-related contracts, often hiring outside consultants to assist in managing them.

4.Access to capital and payment delays are hurdles for small businesses, even after winning contracts.

Larger businesses are more competitive when submitting bids because they can offer lower pricing to secure a contract. The playing field is not leveled between small and larger businesses because the latter can take a loss to ensure access to future public contracts. When small businesses do secure public contracts, there is often a lack of access to capital to complete the work within the project scope successfully. Public contracts often face long payment schedules, and small businesses typically do not have the resources to comfortably wait extended periods for payment for services rendered.

5.Designing and executing more equitable public procurement methods that benefit small businesses will require resources and collaboration.

Designing and implementing changes to public procurement procedures will require dedicated staff time and funding. Like small businesses, member jurisdictions have limited staff and capacity that would hinder their ability to handle ‘smaller’ contracts. Cities typically handle an average of 600 contracts per year and prefer multiyear agreements to limit cost increases. In some cases, bids from the State and utility companies provide extra points when large companies partner with small businesses, but once awarded, nothing is cementing that partnership. Overall, there is limited knowledge of the economic benefits of prioritizing public procurement opportunities within the region, so education will be instrumental in initiating local conversations and efforts.

REGIONAL STRENGTHS TO ENHANCE PUBLIC PROCUREMENT

6.There is interest in supporting a localized public procurement process.

San Bernardino County has a strong network of small business service providers that provide capacity building (e.g., technical assistance, lending, and resources) and are working together to improve access and opportunity for small businesses. The Inland Empire Chamber Alliance and other stakeholders are interested in improving access to public procurement opportunities. However, the local demand for small business mentorship and procurement assistance is so great that these entities can only adequately assist some of those who desire it. Staffing and funding shortfalls are core challenges needed to meet the demand. Further, small business providers are developing pilot programs to improve access to opportunities. For example, Uplift San Bernardino, a collective impact initiative focused on the city of San Bernardino, adapted the public health outreach model and is deploying ‘business ambassadors’ to build relationships with hard-to-reach small businesses and connect them to resources. The details of this outreach plan will be available in Fall 2023. There is an opportunity to learn from this initiative and replicate best practices in disadvantaged communities and remote areas of the County.

7.Strengthening relationships is crucial to enhancing the public procurement process in the County of San Bernardino.

Given the complexity of the procurement process, there is a desire for networking opportunities from small business providers and related organizations to connect with cities and vice versa and from small businesses to receive mentorship support throughout the process. Chambers and business councils are trusted sources and have direct relationships with businesses and small business providers, especially with the Inland Empire Small Business Development Center (IE SBDC). However, it is important to underscore that not all chambers have equal resources to implement services. Larger Chambers sometimes benefit from businesses in neighboring cities with less active chambers in their jurisdiction. Anchor institutions are also exploring and/or implementing public procurement programs that benefit local small businesses, and there is interest in sharing best practices and aligning processes where possible. A public procurement process that integrates mentorship and networking opportunities is essential to improving opportunities for small businesses.

8.Local and National organizations are implementing programs in the County of San Bernadino that can be leveraged.

Various organizations often collaborate to improve opportunities for small businesses. The MCISC, for example, developed a [Small Business Resources & Assistance Tool](#) that connects small businesses to service providers and microlender nonprofit organizations that provide no-cost, low-cost service to small business owners. These organizations have long-standing relationships working to streamline small businesses’ needs. Information sharing, joint networking, advertising each other’s programs, and focusing on specific geographics are all strategies that are being implemented to improve opportunities for small businesses in the County. The Aspen Institute City Action Lab also works with several organizations and stakeholders, focusing on “generating long-term, inclusive growth through business ownership” in the city of San Bernardino. One of the key strategies being pursued is establishing a centrally located Entrepreneurial Resource Center (ERC) to provideaccess to small business training and technical assistance. There is an opportunity to leverage these local and national partnerships to implement recommendations.

9.Informal bids as an initial step to boost public procurement opportunities for local and small businesses.

According to the IE SBDC, the top small business services offered in the County of San Bernardino are:

- Janitorial/janitorial supplies
- Construction
- Construction support services
- Professional services (marketing, IT, etc.)

Most of these services are procured by municipalities through informal bids, expediting the process and minimizing administrative burden. The SBDC IE offers a program, the Center for Contracting, focused on centralizing access to regional public procurement opportunities and technical assistance to small businesses with certifications, bid process, and contract management. Four cities and the County are listed on their website and linked to contracting opportunity bids. Similarly, the NLWBA-IE has a vendor portal that matches businesses to procurement opportunities as part of their procurement and business matching program, Latina BizMatch: Inclusive Matchmaking at the Latina BizCon. These service partners can provide insight and support in developing a robust program for informal bids.



BEST PRACTICES: CASE STUDIES FROM OTHER PUBLIC SECTOR AGENCIES

There is consensus that public procurement is a key tool in making economies more equitable among agencies at all levels of government, from cities to the federal government. President Biden signed the executive order “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” on his first day in office on January 21, 2021. It acknowledged the barriers that small businesses and underserved communities face in dealing with federal government procurement and called for an equity review and plan for addressing the barriers identified in government purchasing. The Office of Management and Budget (OMB) conducted the equity review and produced a report that listed three primary challenges for equitable procurement: inadequate outreach to vendors, opacity of federal procurement to potential vendors, and lack of attention to equity within purchasing agencies.

OMB then provided high-level recommendations for changes to the federal procurement process to be carried out by the Small Business Administration (SBA). They included:

- data prioritization (data about spending to small businesses disaggregated by race and ethnicity of business owners),
- goal setting (increase the percentage of federal procurement spending with SBDs by 50 percent over five years) and
- structural changes (introducing human-centered components of a whole-of-organization approach, which included meeting equity goals as part of performance metrics for federal agencies’ senior leadership and ensuring that officials charged with SBD utilization have direct access to agency leadership).²

SBA also launched the Community Navigator Program, which will directly support 51 community hubs. These hubs will work with smaller spoke organizations in their geographic region to help with outreach, education, and technical assistance for small businesses. This hub and spoke model is meant to reach business owners through organizations that are already connected and have established trust, with the expectation that it will increase the accessibility of the federal government’s program to potential federal contractors.³ Many cities share the federal government’s equity goals for procurement. Three case studies, Detroit, Michigan, Long Beach, California, and St. Paul, Minnesota, exhibit how these goals can be championed and implemented locally.

² “The Benefits of Increased Equity in Federal Contracting.” The White House. December 1, 2021. [The Benefits of Increased Equity in Federal Contracting | CEA | The White House](#)
³ “Procurement Lessons From the World’s Biggest Purchaser.” Aspen Institute. March 21, 2022. [Procurement lessons from the world’s biggest purchaser - The Aspen Institute](#)



DETROIT, MICHIGAN

In 2020, Detroit Mayor Mike Duggan established the Detroit Equity Council in response to national social justice protests and the disparities exacerbated by the COVID-19 pandemic. The Equity Council included the sub-council on Procurement Equity, which created two key initiatives for making their public procurement process more equitable: quicker pay and multi-contracting.

Quicker Pay: Small and micro businesses often operate on very tight budgets dedicated to payroll and the immediate work they are contracted to do. Government contract payouts are often a timely process, which can be particularly challenging for these small businesses. Paying contractors faster can help them compete for contracts and thus grow their businesses. In 2021, the Office of Contracting and Procurement started a pilot program to provide a set of projects completed by small and micro businesses with net immediate or net 7-day payment terms. The program’s success has led to continued efforts to expand quicker payment terms to more small businesses.

Multi-Contracting: The initiative divides large contracts into multiple smaller contracts to create a more equitable playing field for small businesses to compete.⁴

The City of Detroit partnered with the Detroit Economic Growth Corporation, a small business development center and the City’s economic development catalyst, to create BuyDetroit. This online platform serves as a central hub for the procurement of local goods and services. BuyDetroit is unique in that it provides private procurement opportunities to small businesses in their search for opportunities in a central location. It provides resources and capacity-building workshops for small businesses, helping them compete for contracts, and seeks to serve as a networking space, assisting small businesses to gain consideration by large firms. BuyDetroit also drives inclusivity and diversity in the local supply chain. This includes assisting under-represented Detroit companies where access previously has been denied. The City and its community partners conduct outreach to vendors from under-represented communities to register with the site and take advantage of its free resources and opportunities.⁵

⁴ Equity Council 2021 Report. City of Detroit. <https://detroitmi.gov/sites/detroitmi.localhost/files/2022-03/CRIO-EC%20Annual%20Report%202021-PRES-Draft%20-Final.pdf>
⁵ “BuyDetroit: Local Procurement Program Enables Small Business Growth, Diversity, and Job Creation.” Detroit Economic Growth Corporation. <https://www.degc.org/buydetroit-local-procurement-program-enables-small-business-growth-diversity-and-job-creation/>

LONG BEACH, CALIFORNIA

Bloomberg Philanthropies (BP) is available to support select cities, dedicating themselves to using procurement to advance equity goals. BP supports procurement reform through programs including the City Data Alliance, innovation teams, and the Bloomberg Harvard City Leadership Initiative, in partnership with the leading procurement experts Harvard Kennedy School Government Performance Lab (GPL). Long Beach, California, is one of the pilot cities receiving support from BP and GPL to completely overhaul their procurement system to redesign it with equity-centered goals and practices.

Like many other cities reexamining their procurement practices, the City of Long Beach’s procurement reform efforts stemmed from establishing new equity frameworks. The City’s [“Everyone In” Economic Inclusion Plan](#), [Racial Equity and Reconciliation framework](#), and the [Long Beach Recovery Act](#) identify procurement improvements as a way to advance city equity goals. They created a new position, Recovery and Equity in Contracting Officer, to oversee the changes to meet the City’s equity goals.

The City of Long Beach had a notably robust outreach process, inclusive of small business owners, community-based organizations, and City staff. They surveyed nearly 500 potential vendors, asking them how the public contracting process could be improved. City representatives went to community events to encourage vendors to bid on city projects and partnered with community-based organizations to expand outreach to small businesses. The predominant theme of feedback gained during this outreach process was that the public procurement process is confusing and cumbersome. “We heard, ‘I’m a small business—how do I have time to submit this 40-page proposal when I’m trying to keep my business afloat?’ Our takeaway was that we needed to start figuring out how to reduce barriers.” (Michelle Wilson, Purchasing Agent).⁶

Access became a central priority for the City after this feedback. This included language access and a welcoming, inclusive, and approachable tone within procurement documents. They are working on digitizing all vendor resources and prioritizing information requests to prevent redundancies that make responding to RFPs onerous.

The City also engaged internal departments about what was needed to make the procurement process more user-friendly internally. City employee input was used to inform the redesign of procurement forms, RFP templates, and exercises to help predict when, where, and how they would need to better engage with vendors. The City also created the Procurement University to train employees since the City’s procurement is decentralized. The program has trained more than 130 employees and received positive feedback. These efforts reduced the average RFP issuance to award from 8 months to 3.5 months.⁷

Notably, the City of Long Beach prioritized setting measurable goals throughout this procurement overhaul, and these goals evolved while they gained stakeholder input. Core indicators accompanied the goals to track whether the city is on track with hitting procurement objectives.

The City of Long Beach published these goals for its procurement and purchasing.

- Results-Driven.** In 95% of high priority contracts strategic goals are defined; contract performance is managed and used to inform renewal decisions.
- Best Value.** >85% of citywide staff report procurement processes result in high quality goods and services, at competitive prices.
- Service.** >95% of citywide staff responsible for procurement functions are trained on procurement best practices and results-driven contracting strategies within six months of assuming the role.
- Efficient.** 30% reduction in cycle times for RFPs (<6 month average cycle time for RFPs and ITBs).
- Competitive.** >85% of solicitations are competitive (receive ≥3 responses).
- Fair.** No solicitations receive a protest that is substantiated by a neutral independent source.
- Equitable.** Small / Local / Diverse / Disadvantaged vendors bid at rates that match availability.
- Transparent.** >85% of bidders believe the solicitation process is transparent.

Further, 100% of service contracts have defined goals (up from 10 percent in just two years). Vendor outreach has also resulted in a 114-percent jump in the number of vendors bidding on American Rescue Plan Act (ARPA) contracts, including large increases among women- and minority-owned businesses.

LONG BEACH KEY ELEMENTS

- Formal Bids over \$100,000 are posted in the classified section of the Long Beach Press-Telegram,
- There is a 10% Local Preference policy on bids for materials, supplies, equipment, or nonprofessional services. Only businesses with a current, valid business license from the City showing a place of business within city limits AND a Seller’s Permit from the State Board of Equalization where the permit lists a Long Beach address are eligible for this program.
- An agreement with insurance servicers was established to provide low-cost insurance alternatives to assist small businesses in meeting City insurance requirements for small, low-risk projects.
- A Business Resources website was launched to support small businesses at various stages of growth.
- A link to the SBA was created to provide bond assistance and help guarantee bonds for contracts of up to 2M.

ST. PAUL, MINNESOTA

Like many other cities, St. Paul sought to reform its procurement practices to center equity. Like Long Beach, St. Paul’s procurement redesign benefited from the assistance of the Bloomberg Philanthropies and Harvard Kennedy School Government Performance Lab partnership.

The City wanted to understand why it was not adequately reaching small businesses and businesses of color, so it implemented structural changes to its procurement process, including an online bidding platform where vendors could download bids for free. The City also revised the language of bids to be approachable and accessible and trained AmeriCorps volunteers on the City’s online vendor system to assist business owners at libraries. The City created monthly one-day Central Certification Program (CERT) community workshops, where vendors can register as a minority-owned business enterprise (MBE), a woman-owned business enterprise (WBE), or a small business enterprise (SBE). Most importantly, these certifications are recognized regionally by Minneapolis, Hennepin, and Ramsey Counties so that vendors do not have to register for certification individually with these municipalities. After these changes, the City has seen a dramatic increase in attendance at the annual procurement fair.

The City has also changed its five-year agreements to one-year agreements to open contracts to new businesses. They have also broken larger projects into small subcontracts to increase opportunities for new and small businesses. Further, St. Paul has removed financial barriers small businesses face: city projects up to \$100,000 no longer require bonds.

Making the procurement process more transparent and accessible was only the first step. The City sought to expand equity by assisting small businesses, especially minority-owned small businesses, to grow through the new Construction Partnering Program (CPP). The CPP is administered by the Metropolitan Economic Development Association and the Association of Women Contractors and supports emerging small businesses owned by women and minorities by fostering long-term relationships between them and industry leaders.

⁶ “Procurement is Reforming How Cities Work.” Bloomberg Cities Network. February 1, 2023. [Procurement is reforming how cities work | Bloomberg Cities \(jhu.edu\)](#)

⁷ Betsy Gardner, “Long Beach Leads the Way on Inclusive Procurement.” Bloomberg Center for Cities at Harvard University. February 28, 2022. <https://datasmart.hks.harvard.edu/long-beach-leads-way-inclusive-procurement>

⁸ “Seattle and Syracuse Set Out to Prove the Power of Procurement.” Bloomberg Cities Network. August 17, 2022. [Seattle & Syracuse set out to prove the power of procurement | Bloomberg Cities \(jhu.edu\)](#)

⁹ “How the City of St. Paul is Reforming its Procurement Policies to Open Opportunities to Inner City Businesses.” Initiative for a Competitive Inner City. [How the City of St. Paul is Reforming its Procurement Policies to Open Opportunities to Inner City Businesses - ICIC](#)

¹⁰ “Expanding Opportunity in City Contracts: St. Paul’s Racial Equity Strategy.” PolicyLink. March 30, 2017. [expanding-opportunity-in-city-contracts \(policylink.org\)](#)



RECOMMENDATIONS

The county of San Bernadino is home to a strong network of small business providers that offer no-cost or low-cost technical assistance and lenders to provide access to capital. These partners have been working together for over ten years through the Microenterprise Collaborative of Inland Southern California and, most recently, through Uplift San Bernardino and the Aspen Institute to strengthen the small business ecosystem with the goal of engaging small businesses in services and training that will lead to economic opportunity. This offers a unique opportunity for the SBCOG to work with its member jurisdictions, build on this groundwork, and continue to develop the path toward implementing a more accessible, equitable public procurement process for local and small businesses that will lead to economic prosperity for the County.

Based on the findings above, the following recommendations were curated for consideration in response to the existing landscape and best practices found in case studies.

- 1. Develop a Centralized System to streamline and standardize access to public procurement opportunities within the County. This would require creating a uniformed portal where cities can post opportunities using simplified language and agreed-upon application requirements to facilitate access of public procurement opportunities for small businesses.

Phase I: Development of a contact list of local small businesses that cities can contact for informal bids, especially for emergency-related work, that includes recommendations from other cities. Each implementation partner listed below hosts a website that can be leveraged to support a clearinghouse for cities. Additionally, according to the CA Department of General Services, [CaleProcure](#) is the state marketplace that contains information on contract opportunities and can be used to search certified SBs/DVBEs and the [Supplier Clearing House](#) is open to the public and can be utilized by the County or other jurisdictions for their procurement efforts. However, it does not include all businesses, only those registered.

- a. **Recommended implementation:** County and Cities
- b. **Implementation partners:** SBCOG, SBDC IE, NLWBA-IE, and MCISC

Phase II: Standardize informal bids across the County, where possible, thresholds, application language, and insurance requirements. This includes the creation of a public-facing guidebook that is informative and easy to find on each jurisdiction's website, directing small businesses to the host portal website for informal bid opportunities and resources for obtaining certifications, insurance, and assistance in completing bid application.

- a. **Recommended implementation:** County and Cities
 - b. **Implementation partners:** SBCOG, SBDC IE Center for Contracting, NLWBA-IE
2. Establish a Local Small Business Preference Policy. Award preference points to certified small business enterprises. This typically includes an award of 5-10 extra points, which is enough to assist a small business in winning a contract but not enough to make the bidding process less competitive. The [State of California](#) offers a 5% award for small businesses, wherein 5% of the final bid price is subtracted. The [City of Los Angeles](#) has a Local, Small Business Preference, where they designate awards between 5 and 10% of the bid price, contingent on project size and whether the certified business is the main contractor or a subcontractor (fewer points awarded for projects over \$150,000 and in projects where the subcontractor is the certified Local or Small Business). These preferences give small businesses a slight advantage in the competitive bidding process, where they often do not operate at a large scale to offer as low prices as bigger businesses. By implementing such a preference, local governments can make their cities more conducive to small business success and help their local economies thrive. SBCOG may wish to create a draft preference policy for its member jurisdictions to choose to opt in to and adapt as needed.

- a. **Recommended implementation:** County and Cities
- b. **Implementation partner:** SBCOG

3. Create a regionally recognized small business certification that individual jurisdictions may opt in. This can be amplified by free workshops that small businesses can attend to receive assistance and obtain a certification on the same day.

a. **Recommended implementation:** SBCOG

4. Collaborate on vendor and procurement fairs where municipalities, chambers of commerce, business councils, and small business providers can meet with businesses to share information on public procurement opportunities. These events could include networking opportunities, training on the procurement and vendor registration processes, and opportunities for small business owners to provide feedback on the procurement process. This type of event would also need to be held at a convenient time and location to provide certification training.

a. **Recommended implementation:** SBCOG

b. **Implementation partners:** Cities, County, Small Business Providers, Business Councils

It should be noted that most of the implementation partners are being convened on a monthly basis by Uplift San Bernardino, a collective impact network that is focusing and aligning small business services in the City of San Bernardino.

These initial actions can foster the growth of small businesses, boosting local employment opportunities for residents and generating local tax revenue for the region. Furthermore, expanding public procurement opportunities to support a more equitable regional economy development plan can also lead to:

- a new pool of vendors to increase competition while simultaneously providing municipalities with more options to ensure they receive the best service.
- direct and substantial socioeconomic benefits to the region.

Long-term implementation strategies for developing an equity-centered economic plan can be achieved by establishing measurable regional equity goals for procurement focusing on Black, Latino, and other minority-owned small businesses. This requires a thorough review and understanding of each jurisdiction's procurement funds secured by Black, Latino, and other Minority-owned small businesses. The findings will determine what strategies to implement based on the community's needs. Some effective strategies implemented by other municipalities have included:

- Identifying other types of procurement contracts beyond informal bids that can be streamlined as a jurisdiction/region.
- Changing the practice of multi-contracting, where larger contracts are broken down into multiple smaller contracts, so there is a more approachable and equitable playing field for small businesses to compete and win public contracts.
- Shifting contract awarding methods from the lowest bidder to prioritizing local bids to support the local economy.
- Employing targeted outreach strategies to reach and engage local small businesses, especially in low-income communities, in public procurement opportunities.
- Pairing a communication strategy with outreach focused on identifying and engaging small businesses and connecting them to small business providers to prepare them for procurement opportunities.

Numerous experts within the County are working to improve and leverage funding for capacity building for small businesses that will lead to their growth. It would be prudent to work as a region to support strategies focused on enhancing public procurement processes for local small businesses that are intentional and strategic to ensure the success of the regional economy.





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amplifycommunities.org

Small Business Study



1

Small Business Equity *Study Goals*

- Help Small Businesses gain and complete government contracts successfully.
- Understand Public Agency procurement/contracting across region
- Identify small business provider partners, model programs, and best practices

Board Direction

- Equity Ad Hoc Committee
- Resolution 21-037

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.



2

Analysis Method



3


Stakeholder Focus Groups and Interviews

Cal State University San Bernardino, Re-Entry Operations	Loma Linda University Health System	Common Spirit Health (St. Bernardine's Medical Center)	Making Hope Happen Foundation
SoCal Black Chamber of Commerce	Community Health Action Network	People's Collective for Environmental Justice	Arts Connection Network
Inland Empire Health Partnership	IE United	High Roads Training Partnership	NALEO Educational Fund
Young Visionaries Youth Leadership Academy Inland Empire	Reach Out 29	El Sol Neighborhood Educational Center	Step Up
Riverside San Bernardino County Indian Health	San Bernardino County Sheriff's Department	San Bernardino County Department of Public Health	SBCTA/SBCOG PDF

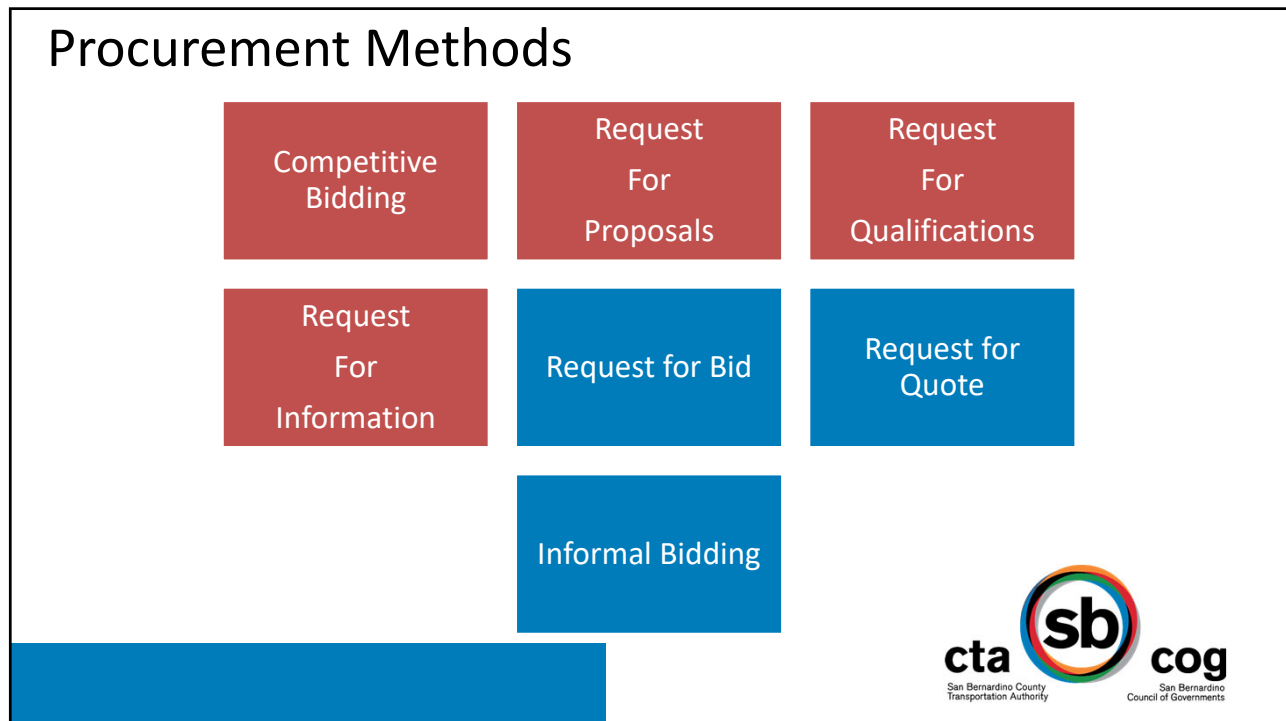


4

Types of Contracts	Description/Examples
Purchases of Supplies and Equipment	Purchase of goods or commodities
Public Works/CIP	Projects for creation, improvement, repairing of public buildings, waterfronts, streams, etc.
Professional Services	Hiring of private consulting firms specializing in private architecture, engineering, land surveying, and construction PM
General Services	Hiring for building maintenance, custodial, landscape, and other general services.



5



6

Small Business Study



7

Challenges for Small Businesses

Public Procurement Process is complex and difficult to navigate

Notification of solicitation opportunities is heavily relationship-driven

Access to capital and payment delays are hurdles for small businesses

Multiple Public Agencies with different policies and processes



8

Regional Assets

Interest from local partners to support options

Local and national organizations are implementing programs in San Bernardino that can be leveraged

Informal bids are an accessible entryway for boosting public procurement participation amongst small businesses



9

Findings – Barriers to Public Contracts



Navigating the procurement process is difficult to navigate for small businesses



In region, 20+ websites with different procurement regulations and requirements



Small businesses need specialized training and support to succeed at accessing procurement opportunities



Access to capital and payment delays are hurdles



Designing and executing more equitable public procurement methods that benefit small businesses will require more resources and collaboration



10

Findings – Opportunities

-  There is interest in supporting a localized public procurement process
-  Strengthening relationships is crucial to enhancing the public procurement process
-  Local and National organizations are implementing programs that we can leverage
-  Informal bids as an initial step to boost public procurement opportunities for small businesses
-  A strong network of small business service providers that provide capacity building (e.g., technical assistance, lending, resources) already exists
-  Small business providers are interested in improving access to public procurement opportunities



11

Recommendations

Develop Centralized System to streamline and standardize access to public procurement opportunities among member agencies

Establish a Small Business Preference Policy

Create a regionally recognized small business certification that individual jurisdictions may opt in

Collaborate on vendor and procurement fairs



12

Thank You

Questions?



Minute Action

AGENDA ITEM: 13

Date: *October 2, 2024*

Subject:

State Legislative Update

Recommendation:

Receive and file the September 2024 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 September 11, 2024, on the end of the 2023-2024 Legislative Session and status of SBCTA supported legislation.

End of 2024 Legislative Session

The State Legislature returned from its summer recess on August 5, 2024, and has been working to complete all unfinished business before final recess begins upon adjournment on August 31st. The first half of August was occupied by the appropriations committees either passing bills or holding them on the Suspense File. The Suspense File process, which assesses legislation with major fiscal impacts, offers the Legislature an efficient way to eliminate controversial or costly bills without extensive debate. Given the challenging fiscal environment the state is currently operating in, Appropriations Committees held a greater percentage of bills in Suspense File than average. The Senate Appropriations Committee held 173 of 515 Assembly bills, while Assembly Appropriations held 94 of 315 Senate bills for an overall rate of 33% of bills held.

From August 19, 2024, until August 31st the State Legislature may only hold floor sessions. During these sessions, the Legislature can vote on and amend all remaining active bills. The final deadline for the Legislature to act on bills is midnight on August 31, 2024. If a bill is passed off the floor of one house and the second house concurs with amendments made to it, the bill will go to Governor Newsom's (Governor) desk for a signature or veto. The Governor has 30 days from the date he receives a bill to make a decision.

Budget bill juniors and trailer bills went into print in the final week of August. These are the policy and technical changes that implement the budget. As of August 27, 2024, the trailer bills in print make conforming changes and do not significantly affect transportation-related items.

SBCTA sponsored bill, Assembly Bill 2590 by Assemblywoman Eloise Reyes, pertaining to monetary thresholds for certain procurement processes at SBCTA for supplies, equipment and materials was passed unanimously by the State Senate on August 19, 2024, and is now on the Governor's desk for signature.

SBCTA supported Assembly Bill 2645 by Assemblyman Tom Lackey, relating to toll agencies working with law enforcement in the event of an emergency alert. That bill was passed unanimously by the State Seante on August 28, 2024, and is now awaiting the Governor's signature.

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

California High Speed Rail Authority's New CEO

On August 8, 2024, the Governor welcomed the California High-Speed Rail Authority's new CEO Ian Choudri after the Authority's board voted to approve the appointment. Mr. Choudri's experience covers all facets of high-speed rail development, including initial planning, stakeholder management, feasibility studies, construction, operations, and maintenance. Mr. Choudri served as Senior Vice President at HNTB Corporation, an American-based infrastructure design firm that has extensive experience working on federal and state-level transportation infrastructure projects and systems. In his capacity, Mr. Choudri served as a national strategic advisor to multiple rail, transit, and transportation agencies that require an understanding and ability to navigate unique technical, regulatory, and financial challenges.

In California, Mr. Choudri has worked with SBCTA to develop a tunnel mobility solution that will shuttle passengers between Ontario International Airport and the future Brightline West terminus in Rancho Cucamonga. Earlier in his career, Mr. Choudri spent over a decade working on high-speed train technology and train control systems in France and Spain.

Attachment A contains a list of legislative bills that the SBCTA/San Bernardino Council of 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 adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item was received by the Legislative Policy Committee on September 11, 2024.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

ATTACHMENT A

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - September 2024

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
AB 6 (Friedman)	Would require the California Air Resources Board to establish additional greenhouse gas emissions targets for 2035 and 2045, as well as imposing new requirements on Metropolitan Planning Organizations, such as the Southern California Association of Governments, regarding technical methodology in developing their Regional Transportation Plan and Sustainable Community Strategy.	Failed Policy Committee deadline, DEAD (7/02/24)	Oppose	6/14/2023
AB 7 (Friedman)	Would require the project selection process for transportation infrastructure projects funded by certain state transportation accounts to incorporate federal principles that promote accessibility, climate change, the environment, resilience, safety, timeliness, among other principles.	Failed to be voted upon on Senate Floor, two-year bill. (9/14/23)	Oppose	6/14/2023
AB 2590 (Reyes)	Would amend the California Public Utilities Code to increase the monetary thresholds of certain procurement processes for supplies, equipment and materials that are utilized for SBCTA projects.	Passed out of Senate, referred to Governor for signature. (8/19/24)	Sponsor Support	2/14/2024

Attachment: Bill position matrix 9-24 (10918 : State Legislative Update)

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - September 2024

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
AB 2645 (Lackey)	Would require agencies that operate tolling facilities to cooperate with law enforcement in the event an emergency alert is issued.	Passed out of Senate, referred to Governor for signature. (8/28/24)	Support	4/10/2024
AB 2535 (Bonta)	Would alter the Trade Corridor Enhancement Program to support zero emission freight infrastructure and restrict projects that expand certain highway projects.	Held in Assembly Appropriations Committee. Failed committee deadline, DEAD. (5/16/24)	Oppose	4/10/2024

ATTACHMENT B**Status Report****Tuesday, September 03, 2024****AB 7 Friedman D (Dist. 44) Transportation: planning: project selection processes.****Location:** SENATE 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Transportation Agency is under the supervision of the Secretary of Transportation, who has the power of general supervision over each department within the agency. The secretary, among other duties, is charged with developing and reporting to the Governor on legislative, budgetary, and administrative programs to accomplish coordinated planning and policy formulation in matters of public interest, including transportation projects. On and after January 1, 2025, and to the extent applicable, feasible, and cost effective, this bill would require the agency, the Department of Transportation, and the California Transportation Commission to incorporate specified goals into program funding guidelines and processes.

Position: Oppose**AB 96 Kalra D (Dist. 25) Public employment: local public transit agencies: autonomous transit vehicle technology.****Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require a public transit employer, at least 10 months before beginning a procurement process to acquire or deploy any autonomous transit vehicle technology for public transit services that would eliminate job functions or jobs of a workforce, to provide written notice to the exclusive employee representative of the workforce affected by the autonomous transit vehicle technology of its determination to begin that procurement process. The bill would require the public transit employer and exclusive employee representative, upon written request by the exclusive employee representative, to commence collective bargaining within a specified time period on certain subjects, including creating plans to train and prepare the affected workforce to fill new positions created by the autonomous transit vehicle technology. The bill would vest the Public Employment Relations Board (PERB) with jurisdiction to process unfair practice charges alleging violations of these provisions, but only as to transit district employers where PERB has jurisdiction to process unfair practice charges. Should an employee organization file an unfair practice charge with PERB, the bill would require PERB's powers and duties to apply, as appropriate, and would require PERB's regulations to apply. The bill would authorize PERB to make additional emergency regulations, as specified.

AB 250 Rodriguez D (Dist. 53) State highways: State Route 83: reduction.**Location:** ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the California Transportation Commission to relinquish to local agencies state highway segments that have been deleted from the state highway system by legislative enactment or have been superseded by relocation, and in certain other cases. Current law designates State Route 83 from Route 71 to Route 10 near the City of Upland. Current law authorizes the commission to relinquish to the City of Ontario all or a portion of State Route 83 within the city's jurisdiction and prescribes conditions that apply upon relinquishment. This bill would authorize the commission to additionally relinquish to the City of Chino all or a portion of State Route 83 within the city's jurisdiction and prescribe conditions that apply upon relinquishment.

AB 295 Lowenthal D (Dist. 69) Residential real property: foreclosure.**Location:** ASSEMBLY CHAPTERED

Attachment: Bill Report 9-24 (10918 : State Legislative Update)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	13.b
	1st House				2nd House								

Current law prescribes various requirements to be satisfied before the exercise of a power of sale under a mortgage or deed of trust and prescribes a procedure for the exercise of that power. This bill would prohibit a person from contacting, soliciting, or initiating communication with an owner to claim the surplus funds from a foreclosure sale of the owner's residence before 90 days after the trustee's deed has been required.

AB 354 [Nguyen, Stephanie](#) D (Dist. 10) **Sacramento Regional Transit District: board of directors: membership.**

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the formation of the Sacramento Regional Transit District with various powers and duties with respect to transportation planning, programming, construction, and operations. Current law vests the government of the district in a board of directors and prescribes procedures for increasing the number of members of the board of directors, including authorizing each member entity to make one appointment to the board, as specified. This bill would authorize the City of Elk Grove to instead appoint 2 members to the board, as specified.

AB 382 [Cervantes](#) D (Dist. 58) **High-occupancy vehicle lanes: County of Riverside.**

Location: SENATE INACTIVE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes a regional transportation agency, in cooperation with the Department of Transportation, to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes, including administration and operation of a value pricing program and exclusive or preferential lane facilities for public transit. Current law authorizes a value pricing and transit program involving HOT lanes to be developed and operated on State Highway Route 15 in the County of Riverside by the Riverside County Transportation Commission. Current law requires the Department of Transportation to report to the transportation policy committees of the Legislature, on or before January 1, 2020, on the feasibility and appropriateness of limiting the use of high-occupancy vehicle lanes to high-occupancy vehicles and eligible vehicles, as defined, only during the hours of heavy commuter traffic on both State Route 91 between Interstate 15 and Interstate 215 in the County of Riverside, and State Route 60 in the County of Riverside. Separate from that report, this bill would require the Transportation Agency, on or before January 1, 2025, to report to the transportation policy committees of the Legislature on that same topic and on the feasibility and appropriateness of removing from high-occupancy vehicle lanes in the County of Riverside, except for certain high-occupancy toll lanes, any double parallel solid lines to restrict the entrance into or exit from those lanes, including the use of the appropriate markings and signage.

Position: Watch

AB 400 [Rubio, Blanca](#) D (Dist. 48) **Local agency design-build projects: authorization.**

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes a local agency, as defined, with approval of its governing body, to procure design-build contracts for public works projects in excess of \$1,000,000, awarding the contract either to the lowest bid or the best value. "Local agency" is defined, in part, for this purpose to include specified local and regional agencies responsible for the construction of transit projects, including any joint powers authority formed to provide transit service. Current law, among other requirements for the design-build procurement process, requires specified information submitted by a design-build entity to be certified under penalty of perjury. These provisions authorizing the use of the design-build procurement process are repealed on January 1, 2025. This bill would delete from the

Attachment: Bill Report 9-24 (10918 : State Legislative Update)

definition of “local agency” any joint powers authority formed to provide transit services, and would instead use that definition to include any joint powers authority responsible for the construction of transit projects, thereby authorizing additional joint powers authorities to use the above-described design-build procurement process. The bill would extend the repeal date to January 1, 2031.

Position: Support

AB 413 Lee D (Dist. 24) Vehicles: stopping, standing, and parking.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would prohibit the stopping, standing, or parking of a vehicle within 20 feet of the vehicle approach side of any unmarked or marked crosswalk or 15 feet of any crosswalk where a curb extension is present, as specified. The bill would, prior to January 1, 2025, authorize jurisdictions to only issue a warning for a violation, and would prohibit them from issuing a citation for a violation, unless the violation occurs in an area marked using paint or a sign.

AB 480 Ting D (Dist. 19) Surplus land.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law prescribes requirements for the disposal of surplus land by a local agency, as defined, and requires, except as provided, a local agency disposing of surplus land to comply with certain notice requirements before disposing of the land or participating in negotiations to dispose of the land with a prospective transferee, particularly that the local agency send a notice of availability to specified entities that have notified the Department of Housing and Community Development of their interest in surplus land, as specified. Under current law, if the local agency receives a notice of interest, the local agency is required to engage in good faith negotiations with the entity desiring to purchase or lease the surplus land. This bill would define the term “dispose” to mean the sale of the surplus property or a lease of any surplus property entered into on or after January 1, 2024, for a term longer than 15 years, including renewal options, as specified. The bill would provide that “dispose” does not include entering a lease for surplus land on which no development or demolition will occur, regardless of the term of the lease.

AB 557 Hart D (Dist. 37) Open meetings: local agencies: teleconferences.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Ralph M. Brown 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. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect. Those circumstances are that (1) state or local officials have imposed or recommended measures to promote social distancing, (2) the legislative body is meeting for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (3) the legislative body has previously made that determination. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. This bill would revise the authority of a legislative body to

hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state emergency is in effect.

AB 744 Carrillo, Juan D (Dist. 39) California Transportation Commission: data, modeling, and analytic software tools procurement.

Location: ASSEMBLY CHAPTERED

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 convene relevant state agencies to assess the procurement and implementation of data, modeling, and analytic software tools to support the state's sustainable transportation, congestion management, affordable housing, efficient land use, air quality, economic, and climate change strategies and goals, as provided. On or before July 1, 2025, the bill would require the commission to develop a proposal to procure data, modeling, and analytic software tools and a process to grant access to the data it procures directly, or provide a process for direct allocation of funding to agencies for data procurement, or both of those, as provided.

AB 761 Friedman D (Dist. 44) Local finance: enhanced infrastructure financing districts.

Location: ASSEMBLY ENROLLMENT

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 designate a proposed enhanced infrastructure financing district by adopting a resolution of intention to establish the proposed district which, among other things, is required to state that an enhanced infrastructure financing district is proposed and describe the boundaries of the proposed district. Current law requires the public financing authority to direct the preparation of and adopt an infrastructure financing plan consistent with the general plan and any relevant specific plan, and consisting of, among other things, a financing section. Current law requires that the financing section include a plan for financing the public facilities, a limit on the total number of dollars of taxes that may be allocated to the district pursuant to the plan, and a date, either not more than 45 years from the date on which the issuance of the bonds is approved for the plan on which the district will cease to exist, by which time all tax allocation to the district will end, or, where the district is divided into project areas, a date on which the infrastructure financing plan will cease to be in effect and all tax allocations to the district will end and a date on which the district's authority to repay indebtedness with incremental tax revenues will end, as specified. This bill, for plans proposed on or after January 1, 2025, would specify that for the purpose of development and construction of passenger rail projects in the County of Los Angeles where at least 75% of the revenue from the district is used for debt service on a federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan, the date on which the district will cease to exist shall not be more than 75 years from the date of the approval of a TIFIA loan, as specified.

Position: Watch

AB 776 Holden D (Dist. 41) Route 210.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Transportation, through the erection of highway signs and appropriate markers, to provide recognition of the historical and cultural importance of the California tribes local to, or historically located in the Counties of Los Angeles and San Bernardino. The bill would require the department to work with certain entities, including, but not limited to, California tribes local to, or historically located along, Route 210, to name Route 210 and to identify appropriate locations for signs to recognize tribal lands along Route 210 in the Counties of Los Angeles and San Bernardino. The bill would require the department to erect those signs and other appropriate markers at the appropriate locations on Route 210, as part of the department's regularly scheduled replacement, modification, and maintenance of highway signs. The bill would specify that Route 210 shall be known

and designated as the Southern California Native American Freeway or by the name developed by the department with the specified entities.

AB 832 Cervantes D (Dist. 58) California Transportation Commission: membership.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Under current law, the California Transportation Commission consists of 13 members, including 9 members appointed by the Governor with the advice and consent of the Senate, one member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules, as specified. Current law requires the Governor, in appointing those members to the commission, to make every effort to ensure, among other things, the commission has a diverse membership with expertise in transportation issues, taking into consideration factors, including, but not limited to, socioeconomic background and professional experience, which may include experience working in, or representing, disadvantaged communities. This bill would require that at least one of those Governor appointed members of the commission have expertise in transportation issues and professional experience that includes experience working in, or representing, disadvantaged communities.

AB 902 Rodriguez D (Dist. 53) Ambulances: fee and toll exemptions.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires 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. This bill would clarify that the owner or operator of toll facility is required to enter into an agreement for the use of a toll facility upon the request of a private or public local emergency service provider.

AB 1008 Bauer-Kahan D (Dist. 16) California Consumer Privacy Act of 2018: personal information.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The California Consumer Privacy Act of 2018 (CCPA) grants to a consumer various rights with respect to personal information, as defined, that is collected by a business, as defined, including by requiring a business that controls the collection of a consumer's personal information to, at or before the point of collection, make certain disclosures to the consumer. The California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA. The CCPA establishes the California Privacy Protection Agency and vests it with full administrative power, authority, and jurisdiction to implement and enforce the CCPA. This bill would specify that personal information can exist in various formats.

Position: Watch

AB 1052 McCarty D (Dist. 6) Sacramento Regional Transit District: taxes.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law, the Sacramento Regional Transit District Act, creates the Sacramento Regional Transit District, with specified powers and duties relative to providing transit services in the Sacramento region. Current law authorizes the board of directors of the district to adopt a retail transactions and use tax ordinance, subject to the approval of 2/3 of the electors at a special election. This bill would revise and recast those provisions related to the imposition of property taxes and retail transactions and use taxes by the district, by, among other things, explicitly authorizing the district to impose a property tax or retail transactions and use tax in the entirety of, or a portion of, the incorporated

and unincorporated territory. If the tax only applies to a portion of an area of the district, the bill would require the incorporated area of each city and of contiguous cities within the district to be either wholly included within or wholly excluded from that portion that is taxed and would require the entire unincorporated area of the district to be either wholly included within or wholly excluded from that portion that is taxed.

AB 1385 Garcia D (Dist. 36) Riverside County Transportation Commission: transaction and use tax.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Riverside County Transportation Commission to impose a transactions and use tax for transportation purposes subject to approval of the voters, which, pursuant to the California Constitution, requires approval of 2/3 of the voters. Current law limits the commission to a 1% maximum tax rate, and requires the commission's tax or taxes to be levied at a rate divisible by 1/4%, unless a different rate is specifically authorized by statute. This bill would raise the maximum tax rate the commission may impose from 1% to 1.5%. This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Riverside.

Position: Watch

AB 1637 Irwin D (Dist. 42) Local government: internet websites and email addresses.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, no later than January 1, 2029, require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a ".gov" or ".ca.gov" domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

AB 1777 Ting D (Dist. 19) Autonomous vehicles.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, commencing July 1, 2026, require manufacturers of autonomous vehicles that operate without a human operator physically present in the vehicle, except as provided to comply with certain requirements, including, among other things, to maintain a dedicated emergency response telephone line that is available for emergency response officials, as defined, and to equip each autonomous vehicle with a 2-way voice communication device that enables emergency response officials that are near the vehicle to communicate effectively with a remote human operator, as specified. The bill would, commencing July 1, 2026, authorize an emergency response official to issue an emergency geofencing message, as defined, to a manufacturer and would require a manufacturer to direct its fleet to leave or avoid the area identified within 2 minutes of receiving an emergency geofencing message, as specified.

AB 1889 Friedman D (Dist. 44) Conservation element: wildlife and habitat connectivity.

Location: ASSEMBLY ENROLLMENT

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 the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including land use, housing, and conservation elements, as specified. Current law requires the conservation element to consider the effect of development within the jurisdiction on natural resources located on public lands. This bill would additionally require the conservation element to consider the effect of

development within the jurisdiction on the movement of wildlife and habitat connectivity. The bill would require the conservation element, upon the next update of one or more elements on or after January 1, 2028, to, among other things, identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, identify and analyze existing or planned wildlife passage features, and consider the impacts of development and the barriers caused by development to wildlife, as defined, and habitat connectivity. The bill would authorize a city, county, or city and county to incorporate by reference into its general plan an existing plan, including a certified local coastal plan, that meets these requirements. The bill would authorize a city, county, or city and county preparing to update its conservation element to consider incorporating appropriate standards, policies, and feasible implementation programs, consult with specified entities, and consider relevant best available science and the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity.

AB 1893 Wicks D (Dist. 14) Housing Accountability Act: housing disapprovals: required local findings.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Housing Element Law prescribes requirements for a city's or county's preparation of, and compliance with, its housing element, and requires the Department of Housing and Community Development to review and determine whether the housing element substantially complies with the Housing Element Law, as specified. The Housing Accountability Act, among other things, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households unless the local agency makes written findings as to one of certain sets of conditions, as specified. Among these conditions, the act allows a local agency to disapprove a housing development project that is inconsistent with the jurisdiction's zoning ordinances and general plan land use designation as it existed on the date the application was deemed complete, if the jurisdiction has adopted a revised housing element that is in substantial compliance with the Housing Element Law, as specified. This bill would make various changes to that condition. The bill would specify that a local agency may disapprove or condition approval of a housing development project or emergency shelter, as described above, if the local agency makes written findings that on the date the application for the housing development project or emergency shelter was deemed complete the jurisdiction did not have an adopted revised housing element that was in substantial compliance with the Housing Element Law and the housing development project is not a builder's remedy project, as defined.

AB 1904 Ward D (Dist. 78) Transit buses: yield right-of-way sign.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law authorizes a transit bus in the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority to be equipped with a yield right-of-way sign on the left rear of the bus if the applicable entity approves a resolution requesting that this section be made applicable to it. Current law requires the sign to be designed to warn a person operating a motor vehicle approaching the rear of the bus that the bus is entering traffic and be illuminated by a red flashing light when the bus is signaling in preparation for entering a traffic lane after having stopped to receive or discharge passengers. This bill would expand the authorization to equip transit buses, as described above, to apply to any transit agency if the transit agency approves a resolution that this authorization be made applicable to it.

AB 1957 Wilson D (Dist. 11) Public contracts: best value construction contracting for counties.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law establishes a pilot program to allow the Counties of Alameda, Los Angeles, Monterey, Riverside, San

Bernardino, San Diego, San Mateo, Santa Clara, Solano, and Yuba to select a bidder on the basis of best defined, for construction projects in excess of \$1,000,000. Current law also authorizes these counties to use a best value construction contracting method to award individual annual contracts, not to exceed \$3,000,000, for repair, remodeling, or other repetitive work to be done according to unit prices, as specified. Current law establishes procedures and criteria for the selection of a best value contractor and requires that bidders verify specified information under oath. Current law requires the board of supervisors of a participating county to submit a report that contains specified information about the projects awarded using the best value procedures described above to the appropriate policy committees of the Legislature and the Joint Legislative Budget Committee before March 1, 2024. Current law repeals the pilot program provisions on January 1, 2025. This bill would instead authorize any county of the state to utilize this program and would extend the operation of those provisions until January 1, 2030. The bill would instead require the board of supervisors of a participating county to submit the report described above to the appropriate policy committees of the Legislature and the Joint Legislative Budget Committee before March 1, 2029.

AB 2006 Mathis R (Dist. 33) Sales and Use Tax Law: exemption: over-the-counter medication.

Location: ASSEMBLY REV. & TAX SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Sales and Use Tax Law provides various exemptions from those taxes. This bill would, until January 1, 2030, exempt from those taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, over-the-counter medication, as defined.

AB 2023 Quirk-Silva D (Dist. 67) Housing element: inventory of land: substantial compliance: rebuttable presumptions.

Location: ASSEMBLY ENROLLMENT

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 Housing Element Law, prescribes requirements for a city's or county's preparation of, and compliance with, its housing element, and requires the Department of Housing and Community Development to review and determine whether the housing element substantially complies with the Housing Element Law, as specified. Current law requires the housing element to include an inventory of land suitable and available for residential development. If that inventory of sites does not identify adequate sites to accommodate the need for groups of all household income levels, as provided, current law requires that the local government rezone sites within 3 years after the date the housing element is adopted or within one year if the local government fails to adopt a housing element that the department finds to be in substantial compliance with the Housing Element Law within 120 days of the statutory deadline to adopt the housing element. This bill, for the 7th and each subsequent revision of the housing element, would require a local government to complete the rezoning of sites within one year of the statutory deadline for the adoption of the housing element or 3 years and 90 days of the statutory deadline if the local government satisfies certain requirements, including submitting a draft element or draft amendment to the department for review within specified timeframes and adopting a draft element or draft amendment that the department finds to be in substantial compliance with the Housing Element Law, as specified.

AB 2086 Schiavo D (Dist. 40) Transportation funding: California Transportation Plan: public dashboard.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires the Department of Transportation to prepare the California Transportation Plan for submission to the Governor and the Legislature as a long-range planning document that incorporates various elements and is consistent with specified expressions of legislative intent. Current law requires the department to complete the 3rd update to the plan by December 31, 2025, and to update the plan every 5 years thereafter. This bill would require

the California Transportation Plan to also include a financial element that summarizes the full cost of plan implementation through the first 10 years of the planning period and includes a summary of available revenues through the planning period and an analysis of what is feasible within the plan if constrained by a realistic projection of available revenues, as specified.

AB 2302 Addis D (Dist. 30) Open meetings: local agencies: teleconferences.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Ralph M. Brown Act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in specified circumstances if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Current law imposes prescribed restrictions on remote participation by a member under these alternative teleconferencing provisions, including establishing limits on the number of meetings a member may participate in solely by teleconference from a remote location, prohibiting such participation for a period of more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. This bill would revise those limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets.

AB 2400 Rivas, Luz D (Dist. 43) California Alternative Energy and Advanced Transportation Financing Authority Act.

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 sales and use tax laws impose taxes on retailers measured by the 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. The California Alternative Energy and Advanced Transportation Financing Authority Act establishes the California Alternative Energy and Advanced Transportation Financing Authority. The act authorizes, until January 1, 2026, the authority to provide financial assistance to a participating party in the form of specified sales and use tax exclusions for projects including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. The act prohibits the sales and use tax exclusions from exceeding \$100,000,000 for each calendar year, except as provided. The Sales and Use Tax Law, for the purposes of the taxes imposed pursuant to that law, until January 1, 2026, excludes the lease or transfer of title of tangible personal property constituting a project to any contractor for use in the performance of a construction contract for a participating party that will use that property as an integral part of the approved project. This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects to January 1, 2031, and would extend the sales and use tax exclusion to January 1, 2031. The bill would make other conforming changes.

AB 2427 McCarty D (Dist. 6) Electric vehicle charging stations: permitting: curbside charging.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	13.b
	1st House				2nd House								

Current law continues into existence the zero-emission vehicle (ZEV) division within Governor's Office of Business and Economic Development (GO-Biz) as the Zero-Emission Vehicle Market Development Office. Current law references GO-Biz's Electric Vehicle Charging Station Permitting Guidebook, which recommends best practices for electric vehicle supply equipment permitting. This bill would require the office to develop a model permitting checklist, model zoning ordinances, and best practices for permit costs and permit review timelines to help local governments permit curbside charging stations as part of the office's development of the Electric Vehicle Charging Station Permitting Guidebook or any subsequent updates. The bill would also require the office to consult with local governments, electric vehicle service providers, and utilities while developing the above-described materials.

AB 2430 Alvarez D (Dist. 80) Planning and zoning: density bonuses: monitoring fees.

Location: ASSEMBLY ENROLLMENT

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, county, or city and county to provide a developer that proposes a housing development within the city or county with a density bonus, waivers or reductions of development standards and parking ratios, and other incentives or concessions, as specified, if the developer agrees to construct certain types of housing, including a housing development in which 100% of the units are for lower income households, except that up to 20% of the units in the development may be for moderate-income households, as specified. This bill would prohibit a city, county, or city and county from charging a monitoring fee, as defined, on those types of housing developments if certain conditions are met, except as specified. The bill would provide that, beginning on January 1, 2025, any housing development that is currently placed in service, is subject to monitoring fees, and meets those conditions shall no longer be subject to those fees.

AB 2443 Carrillo, Juan D (Dist. 39) Transactions and use taxes: Cities of Lancaster, Palmdale, and Victorville.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes cities and counties, subject to certain limitations and approval requirements, to levy a transactions and use tax for general or specific purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, including a requirement that the combined rate of all taxes that may be imposed in accordance with that law in the jurisdiction not exceed 2%. This bill would authorize the Cities of Lancaster, Palmdale, and Victorville to impose a transactions and use tax for the support of countywide transportation programs or general services, at a rate of no more than 1% that, in combination with other transactions and use taxes, would exceed the above-described combined rate limit of 2%, if certain requirements are met. The bill would provide that a transactions and use tax rate imposed pursuant to the bill will not be considered for purposes of the combined rate limit described above. The bill would repeal these authorizations on January 1, 2029, if an ordinance proposing the tax has not been approved by that date, as specified.

AB 2448 Jackson D (Dist. 60) Electric Vehicle Economic Opportunity Zone: County of Riverside.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, upon appropriation by the Legislature, establish an Electric Vehicle Economic Opportunity Zone (EVEOZ) for the County of Riverside, administered by the Labor and Workforce Development Agency, for the purpose of creating programs to make electric vehicle manufacturing jobs and education more accessible to lower income communities. The bill would require the agency to collaborate with the County of Riverside in determining the

geographical boundaries of the EVEOZ. By imposing additional duties on local officials, the bill would impose a state-mandated local program. The bill would authorize the agency to partner with educational institutions, electric vehicle manufacturing businesses, and local and national financial institutions to develop EVEOZ education, training, and investment programs, as specified.

AB 2453 Villapudua D (Dist. 13) Weights and measures: electric vehicle supply equipment.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law provides that the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state, including devices used to measure electricity sold as a motor vehicle fuel. Current law regulates the use and repair of weighing or measuring devices. Current law authorizes a device to be placed in service only by a sealer or a service agency. This bill would prohibit, until January 1, 2028, requiring electric vehicle supply equipment (EVSE) to be retested or placed in service by a service agency or sealer, if the EVSE has previously been placed in service by a service agency or sealer, before the EVSE is used after receiving maintenance, as specified.

AB 2460 Ta R (Dist. 70) Common interest developments: association governance: member election.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Davis-Stirling Common Interest Development Act defines and regulates common interest developments, including member elections. Current law prescribes that a quorum is required only if stated in the governing documents or by law. In the absence of a quorum, current law authorizes an association to adjourn the proceeding to a date at least 20 days after the adjourned proceeding, at which time the quorum required for purposes of a membership meeting is 20% of the voting members present in person, by proxy, or by secret written ballot received. Current law requires an association to provide general notice of the membership meeting, as specified, no less than 15 days prior to the election of directors. In the absence of a quorum, this bill would instead authorize an association to adjourn the meeting to a date at least 20 days after the adjourned meeting, at which time the quorum required for purposes of a reconvened meeting would be 20% of the members, voting in person, by proxy, or by secret ballot. The bill would require an association to provide general notice of the reconvened meeting, as specified, no later than 15 days prior to the date of the reconvened meeting.

AB 2474 Lackey R (Dist. 34) Retirement: County Employees Retirement Law of 1937: benefit payments and overpayments.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The County Employees Retirement Law of 1937 (CERL) authorizes counties and districts to establish retirement systems in order to provide pension benefits to their employees and their beneficiaries and prescribes the rights, benefits, and duties of members in this regard. CERL defines compensation and compensation earnable for purposes of its provisions. The Public Employees' Pension Reform Act of 2013 (PEPRA) prescribed various limitations on public employees, employers, and retirement systems concerning, among other things, the types of remuneration that may be included in compensation that is applied to pensions. Under CERL, the board of retirement is required to comply with and give effect to a revocable written authorization signed by a retired member or beneficiary of a retired member, as described, authorizing the treasurer or other entity authorized by the board to deliver the monthly warrant, check, or electronic fund transfer for the retirement allowance or benefit to any specified bank, savings and loan institution, or credit union to be credited to the account of the retired member or survivor of a deceased retired member. This bill would also define "account of the retired member or survivor of a deceased retired member" to include an account held in a living trust or an income-only trust, as specified.

Location: ASSEMBLY ENROLLMENT

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 the acquisition, construction, or rehabilitation of housing for persons of very low, low, and moderate income. Current law requires the legislative body to establish a public financing authority, defined as the governing board of the enhanced infrastructure financing district, at the same time the resolution to form an enhanced infrastructure district is adopted. Current law requires the public financing authority to adopt an infrastructure financing plan that includes specified information, including a finding that the development and financial assistance are of communitywide significance and provide significant benefits to an area larger than the area of the district. This bill would authorize the City and County of San Francisco to designate one downtown revitalization and economic recovery financing district for the purpose of financing commercial-to-residential conversion projects with incremental tax revenues generated by commercial-to-residential conversion projects within the district.

AB 2503
Lee D (Dist. 24) California Environmental Quality Act: exemption: passenger rail projects.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The California Environmental Quality Act (CEQA), until January 1, 2030, exempts from its requirements certain transportation-related projects if specified requirements are met, including that a local agency, as defined, is carrying out the project and that the project will be completed by a skilled and trained workforce, as provided. CEQA includes within these exempt transportation-related projects a public project for the institution or increase of bus rapid transit, bus, or light rail service, which will be exclusively used by low-emission or zero-emission vehicles, on existing public rights-of-way or existing highway rights-of-way. Current law requires the lead agency, if it determines that a transportation-related project is exempt from CEQA and determines to carry out the project, to file a notice of exemption with the Office of Planning and Research and the county clerk in which the project is located. This bill would expand that exemption from CEQA to include a public project for the institution or increase of other passenger rail service, which will be exclusively used by zero-emission trains, located entirely within existing rail rights-of-way or existing highway rights-of-way. Because the bill would increase the duties of the county clerk, this bill would impose a state-mandated local program.

AB 2522
Carrillo, Wendy D (Dist. 52) Air districts: governing boards: compensation.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law provides for the creation of the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the area of the South Coast Air Basin, as specified. Current law provides that the south coast district is governed by a district board consisting of 11 members and that each member of the board shall receive compensation of \$100 for each day, or portion thereof, but not to exceed \$1,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member's official duties. This bill would raise the limits of the above-described compensation each member of the board receives to up to \$200 for each day, or portion thereof, but not to exceed \$2,000 per month, as specified.

AB 2525
Zbur D (Dist. 51) State highways: property leases.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed		13.b
	1st House				2nd House								

Current law authorizes the Department of Transportation to offer leases to the City of Los Angeles on a right of first refusal basis for any airspace under a freeway or certain real property acquired for highway purposes located in the city for purposes of an emergency shelter or feeding program for a lease amount, for up to 10 parcels, of \$1 per month, and a payment of an administrative fee not to exceed \$500 per year, as specified. This bill would expand the purposes for which these leases may be issued to include an emergency shelter or feeding program, a secure vehicle lot program, or any combination of those purposes. The bill would define “secure vehicle lot program” to mean the use of the leased property to store a vehicle belonging to a person receiving services from the lessee or other governmental agency for the purpose of relieving homelessness. The bill would specify conditions for a vehicle stored in a secure vehicle lot program. The bill would also increase the number of parcels that may be leased for \$1 per month to 25 parcels.

AB 2536 Hoover R (Dist. 7) Vehicles: local registration fees.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes a county, upon the adoption of a resolution by its board of supervisors, to impose a specific fee, in addition to other fees imposed for the registration of a vehicle, to be expended in part to fund programs to deter, investigate, and prosecute vehicle theft crimes. This bill would, for purposes of this requirement, define vehicle theft crimes to include the theft of vehicle parts or components.

AB 2553 Friedman D (Dist. 44) Housing development: major transit stops: vehicular traffic impact fees.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts from its requirements residential projects on infill sites and transit priority projects that meet certain requirements, including a requirement that the projects are located within 1/2 mile of a major transit stop. This bill would revise the definition of “major transit stop” to increase the frequency of service interval to 20 minutes.

AB 2555 Quirk-Silva D (Dist. 67) Sales and use tax: exemption: medicinal cannabis: donations.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidate the licensure and regulation of commercial medicinal and adult-use cannabis activities. Current sales and use tax laws impose use taxes 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, presumes tangible personal property purchased outside the state that is stored, used, or consumed in this state is purchased for use in this state, and provides various exemptions from those taxes. Current law exempts from the use tax the storage, use, or other consumption in this state of medicinal cannabis or medicinal cannabis products that are donated, for no consideration, under specified circumstances. Current law requires the exemption to apply only if the cannabis

retailer certifies in writing, as specified, that the medicinal cannabis or medicinal cannabis product will be used in the manner specified. Current law makes a licensee that uses the donated medicinal cannabis or medicinal cannabis product in some other manner, or for some other purpose, liable for the payment of use tax and subject to having their license suspended. Current law repeals these provisions 5 years after the specified operative date. This bill would extend these provisions until January 1, 2030.

AB 2590 Reyes D (Dist. 50) San Bernardino County Transportation Authority: contracting.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates the San Bernardino County Transportation Authority with various powers and duties relative to transportation planning and funding in the County of San Bernardino. Current law requires the authority's contracts for the purchase of supplies, equipment, and materials, and the construction of all facilities and works, to be let to the lowest responsible bidder when the expenditure required exceeds \$25,000. Current law also requires the authority to obtain a minimum of 3 quotations, either written or oral, that permit prices and terms to be compared whenever the expected expenditure required exceeds \$1,000 but not \$25,000. This bill would authorize a contract for the purchase of supplies, equipment, or materials with a required expenditure that exceeds \$100,000 to be let to the lowest responsible bidder, or, in the authority's discretion, to the responsible bidder who submitted a proposal that provides the best value to the authority on the basis of the factors identified in the solicitation.

Position: Sponsor

AB 2634 McCarty D (Dist. 6) Sacramento Regional Transit District.

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the formation of the Sacramento Regional Transit District with various powers and duties with respect to transportation planning, programming, construction, and operations. Current law requires each transit operator, including the district, that offers reduced fares to senior citizens to also offer reduced fares to disabled persons, as defined, and disabled veterans, as defined, at the same rate established for senior citizens, as specified. This bill would exempt the district from that requirement until January 1, 2027, as specified. If the district reduces fares for senior citizens below the rate offered to disabled persons or disabled veterans, the bill would prohibit the district from increasing rates for disabled persons and disabled veterans and would require the district to submit a report to the Legislature, as specified.

AB 2638 Ward D (Dist. 78) Housing programs: financing.

Location: SENATE APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Zenovich-Moscone-Chacon Housing and Home Finance Act establishes the Department of Housing and Community Development and requires it to administer various programs intended to promote the development of housing and to provide housing assistance and home loans. Current law sets forth various general powers of the department in implementing these programs, including authorizing the department to enter into long-term contracts or agreements of up to 30 years for the purpose of servicing loans or grants or enforcing regulatory agreements or other security documents. Current law, unless an extension of a department loan, the reinstatement of a qualifying unpaid matured loan, the subordination of a department loan to new debt, or an investment of tax credit equity would result in a rent increase for tenants of a development, authorizes the Department of Housing and Community Development to approve an extension, reinstatement, subordination, payoff, extraction, or investment pursuant to specified rental housing finance programs, as specified, or if the department determines that a project has, or will have after rehabilitation or repairs, a potential remaining useful life equal to or greater than the term of the

restructured loan. Current law authorizes the department to charge a monitoring fee to cover the aggregate monitoring costs in years the loan is extended and a transaction fee to cover its costs for processing restructuring transactions, and requires developer fee limitations to be consistent with specified laws and regulations, including regulations by the California Tax Credit Allocation Committee. This bill would revise and recast these provisions, including additionally authorizing the department to approve the payoff of a department loan in whole or part before the end of its term and the extraction of equity from a development for purposes approved by the department. The bill would specify eligible uses of loan and equity sources, if the department determines that a project has, or will have after rehabilitation or repairs, a potential remaining useful life equal to or greater than the term of the department's regulatory agreement for purposes of approving an extension, reinstatement, subordination, payoff, extraction, or investment, as described above.

AB 2645 Lackey R (Dist. 34) Electronic toll collection systems: information sharing: law enforcement.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law prohibits a transportation agency, as defined, from selling or otherwise providing to any other person or entity, with certain exceptions, personally identifiable information of a person who subscribes to an electronic toll collection system or who uses a toll bridge, toll lane, or toll highway that employs an electronic toll collection system. Current law authorizes a law enforcement agency to request the Department of the California Highway Patrol (CHP) to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person. Current law also authorizes the CHP, upon the request of a law enforcement agency, to activate various other alerts for missing individuals meeting certain criteria and alerts following an attack upon a law enforcement officer or a hit-and-run fatality. This bill would authorize a transportation agency that employs an electronic toll collection system to provide the date, time, and location of a vehicle license plate read captured by the system to a peace officer in response to one of these alerts.

Position: Support

AB 2656 Ramos D (Dist. 45) Tribal gaming: compact ratification.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The current federal Indian Gaming Regulatory Act of 1988 provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude tribal-state gaming compacts, subject to ratification by the Legislature. Current law expressly ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes. This bill would ratify the tribal-state gaming compact entered into between the State of California and the Table Mountain Rancheria, executed on November 1, 2023. The bill would provide that in deference to tribal sovereignty, certain actions related to this compact are not projects for purposes of the California Environmental Quality Act (CEQA).

AB 2663 Grayson D (Dist. 15) Inclusionary housing: fees: reports.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would, commencing on January 1, 2026, would require a local agency that collects inclusionary housing in-lieu fees and has an internet website to annually post on its internet website the amount of those fees collected in the previous year and whether those fees are intended to be used for a project, if any. The bill would define "inclusionary housing in-lieu fees" to mean fees imposed as an alternative means of compliance with an inclusionary housing requirement.

The bill, commencing on January 1, 2026, and every 5 years thereafter, would require a local agency that d inclusionary housing in-lieu fees to post on its internet website the amount of those fees collected in the past 5 years and the project those fees were spent on.

AB 2667 Santiago D (Dist. 54) Affirmatively furthering fair housing: housing element: reporting.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing. Current law requires a housing element to include a program that sets forth a schedule of actions during the planning period, each with a timeline for implementation such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through, among other things, the administration of land use and development controls and the provision of regulatory concessions and incentives. Current law requires this program to affirmatively further fair housing and consist of specified components, including a summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity. This bill would require the Department of Housing and Community Development to develop a standardized reporting format for programs and actions taken with regards to the local agency affirmatively further fair housing that enables the reporting of the assessment components described-above, as specified. The bill would require local governments to utilize the standardized reporting format for the 7th and each subsequent revision of the housing element. This bill would require a planning agency, for the 7th and each subsequent revision of the housing element, to make a draft of its inventory of sites required under the Housing Element Law available to the department and the public, post the draft inventory on its internet website, and send a notification email to individuals and organizations that have previously requested notices at least 90 days before the initial adoption of the housing element and at least 7 days before any subsequent adoption submittal if changes have occurred to the inventory of sites.

AB 2669 Ting D (Dist. 19) Toll bridges: tolls.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law provides for the construction and operation of various toll bridges by the state, the Golden Gate Bridge Highway and Transportation District, and private entities that have entered into a franchise agreement with the state. This bill would prohibit a toll from being imposed on the passage of a pedestrian, bicycle, or personal micromobility device over these various toll bridges, unless the bridge was under construction on or after January 1, 2025, and the tolls are used to fund the cost of constructing the bridge.

AB 2678 Wallis R (Dist. 47) Vehicles: high-occupancy vehicle lanes.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current state law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs). Current federal law authorizes, until September 30, 2025, a state to allow specified alternate fuel and plug-in electric or hybrid vehicles to use lanes designated for HOVs. Current state law authorizes the Department of Motor Vehicles to issue decals or other identifiers to qualified vehicles, as specified. Current state law allows a vehicle displaying a valid decal or identifier issued pursuant to these provisions to be operated in a lane designated for the exclusive use of HOVs regardless of the occupancy of the vehicle. These existing state laws, by operation of their provisions, become inoperative on the date the federal authorization expires. Current state law also repeals these provisions on September 30, 2025. This bill would extend the repeal

date of these provisions until January 1, 2027.

AB 2697 Irwin D (Dist. 42) Transportation electrification: electric vehicle charging stations: network roaming standards.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law prohibits persons desiring to use an electric vehicle charging station that requires payment of a fee from being required to pay a subscription fee to use the station and from being required to obtain membership in any club association, or organization as a condition of using the station. Current law requires the total actual charges for the use of an electric vehicle charging station, including any additional network roaming charges for nonmembers, to be disclosed to the public at the point of sale. Current law authorizes the State Energy Resources Conservation and Development Commission to adopt interoperability billing standards for network roaming payment methods for electric vehicle charging stations if no interoperability billing standards have been adopted by a national standards organization by January 1, 2015. This bill would require the commission to apply any network roaming standards it adopts only to major electric vehicle charging network operators, as defined.

AB 2698 Ta R (Dist. 70) Route 405: Little Saigon Freeway.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would specify that Route 405 from Bolsa Chica Road to Bolsa Avenue in the County of Orange shall be known and designated as the Little Saigon Freeway, and would require the Department of Transportation to determine the cost of appropriate signs showing that special designation and, upon receiving donations from nonstate sources sufficient to cover the cost, to erect those signs, as specified.

AB 2712 Friedman D (Dist. 44) Preferential parking privileges: transit-oriented development.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law authorizes a local authority, by ordinance or resolution, to prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways during all or certain hours of the day. Current law authorizes the ordinance or resolution to include a designation of certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued permits that exempt them from the prohibition or restriction of the ordinance or resolution. Current law prohibits a public agency from imposing any minimum automobile parking requirement on any residential, commercial, or other development project that is located within 1/2 mile of public transit, as defined unless the public agency makes written findings that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on, among other things, the city's, county's, or city and county's ability to meet its share of the regional housing need for low- and very low income households. This bill would, for purposes of its provisions, define "development project" to mean a residential, commercial, or other development project exempt from minimum automobile parking requirements, or subject to parking minimum reductions based on any other applicable law, located within the boundaries of the City of Los Angeles. This bill, for a development project that is located within a preferential parking area, would require the development project to be excluded from the boundaries of the preferential parking area and would prohibit the local authority, as defined, from issuing any permit to the residents or visitors of the development project that grants preferential parking privileges.

AB 2715 Boerner D (Dist. 77) Ralph M. Brown Act: closed sessions.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	13.b
	1st House				2nd House								

The Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Current law authorizes a legislative body to hold a closed session with specified individuals on, among other things, matters posing a threat to the security of essential public services, as specified. This bill would additionally authorize a legislative body to hold a closed session with other law enforcement or security personnel and to hold a closed session on a threat to critical infrastructure controls or critical infrastructure information, as defined, relating to cybersecurity.

AB 2735 Rubio, Blanca D (Dist. 48) Joint powers agreements: water corporations.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would authorize a water corporation, as defined, a mutual water company, and one or more public agencies to provide insurance, as specified, by a joint powers agreement. The bill would also authorize a water corporation, a mutual water company, and one or more public agencies to enter into a joint powers agreement for the purposes of risk pooling, as specified. The bill would prohibit a joint powers agency from allowing a water corporation to join the joint powers agency, unless the joint powers agency makes a specified determination relating to insurance. If a water corporation enters into a joint powers agreement for the purposes of risk pooling, the bill would require the water corporation to submit an annual information filing to the Public Utilities Commission and the joint powers agency, as specified.

AB 2743 Pacheco D (Dist. 64) Insurance: personal vehicle sharing.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law prohibits classifying a private passenger motor vehicle as a commercial vehicle, for-hire vehicle, permissive use vehicle, or livery solely because its owner allows it to be shared, if specified criteria are met, including if the annual revenue received by the vehicle's owner generated by the personal vehicle sharing of the vehicle does not exceed the annual expenses of owning and operating the vehicle. Current law requires a personal vehicle sharing program, for each vehicle that it facilitates the use of, among other things, to provide insurance coverages for the vehicle and operator of the vehicle that are equal to or greater than the insurance coverages maintained by the vehicle owner, but no less than 3 times the minimum coverage amounts for private passenger vehicles. Current law requires an owner or operator of a motor vehicle, or an owner of a vehicle used to transport passengers for hire not regulated by the Public Utilities Commission, to maintain liability insurance coverage for the named insured and any other person using the vehicle with permission in the amount of \$15,000 for the bodily injury or death of any one person, \$30,000 for the bodily injury or death of all persons, and \$5,000 for damage to the property of others resulting from any one accident. Current law increases these minimum amounts to \$30,000, \$60,000, and \$15,000, respectively, on January 1, 2025. This bill would require a personal vehicle sharing program to provide, instead, insurance coverages for the vehicle and operator at a minimum of \$45,000 for bodily injury or death for one person, \$90,000 for bodily injury or death for all persons, and \$15,000 for property damage, and, on and after January 1, 2031, to provide liability coverage at least 3 times the minimum insurance requirements for private passenger vehicles. The bill would require a personal vehicle sharing program to disclose to a vehicle owner and any person that operates the vehicle specified information, including the minimum mandatory coverage and limits that the personal vehicle sharing program is required to provide and the coverages and limits provided.

AB 2750 Gallagher R (Dist. 3) Electricity: procurement: generation from biomass.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires electrical corporations, in addition to other requirements to procure generating capacity from bioenergy projects, to collectively procure, by December 1, 2023, their proportionate share of 125 megawatts of cumulative rated generating capacity from bioenergy projects that commenced operations before June 1, 2013, and that use certain feedstocks. This bill would extend that procurement deadline to July 1, 2025. This bill contains other related provisions and other existing laws.

AB 2802 Maienschein D (Dist. 76) Transitional housing placement providers.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The California Community Care Facilities Act requires the State Department of Social Services to license and regulate transitional housing placement providers pursuant to the act. Under existing law, a transitional housing placement provider is an organization licensed by the department to provide transitional housing to foster children at least 16 years of age and not more than 18 years of age and to nonminor dependents to promote their transition to adulthood. Current law requires a transitional housing unit to include, among other things, a host family certified by a transitional housing placement provider or other designated entity, as prescribed. Current law requires the department to adopt regulations governing transitional housing placement living arrangements requirements for minors and nonminor dependents, as prescribed. Under existing law, a violation of the act is a misdemeanor. This bill would require those regulations to include allowing a minor or nonminor dependent participant to share a bedroom or unit in a transitional housing placement with a nonparticipant roommate, sibling, or coparent, as specified. The bill would also require the regulations to allow a minor or nonminor dependent participant to share their living arrangement with another participant, including a participant sibling or coparent, as specified. The bill would require the regulations to require counties and program contracts to allow individual program participants and individuals sharing their living arrangements to share bedrooms, bathrooms, and units together, regardless of gender identity and would require county program contracts to allow providers and participants to make best matches to allow for gender flexibility.

AB 2803 Valencia D (Dist. 68) Campaign expenditures: criminal convictions: fees and costs.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Political Reform Act of 1974 deems all campaign contributions to be held in trust for expenses associated with seeking or holding office, and generally authorizes expenditures associated therewith if they are reasonably related to a political, legislative, or governmental purpose. Current law prohibits the use of campaign funds to pay or reimburse fines, penalties, judgments, or settlements, except as specified. Current law provides that the expenditure of campaign funds for attorney's fees and other costs in connection with administrative, civil, or criminal litigation are not related to a political, legislative, or governmental purpose unless the litigation is directly related to activities of a committee that are consistent with its primary objectives or arises directly out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer, as specified. This bill would prohibit campaign funds from being used to reimburse expenditures for attorney's fees and other costs in connection with criminal litigation if the litigation results in a conviction of the candidate or elected officer for a felony involving certain types of offenses as specified. The bill would prohibit the use of campaign funds to pay or reimburse a candidate or elected officer for a fine, penalty, judgment, or settlement relating to a conviction for a felony involving such specified offenses. The bill would require the candidate or elected officer, if convicted, to reimburse the campaign for all funds used in connection with other legal costs and expenses related to claims of criminal acts.

AB 2849 Rubio, Blanca D (Dist. 48) Beer manufacturers: sale of draught beer.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law requires any on-sale retail licensee that gives, sells, or otherwise dispenses draught beer to include specified information about the beer upon the faucet, spigot, or outlet from which the beer is drawn or in the place of service and consumption, as provided. This bill would exempt from these labeling requirements premises operated under a beer manufacturer license.

AB 2854 Irwin D (Dist. 42) Bradley-Burns Uniform Local Sales and Use Tax Law.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Bradley-Burns Uniform Local Sales and Use Tax Law (Bradley-Burns) authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law. Current law, on or after January 1, 2016, prohibits a local agency from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any person, as defined, for any purpose, if the agreement results in a reduction in the amount of Bradley-Burns local tax revenues that, in the absence of the agreement, would be received by another local agency and the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency, with specified exceptions. This bill would require a local agency, as defined, to annually provide specified information relating to each agreement resulting in the direct or indirect payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to the California Department of Tax and Fee Administration.

AB 2861 Wallis R (Dist. 47) Personal income tax: credit: gun safe.

Location: ASSEMBLY REV. & TAX SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Personal Income Tax Law allows various credits against the taxes imposed by that law. This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2025, and before January 1, 2030, in an amount equal to the amount paid or incurred, not to exceed \$300, during the taxable year for the purchase of one gun safe, as defined, for use in a residential unit located in the state.

AB 2867 Gabriel D (Dist. 46) Recovery of artwork and personal property lost due to persecution.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law provides that in the case of a theft of any article of historical, interpretive, scientific, cultural, or artistic significance, a cause of action is not deemed to have accrued until the discovery of the whereabouts of the article by the aggrieved party, the aggrieved party's agent, or a law enforcement agency. Current law requires a civil action against a museum, gallery, auctioneer, or dealer for the recovery of works of fine art that were unlawfully taken or stolen, including a taking or theft by means of fraud or duress, to be commenced within 6 years of the actual discovery by the claimant or their agent of the identity and whereabouts of the work of fine art and information or facts that are sufficient to indicate that the claimant has a claim for a possessory interest in the work of fine art. Current federal law, the Holocaust Expropriated Art Recovery Act of 2016, establishes a statute of limitation for claims to recover artwork and other property, as defined, stolen or misappropriated by the Nazis between 1933 and 1945. This bill would provide that California substantive law shall apply in actions to recover fine art or an item of historical, interpretive, scientific, or artistic significance, including those covered by the Holocaust Expropriated Art Recovery Act of 2016, brought by a California resident or their heirs, as specified.

AB 2886 Aguiar-Curry D (Dist. 4) Gambling Control Act: injunctive relief.

Location: SENATE INACTIVE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires the Department of Justice to investigate any violations of, and to enforce, the Gambling Control Act. Current law prohibits a court from issuing a temporary injunction or other provisional order to restrain, stay, or otherwise interfere with any action by the department or the California Gambling Control Commission, except upon a finding by the court, based on clear and convincing evidence, that the public interest will not be prejudiced.

Current law prohibits an order from being effective for more than 15 days and a preliminary order from being effective for more than 45 days, except by stipulation of the department or commission. This bill would extend the period an order may be effective to 21 days and extend the period a preliminary order may be effective to 60 days

AB 2889 Zbur D (Dist. 51) Local public employee relations: the City of Los Angeles Employee Relations Board and the Los Angeles County Employee Relations Commission.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law establishes the Public Employment Relations Board (PERB). Under current law, PERB has the power and duty to investigate an unfair practice charge and to determine whether the charge is justified and the appropriate remedy for the unfair practice. The Meyers-Milias-Brown Act regulates the labor relations of employees and employers of local public agencies. The act requires that a complaint alleging any violation of the act or of any rules and regulations adopted by a public agency pursuant to specified law be processed as an unfair practice charge by PERB. The act provides that the initial determination as to whether the charge of unfair practice is justified and, if so, the appropriate remedy necessary to effectuate the purposes of the act is a matter within the exclusive jurisdiction of PERB, except that in an action to recover damages due to an unlawful strike, PERB does not have authority to award strike-preparation expenses as damages and does not have authority to award damages for costs, expenses or revenue losses incurred during, or as a consequence of, an unlawful strike. Current law, notwithstanding PERB's authority, grants the employee relations commissions for the City of Los Angeles and the County of Los Angeles the power and responsibility to take actions on all unfair practices, as specified. This bill would prohibit, in an action to recover damages due to an unlawful strike, the City of Los Angeles Employee Relations Board and the Los Angeles County Employee Relations Commission from awarding strike-preparation expenses as damages and awarding damages for costs, expenses, or revenue losses incurred during, or as a consequence of, an unlawful strike.

AB 2898 Carrillo, Wendy D (Dist. 52) Unbundled parking: exemptions: Housing Choice Vouchers.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires the owner of qualifying residential property, as defined, that provides parking with the qualifying residential property to unbundle parking from the price of rent, as specified. Current law defines "unbundled parking" as the practice of selling or leasing parking spaces separate from the lease of the residential use. Current federal law provides housing assistance to low-income individuals and households in the form of vouchers, commonly known as Housing Choice Vouchers. This bill would exempt any residential unit that is leased to a tenant who receives a federal Housing Choice Voucher, including a federal Veterans Affairs Supportive Housing voucher, from the above-described requirement to unbundle parking.

AB 2899 Gabriel D (Dist. 46) General acute care hospitals: licensed nurse-to-patient ratios.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Under existing law, the State Department of Public Health adopted regulations that establish minimum, specific, and

numerical licensed nurse-to-patient ratios by licensed nurse classification and by hospital unit within a general acute care hospital, among other health facilities. Existing regulations require licensed nurse-to-patient ratios to represent the maximum number of patients assigned to one licensed nurse at any one time, and define "assigned" to mean the licensed nurse has responsibility for the provision of care to a particular patient within their scope of practice. This bill would require the department, when transmitting to a general acute care hospital the action to be taken on a substantiated violation of the regulation establishing licensed nurse-to-patient ratios, to simultaneously transmit the same information to the person who filed the claim of the violation and their collective bargaining agent or representative, if any. This bill contains other related provisions and other existing laws.

AB 2903 Hoover R (Dist. 7) Homelessness.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Would require, commencing September 1, 2025, a state agency or department that administers one or more state homelessness programs to report annually to the California Interagency Council on Homelessness cost and outcome data for each program the agency or department administers, and would require the council, in coordination with each agency or department required to report to the council, as specified, to develop data collection and reporting procedures for this purpose. The bill would require the council to compile the data reported by agencies and departments and, commencing April 1, 2026, annually make that data available to the public.

AB 2904 Quirk-Silva D (Dist. 67) Zoning ordinances: notice.

Location: ASSEMBLY ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires the planning commission to hold a public hearing on any zoning ordinance or an amendment to a zoning ordinance that changes any property from one zone to another. If the proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, current law requires notice of the hearing to be, among other things, mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property, as specified. This bill would instead require notice of the planning commission's hearing on a proposed zoning ordinance or amendment to a zoning ordinance, if the proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, to be published, posted, mailed, and delivered, or advertised, as applicable, at least 20 days before the hearing.

AB 2910 Santiago D (Dist. 54) State Housing Law: City of Los Angeles: conversion of nonresidential buildings.

Location: ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The California Building Standards Law establishes the California Building Standards Commission within the Department of General Services. Current law requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code, which is required to be published once every five years. The State Housing Law establishes statewide construction and occupancy standards for buildings used for human habitation. That law requires the building department of every city or county to enforce within its jurisdiction the provisions of the California Building Standards Code, the provisions of the State Housing Law, and specified other rules and regulations promulgated pursuant to that law. That law authorizes a city or county to adopt alternative building regulations for the conversion of commercial or industrial buildings to joint living and work quarters, as specified. This bill would additionally authorize the City of Los Angeles (city) to adopt alternative building regulations for the conversion of nonresidential buildings to residential uses, as specified. The bill would prohibit these alternative building regulations from applying to nonresidential buildings with industrial uses.

AB 2911 McKinnor D (Dist. 61) Campaign contributions: agency officers.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Political Reform Act of 1974 prohibits an officer of an agency from accepting, soliciting, or directing a contribution of more than \$250 from any party, participant, or a party or participant's agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 12 months following the date a final decision is rendered in the proceeding, if the officer knows or has reason to know that the participant has a financial interest, as defined. Current law permits an officer who violates this prohibition to cure the violation by returning the contribution, or portion of the contribution in excess of \$250, within 14 days of accepting, soliciting or directing the contribution, as specified. Current law also prohibits a party or party's agent from making a contribution of more than \$250 to any officer of an agency while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 12 months following the date a final decision is rendered by the agency in that proceeding. This bill would raise the threshold for contributions regulated by these provisions to \$1,500, as specified.

AB 2926 Kalra D (Dist. 25) Planning and zoning: assisted housing developments: notice of expiration of affordability restrictions.

Location: ASSEMBLY ENROLLMENT

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 an owner of an assisted housing development proposing the termination of a subsidy contract or prepayment of governmental assistance or of an assisted housing development in which there will be the expiration of rental restrictions to provide a notice of the proposed change to each affected tenant household residing in the assisted housing development, as specified. The Planning and Zoning Law defines "assisted housing development" for these purposes to mean a multifamily rental housing development of 5 or more units that receives governmental assistance under any of specified programs, including assistance provided by counties or cities under specified law in exchange for restrictions on the maximum rents, as specified, and on the maximum tenant income, as specified. The Planning and Zoning law defines a "termination" for these purposes to mean an owner's decision to extend or renew its participation in a federal, state, or local government subsidy program or private, nongovernmental subsidy program for an assisted housing development, as specified. The Planning and Zoning Law defines the "expiration of rental restrictions" for these purposes to mean the expiration of rental restrictions for an assisted housing development, as specified, unless the development has other recorded agreements restricting the rent to the same or lesser levels for at least 50% of the units. This bill would instead impose the above-described notice requirement on an owner prior to the anticipated date of termination of a subsidy contract or expiration of rental restrictions or prepayment on an assisted housing development, as specified. The bill would expand the definition of "assisted housing development" to include a development that receives assistance from counties or cities in exchange for affordability restrictions, as described above, pursuant to the Middle Class Housing Act of 2022; streamlining assistance pursuant to the Affordable Housing and High Road Job Act of 2022; specified law providing a streamlined, ministerial approval process for certain housing developments; or the Affordable Housing on Faith and Higher Education Lands Act of 2023. The bill would revise the definition of "termination" for these purposes to instead mean the failure of an owner to extend or renew its participation in the above-described programs, as specified.

AB 2928 Flora R (Dist. 9) Budget Act of 2022.

Location: ASSEMBLY PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Budget Act of 2022 made appropriations for the support of state government for the 2022–23 fiscal years. This bill would amend the Budget Act of 2022 by amending an item of appropriation relating to the Lockeford

AB 2951 Cervantes D (Dist. 58) Voter registration: cancellation.**Location:** ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires a county elections official to cancel a person's voter registration in certain circumstances, including when a person is deemed mentally incompetent, upon proof that the person is presently imprisoned for conviction of a felony, upon the death of the person, and when a person fails to respond to an address verification mailed by the elections official and does not attempt to vote at the next two federal general elections. Current law requires the elections official to provide notice of the intent to cancel the person's registration between 15 and 30 days before the cancellation. This bill, until July 1, 2025, instead would require the elections official to provide notice of the intent to cancel the person's registration between 15 and 30 days before the cancellation if the cancellation was due to mental incapacity to vote, a prison commitment, or the voter has failed to respond to an address verification, as specified, and would require the elections official to provide notice within 15 days before or after cancellation of a voter's registration if the person has died. This bill would require the Secretary of State to submit an update on January 1, 2025, and on the first of each month thereafter until July 1, 2025, to specified committees of the Legislature detailing its efforts and progress in fully implementing and achieving compliance with specified law regarding voting rights disqualifications and restorations.

AB 3123 Jones-Sawyer D (Dist. 57) Los Angeles County Metropolitan Transportation Authority: board code of conduct: lobbying rules.**Location:** ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Los Angeles County Metropolitan Transportation Authority (MTA) is governed by a 14-member board with specified powers and duties relative to transportation planning, programming, and operations in the County of Los Angeles. Current law prescribes a code of conduct for the board of MTA, which includes, among other things, rule pertaining to gifts and financial conflicts of interest. As part of the provisions establishing this code of conduct, existing law requires the board of MTA to appoint an ethics officer who reports to the board. Current law also requires MTA to appoint an inspector general and requires the code of conduct to be enforced by the inspector general. This bill would revise and recast the code of conduct by, among other things, specifying that board members are subject to all ethics laws applicable to other public officials and by eliminating specific rules from the code of conduct including, among others, certain rules pertaining to gifts and financial conflicts of interest. The bill would also provide that the code of conduct is in addition to any rules or codes adopted by the board. The bill would require the ethics officer, in addition to reporting to the board, to operate in an independent manner, and would prohibit the ethics officer from being removed from office except under certain circumstances. The bill would require the ethics officer to provide advice to the board and MTA relating to codes of conduct, lobbying, governmental ethics, campaign finance, fair procurement practices, and conflicts of interest. The bill would also authorize the ethics officer to make recommendations regarding a potential violation to the inspector general.

AB 3177 Carrillo, Wendy D (Dist. 52) Mitigation Fee Act: land dedications: mitigating vehicular traffic impacts.**Location:** ASSEMBLY ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The Mitigation Fee Act imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. Current law requires a local agency that imposes a fee on a housing development for the purpose of mitigating vehicular traffic impacts to set the rate for the fee to reflect a lower rate of automobile trip generation if the housing development satisfies specified characteristics

including that the housing development is located within 1/2 mile of a transit station, as specified. Current law defines a transit station for these purposes to mean a rail or light-rail station, ferry terminal, bus hub, or bus transfer station. This bill would instead require the housing development to be located within a transit priority area, as specified, for purposes of a local agency setting the rate for a mitigating vehicular traffic impacts fee to reflect a lower rate of automobile trip generation. The bill would define “transit priority area” as an area within 1/2 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan. This bill would prohibit a local agency from imposing a land dedication requirement, as defined, on a housing development to widen a roadway if the land dedication requirement is for the purpose of mitigating vehicular traffic impacts, achieving an adopted traffic level of service related to vehicular traffic, or achieving a desired roadway width.

AB 3182 Lackey R (Dist. 34) Land conservation: California Wildlife, Coastal, and Park Land Conservation Act: County of San Bernardino.

Location: SENATE APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires an applicant receiving state funds under the California Wildlife, Coastal, and Park Land Conservation Act to maintain any property acquired in perpetuity, as specified, and use the property only for the purposes stated in the act and to make no other use, sale, or other disposition of the property except as authorized by a specific act of the Legislature. Current law authorizes the County of San Bernardino to sell or exchange property it owns within the Chino Agricultural Preserve that was purchased with grant funds if it meets certain conditions. Among those conditions, current law requires the county to preserve all lands and conservation easements acquired or dedicated as authorized by the act in perpetuity for open-space conservation purposes or agricultural preservation, and specifies that open-space conservation includes community gardens, agricultural heritage projects, agricultural and wildlife education or wildlife habitat. This bill would additionally authorize preservation of those lands or easements for park and recreational purposes, and would explicitly include, to the extent they are consistent with the purposes of the act, playgrounds, recreational venues, sporting venues, amphitheaters, and preservation of historical resources as appropriate purposes.

Position: Support

ABX1 2 Fong, Vince R (Dist. 0) Motor Vehicle Fuel Tax Law: suspension of tax.

Location: ASSEMBLY PRINT

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 one year. The bill would require that all savings realized based on the suspension of the motor vehicle fuels tax by a person other than an end consumer, as defined, be passed on to the end consumer, and would make the violation of this requirement an unfair business practice, in violation of unfair competition laws, as provided. The bill would require a seller of motor vehicle fuels to provide a receipt to a purchaser that indicates the amount of tax that would have otherwise applied to the transaction.

ACA 1 Aguiar-Curry D (Dist. 4) Local government financing: affordable housing and public infrastructure voter approval.

Location: ASSEMBLY CHAPTERED

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, including downpayment assistance, or permanent supportive housing, or the

acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by the voters of the city, county, city and county, or special district, as applicable, and the proposition includes specified accountability requirements. The measure would prohibit a city, county, city and county, or special district from placing a proposition on the ballot pursuant to these provisions if the voters have previously approved a proposition pursuant to these provisions or the below special tax provisions until all funds from the previous proposition are committed to programs and projects listed in the specific local program or ordinance, as described. The measure, subject to certain vote thresholds, would authorize the Legislature to enact laws establishing additional accountability measures and laws for the downpayment assistance programs authorized by the measure, as specified.

Position: Watch

ACA 13 **Ward D (Dist. 78) Voting thresholds.**

Location: ASSEMBLY CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution provides that a proposed constitutional amendment and a statewide initiative measure each take effect only if approved by a majority of the votes cast on the amendment or measure. This measure would further provide that an initiative measure that includes one or more provisions that would amend the Constitution to increase the voter approval requirement to adopt any state or local measure would be approved by the voters only if the proportion of votes cast in favor of the initiative measure is equal to or greater than the highest voter approval requirement that the initiative measure would impose. The measure would specify that this voter approval requirement would apply to statewide initiative measures that appear on the ballot on or after January 1, 2024.

Position: Watch

SB 4 **Wiener D (Dist. 11) Planning and zoning: housing development: higher education institutions and religious institutions.**

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, the Zenovich-Moscone-Chacon Housing and Home Finance Act, establishes the California Tax Credit Allocation Committee within the Department of Housing and Community Development. Current law requires the committee to allocate state low-income housing tax credits in conformity with state and federal law that establishes maximum rent that may be charged to a tenant for a project unit constructed using low-income housing tax credits. The bill would define various terms for these purposes. Among other things, the bill would require that 100% of the units, exclusive of manager units, in a housing development project eligible for approval as a use by right under these provisions be affordable to lower income households, except that 20% of the units may be for moderate-income households, and 5% of the units may be for staff of the independent institution of higher education or the religious institution that owns the land, provided that the units affordable to lower income households are offered at affordable rent, as set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee, or affordable housing cost, as specified. The bill would authorize the development to include ancillary uses on the ground floor of the development, as specified.

SB 7 **Blakespear D (Dist. 38) Regional housing need: determination.**

Location: SENATE ENROLLMENT

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, for the 4th and subsequent revisions of the housing element, the Department of Housing and Community Development (department) to determine the existing and projected need for housing for each region, as specified. That law requires the department, in consultation with the council of governments, to determine the existing and projected need of housing for each region in a specified manner. That law requires the department's determination to be based upon population projections produced by the Department of Finance, as

specified. That law also requires the department to meet and consult with the council of governments regarding assumptions and methodologies to be used to determine each region's housing need and requires the council of governments to provide data assumptions from the council of governments' projections, as specified. That law authorizes the department to accept or reject the information provided by the council of governments and, after consultation with each council of governments, to make determinations on the council of governments' data assumptions and the methodology the department will use to determine each region's housing need. That law requires the department to provide its determinations to each council of governments, as specified. That law, upon making that determination, authorizes the council of governments to object to the determination. This bill, for region in which the department is required to distribute the regional housing need, would prohibit a city or county from filing an objection to the regional housing need determination.

SB 20 Rubio D (Dist. 22) Joint powers agreements: regional housing trusts.

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Joint Exercise of Powers Act specifically authorizes the creation of the Orange County Housing Finance Trust and the San Gabriel Valley Regional Housing Trust, both joint powers authorities, for the purpose of funding housing to assist the homeless population and persons and families of extremely low, very low, and low income within their respective regions, as specified. This bill would authorize 2 or more local agencies, as defined, to create a regional housing trust for the purpose of funding housing to assist the homeless population and persons and families of extremely low, very low, and low income within their jurisdictions by entering into a joint powers agreement pursuant to the Joint Exercise of Powers Act. The bill would also authorize a federally recognized tribal government to enter into the joint powers agreement. The bill would require a regional housing trust created pursuant to these provisions to be governed by a board of directors consisting of a minimum of 5 directors, as specified. The bill would authorize a regional housing trust to fund the planning, construction, and acquisition of housing, receive public and private financing and funds, and authorize and issue bonds, as specified. The bill would require the joint powers agreement establishing the regional housing trust to incorporate specified annual financial reporting and auditing requirements.

SB 229 Umberg D (Dist. 34) Surplus land: disposal of property: violations: public meeting.

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require a local agency that is disposing of surplus land and has received a notification of violation from the Department of Housing and Community Development to hold an open and public meeting to review and consider the substance of the notice of violation. The bill would require the local agency's governing body to provide prescribed notice no later than the time required by specified provisions. The bill would prohibit the local agency's governing body from taking final action to ratify or approve the proposed disposal of surplus land until a public meeting is held as required. The bill would exempt from its provisions a local agency that ceases to dispose of surplus land after receiving the notice of violation. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

SB 253 Wiener D (Dist. 11) Climate Corporate Data Accountability Act.

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the State Air Resources Board, on or before January 1, 2025, to develop and adopt regulations requiring specified partnerships, corporations, limited liability companies, and other business entities with total annual revenues in excess of \$1,000,000,000 and that do business in California, defined as "reporting entities," to publicly disclose to the emissions reporting organization, as defined, and obtain an assurance engagement on, starting in 2026 on a date to be determined by the state board, and annually thereafter, their scope 1 and scope 2 greenhouse

gas emissions, as defined, and, starting in 2027 and annually thereafter, their scope 3 greenhouse gas emissions, as defined, from the reporting entity's prior fiscal year, as provided. The bill would require the state board to review during 2029, and update as necessary on or before January 1, 2030, these deadlines to evaluate trends in scope 3 emissions reporting and to consider changes to the deadlines, as provided. The bill would require a reporting entity to obtain an assurance engagement, performed by an independent third-party assurance provider, of the entity's public disclosure as provided. The bill would require the state board, in developing these regulations, to consult with the Attorney General, other government stakeholders, investors, stakeholders representing consumer and environmental justice interests, and reporting entities that have demonstrated leadership in full-scope greenhouse gas emissions accounting and public disclosure and greenhouse gas emissions reductions. The bill would also require the state board to ensure that the assurance process minimizes the need for reporting entities to engage multiple assurance providers and ensures sufficient assurance provider capacity, as well as timely reporting implementation, as required. The bill would further require the state board to contract with an emissions reporting organization to develop a reporting program to receive and make publicly available the required disclosures. The bill would authorize the state board, starting in 2033 and every 5 years thereafter, to assess the global greenhouse gas accounting and reporting standards and to adopt an alternative standard if it determines that using the alternative standard would more effectively further the goals of the bill.

SB 304 **Laird D (Dist. 17) Monterey-Salinas Transit District: public contracting.**

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates the Monterey-Salinas Transit District to include all of the County of Monterey, with specified powers and duties related to public transit service. Existing law requires the district to award contracts for the purchase of supplies, equipment, and materials in excess of \$100,000 to the lowest responsible bidder, or to the responsible bidder that provides the best value, as provided. Current law requires the district to obtain a minimum of 3 quotations, as provided, that permit prices and terms to be compared, whenever the expected expenditure required for the purchase of supplies, equipment, or materials exceeds \$2,500 but does not exceed \$100,000. This bill would increase to \$150,000 the monetary threshold for contracts above which the district is required to award contracts to the lowest responsible bidder, or to the responsible bidder that provides the best value, as provided. The bill would also require the district to obtain a minimum of 3 quotations, as provided, that permit prices and terms to be compared whenever the expected expenditure required for the purchase instead exceeds \$5,000 but does not exceed \$150,000.

Position: Watch

SB 312 **Wiener D (Dist. 11) California Environmental Quality Act: university housing development projects: exemption.**

Location: SENATE ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, until January 1, 2030, exempts from the California Environmental Quality Act (CEQA) a university housing development project carried out by a public university on real property owned by the public university if the project meets certain requirements, including that each building within the project is certified as Leadership in Energy and Environmental Design (LEED) Platinum or better by the United States Green Building Council. Existing law requires the lead agency, if the university housing development project is exempt from CEQA under the above provision, to file the LEED certificate for buildings within the project and a notice determining that the construction impacts of the project have been fully mitigated with the Office of Planning and Research and the county clerk of the county in which the project is located. Current law requires a university housing development project carried out by the University of California, in order to be exempt from CEQA under this law, to be consistent with the most recent long-range development plan EIR certified on or after January 1, 2018, as provided. This bill would extend the application of the university housing development project exemption until January 1, 2032. The bill would instead

require a university housing development project carried out by the University of California, in order to be from CEQA under the above-described exemption to be located on a campus site identified for housing in the most recent long-range development plan EIR or an EIR prepared for any subsequent amendment to that plan relating to housing, as specified. The bill would remove the requirement to file the LEED certificate with the county clerk of the county in which the project is located.

SB 411 **Portantino D (Dist. 25) Open meetings: teleconferences: neighborhood councils.**

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, until January 1, 2026, authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define “eligible legislative body” for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act. The bill would require an eligible legislative body authorized under the bill to provide publicly accessible physical locations for public participation, as prescribed. The bill would also require that at least a quorum of the members of the neighborhood council participate from locations within the boundaries of the city in which the neighborhood council is established. The bill would require that, at least once per year, at least a quorum of the members of the eligible legislative body participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.

Position: Watch

SB 537 **Becker D (Dist. 13) City or County of Los Angeles: memorial to forcibly deported Mexican Americans and Mexican immigrants.**

Location: SENATE ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law provides for various memorials and monuments on the grounds of the State Capitol. Current law requires the Department of General Services to maintain state buildings and grounds. Existing law, the Apology Act for the 1930s Mexican Repatriation Program, makes findings and declarations regarding the unconstitutional removal and coerced emigration of United States citizens and legal residents of Mexican descent, between the year 1929 and 1944, to Mexico from the United States during the 1930s “Mexican Repatriation” Program. Current law expresses the apology of the State of California to those individuals who were illegally deported and coerced into emigrating to Mexico and requires that a plaque to commemorate those individuals be installed and maintained by the Department of Parks and Recreation in an appropriate public place in the City or County of Los Angeles. This bill would authorize a nonprofit organization representing Mexican Americans or Mexican immigrants to enter into negotiations to plan, construct, and maintain a memorial to Mexican Americans and Mexican immigrants who were forcibly deported from the United States during the Great Depression, as provided. The bill would require the memorial to be located at an appropriate public place in the City or County of Los Angeles. The bill would require the nonprofit organization to enter into negotiations with the Department of General Services and the state agency with jurisdiction over the state property where the memorial is proposed, where applicable, if the nonprofit organization proposes to locate the memorial on state property.

SB 538 **Portantino D (Dist. 25) Department of Transportation: Chief Advisor on Bicycling and Active Transportation.**

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the Department of Transportation and provides that the Director of Transportation perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department, except as otherwise provided by law. This bill would require the director to appoint a Chief Advisor on Bicycling and Active Transportation, to serve as the department's primary advisor on all issues related to bicycle transportation, safety, and infrastructure, as specified.

SB 617 Newman D (Dist. 29) Public contracts: progressive design-build: local and regional agencies: transit.

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, until January 1, 2029, authorizes 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 up to 15 public works projects in excess of \$5,000,000 for each project that treats, pumps, stores, or conveys water, wastewater, recycled water, advanced treated water, or supporting facilities. Current law defines "progressive design-build" as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Current law requires the selected entity and its general partners or joint venture members to verify specified information under penalty of perjury. Current law requires local agencies to report to the Legislature by January 1, 2028, regarding the use of the progressive design-build process, as specified. This bill, until January 1, 2029, would similarly authorize a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency, as described, to use the progressive design-build process for up to 10 public works projects in excess of \$5,000,000 for each project.

Position: Support

SB 638 Eggman D (Dist. 5) Climate Resiliency and Flood Protection Bond Act of 2024.

Location: ASSEMBLY W.P. & W.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

SB 677 Blakespear D (Dist. 38) Intercity rail: LOSSAN Rail Corridor.

Location: SENATE CHAPTERED

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, subject to approval of the Secretary of Transportation, to enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in a particular corridor, including the LOSSAN Rail Corridor. Current law provides for the allocation of state funds by the secretary to a joint powers board under an interagency transfer agreement based on an annual business plan for the intercity rail corridor and subsequent appropriation of state funds. Existing law requires the joint powers board to submit the annual business plan to the secretary for review and recommendation by April 1 of each year. Current law requires the business plan to include, among other things, a report on the performance of the corridor service, an overall operating plan, short-term and long-term capital improvement programs, funding requirements for the upcoming fiscal year, and an action plan with specific performance goals and objectives. This bill would require the LOSSAN Rail Corridor Agency, as part of the annual business plan submitted to the secretary, to include a description of the effects of climate change on the LOSSAN corridor, to identify projects planned to increase climate resiliency on the corridor, and to discuss possible funding

options for those identified projects, as specified. To the extent the bill would add to the duties of the LOS Corridor Agency, the bill would impose a state-mandated local program.

SB 695 Gonzalez D (Dist. 33) Department of Transportation: internet website: state highway system data and information.

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current 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. Current law requires the department to improve and maintain state highways. This bill would require the department, beginning January 1, 2026, to annually prepare and make available on its internet website information and data about project on the state highway system from the prior fiscal year, as specified, and to present this information and data to the California Transportation Commission at a regularly scheduled commission meeting on or before April 1 of each year.

SB 706 Caballero D (Dist. 14) Public contracts: progressive design-build: local agencies.

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, until January 1, 2029, authorizes 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 up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. This bill would, until January 1, 2030, provide additional authority for cities, counties, cities and counties, or special districts to use the progressive design-build process for up to 10 public works in excess of \$5,000,000, not limited to water-related projects, excluding projects on state-owned or state-operated facilities. The bill would require information to be provided under penalty of perjury and would require similar reports due no later than December 31, 2028.

Position: Support

SB 710 Durazo D (Dist. 26) Sale of excess state highway property: State Highway Route 710 Terminus.

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, if the Department of Transportation determines that real property, or an interest in the property, acquired for highway purposes is no longer necessary for those purposes, authorizes the department to sell or exchange the property or property interest in the manner and upon terms, standards, and conditions established by the California Transportation Commission, as provided. Current law authorizes the California Transportation Commission to relinquish a portion of State Highway Route 710. This bill would require the department to establish and administer a Terminus Regional Planning Task Force, as provided, to meet quarterly and complete and submit report to the Legislature on the issues of traffic and potential land use related to the State Route 710 Terminus adjacent areas, as defined. The bill would repeal these provisions on January 1, 2027.

SB 747 Caballero D (Dist. 14) Land use: surplus land.

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law prescribes requirements for the disposal of surplus land by a local agency. Current law defines terms for these purposes. Existing law defines “surplus land” to generally mean land owned in fee simple by a local agency for

which the local agency's governing body takes formal action in a public meeting declaring that the land is surplus, is not necessary for the agency's use. Current law defines "agency's use" to include land that is being used, is planned to be used pursuant to a written plan adopted by the local agency's governing board, or is disposed of to support agency work or operations. Current law excludes from "agency's use" commercial or industrial uses or activities, or property disposed of for the sole purpose of investment or generation of revenue, unless the local agency is a district, except as specified, and the agency's governing body takes specified actions in a public meeting. Current law excludes from these requirements the disposal of exempt surplus land by an agency of the state or any local government. Current law requires a local agency to declare land as either surplus land or exempt surplus land, as supported by written findings, before a local agency may take any action to dispose of it. Under existing law, exempt surplus land includes, among other types of land, property that is used by a district for an "agency's use" as expressly authorized, land for specified developments, including a mixed-use development, if put out to open, competitive bid by a local agency, as specified, and surplus land that is subject to specified valid legal restrictions. This bill would define the term "dispose" for these purposes to mean the sale of the surplus property or a lease of any surplus property entered into on or after January 1, 2024, for a term longer than 15 years, including renewal options, as specified.

SB 768 Caballero D (Dist. 14) California Environmental Quality Act: Department of Housing and Community Development: vehicle miles traveled: study.

Location: SENATE ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the Office of Planning and Research to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to guidelines establishing criteria, for purposes of the California Environmental Quality Act (CEQA), for determining the significance of transportation impacts of projects within transit priority areas to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law establishes the Department of Housing and Community Development in the Business, Consumer Services, and Housing Agency and makes the department responsible for administering various housing programs throughout the state. This bill would require the department, in consultation with local governments and other interested parties, as specified, by January 1, 2028, and subject to an appropriation by the Legislature for this purpose, to conduct and post on its internet website a study on how vehicle miles traveled is used as a metric for measuring transportation impacts of housing projects pursuant to CEQA. The bill would require the study to include, among other things, an analysis of the differences in the availability and feasibility of mitigation measures to housing projects for vehicle miles traveled in rural, suburban, urban, and low vehicle miles traveled areas. The bill would repeal those provisions on January 1, 2029.

SB 790 Padilla D (Dist. 18) Public records: contracts for goods and services.

Location: SENATE CHAPTERED

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 public records to be open to inspection at all times during the office hours of the state or local agency that retains those records, and provides that every person has a right to inspect any public record, except as provided. The act requires state and local agencies to make public records available upon receipt of a request for a copy that reasonably describes an identifiable record not otherwise exempt from disclosure, and upon payment of fees to cover costs. This bill would provide that any executed contract for the purchase of goods or services by a state or local agency, including the price and terms of payment, is a public record subject to disclosure under the act.

SB 825 Limón D (Dist. 19) Local government: public broadband services.

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered	13.b
	1st House				2nd House								

Would add metropolitan planning organizations and regional transportation planning authorities to that list of local government agencies included in the definition of "local agency."

SB 908 Cortese D (Dist. 15) Fentanyl: child deaths.

Location: SENATE ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The State Department of Public Health administers the California Overdose Surveillance Dashboard that provides data on state- and local-level drug-related overdose outcomes for California, including, among other data, the number of deaths related to fentanyl overdoses. Current law requires the department to update the dashboard to reflect additional information, as specified. This bill would require the department to use best efforts to utilize all of its relevant data regarding overdoses in the state to monitor and identify current trends of fentanyl-related deaths of children 0 to 5 years of age, inclusive. The bill would require the department to develop guidance and spread awareness of the trends to protect and prevent children from fentanyl exposure. The bill would require the department, on or before January 1, 2026, to annually distribute its findings and guidance to local health departments, county boards of supervisors, and the Legislature. The bill would repeal these provisions on January 2029.

SB 926 Wahab D (Dist. 10) Crimes: distribution of intimate images.

Location: SENATE ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would make it a crime for a person who is 18 years of age or older to intentionally create and distribute or cause to be distributed any photo realistic image, digital image, electronic image, computer image, computer-generated image, or other pictorial representation of an intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates that was created in a manner that would cause a reasonable person to believe the image is an authentic image of the person depicted, under circumstances in which the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress. By expanding the scope of a crime, this bill would impose a state-mandated local program. This bill would incorporate additional changes to Section 647 of the Penal Code proposed by AB 1874, AB 1962, and SB 1414, to be operative only if this bill and some or all of those other bills are enacted and this bill is enacted last.

SB 936 Seyarto R (Dist. 32) Department of Transportation: study: state highway system: road safety projects.

Location: SENATE ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Transportation to conduct a study to identify certain locations in the state highway system with regard to vehicle collisions, projects that could improve road safety at each of those locations, and common factors, if any, contributing to the delay in the delivery of those projects. The bill would require the department to post the study on its internet website on or before January 1, 2026.

SB 960 Wiener D (Dist. 11) Transportation: planning: complete streets facilities: transit priority facilities.

Location: SENATE ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the Department of Transportation to improve and maintain the state's highways, and establishes various programs to fund the development, construction, and repair of local roads, bridges, and other critical transportation infrastructure in the state, including the state highway operation and protection program (SHOPP). Current law requires the department, in consultation with the California Transportation Commission, to prepare a robust asset management plan to guide selection of projects for the SHOPP. Current law requires the commission, in connection with the plan, to adopt targets and performance measures reflecting state transportation goals and objectives. Existing law requires the department to develop, in consultation with the commission, a plain language performance report to increase transparency and accountability of the SHOPP. This bill would require the targets and performance measures adopted by the commission to include targets and performance measures reflecting state transportation goals and objectives for complete streets assets that reflect the existence and conditions of bicycle, pedestrian, and transit priority facilities on the state highway system. The bill would require the department's plain language performance report to include a description of complete streets facilities, including pedestrian, bicycle, and transit priority facilities on each project, as specified.

SB 1068 Eggman D (Dist. 5) Tri-Valley-San Joaquin Valley Regional Rail Authority: contracting: Constructor Manager/General Contractor project delivery method.

Location: SENATE CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law establishes the Tri-Valley-San Joaquin Valley Regional Rail Authority for purposes of planning, developing, delivering, and operating cost-effective and responsive transit connectivity, between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express commuter rail service. Current law gives the authority all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity, including, among other powers, the power to contract with public and private entities for the planning, design, and construction of the connection. Current law authorizes these contracts to be assigned separately or combined to include any or all tasks necessary to achieve transit connectivity. This bill would authorize the Tri-Valley-San Joaquin Valley Regional Rail Authority to use the Construction Manager/General Contractor project delivery method when contracting for the planning, design, and construction of the connection. The bill would additionally authorize the contracts of the authority to extend to work on the state highway system for the construction of passenger rail service through the Altamont Pass Corridor.

SB 1086 Seyarto R (Dist. 32) Sales and Use Tax Law: motor vehicle fuel tax: sales price: gross receipts.

Location: SENATE REV. & TAX

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

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. Current sales and use tax laws provide a partial exemption from the taxes imposed by those laws for motor vehicle fuel that is subject to the taxes imposed by the Motor Vehicle Fuel Tax Law. This bill, beginning January 1, 2025, would exclude from the terms "gross receipts" and "sales price" under the Sales and Use Tax Law the amount of any motor vehicle fuel tax imposed pursuant to the Motor Vehicle Fuel Tax Law.

SB 1098 Blakespear D (Dist. 38) Passenger and freight rail: LOSSAN Rail Corridor.

Location: SENATE ENROLLMENT

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, subject to approval of the Secretary of Transportation, to

enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in certain rail corridors, including the LOSSAN Rail Corridor. Current law defines the LOSSAN Rail Corridor as the intercity passenger rail corridor between San Diego, Los Angeles, and San Luis Obispo. Pursuant to this authority, the department entered into an interagency transfer agreement with the LOSSAN Rail Corridor Agency to administer intercity passenger rail service in the LOSSAN Rail Corridor. This bill would require the Secretary of Transportation to provide guidance and recommendations to and coordination between, stakeholders as necessary to ensure the performance of the LOSSAN Rail Corridor, as specified. This bill would also require the Secretary of Transportation, with technical and subject matter assistance from the Secretary for Environmental Protection and the Secretary of the Natural Resources Agency, to submit a report to the Legislature regarding the LOSSAN Rail Corridor that includes specified information no later than 2 years after an appropriation is made by the Legislature for purposes of this report.

SB 1418 Archuleta D (Dist. 30) Hydrogen-fueling stations: expedited review.

Location: SENATE ENROLLMENT

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 every city, county, and city and county to administratively approve an application to install electric vehicle charging stations and hydrogen-fueling stations through the issuance of a building permit or similar nondiscretionary permit. The Planning and Zoning Law requires each city, county, and city and county to adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations. Current law authorizes a city, county, or city and county developing an ordinance to refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist,” as specified. Current law requires a city, county, and city and county, in developing the expedited permitting process, to adopt a checklist of all requirements with which electric vehicle charging stations must comply to be eligible for expedited review. For these purposes, current law defines “hydrogen-fueling station” to mean the equipment used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that is open to the public. Current law requires a hydrogen-fueling station to meet certain requirements, including any rules established by the State Air Resources Board, Energy Commission, or Department of Food and Agriculture regarding safety, reliability, weights, and measures. This bill would modify the definition of “hydrogen-fueling station” to mean the equipment and structural design components necessary to ensure the safety of the fueling station, including hydrogen-refueling canopies, that are used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that are open to the public.

SB 1420 Caballero D (Dist. 14) Hydrogen production facilities: certification and environmental review.

Location: SENATE ENROLLMENT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Environmental Quality Act (CEQA) requires preparation of specified documentation before a public agency approves or carries out certain projects. Current law authorizes the Governor to certify energy infrastructure projects meeting specified requirements for streamlining benefits related to CEQA. Current law defines “energy infrastructure project” for these purposes to include eligible renewable energy resources under the California Renewables Portfolio Standard Program, excluding resources that use biomass fuels. Current law expressly excludes from that definition of “energy infrastructure project” any project using hydrogen as a fuel. This bill would instead exclude from the definition of “energy infrastructure project” for purposes of the CEQA streamlining benefit eligible renewable energy resources under the California Renewables Portfolio Standard Program that combust, rather than use, biomass fuels. The bill would include hydrogen production facilities and associated onsite storage and processing facilities that do not derive hydrogen from a fossil fuel feedstock and that receive funding from specified state and federal programs within the definition of “energy infrastructure project.”

SB 1510 Stern D (Dist. 27) Permitting: electric vehicle charging.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

Current law requires every city, county, and city and county to administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit and requires the review of an application to install an electric vehicle charging station to be limited to the building official review of whether it meets all health and safety requirements of local, state, and federal law. Current law requires an electric vehicle charging station to comply with, among other things, all applicable rules of the Public Utilities Commission regarding safety and reliability, as specified. This bill would express the intent of the Legislature to enact subsequent legislation that would reduce state and local permitting barriers for electric vehicle charging.

SBX1 1 Jones R (Dist. 40) Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House					2nd House							

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. Pursuant to the act, the state board has adopted the Low Carbon Fuel Standard regulations. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. This bill would suspend the Low Carbon Fuel Standard regulations for one year. The bill would also exempt suppliers of transportation fuels from regulations for the use of market-based compliance mechanisms for one year.

Total Measures: 113

Total Tracking Forms: 113

Minute Action

AGENDA ITEM: 14

Date: *October 2, 2024*

Subject:

Federal Legislative Update

Recommendation:

Receive and file the September 2024 Federal Legislative Update.

Background:

San Bernardino County Transportation Authority Legislative Affairs staff, along with a representative from federal advocates, Potomac Partners D.C., LLC, updated the Legislative Policy Committee on September 11, 2024, regarding the appropriations process for Fiscal Year 2025, proposed Continuing Resolution and recent federal grants within San Bernardino County.

Federal Appropriations Process

Congress was in recess the entire month of August 2024, for their summer break and will return to work on September 9, 2024.

The chief priority when Congress returns will be to resume the Appropriations process for the Fiscal Year 2025 budget, as the fiscal year deadline is September 30, 2024. The House has passed all 12 Appropriations bills out of committee and passed five measures through the Full House while the Senate has passed 11 bills out of committee, but none through the Full Senate.

It is most likely that Congress will pass a Continuing Resolution (CR) prior to the deadline to keep funding the federal government. It remains to be seen whether the CR will be for three months, and gets addressed before the year ends, or a longer extension to be addressed when the new Congress gavel into session in January 2025.

USDOT Bridge Planning Grant

In early August 2024, the United States Department of Transportation (USDOT) announced \$26.5 million in planning grant awards as part of the Bridge Investment Program. The grants, disbursed through the Federal Highway Administration (FHWA), were made available for projects in the early phases of project development, where eligible activities include planning, feasibility analysis, and revenue forecasting.

The City of San Bernardino (City) received a grant for \$676,348 for planning activities on rehabilitating 11 priority bridges with identified structural deficiencies, directly responding to existing safety concerns. The rehabilitation work will address these deficiencies, ensuring the bridges meet current safety standards and reducing the likelihood of accidents or failures for all bridge users.

The project will address critical safety efficiency and reliability of the movement of people and freight over bridges, ensuring the City's economic continuity and growth. Enhancing these bridges will prevent major travel delays for the historically underserved community and essential freight within the City.

Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item was received by the Legislative Policy Committee on September 11, 2024.

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

Board of Directors Agenda Item
October 2, 2024
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Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 15

Date: October 2, 2024

Subject:

US 395 Phase 2 Project Hearing to Consider Resolutions of Necessity for Property interests within the Cities of Hesperia and Victorville

Recommendation:

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

A. Conduct public hearings to consider condemnation of real property required for the US 395 Phase 2 Project in the Cities of Hesperia and Victorville.

B. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-010 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The Jennifer Lichuan Ko Family Trust (Assessor's Parcel Number 3136-261-06). The resolution must be approved by at least a two-thirds majority.

C. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-013 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The Camp and Julia Second Family Limited Partnership (Assessor's Parcel Number 3136-251-02). The resolution must be approved by at least a two-thirds majority.

D. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-014 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Shahin Trust (Assessor's Parcel Number 3134-121-42). The resolution must be approved by at least a two-thirds majority.

E. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-015 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395 Properties 26, LLC (Assessor's Parcel Number 3096-361-04). The resolution must be approved by at least a two-thirds majority.

~~F. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-016 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Lighthouse Petroleum Victorville, LLC (Assessor's Parcel Number 3071 331 11). The resolution must be approved by at least a two thirds majority.~~

G. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-017 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: City of Victorville (Assessor's Parcel Number 3096-361-10). The resolution must be approved by at least a two-thirds majority.

Entity: San Bernardino County Transportation Authority

Board of Directors Agenda Item

October 2, 2024

Page 2

H. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-018 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: 395, LLC (Assessor's Parcel Number 3064-591-01 and 3064-591-03). The resolution must be approved by at least a two-thirds majority.

I. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-019 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Jagroop Dhillon (Assessor's Parcel Number 3064-381-07). The resolution must be approved by at least a two-thirds majority.

J. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-020 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Hanna Trust (Assessor's Parcel Number 3064-381-05). The resolution must be approved by at least a two-thirds majority.

K. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-021 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The S & P Family Trust (Assessor's Parcel Number 3064-381-29). The resolution must be approved by at least a two-thirds majority.

L. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-022 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Varinder Paul Sangha (Assessor's Parcel Number 3064-371-12). The resolution must be approved by at least a two-thirds majority.

~~M. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-023 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: The Hazboon Family Trust (Assessor's Parcel Number 3064-371-11). The resolution must be approved by at least a two-thirds majority.~~

N. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-024 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: JM Built Corporation (Assessor's Parcel Number 3064-371-08). The resolution must be approved by at least a two-thirds majority.

O. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-025 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: Daniel Lindsey Song (Assessor's Parcel Number 3064-371-06). The resolution must be approved by at least a two-thirds majority.

P. Upon completion of a public hearing, that the Board adopt Resolution of Necessity No. 25-026 authorizing and directing General Counsel, or her designee, to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring interests in real property from: MPNR Properties, LLC/Farsai's, LLC (Assessor's Parcel Number 3039-361-09). The resolution must be approved by at least a two-thirds majority.

San Bernardino County Transportation Authority

Background:

San Bernardino County Transportation Authority (SBCTA) is proceeding with the delivery of the US 395 Phase 2 Project (Project). The acquisition of temporary construction easements (TCE), permanent easements, and partial fee areas from 52 properties is required to construct and operate the Project.

On September 8, 2022, SBCTA and California Department of Transportation (Caltrans) executed Cooperative Agreement No. 22-1002816 for the final design and Right-of-Way (ROW) phase of this Project. Under the cooperative agreement, SBCTA is to lead the acquisition of ROW needed to construct and operate the Project.

In an effort to maintain the Project schedule, 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 property rights required for Project implementation. 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 property interests through a voluntary purchase and avoid litigation.

The owners of the subject properties are:

- The Jennifer Lichuan Ko Family Trust
- The Camp and Julia Second Family Limited Partnership
- Shahin Trust
- 395 Properties 26, LLC
- ~~Lighthouse Petroleum Victorville, LLC~~
- City of Victorville
- 395, LLC
- Jagroop Dhillon
- Hanna Trust
- The S&P Family Trust
- Varinder Paul Sangha
- ~~The Hazboon Family Trust~~
- JM Built Corporation
- Daniel Lindsey Song
- MPNR Properties, LLC/Farsai's, LLC

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 property is obtained in time to meet the scheduled delivery 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 Cities of Hesperia and Victorville of San Bernardino County. The Project will widen US 395 from two to four lanes with a raised median, turning lanes, and eight-foot shoulders between Interstate 15 and Palmdale Road (SR 18). The proposed improvements will address a critical freight bottleneck in the Victor Valley region. US 395 is designated as a “Priority Interregional Highway” in the Caltrans 2021 Interregional Transportation Strategic Plan (ITSP). US 395 is widely recognized as a critical linkage for goods movement, supporting the economies of multiple inland counties and an important agricultural route to and from the Central Valley.

The purpose of the Project is to:

- Improve the efficiency and reliability of regional freight flows by closing a critical gap on US 395.
- Improve safety for all users, both motorized and non-motorized.
- Transition US 395 into a more community-centric facility that better accommodates bicycle, pedestrian, and transit travel.

If no improvements are made to US 395, the existing and future traffic congestion will not be mitigated.

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 of the Project, three alternatives were studied. The Project Development Team (PDT) selected this alternative to construct as it included the least ROW impacts to the community and relieves congestion, enhancing the operational efficiency and improving access to local services. The proposed design minimizes the property required for the Project, but still requires partial acquisitions, permanent utility easements, permanent maintenance easements and the relinquishment of access rights to the highway in some areas. During the design phase, considerations had been taken that would provide access to adjacent properties where access to those properties would be affected by the Project. Epic Land Solutions, Inc. have also had numerous communications with the property owners about their needs in order to design the Project in a manner that causes the least private injury while accomplishing the greatest public good through construction of the Project.

San Bernardino County Transportation Authority

3. Each property sought to be acquired is necessary for the Project.

While some of the Project is being constructed within existing ROW, some acquisition from the subject properties is needed to allow existing roadbed widening, retaining wall, drainage systems, and required utility relocations. For the subject properties, the following ROW interests are required:

- **The Jennifer Lichuan Ko Family Trust:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.
- **The Camp and Julia Second Family Limited Partnership:** A Fee Acquisition is needed for the construction of the Project improvements.
- **Shahin Trust:** A Fee Acquisition is needed for the construction of the Project improvements.
- **395 Properties 26, LLC:** A Permanent Slope Easement is needed for the construction of the Project improvements.
- ~~**Lighthouse Petroleum-Victorville, LLC:** A Permanent Drainage Easement is needed for the construction of the Project improvements.~~
- **City of Victorville:** A Fee Acquisition and a TCE are needed for the construction of the Project improvements.
- **395, LLC:** Two TCEs are needed for the construction of the Project improvements.
- **Jagroop Dhillon:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.
- **Hanna Trust:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.
- **The S&P Family Trust:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.
- **Varinder Paul Sangha:** A Fee Acquisition and a Permanent Slope Easement are needed for the construction of the Project improvements.
- ~~**The Hazboon Family Trust:** A Fee Acquisition, a Permanent Slope Easement, and a TCE are needed for the construction of the Project improvements.~~
- **JM Built Corporation:** A Fee Acquisition is needed for the construction of the Project improvements.
- **Daniel Lindsey Song:** A Fee Acquisition is needed for the construction of the Project improvements.
- **MPNR Properties, LLC/Farsai's, LLC:** A TCE is needed for the construction of the Project improvements.

4. Offers required by Section 7267.2 of the Government Code have been made to the property owners.

The properties listed below were appraised and offers for the full amount of the appraisals were made to the owner or owners of record in accordance with Section 7267.2 of the Government Code.

- The offer for the The Jennifer Lichuan Ko Family Trust property was sent on August 5, 2024.
- The offer for the The Camp and Julia Second Family Limited Partnership property was sent on August 5, 2024.
- The offer for the Shahin Trust property was sent on August 5, 2024.
- The offer for the 395 Properties 26, LLC property was sent on August 5, 2024.
- ~~The offer for the Lighthouse Petroleum Victorville, LLC property was sent on August 5, 2024.~~
- The offer for the City of Victorville property was sent on August 5, 2024.
- The offer for the 395, LLC property was sent on July 24, 2024.
- The offer for the Jagroop Dhillon property was sent on August 1, 2024.
- The offer for the Hanna Trust property was sent on August 5, 2024.
- The offer for the The S&P Family Trust property was sent on August 5, 2024.
- The offer for the Varinder Paul Sangha property was sent on August 5, 2024.
- ~~The offer for the The Hazboon Family Trust property was sent on August 5, 2024.~~
- The offer for the JM Built Corporation property was sent on August 5, 2024.
- The offer for the Daniel Lindsey Song property was sent on August 5, 2024.
- The offer for the MPNR Properties, LLC/Farsai's, LLC property was sent on August 5, 2024.

Financial Impact:

The US 395 Phase 2 Project is included in the adopted Budget for Fiscal Year 2024/2025 and funded with Surface Transportation Program Funds in Program 40, Project Delivery.

Reviewed By:

This item was reviewed and recommended for approval (5-0-0) without a quorum present by the Mountain/Desert Policy Committee on September 13, 2024. SBCTA General Counsel has reviewed this item. The RONs were prepared and reviewed by outside ROW Counsel.

Responsible Staff:

Sal Chavez, Project Delivery Manager

Approved
Board of Directors
Date: October 2, 2024
Witnessed By:

POWERPOINT PRESENTATION

Attachment: US 395 Phase 2 RONs Board Presentation (10906 : US 395 Phase 2 RONs)

US 395 Phase 2 Project

RESOLUTION OF NECESSITY FOR PROJECT RIGHT-OF-WAY

Presenter: Sal Chavez
Project Delivery Manager

Board of Directors
October 2, 2024



cta

San Bernardino County
Transportation Authority

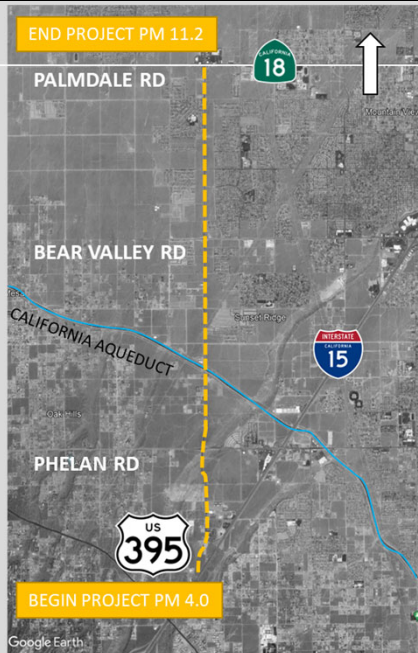
SBCTA IS REQUESTED TO MAKE THE FOLLOWING FINDINGS:

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: US 395 Phase 2 RONs Board Presentation (10906 : US 395 Phase 2 RONS)

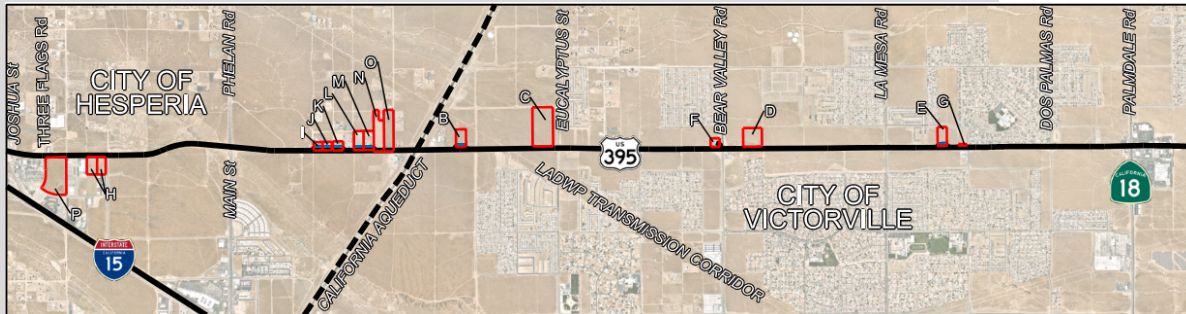


Project Overview

- Widen US 395 from 2 to 4 lanes with a raised median and eight-foot shoulders between I-15 and Palmdale Road (SR 18).
- New southbound bridge at California Aqueduct



US 395 Phase 2 Project

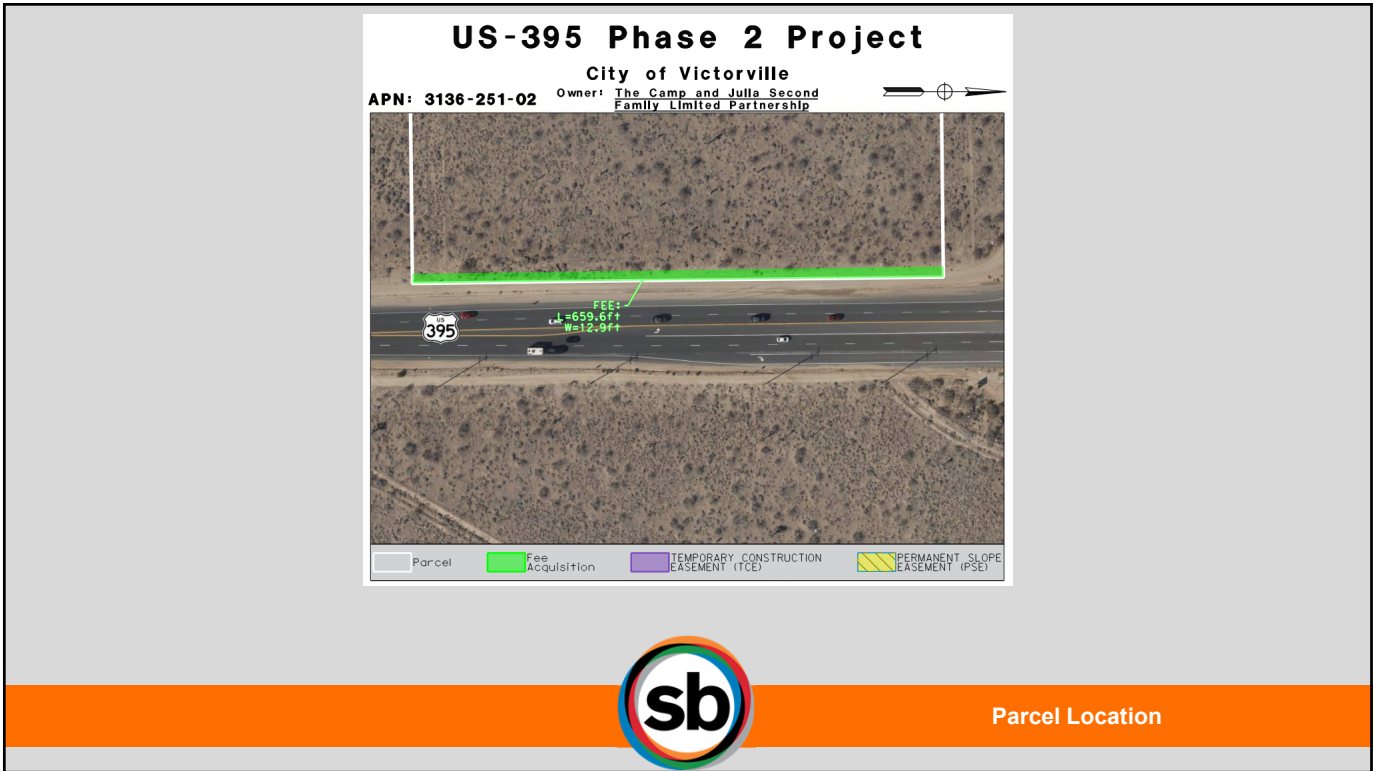
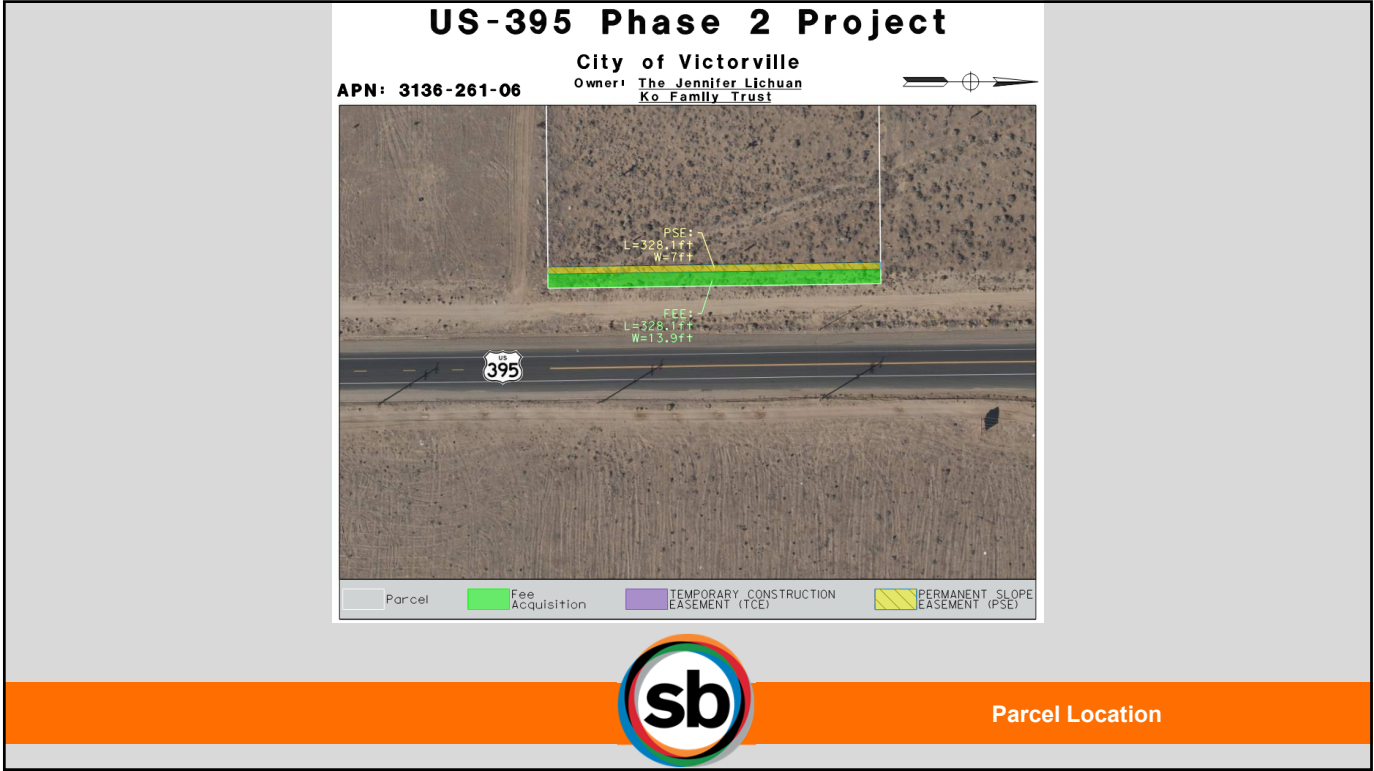


ID	APN	OWNER
B	3136-261-06	THE JENNIFER LICHUAN KO FAMILY TRUST
C	3136-251-02	THE CAMP AND JULIA SECOND FAMILY LIMITED PARTNERSHIP
D	3134-121-42	SHAHIN TRUST
E	3096-361-04	395 PROPERTIES 26, LLC
F	3071-331-11	LIGHTHOUSE PETROLEUM-VICTORVILLE, LLC
G	3096-361-10	CITY OF VICTORVILLE
H	3064-591-03, 3064-591-01	395, LLC

ID	APN	OWNER
I	3064-381-07	JAGROOP DHILLON
J	3064-381-05	HANNA TRUST
K	3064-381-29	THE S&P FAMILY TRUST
L	3064-371-12	VARINDER PAUL SANGHA
M	3064-371-11	THE HAZBOON FAMILY TRUST
N	3064-371-08	JM BUILT CORPORATION
O	3064-371-06	DANIEL LINDSEY SONG
P	3039-361-09	MPNR PROPERTIES, LLC/FARSAI'S LLC



Parcel Locations



US-395 Phase 2 Project

City of Victorville

APN: 3134-121-42

Owner: Shahin Trust



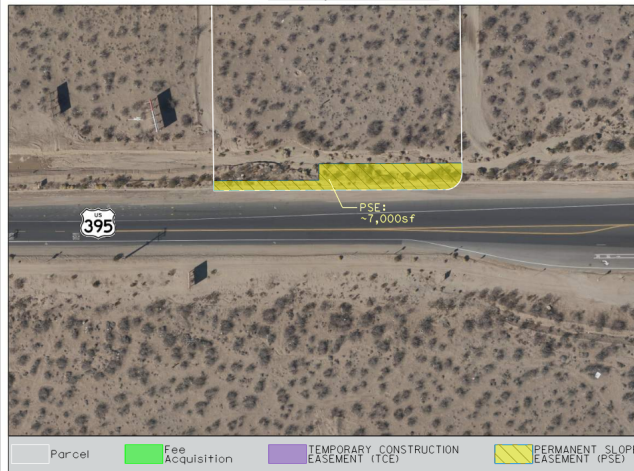
Parcel Location

US-395 Phase 2 Project

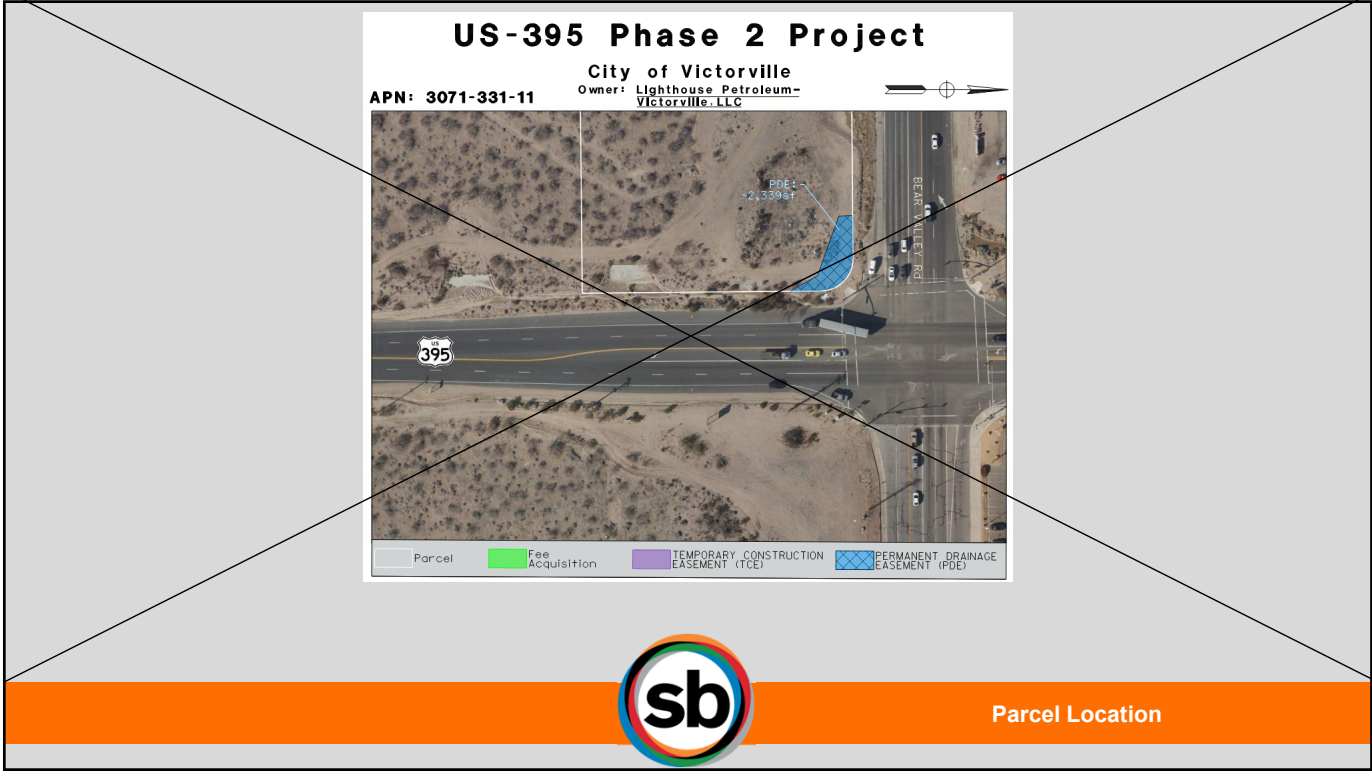
City of Victorville

APN: 3096-361-04

Owner: 395 Properties 26, LLC



Parcel Location

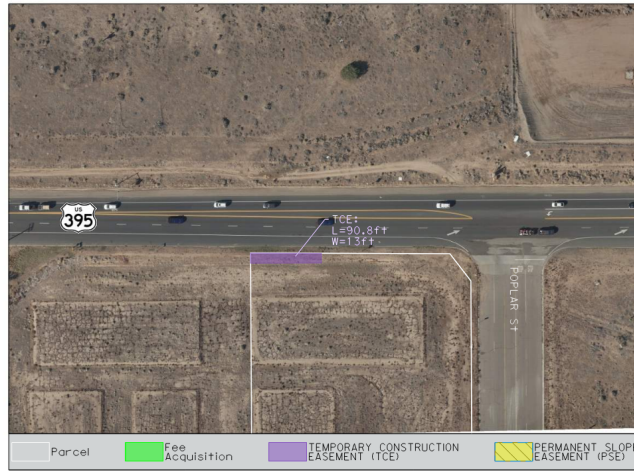


US-395 Phase 2 Project

City of Hesperia

APN: 3064-591-01

Owner: 395, LLC



Parcel Location

US-395 Phase 2 Project

City of Hesperia

APN: 3064-591-03

Owner: 395, LLC



Parcel Location

US-395 Phase 2 Project

City of Hesperia

APN: 3064-381-07

Owner: Jagroop Dhillon



Parcel Location

US-395 Phase 2 Project

City of Hesperia

APN: 3064-381-05

Owner: Hanna Trust



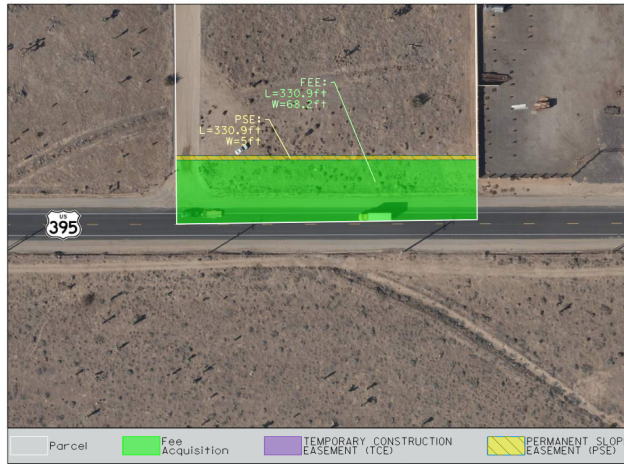
Parcel Location

US-395 Phase 2 Project

City of Hesperia

APN: 3064-381-29

Owner: The S&P Family Trust



Parcel Location

US-395 Phase 2 Project

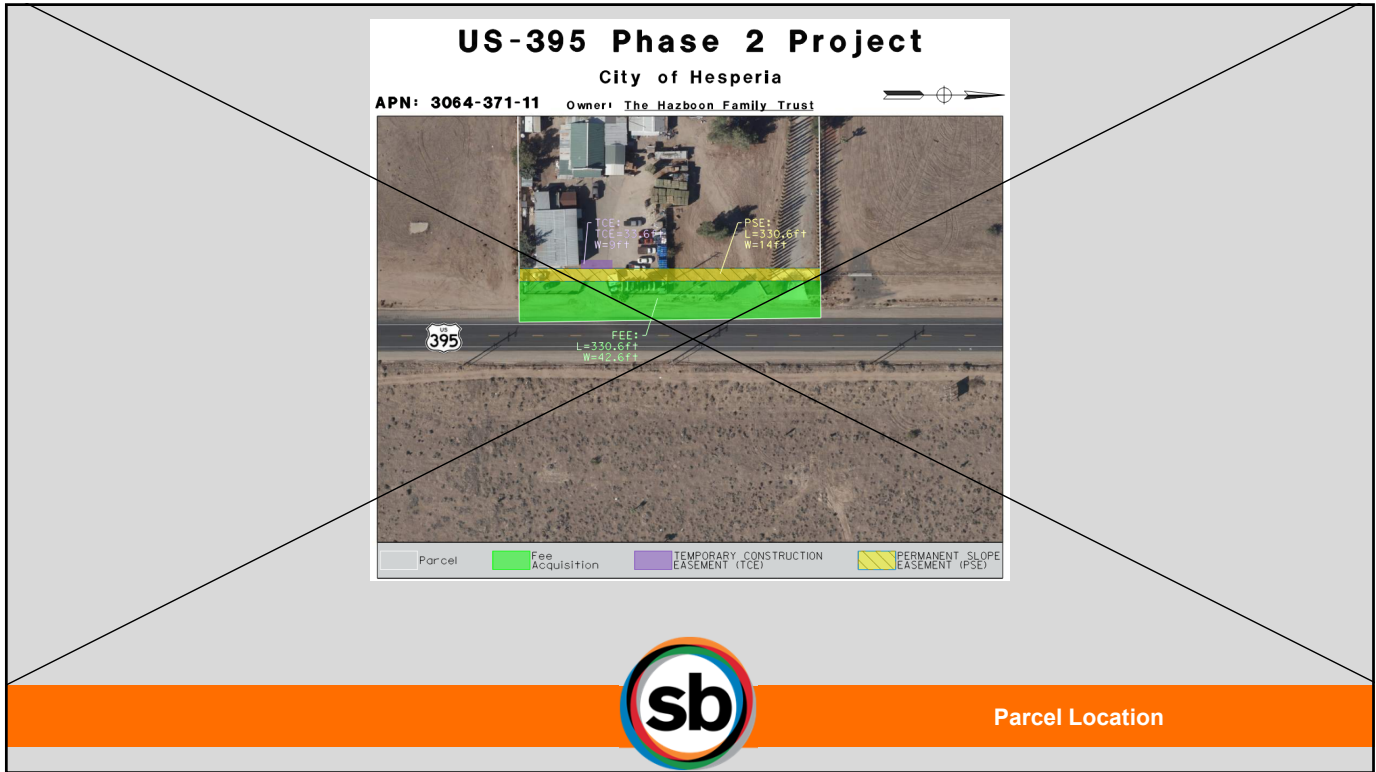
City of Hesperia

APN: 3064-371-12

Owner: Varinder Paul Sangha



Parcel Location



US-395 Phase 2 Project

City of Hesperia

APN: 3064-371-06

Owner: Daniel Lindsey Song



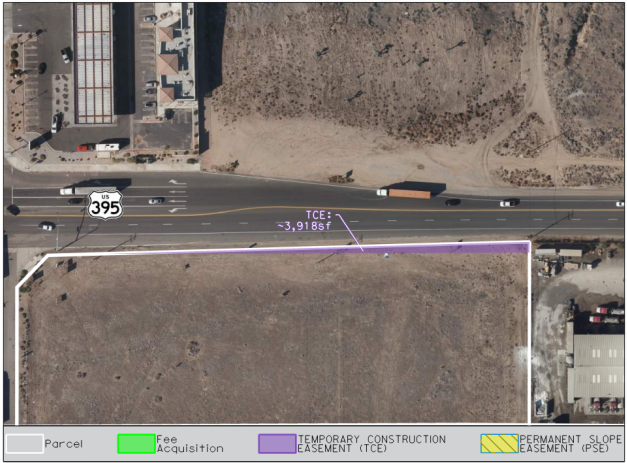
Parcel Location

US-395 Phase 2 Project

City of Hesperia

APN: 3039-361-09

Owner: MPNR Properties, LLC/
Farsal's LLC




Parcel Location

Attachment: US 395 Phase 2 RONs Board Presentation (10906 : US 395 Phase 2 RONs)

No.	Ownership	Date of First Contact	Mailing	In Person Meetings	Phone Contacts	E-Mails	Attorney Contacts	Unsuccessful Contacts*	Total
B	The Jennifer Lichuan Ko Family Trust	3/22/2024	3	0	3	4	0	5	15
C	The Camp and Julia Second Family Limited Partnership	3/22/2024	2	0	2	10	0	0	14
D	Shahin Trust	3/22/2024	2	0	3	6	0	4	15
E	395 Properties 26, LLC	3/22/2024	2	0	3	2	0	0	7
F	Lighthouse Petroleum-Victorville, LLC	3/22/2024	2	0	2	3	0	1	8
G	City of Victorville	3/22/2024	2	0	3	3	0	0	8
H	395 LLC	3/22/2024	2	1	2	7	0	1	13
I	Dhillon, Jagroop	3/22/2024	2	1	5	0	0	1	9
J	Hanna Trust	3/22/2024	2	1	3	0	0	0	6
K	The S & P Family Trust	3/22/2024	2	0	2	2	0	0	6
L	Varinder Paul Sangha	3/22/2024	2	0	2	3	0	1	8
M	The Hazboon Family Trust	3/22/2024	2	0	1	0	0	2	5
N	JM Built Corporation	3/22/2024	2	1	7	2	0	0	12
O	Daniel Lindsey Song	3/22/2024	2	0	2	7	0	0	11
P	MPNR Properties, LLC/Farsai's LLC	3/22/2024	2	0	1	5	0	0	8

*Property visit, phone call, and/or email with no response

Communications as of 8/31/2024



Communication Summary

Item	Ownership	Offer Date
B	The Jennifer Lichuan Ko Family Trust	8/5/2024
C	The Camp and Julia Second Family Limited Partnership	8/5/2024
D	Shahin Trust	8/5/2024
E	395 Properties 26 LLC	8/5/2024
F	Lighthouse Petroleum-Victorville, LLC	8/5/2024
G	City of Victorville	8/5/2024
H	395 LLC	7/24/2024
I	Dhillon, Jagroop	8/1/2024
J	Hanna Trust	8/5/2024
K	The S & P Family Trust	8/5/2024
L	Varinder Paul Sangha	8/5/2024
M	The Hazboon Family Trust	8/5/2024
N	JM Built Corporation	8/5/2024
O	Daniel Lindsey Song	8/5/2024
P	MPNR Properties, LLC/Farsai's LLC	8/5/2024



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



Attachment: US 395 Phase 2 RONs Board Presentation (10906 : US 395 Phase 2 RONs)

RESOLUTION OF NECESSITY NO. 25-010
THE JENNIFER LICHUAN KO FAMILY
TRUST PROPERTY
(APN 3136-261-06)

Attachment: B-25-010 Ko - Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-010

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. 3136-261-06.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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 on the west side of US Highway 395, just north of the California Aqueduct, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto and a permanent slope 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: B-25-010 Ko - Final RON (10906 : US 395 Phase 2 RONS)

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 Victorville 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 October 2, 2024 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

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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(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" and "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 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 the reduction can be accomplished 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

Attachment: B-25-010 Ko - Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "1"

Attachment: B-25-010 Ko - Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3136-261-06_01

That portion of the land of the East 5 acres of the South 10 acres of the North 20 acres of the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded May 16, 2014 as Document No. 2014-0179642 of Official Records, in the office of the County Recorder of said County, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 9, as shown on Parcel Map No. 6319, filed in Book 64, Pages 61 and 62 of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the easterly line of said Section 9 South 01°06'24" East 656.26 feet to the southerly line of Document No. 2014-0179642 of Official Records;

Thence westerly along said southerly line South 89°26'03" West 96.84 feet to a point on the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded December 12, 1985 as Document No. 1985-317399 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence northerly along said westerly line North 00°44'50" West 128.85 feet;

Thence continuing northerly along said westerly line North 00°48'53" West 199.27 feet to the northerly line of said Document No. 2014-0179642 of Official Records;

Thence westerly along said northerly line South 89°26'09" West 14.00 feet;

Thence southerly leaving said northerly line South 00°48'53" East 199.38 feet;

Thence South 00°48'24" East 128.75 feet to said southerly line of Document No. 2014-0179642 of Official Records;

Thence easterly along said southerly line North 89°26'03" East 13.87 feet to the **Point of Beginning**.

Containing 4,585 square feet (0.11 acres) more or less.

Together with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

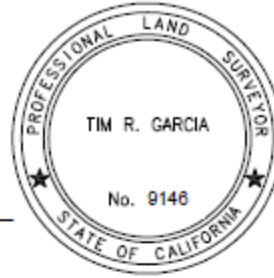
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).



Tim R. Garcia, PLS 9146

07/24/2024

Date:



Attachment: B-25-010 Ko - Final RON (10906 : US 395 Phase 2 RONS)

08-SBD-395 PM 7.08_3136-261-06 (3136-261-06_01 ROW FEE)

Page 2 of 1

EXHIBIT "B"						
PARCEL	TYPE OF ESTATE	AREA	APN			
3136-261-06_01		4,585 S.F.	3136-261-06			
CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA SEC. 9, T4N, R5W, S.B.M.						
EAST 5 ACRES OF THE SOUTH 10 ACRES OF THE NORTH 20 ACRES OF THE NE 1/4 OF THE SE 1/4 OF SECTION 9 T4N, R5W, S.B.M.						
APN: 3136-261-06 DOC. NO. 2014-0179642, O.R.						
THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:						
07/24/2024 DATE						
TIM R. GARCIA, PLS 9146						
NOTES						
Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.						
LEGEND						
POC	POINT OF COMMENCEMENT					
POB	POINT OF BEGINNING					
	LIMITS OF DESCRIPTION					
	SECTION LINE					
	RIGHT OF WAY LINE					
	PARCEL LINE					
S.F.	SQUARE FEET					
R/W	RIGHT OF WAY					
APN	ASSESSOR PARCEL NUMBER					
PREPARED BY: PSOMAS 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com			DATE: 07/24/2024	DRAFTED BY: MN	REV.:	EA: 0633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS	
08	SBD	395	7.08	1	1	

Attachment: B-25-010 Ko - Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "2"

Attachment: B-25-010 Ko - Final RON (10906 : US 395 Phase 2 RONS)

PERMANENT EASEMENT (SLOPE)
ATTACHMENT TO LEGAL DESCRIPTION
Parcel No. 3136-261-06

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

Attachment: B-25-010 Ko - Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3136-261-06_02

That portion of the land of the East 5 acres of the South 10 acres of the North 20 acres of the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Grant Deed recorded May 16, 2014 as Document No. 2014-0179642 of Official Records, in the office of the County Recorder of said County, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 9, as shown on Parcel Map No. 6319, filed in Book 64, Pages 61 and 62 of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the easterly line of said Section 9 South 01°06'24" East 656.26 feet to the southerly line of said land of Document No. 2014-0179642 of Official Records;

Thence westerly along said southerly line South 89°26'03" West 96.84 feet to a point on the westerly line of the land described in the Grant of Easement and Offer of Dedication recorded December 12, 1985 as Document No. 1985-317399 of Official Records, in the office of the County Recorder of said County;

Thence westerly along said southerly line of Document No. 2014-0179642 of Official Records South 89°26'03" West 13.87 feet to the **Point of Beginning**;

Thence continuing westerly along said southerly line South 89°26'03" West 7.00 feet;

Thence northerly leaving said southerly line North 00°48'24" West 128.71 feet;

Thence North 00°48'53" West 199.41 feet to the northerly line of said land of Document No. 2014-0179642 of Official Records;

Thence easterly along said northerly line North 89°26'09" East 7.00 feet;

Thence southerly leaving said northerly line South 00°48'53" East 199.38 feet;

Thence South 00°48'24" East 128.75 feet to the **Point of Beginning**.

Containing 2,297 square feet (0.05 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).



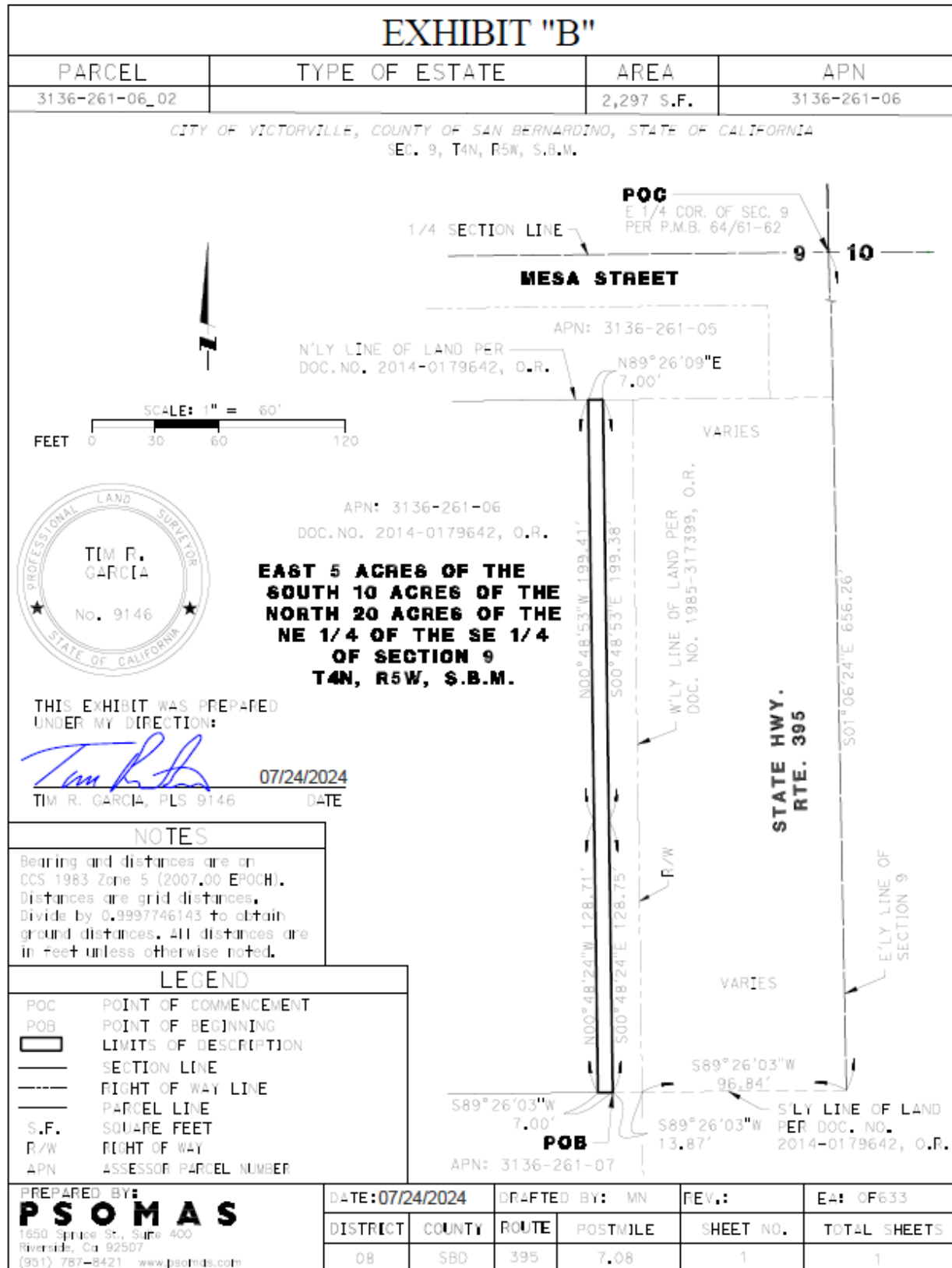
Tim R. Garcia, PLS 9146

07/24/2024

Date:



Attachment: B-25-010 Ko - Final RON (10906 : US 395 Phase 2 RONS)



Attachment: B-25-010 Ko - Final RON (10906 : US 395 Phase 2 RONS)

**RESOLUTION OF NECESSITY NO. 25-013
THE CAMP AND JULIA SECOND FAMILY
LIMITED PARTNERSHIP PROPERTY
(APN 3136-251-02)**

Attachment: C-25-013-Camp & Julia Second Fam. Partnership Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-013

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 AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3136-251-02.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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, a portion of the real property located at the northwest corner of US Highway 395 and Appleton Street, in the City of Victorville, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); 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 Interest; 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 Interest. 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 Victorville 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 October 2, 2024 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

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 Interest is 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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" 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 Interest sought to be acquired is 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 the Property Interest, or any portion thereof, is 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 Interest, or any portion thereof, is 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 Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is 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 Interest, 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 Interest 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 Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

EXHIBIT "1"

Attachment: C-25-013-Camp & Julia Second Fam. Partnership Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL: 3136-251-02_01

That portion of the land within the South 660 feet of the North 825 feet of the East one-half (1/2) of the Northeast one-quarter (1/4) of Section 9, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Victorville, County of San Bernardino, State of California, said land more particularly described in the Trustee's Deed recorded on December 21, 2009 as Document No. 2009-0562843 of Official Records, in the office of the County Recorder of said County, described as follows:

Commencing at the northeast corner of said Section 9 as shown on Parcel Map No. 10276, filed in Book 111, Pages 1 and 2 of Parcel Maps, in the office of the County Recorder of said County;

Thence southerly along the easterly line of said Section 9 South 01°06'04" East 164.97 feet to the northerly line of said land;

Thence westerly along said northerly line South 89°21'00" West 62.45 feet to a point on the westerly line of the land described in the Grant Deed recorded on June 13, 1996 as Document No. 1996-0211000 of Official Records, in the Office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence southerly along said westerly line South 00°38'14" East 487.38 feet;

Thence continuing southerly along said westerly line South 00°49'04" East 172.25 feet to the southerly line of said land of Document No. 2009-0562843 of Official Records;

Thence westerly along said southerly line South 89°20'38" West 12.21 feet to the beginning of a non-tangent curve, concave westerly, having a radius of 14,632.00 feet, a radial line to said beginning bears North 89°30'13" East;

Thence northerly along said non-tangent curve through a central angle of 00°19'06" feet, an arc length of 81.32 feet;

Thence North 00°48'53" West 578.31 feet to said northerly line of the land of Document No. 2009-0562843 of Official Records;

Thence easterly along said northerly line North 89°21'00" East 13.49 feet to the **Point of Beginning**.

Containing 8,276 square feet (0.19 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).



Tim R. Garcia, PLS 9146

07/12/2024

Date:



EXHIBIT "B"						
PARCEL	TYPE OF ESTATE	AREA	APN			
3136-251-02_01		8,276 S.F.	3136-251-02			
CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA SEC. 9, T4N, R5W, S.B.M.						
<p style="text-align: center;">POC N.E. COR. OF SEC. 9 PER PARCEL MAP NO. 10276 P.M.B. 111/1-2</p> <p style="text-align: center;">GOSS ROAD</p> <p style="text-align: center;">NLY LINE OF SEC. 9</p> <p style="text-align: center;">N89°21'00"E 62.45'</p> <p style="text-align: center;">NLY LINE OF LAND PER DOC. NO. 2009-0562843, O.R.</p> <p style="text-align: center;">S89°21'00"W 13.49'</p> <p style="text-align: center;">S01°06'04"E 164.97'</p> <p style="text-align: center;">POB</p> <p style="text-align: center;">VARIES</p> <p style="text-align: center;">STATE HWY RTE. 395</p> <p style="text-align: center;">N00°48'53"W 578.31'</p> <p style="text-align: center;">S00°38'14"E 487.38'</p> <p style="text-align: center;">WLY LINE OF LAND PER DOC. NO. 1996-0211000, O.R.</p> <p style="text-align: center;">E'LY LINE OF SEC. 9</p> <p style="text-align: center;">S00°49'04"E 172.25'</p> <p style="text-align: center;">VARIES</p> <p style="text-align: center;">N89°30'13"E (RAD)</p> <p style="text-align: center;">S89°20'38"W 12.21'</p> <p style="text-align: center;">R=14,632.00' Δ=00°19'06" L=81.32'</p> <p style="text-align: center;">S'LY LINE OF LAND PER DOC. NO. 2009-0562843, O.R.</p> <p style="text-align: center;">THE SOUTH 660 FEET OF THE NORTH 826 FEET OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9 T4N, R5W, S.B.M.</p> <p style="text-align: center;">APN: 3136-251-02 DOC. NO. 2009-0562843, O.R.</p> <p style="text-align: center;">SCALE: 1" = 50'</p> <p style="text-align: center;">FEET 0 25 50 100</p> <p style="text-align: center;">TIM R. GARCIA No. 9146 PROFESSIONAL LAND SURVEYOR STATE OF CALIFORNIA</p> <p style="text-align: center;">THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION: <i>Tim R. Garcia</i> TIM R. GARCIA, PLS 9146 07/12/2024 DATE</p>						
NOTES Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.						
LEGEND POC POINT OF COMMENCEMENT POB POINT OF BEGINNING LIMITS OF DESCRIPTION SECTION LINE PARCEL LINE (RAD) RADIAL BEARING APN ASSESSOR PARCEL NUMBER						
PREPARED BY: PSOMAS 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/12/2024 DISTRICT: 08 COUNTY: SBD ROUTE: 395 POSTMILE: 7.54		DRAFTED BY: MN REV.: SHEET NO. 1 TOTAL SHEETS 1		E-: 0F633

RESOLUTION OF NECESSITY NO. 25-014
SHAHIN TRUST PROPERTY
(APN 3134-121-42)

Attachment: D-25-014-Shahin Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-014

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 AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3134-121-42.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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, a portion of the real property located at the northwest quadrant of US Highway 395 and Bear Valley Road, in the City of Victorville, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); 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 Interest; and

Attachment: D-25-014-Shahin Final RON (10906 : US 395 Phase 2 RONS)

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 Interest. 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 Victorville 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 October 2, 2024 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

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 Interest is 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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" 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 Interest sought to be acquired is 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 the Property Interest, or any portion thereof, is 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 Interest, or any portion thereof, is 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 Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is 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 Interest, 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 Interest 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 Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

Attachment: D-25-014-Shahin Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "1"

Attachment: D-25-014-Shahin Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel: 3134-121-42_01

That portion of Parcel 1 of Parcel Map No. 17587, in the City of Victorville, County of San Bernardino, State of California, as shown on map filed in Book 227, Pages 62 through 66, inclusive, of Parcel Maps, in the office of the County Recorded of said County, lying within the North one-half (1/2) of the Southeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 33, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

Commencing at the South 1/16 corner of said Section 33 as shown on said Parcel Map;

Thence southerly along the easterly line of said Section 33 South 00°18'47" East 67.33 feet;

Thence westerly leaving said easterly line South 89°41'13" West 61.99 feet to a point on the easterly line of said Parcel 1, said point also being the **Point of Beginning**;

Thence southerly along said easterly line South 00°18'44" East 547.17 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 20.00 feet;

Thence southwesterly along said tangent curve through a central angle of 40°06'52", an arc length of 14.00 feet to the beginning of a non-tangent curve, concave westerly, having a radius of 14,635.00 feet, a radial line to said beginning bears North 88°37'24" East;

Thence northerly along said non-tangent curve through a central angle of 00°59'30", an arc length of 253.30 feet to the beginning of a reverse curve, concave easterly, having a radius of 14,765.00 feet, a radial line to said beginning bears South 87°37'54" West;

Thence northerly along said reverse curve through a central angle of 01°18'49", an arc length of 338.53 feet to a point on the northeasterly line of said Parcel 1, said point also being the beginning of a non-tangent curve, concave southwesterly, have a radius of 35.00 feet, a radial line to said beginning bears North 25°18'14" East;

Thence southeasterly along said non-tangent curve through a central angle of 64°23'02", an arc length of 39.33 feet to the **Point of Beginning**.

Containing 7,319 square feet (0.17 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

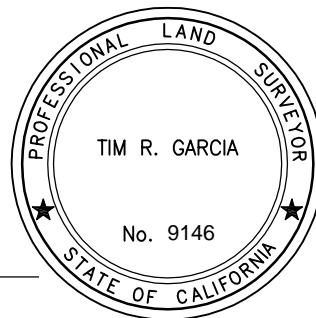
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).



Tim R. Garcia, PLS 9146

07/18/2024

Date:



Attachment: D-25-014-Shahin Final RON (10906 : US 395 Phase 2 RONS)

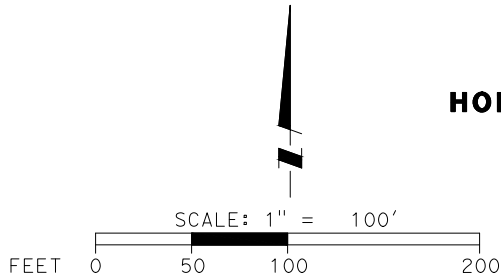
EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3134-121-42_01		7,319 S.F.	3134-121-42

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 33, T5N, R5W, S.B.M.

POC

SOUTH 1/16 CORNER,
SECTION 33, PER
P.M.B. 227/62-66

**HORNET ST. (LINDERO RD.)**

R/W

POB

S00°18'47"E
67.33'

S89°41'13"W
61.99'

EASTERLY LINE
OF PARCEL 1

**NE 1/2 OF THE
SE 1/4 OF THE
SE 1/4 OF
SECTION 33,
T5N, R5W, S.B.M.**

APN: 3134-121-42

**PARCEL 1
PARCEL MAP NO. 17587
P.M.B. 227/62-66**

SEE SHEET 2
FOR DETAIL

**STATE HWY.
RTE. 395**

EASTERLY LINE
OF SECTION 33

R/W

SEE SHEET 3
FOR DETAIL

APN: 3134-121-22



THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

07/18/2024

TIM R. GARCIA, PLS 9146

DATE

NOTES

Bearings and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
LIMITS OF DESCRIPTION
--- RIGHT OF WAY
--- SECTION LINE
--- PARCEL LINE
APN ASSESSOR PARCEL NUMBER
R/W RIGHT OF WAY
S.F. SQUARE FEET

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 07/18/2024

DRAFTED BY: BP

REV.:

EA: OF633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

8.8

1

3

Attachment: D-25-014-Shahin Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3134-121-42_01		7,319 S.F.	3134-121-42

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 33, T5N, R5W, S.B.M.

POC

SOUTH 1/16 CORNER,
SECTION 33, PER
P.M.B. 227/62-66

HORNET ST. (LINDERO RD.)



NE 1/2 OF THE
SE 1/4 OF THE
SE 1/4 OF
SECTION 33,
T5N, R5W, S.B.M.

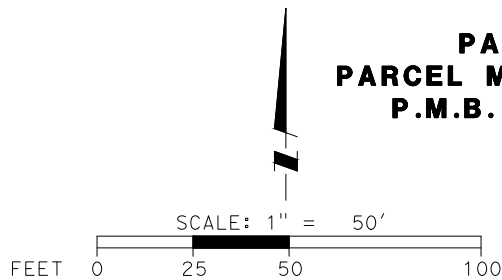
APN: 3134-121-42

PARCEL 1
PARCEL MAP NO. 17587
P.M.B. 227/62-66

EASTERLY LINE
OF PARCEL 1

STATE HWY. RTE. 395

EASTERLY LINE
OF SECTION 33



NOTES

Bearings and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	RIGHT OF WAY
	SECTION LINE
	PARCEL LINE
APN	ASSESSOR PARCEL NUMBER
(RAD)	RADIAL BEARING
R/W	RIGHT OF WAY
S.F.	SQUARE FEET

R=14,765.00' Δ=01°18'49" L=338.53'

S00°18'44"E 547.17'

R/W

SEE SHEET 3

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 07/18/2024

DRAFTED BY: BP

REV.:

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ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

8.8

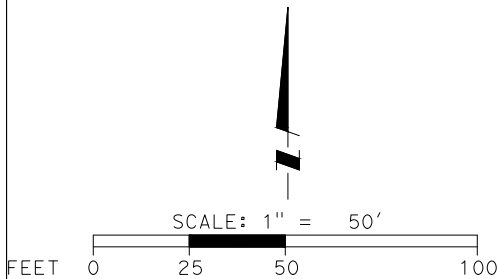
2

3

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3134-121-42_01		7,319 S.F.	3134-121-42

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 33, T5N, R5W, S.B.M.



**NE 1/2 OF THE
SE 1/4 OF THE
SE 1/4 OF
SECTION 33,
T5N, R5W, S.B.M.**





APN: 3134-121-42

**PARCEL 1
PARCEL MAP NO. 17587
P.M.B. 227/62-66**

NOTES

Bearings and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
PRC POINT OF REVERSE CURVE
 LIMITS OF DESCRIPTION
 RIGHT OF WAY
 SECTION LINE
 PARCEL LINE
 APN ASSESSOR PARCEL NUMBER
 (RAD) RADIAL BEARING
 R/W RIGHT OF WAY
 S.F. SQUARE FEET

SEE SHEET 2

S87°37'54"W (RAD)

PRC

R/W

EASTERLY LINE
OF PARCEL 1

R=14,635.00' Δ=00°59'30" L=253.30'

S00°18'44"E 547.17'

STATE HWY. RTE. 395

EASTERLY LINE
OF SECTION 33

N88°37'24"E (RAD)

R=20.00'
Δ=40°06'52"
L=14.00'

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 07/18/2024

DRAFTED BY: BP

REV.:

EA: OF633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

8.8

3

3

RESOLUTION OF NECESSITY NO. 25-015
395 PROPERTIES 26, LLC PROPERTY
(APN 3096-361-04)

Attachment: E-25-015-395 Properties 26 Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-015

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 AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3096-361-04.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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, portion of the real property located at southwest corner of Olivera Road and US Highway 395, in the City of Victorville, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a permanent slope easement as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); 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 Interest; 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 Interest. 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 Victorville 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 October 2, 2024 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

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 Interest is 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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" 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 Interest sought to be acquired is 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 the Property Interest, or any portion thereof, is 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 Interest, or any portion thereof, is 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 Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is 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 Interest, 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 Interest 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 Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

Attachment: E-25-015-395 Properties 26 Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "1"

PERMANENT EASEMENT (SLOPE)
ATTACHMENT TO LEGAL DESCRIPTION
Parcel No. 3096-361-04

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Victorville, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

Attachment: E-25-015-395 Properties 26 Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL: 3096-361-04_01

That portion of Parcel 1 of Parcel Map No. 2619, in the City of Victorville, County of San Bernardino, State of California as shown on map filed in Book 23, Page 44 of Parcel Maps, in the office of the County Recorder of said County, lying within the Southeast one-quarter (1/4) of Section 28, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 28 as shown on said Parcel Map;

Thence along the easterly line of said Section 28 South $00^{\circ}17'35''$ East 994.03 feet to the easterly prolongation of the southerly line of said Parcel 1;

Thence along said easterly prolongation line South $89^{\circ}20'39''$ West 50.00 feet to the easterly line of said Parcel 1, and being the **Point of Beginning**;

Thence along the southerly line of said Parcel 1 South $89^{\circ}20'39''$ West 12.00 feet;

Thence leaving said southerly line North $00^{\circ}17'35''$ West 127.70 feet;

Thence South $89^{\circ}42'25''$ West 20.00 feet;

Thence North $00^{\circ}17'35''$ West 173.52 feet to the northerly line of said Parcel 1;

Thence along said northerly line North $89^{\circ}20'29''$ East 11.87 feet to the beginning of a tangent curve, concave southwesterly, having a radius of 20.00 feet;

Thence southeasterly along said tangent curve through a central angle of $90^{\circ}21'56''$, an arc length of 31.54 feet to said easterly line of Parcel 1;

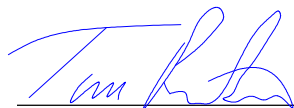
Thence along said easterly line South $00^{\circ}17'35''$ East 281.22 feet to the **Point of Beginning**.

Containing 7,000 square feet (0.16 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

Attachment: E-25-015-395 Properties 26 Final RON (10906 : US 395 Phase 2 RONS)

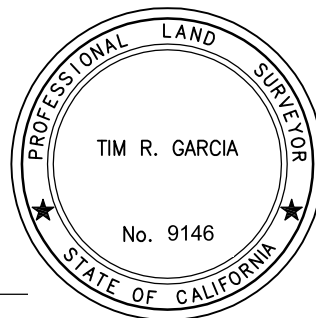
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).



Tim R. Garcia, PLS 9146

07/16/2024

Date:

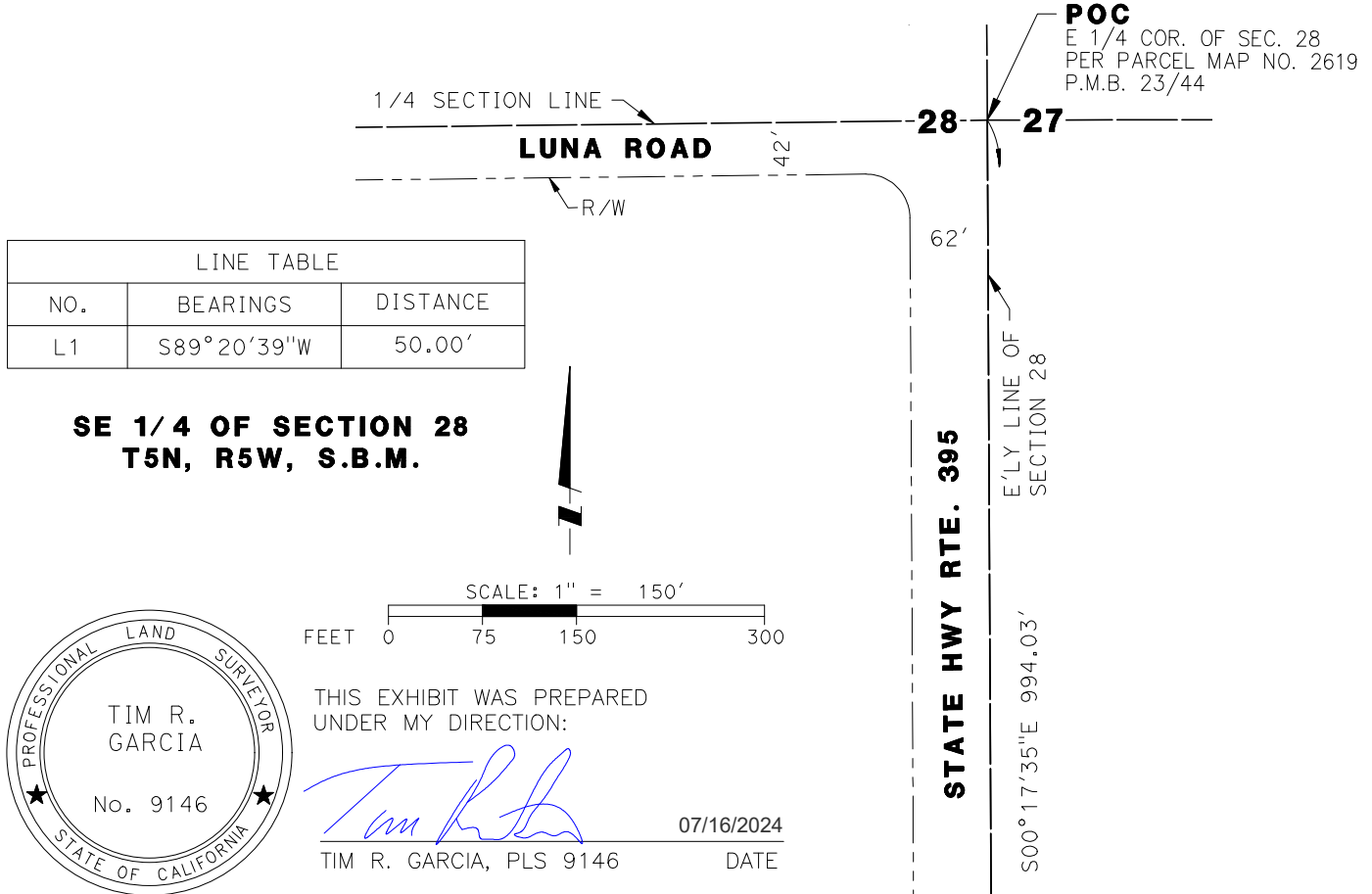


Attachment: E-25-015-395 Properties 26 Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3096-361-04_01		7,000 S.F.	3096-361-04

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 28, T5N, R5W, S.B.M.



NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
LIMITS OF DESCRIPTION
SECTION LINE
RIGHT OF WAY LINE
PARCEL LINE
S.F. SQUARE FEET
R/W RIGHT OF WAY
APN ASSESSOR PARCEL NUMBER

OLIVERA RD.

**PARCEL 1
PARCEL MAP NO. 2619
P.M.B. 23/44**

APN: 3096-361-04

50'

L1

POB

SEE SHEET 2
FOR DETAIL

PREPARED BY:
PSOMAS
1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 07/16/2024		DRAFTED BY: MN		REV.:	EA: OF 633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	10.00	1	2

EXHIBIT "B"

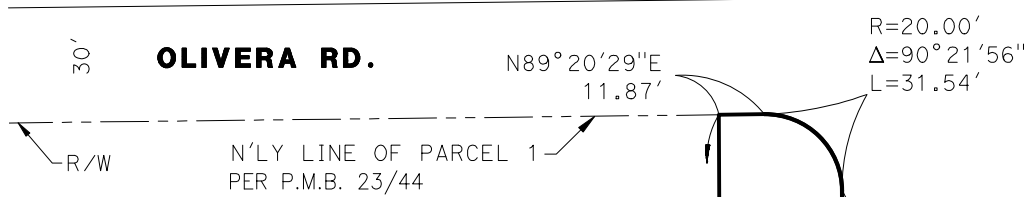
PARCEL	TYPE OF ESTATE	AREA	APN
3096-361-04_01		7,000 S.F.	3096-361-04

CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 28, T5N, R5W, S.B.M.

POC
E 1/4 COR. OF SEC. 28
PER PARCEL MAP NO. 2619
P.M.B. 23/44

28

27



APN: 3096-361-04

**SE 1/4 OF
SECTION 28
T5N, R5W, S.B.M.**

**PARCEL 1
PARCEL MAP NO. 2619
P.M.B. 23/44**



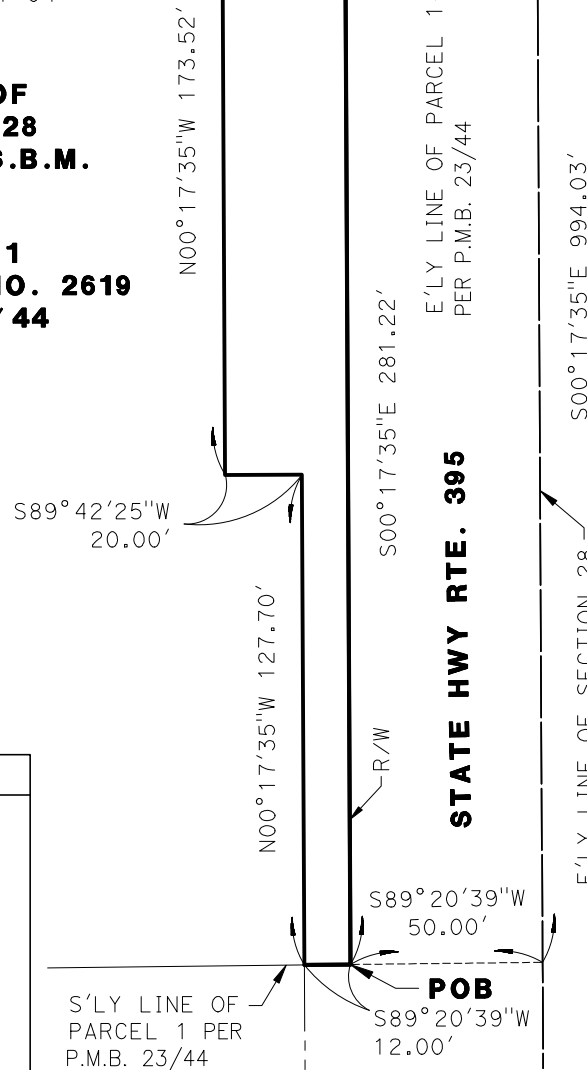
SCALE: 1" = 50'
FEET 0 25 50 100

NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
---	SECTION LINE
----	RIGHT OF WAY LINE
—	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



STATE HWY RTE. 395

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 07/16/2024

DRAFTED BY: MN

REV.:

EA: OF633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

10.00

2

2

Attachment: E-25-015-395 Properties 26 Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION OF NECESSITY NO. 25-017
CITY OF VICTORVILLE PROPERTY
(APN 3096-361-10)

Attachment: G-25-017-City of Victorville Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-017

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. 3096-361-10.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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 southwest corner of US Highway 395 and Luna Road, in the City of Victorville, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto and a temporary construction easement as legally described and depicted in Exhibit "2" hereto (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: G-25-017-City of Victorville Final RON (10906 : US 395 Phase 2 RONS)

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 Victorville 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 October 2, 2024 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

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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(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" and "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 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 the reduction can be accomplished 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

EXHIBIT "1"

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3096-361-10_01

That portion of Lot "A" of Tract No. 16107-1, in the City of Victorville, County of San Bernardino, State of California as shown on the map filed in Book 287, Pages 28 through 32, inclusive, of Maps, in the office of the County Recorder of said County, lying within the Southeast one-quarter (1/4) of Section 28, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 28 as shown on said Tract No. 16107-1;

Thence southerly along the easterly line of said Section 28 South 00°17'35" East 77.63 feet;

Thence westerly leaving said easterly line South 89°42'25" West 62.00 feet to a point on the easterly line of said Lot "A", said point also being the beginning of a non-tangent curve, concave southwesterly, having a radius of 35.00 feet, a radial line to said beginning bears North 89°42'25" East;

Thence northerly along said non-tangent curve and said easterly line of Lot "A" through a central angle of 09°53'41", an arc length of 6.04 feet to the **Point of Beginning**;

Thence northwesterly leaving said non-tangent curve and said easterly line North 45°27'06" West 40.41 feet to a point on the northerly line of said Lot "A", said point also being the beginning of a non-tangent curve, concave southwesterly, having a radius of 35.00 feet, a radial line to said beginning bears North 09°17'04" East;

Thence southeasterly along said curve through a central angle of 70°31'39", an arc length of 43.08 feet to the **Point of Beginning**;

Containing 176 square feet (0.004 acres) more or less.

Together with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

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 Surveyors Act (Bus. & Prof. §8700).



Tim R. Garcia, PLS 9146

07/26/2024

Date:



Attachment: G-25-017-City of Victorville Final RON (10906 : US 395 Phase 2 RONS)

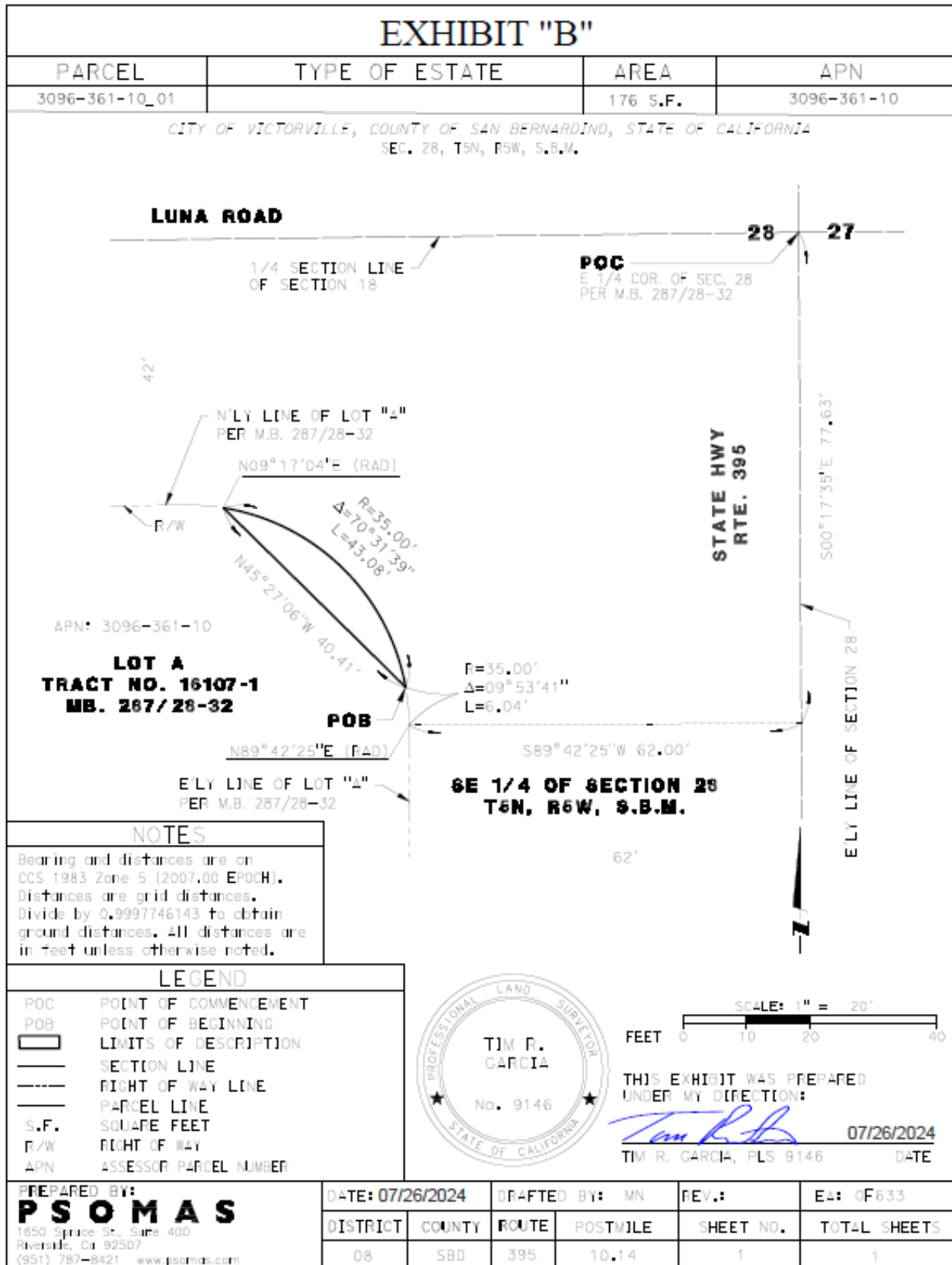


EXHIBIT "2"

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel No. 3096-361-10**

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 Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be for a period of sixty (60) 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 and shall be included in the compensation paid by SBCTA for this TCE.
- 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.

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

Parcel: 3096-361-10_02

That portion of Lot "A" of Tract No. 16107-1, in the City of Victorville, County of San Bernardino, State of California as shown on the map filed in Book 287, Pages 28 through 32, inclusive, of Maps, in the office of the County Recorder of said County, lying within the Southeast one-quarter (1/4) of Section 28, Township 5 North, Range 5 West, San Bernardino Meridian, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 28 as shown on said Tract No. 16107-1;

Thence southerly along the easterly line of said Section 28 South 00°17'35" East 77.63 feet;

Thence westerly leaving said easterly line South 89°42'25" West 62.00 feet to a point on the easterly line of said Lot "A", said point also being the beginning of a non-tangent curve, concave southwesterly, having a radius of 35.00 feet, a radial line to said beginning bears North 89°42'25" East, said point also being the **Point of Beginning**;

Thence northerly along said non-tangent curve and said easterly line of Lot "A" through a central angle of 09°53'41", an arc length of 6.04 feet;

Thence northwesterly leaving said non-tangent curve and said easterly line North 45°27'06" West 40.41 feet to a point on the northerly line of said Lot "A", said point also being the beginning of a non-tangent curve, concave southwesterly, having a radius of 35.00 feet, a radial line to said beginning bears North 09°17'04" West;

Thence westerly along said non-tangent curve and said northerly line of Lot "A" through a central angle of 09°55'55", an arc length of 6.08 feet;

Thence continuing westerly along said northerly line South 89°20'10" West 8.57 feet;

Thence southeasterly leaving said northerly line South 45°27'06" East 61.76 feet to said easterly line of Lot "A";

Thence northerly along said easterly line North 00°17'35" West 8.61 feet to the **Point of Beginning**;

Containing 516 square feet (0.01 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit 'B' attached hereto and made a part hereof

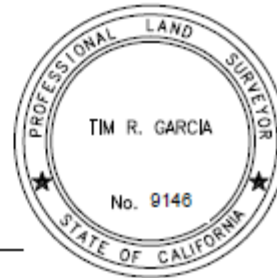
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).



Tim R. Garcia, PLS 9146

07/26/2024

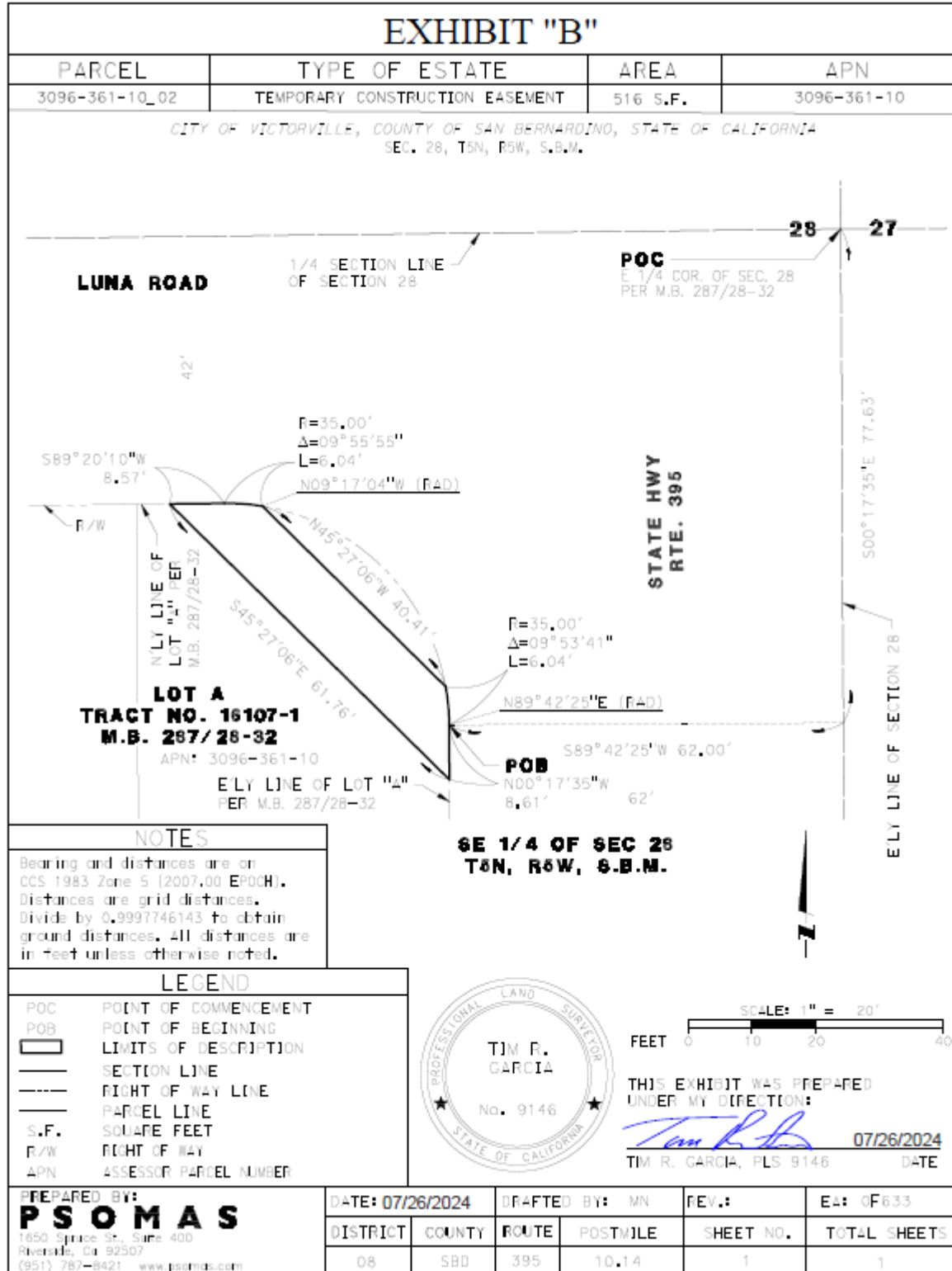
Date:



Attachment: G-25-017-City of Victorville Final RON (10906 : US 395 Phase 2 RONS)

08-SBD-395 PM 10.14_3096-361-10 (3096-361-10_02 TCE)

Page 2 of 2



RESOLUTION OF NECESSITY NO. 25-018
395, LLC PROPERTY
(APNS 3064-591-01 and 3064-591-03)

Attachment: H-25-018-395 LLC Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-018

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. 3064-591-01 AND 3064-591-03.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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 the southeast corner of US Highway 395 and Poplar Street, in the City of Hesperia, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are two temporary construction easements as legally described and depicted in Exhibits "1" and "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: H-25-018-395 LLC Final RON (10906 : US 395 Phase 2 RONS)

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 Hesperia 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 October 2, 2024 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

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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(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" and "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 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 the reduction can be accomplished 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

Attachment: H-25-018-395 LLC Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "1"

Attachment: H-25-018-395 LLC Final RON (10906 : US 395 Phase 2 RONS)

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel No. 3064-591-01**

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 Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be for a period of sixty (60) 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 may place a temporary fence around the TCE area.
- 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 and shall be included in the compensation paid by SBCTA for this TCE.
- 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.

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

APN: 3064-591-01 & 03_02

That portion of Parcel 1 of Parcel Map No. 3055, in the City of Hesperia, County of San Bernardino, State of California as shown on map filed in Book 27, Page 76 of Parcel Maps, in the office of the County Recorder of said County, located within the Southwest one-quarter (1/4) of Section 22, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

Beginning at the southwest corner of said Parcel 1;

Thence easterly along the southerly line of said Parcel 1 North 89°40'51" East 13.32 feet;

Thence leaving said southerly line North 00°11'41" West 90.72 feet;

Thence South 89°48'19" West 12.67 feet to the westerly line of said Parcel 1;


Thence southerly along said westerly line South 00°12'39" West 90.75 feet to the **Point of Beginning**.

Containing 1,179 square feet (0.03 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

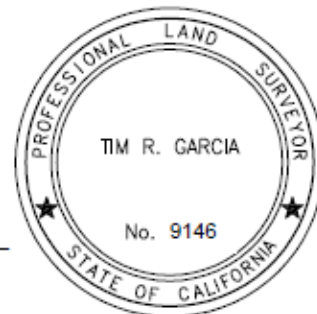
See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).


 Tim R. Garcia, PLS 9146

05/14/2024

Date:



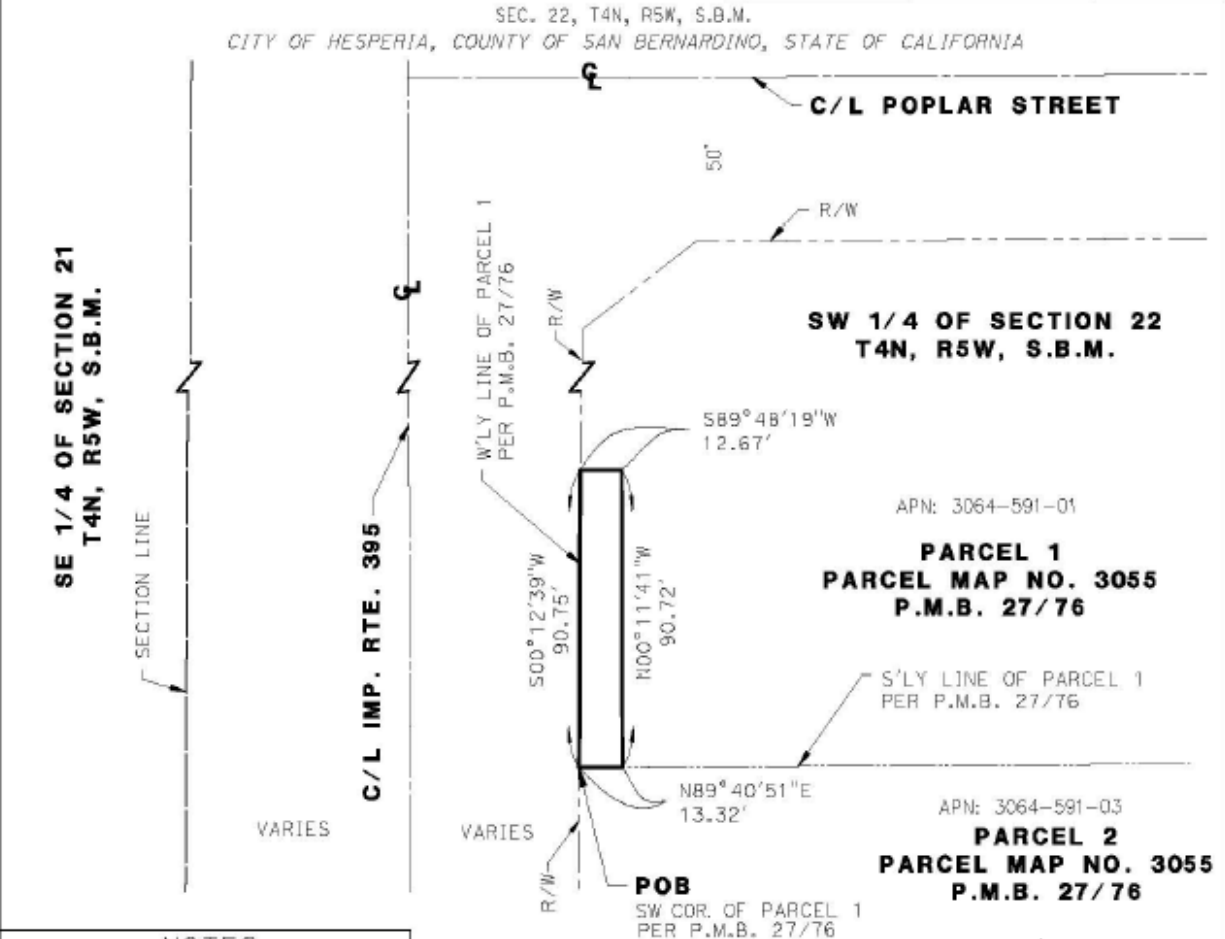
08-SBD-395-PM 4.79_3064-591-01 & 03 (3064-591-01 & 03_02 TCE)

Page 1 of 1

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-591-01 & 03_02	TEMPORARY CONSTRUCTION EASEMENT	1,179 S.F.	3064-591-01





SEC. 22, T4N, R5W, S.8.M.
CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA



NOTES

Coordinates and bearings are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	CENTERLINE
	SECTION LINE
	RIGHT OF WAY LINE
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET



SCALE: 1" = 50'

A horizontal scale bar with tick marks at 0, 25, 50, and 100 feet. The word "FEET" is written to the left of the 0 mark. The segment between 25 and 50 is shaded black.

THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:
 05/14/2024
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY:
PSOMAS
1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 767-8421 www.psomas.com

DATE: 05/14/2024		DRAFTED BY: BP		REV.:	EA: 0F633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	4.79	1	1

EXHIBIT "2"

Attachment: H-25-018-395 LLC Final RON (10906 : US 395 Phase 2 RONS)

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel No. 3064-591-03**

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 Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be for a period of sixty (60) 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 may place a temporary fence around the TCE area.
- 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 and shall be included in the compensation paid by SBCTA for this TCE.
- 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.

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

APN: 3064-591-01 & 03_01

That portion of Parcel 3 of Parcel Map No. 3055, in the City of Hesperia, County of San Bernardino, State of California as shown on map filed in Book 27, Page 76 of Parcel Maps, in the office of the County Recorder of said County, located within the Southwest one-quarter (1/4) of Section 22, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

Beginning at the northwest corner of said Parcel 3;

Thence along the northerly line of said Parcel 3 North 89°40'51" East 13.32 feet;

Thence leaving said northerly line South 00°11'41" East 331.44 feet to the southerly line of said Parcel 3;

Thence westerly along said southerly line South 89°39'30" West 15.66 feet to the westerly line of said Parcel 3;

Thence northerly along said westerly line North 00°12'39" East 331.46 feet to the **Point of Beginning**.

Containing 4,802 square feet (0.11 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).



Tim R. Garcia, PLS 9146

05/14/2024

Date:



08-SBD-395-PM 4.79_3064-591-01 & 03 (3064-591-01 & 03_01 TCE)

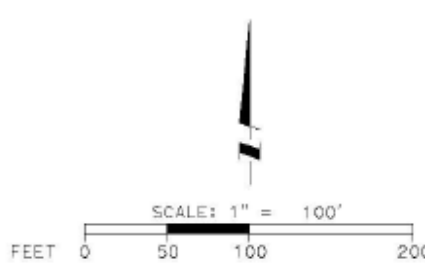
Page 1 of 1

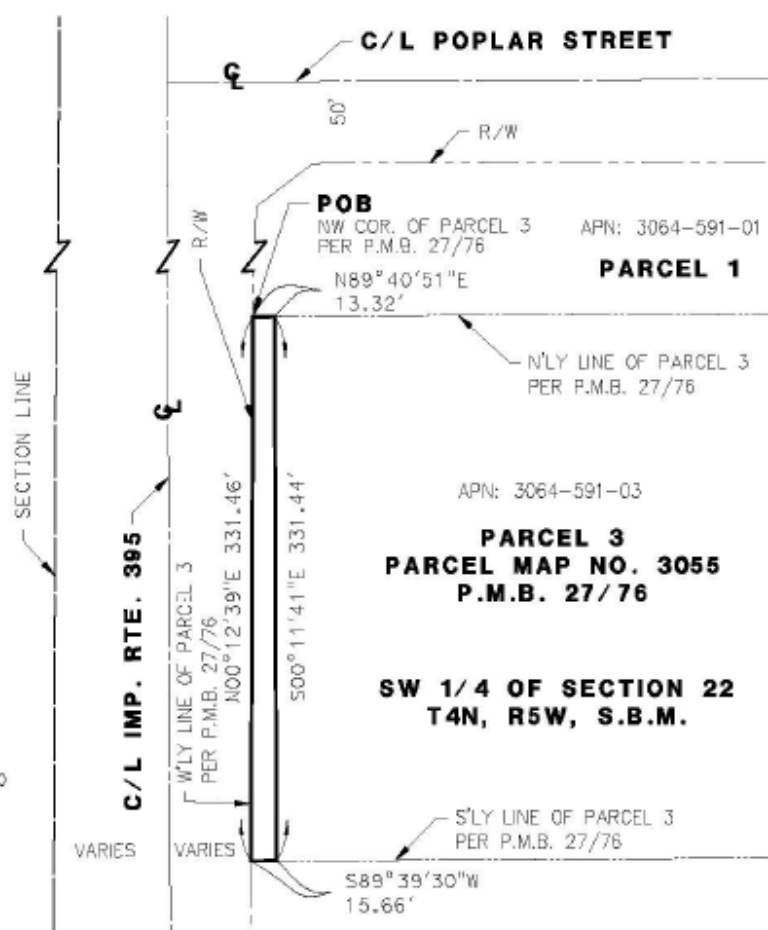
Attachment: H-25-018-395 LLC Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"					
PARCEL	TYPE OF ESTATE	AREA	APN		
3064-591-01 & 03_01	TEMPORARY CONSTRUCTION EASEMENT	4,802 S.F.	3064-591-03		

SEC. 22, T4N, R5W, S.B.M.
CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

SE 1/4 OF SECTION 21
T4N, R5W S.B.M.





PARCEL 3
PARCEL MAP NO. 3055
P.M.B. 27/76

SW 1/4 OF SECTION 22
T4N, R5W, S.B.M.

NOTES

Coordinates and bearings are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

LEGEND

POB POINT OF BEGINNING

— LIMITS OF DESCRIPTION

— CENTERLINE


— SECTION LINE

— RIGHT OF WAY LINE

— PARCEL LINE

R/W RIGHT OF WAY

S.F. SQUARE FEET



THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

Tim R. Garcia 05/14/2024
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY: PSOMAS 1850 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 05/14/2024	DRAFTED BY: BP	REV.:	EA: 0F633
DISTRICT 08	COUNTY SBD	ROUTE 395	POSTMILE 4.79	SHEET NO. 1	TOTAL SHEETS 1

RESOLUTION OF NECESSITY NO. 25-019
JAGROOP DHILLON PROPERTY
(APN 3064-381-07)

Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-019

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. 3064-381-07.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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 10136 US Highway 395, in the City of Hesperia, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto and a permanent slope 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: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

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 Hesperia 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 October 2, 2024 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

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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(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" and "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 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 the reduction can be accomplished 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "1"

Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3064-381-07_01

That portion of the land within the Southeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, said land more particularly described in the Interspousal Transfer Grant Deed recorded September 10, 2021, as Document No. 2021-0414363 of Official Records, in the office of the County Recorder of said County, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 16 as shown on Parcel Map No. 2261, filed in Book 19, Page 62 of Parcel Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 16 North 00°50'42" West 331.00 feet to the northerly line of said land;

Thence westerly along said northerly line South 89°33'04" West 60.00 feet to the westerly line of the land as described in the Grant of Easement (Road) recorded December 28, 1971, as Instrument No. 495, in Book 7823, Page 846 of Official Records, in the office of the County Recorder of said County, also being the **Point of Beginning**;

Thence continuing westerly along said northerly line South 89°33'04" West 64.88 feet;
Thence southerly leaving said northerly line South 00°04'18" East 290.98 feet to the northerly line of Parcel 3 as described in the Offer of Dedication recorded December 28, 1971, as Instrument No. 500, in Book 7823, Page 855 of Official Records, in the office of the County Recorder of said County;

Thence easterly along said northerly line North 89°33'27" East 48.66 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 20.00 feet, said beginning being the westerly line of Parcel 4 as described in the Offer of Dedication recorded December 28, 1971, as Instrument No. 500, in Book 7823, Page 855 of Official Records, in the office of the County Recorder of said County;

Thence northeasterly along said curve through a central angle of 90°24'09", an arc length of 31.56 feet to said westerly line of the land of Instrument No. 495, in Book 7823, Page 846 of Official Records;

Thence northerly along said westerly line North 00°50'42" West 270.85 feet to the Point of Beginning.

Containing 19,362 square feet (0.44 acres) more or less.

Together with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. §8700).

Tim R. Garcia, PLS 9146

06/28/2024

Date:



Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-381-07_01		19,362 S.F.	3064-381-07

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

**NW 1/4 OF THE SE 1/4
OF THE SE 1/4 OF THE
NE 1/4 OF SECTION 16
T4N, R5W, S.B.M.**

APN 3064-381-05

POB

N'LY LINE OF LAND PER
DOC. NO. 2021-0414363, O.R.

APN 3064-381-07
DOC. NO. 2021-0414363, O.R.
REC. 09/10/2021.

**SE 1/4 OF THE SE 1/4
OF THE SE 1/4 OF THE
NE 1/4 OF SECTION 16
T4N, R5W, S.B.M.**

YUCCA TERRACE DR.

1/4 SECTION LINE

POC
E. 1/4 COR. OF SEC. 16
PER PARCEL MAP NO. 2261
P.M.B. 19/62

NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
LIMITS OF DESCRIPTION
SECTION LINE
RIGHT OF WAY LINE
PARCEL LINE
S.F. SQUARE FEET
APN ASSESSOR PARCEL NUMBER

PROFESSIONAL LAND SURVEYOR
TIM R. GARCIA
No. 9146
STATE OF CALIFORNIA

THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

Tim R. Garcia 06/28/2024
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY:
PSOMAS
1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE	DRAFTED BY	REV.	EA
06/28/2024	MG		OF633

DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.16	1	2

Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-381-07_01		19,362 S.F.	3064-381-07

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

NOTES

Bearings and distances are on CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

DATE: 06/28/2024 **DRAFTED BY: MG** **REV.: 1** **EA: 0633**

DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.16	2	2

Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "2"

Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

PERMANENT EASEMENT (SLOPE)
ATTACHMENT TO LEGAL DESCRIPTION
Parcel No. 3064-381-07

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Hesperia, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3064-381-07_02

That portion of the land within the Southeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, said land more particularly described in the Interspousal Transfer Grant Deed recorded September 10, 2021, as Document No. 2021-0414363 of Official Records, in the office of the County Recorder of said County, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 16 as shown on Parcel Map No. 2261, filed in Book 19, Page 62 of Parcel Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 16 North 00°50'42" West 331.00 feet to the northerly line of said land;

Thence westerly along said northerly line South 89°33'04" West 124.88 feet to the **Point of Beginning**;

Thence southerly leaving said northerly line South 00°04'18" East 290.98 feet to the northerly line of Parcel 3 as described in the Offer of Dedication recorded December 28, 1971, as Instrument No. 500, in Book 7823, Page 855 of Official Records, in the office of the County Recorder of said County;

Thence westerly along said northerly line South 89°33'27" West 5.00 feet;

Thence northerly leaving said northerly line North 00°04'18" West 290.98 feet to the northerly line of said land;

Thence easterly along said northerly line North 89°33'04" East 5.00 feet to the **Point of Beginning**.


Containing 1,455 square feet (0.03 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).


Tim R. Garcia, PLS 9146

06/28/2024

Date:



Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-381-07_02		1,455 S.F.	3064-381-07

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

BOLINAS RD.

**NW 1/4 OF THE SE 1/4
OF THE SE 1/4 OF THE
NE 1/4 OF SECTION 16,
T4N, R5W, S.B.M.**

APN 3064-381-05

N'LY LINE OF LAND PER
DOC. NO. 2021-0414363, O.R.

POB

APN 3064-381-07
DOC. NO. 2021-0414363, O.R.
REC. 09/10/2021

**SE 1/4 OF THE SE 1/4
OF THE SE 1/4 OF THE
NE 1/4 OF SECTION 16,
T4N, R5W, S.B.M.**

YUCCA TERRACE DR.

1/4 SECTION LINE

STATE HWY
RTE. 395

E'LY LINE OF
SECTION 16

S89°33'04"W
124.88'

SEE SHEET 2
FOR DETAIL

N00°50'42"W 331.00'

POC
E. 1/4 COR. OF SEC. 16
PER PARCEL MAP NO. 2261
P.M.B. 19/62

NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
LIMITS OF DESCRIPTION
SECTION LINE
RIGHT OF WAY LINE
PARCEL LINE
S.F. SQUARE FEET
APN ASSESSOR PARCEL NUMBER

PROFESSIONAL LAND SURVEYOR
TIM R. GARCIA
No. 9146
STATE OF CALIFORNIA

THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

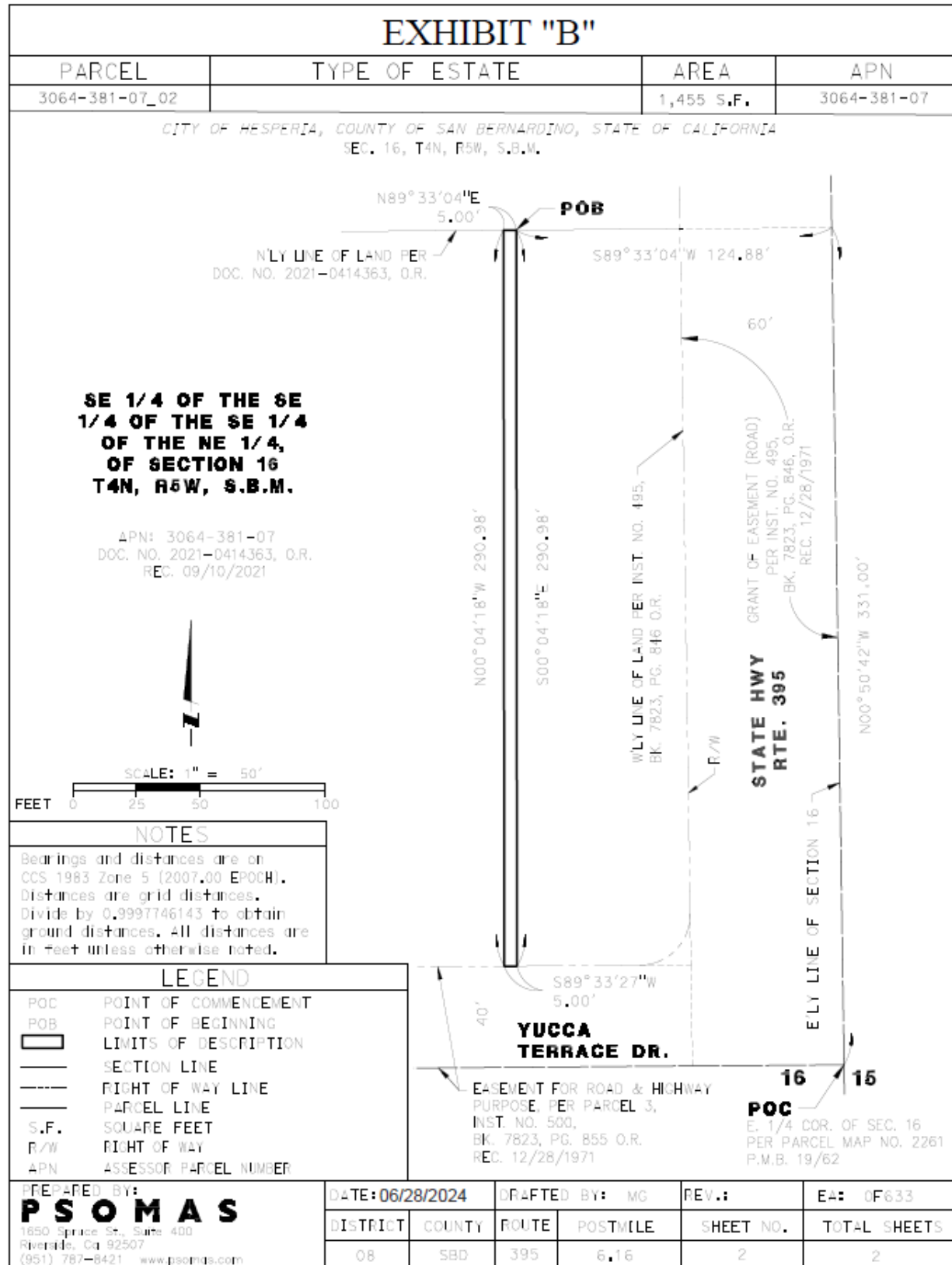
Tim R. Garcia 06/28/2024
TIM R. GARCIA, PLS 9146 DATE

SCALE: 1" = 150'

FEET 0 75 150 300

PREPARED BY: PSOMAS 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	DATE: 06/28/2024	DRAFTED BY: MG	REV.:	EA: 0633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.
08	SBD	395	6.16	1
			TOTAL SHEETS	2

Attachment: I-25-019-Dhillon Final RON (10906 : US 395 Phase 2 RONS)



RESOLUTION OF NECESSITY No. 25-020
HANNA TRUST PROPERTY
(APN 3064-381-05)

Attachment: J-25-020-Hanna Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-020

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 3064-381-05.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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 southwest corner of US Highway 395 and Bolinas Street, in the City of Hesperia, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto and a permanent slope 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: J-25-020-Hanna Final RON (10906 : US 395 Phase 2 RONS)

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 Hesperia 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 October 2, 2024 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

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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(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" and "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 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 the reduction can be accomplished 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

EXHIBIT "1"

Attachment: J-25-020-Hanna Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3064-381-05_01

That portion of the land within the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, said land more particularly described as Parcel 1 in the Trust Transfer Deed recorded July 07, 2016, as Document No. 2016-0268854 of Official Records, in the office of the County Recorder of said County, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 16, as shown on Parcel Map No. 2261, in Book 19, Page 62 of Parcel Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 16 North 00°50'42" West 331.00 feet to the southerly line of said Parcel 1;

Thence westerly along said southerly line South 89°33'04" West, 60.00 feet to the westerly line of the land described in the Grant of Easement (Road) recorded December 28, 1971, as Instrument No. 495, in Book 7823, Page 846 of Official Records, in the office of the County Recorder of said County, also being the **Point of Beginning**;

Thence continuing westerly along said southerly line South 89°33'04" West, 64.88 feet;

Thence northerly leaving said southerly line North 00°04'18" West, 300.98 feet to the southerly line of Parcel 1 as described in the Offer of Dedication recorded December 28, 1971, as Instrument No. 500, in Book 7823, Page 855 of Official Records, in the office of the County Recorder of said County;

Thence easterly along said southerly line North 89°32'41" East, 60.82 feet to the westerly line of said Instrument No. 495, Book 7832, Page 846 of Official Records;

Thence southerly along said westerly line South 00°50'42" East, 300.99 feet to the **Point of Beginning**.

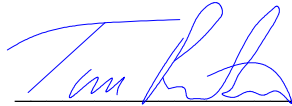
Containing 18,916 square feet (0.43 acres) more or less.

Together with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

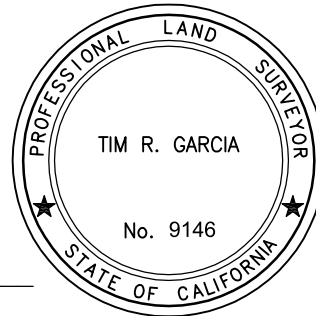
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).



Tim R. Garcia, PLS 9146

06/28/2024

Date:



Attachment: J-25-020-Hanna Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-381-05_01		18,916 S.F.	3064-381-05

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

**NE 1/4 OF THE SE
1/4 OF THE SE 1/4
OF THE NE 1/4,
OF SECTION 16
T4N, R5W, S.B.M.**

APN: 3064-381-05

PARCEL 1
DOC. NO. 2016-0268854, O.R.

S'LY LINE OF PARCEL 1
PER DOC. NO. 2016-0268854, O.R.

APN: 3064-381-07

**SE 1/4 OF THE SE 1/4
OF THE SE 1/4 OF
THE NE 1/4,
OF SECTION 16
T4N, R5W, S.B.M.**

YUCA TERRACE DR.

1/4 SECTION LINE

POC

E. 1/4 COR OF SEC. 16
PER PARCEL MAP NO. 2261
P.M.B. 19/62

NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
LIMITS OF DESCRIPTION
SECTION LINE
RIGHT OF WAY LINE
PARCEL LINE
S.F. SQUARE FEET
APN ASSESSOR PARCEL NUMBER



SCALE: 1" = 150'
FEET 0 75 150 300

THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

Tim R. Garcia
TIM R. GARCIA, PLS 9146

06/28/2024
DATE

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 06/28/2024

DRAFTED BY: MG

REV.:

EA: 0F633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

6.22

1

2

Attachment: J-25-020-Hanna Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-381-05_01		18,916 S.F.	3064-381-05

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

BOLINAS ST.

PCL. 1 PER INST. NO. 500,
BK. 7823, PG. 855, O.R.
REC. 12/28/1971

S'LY LINE OF PCL. 1,
PER INST. NO. 500,
BK. 7823, PG. 855, O.R.

- ① UNDERLYING FEE AREA: 6,748 SQ.FT.
② REMAINING FEE AREA: 12,168 SQ.FT.
③ TOTAL FEE AREA: 18,916 SQ.FT.

- ① UNDERLYING FEE INTEREST: THAT PORTION
LYING WITHIN THE MAINTAINED AREA OF THE
STATE HIGHWAY ROUTE 395 AS IT NOW EXISTS.

**NE 1/4 OF THE SE
1/4 OF THE SE 1/4
OF THE NE 1/4,
OF SECTION 16
T4N, R5W, S.B.M.**

APN 3064-381-05
PARCEL 1
DOC. NO. 2016-0268854, O.R.



SCALE: 1" = 60'
FEET 0 30 60 120

S'LY LINE OF PARCEL 1,
PER DOC. NO. 2016-0268854, O.R.

NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

APN: 3064-381-07

**YUCCA
TERRACE DR.**

1/4 SECTION LINE

POC

E. 1/4 COR. OF SEC. 16
PARCEL MAP NO. 2261
PER P.M.B. 19/62

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 06/28/2024

DRAFTED BY: MG

REV.:

EA: 0F633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

6.22

2

2

EXHIBIT "2"

Attachment: J-25-020-Hanna Final RON (10906 : US 395 Phase 2 RONS)

PERMANENT EASEMENT (SLOPE)
ATTACHMENT TO LEGAL DESCRIPTION
Parcel No. 3064-381-05

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Hesperia, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

Attachment: J-25-020-Hanna Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3064-381-05_02

That portion of the land within the Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Southeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, said land more particularly described as Parcel 1 in the Trust Transfer Deed recorded July 07, 2016, as Document No. 2016-0268854 of Official Records, in the office of the County Recorder of said County, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 16, as shown on Parcel Map No. 2261, in Book 19, Page 62 of Parcel Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 16 North 00°50'42" West 331.00 feet to the southerly line of said Parcel 1;

Thence westerly along said southerly line South 89°33'04" West 124.88 feet to the **Point of Beginning**;

Thence northerly leaving said southerly line North 00°04'18" West 300.98 feet to the southerly line of Parcel 1 as described in the Offer of Dedication recorded December 28, 1971, as Instrument No. 500, in Book 7823, Page 855 of Official Records, in the office of the County Recorder of said County;

Thence westerly along said southerly line South 89°32'41" West 5.00 feet;

Thence southerly leaving said southerly line South 00°04'18" East 300.98 feet to the southerly line of said Parcel 1;


Thence easterly along said southerly line North 89°33'04" East 5.00 feet to the **Point of Beginning**.

Containing 1,505 square feet (0.035 acres) more or less.

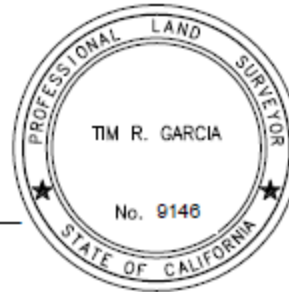
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).


Tim R. Garcia, PLS 9146

06/28/2024
Date:



Attachment: J-25-020-Hanna Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-381-05_02		1,505 S.F.	3064-381-05

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

NE 1/4 OF THE
SE 1/4 OF THE
SE 1/4 OF THE NE 1/4,
OF SECTION 16
T4N, R5W, S.B.M.

APN: 3064-381-05
PARCEL 1
DOC. NO. 2016-0268854, O.R.

S'LY LINE OF PARCEL 1
PER DOC. NO. 2016-0268854, O.R.

APN: 3064-381-07





SE 1/4 OF THE SE 1/4 OF
THE SE 1/4 OF THE NE 1/4,
OF SECTION 16
T4N, R5W, S.B.M.

YUCA TERRACE DR.

NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
APN	ASSESSOR PARCEL NUMBER

1/4 SECTION LINE

POC _____
E. 1/4 COR. OF SEC. 16
PER PARCEL MAP NO. 2261
P.M.B. 19/62



SCALE: 1" = 150'

0 75 150 300

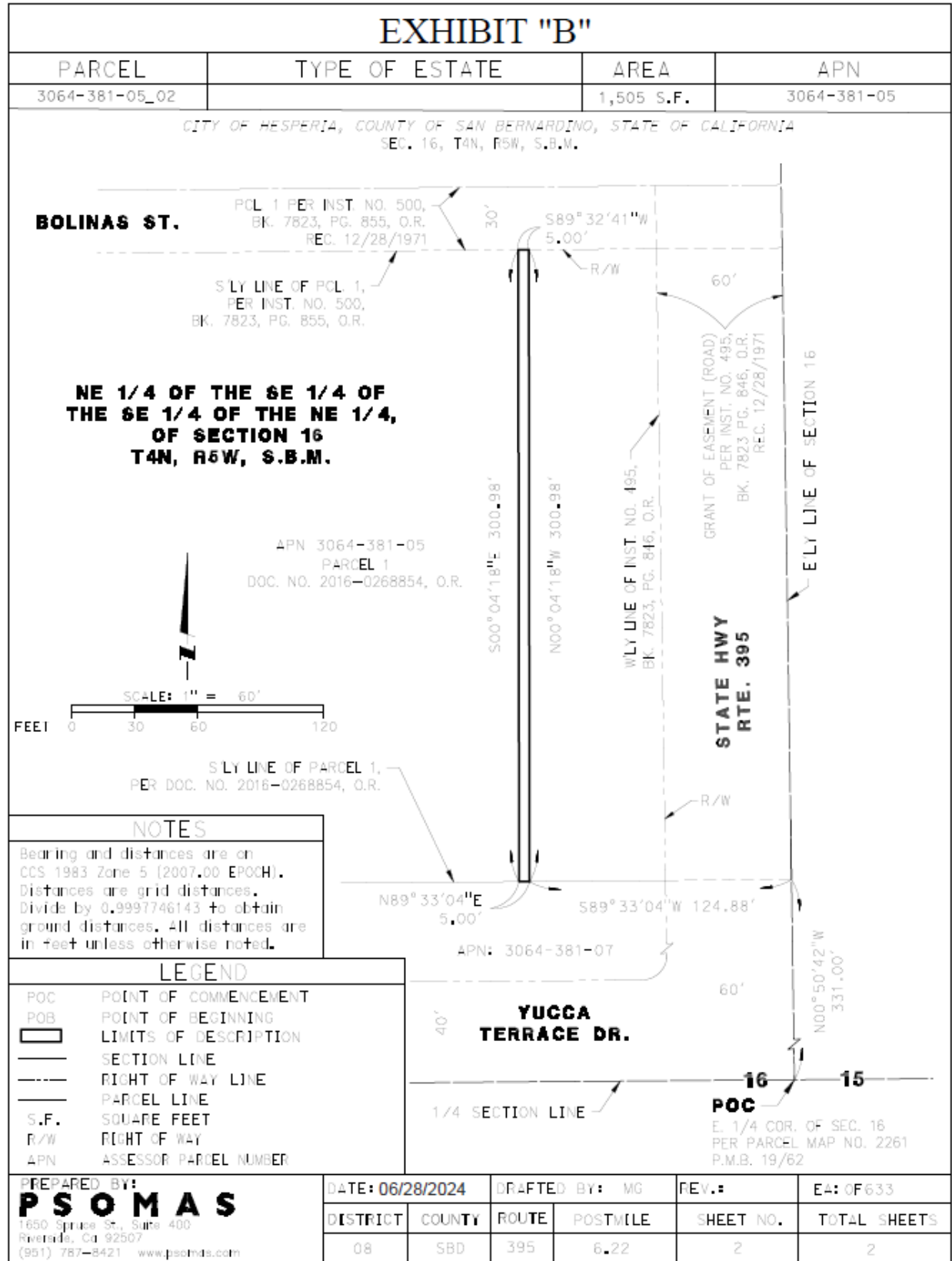
FEET

THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

 06/28/2024
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY:
PSOMAS
1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomads.com

DATE: 06/28/2024		DRAFTED BY: MG		REV.:	E4: 0F633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.22	1	2



**RESOLUTION OF NECESSITY NO. 25-021
THE S & P FAMILY TRUST PROPERTY
(APN 3064-381-29)**

Attachment: K-25-021-Chung - S&P Family Trust Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-021

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. 3064-381-29.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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 the northwest corner of US Highway 395 and Bolinas Street, in the City of Hesperia, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto and a permanent slope 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

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 Hesperia 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 October 2, 2024 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

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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(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" and "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 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 the reduction can be accomplished 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

Attachment: K-25-021-Chung - S&P Family Trust Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "1"

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3064-381-29_01

That portion of Lot 14 of Tract No. 5681, in the City of Hesperia, County of San Bernardino, State of California, as shown on map recorded in Book 71, Page 90 of Maps, in the office of the County Recorder of said County, lying within the North one-half (1/2) of the South one-half (1/2) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

Commencing at the North one-sixteenth (1/16) corner of said Section 16, as shown on said Tract No. 5681;

Thence southerly along the easterly line of said Section 16 South 00°50'42" East 330.95 feet to the easterly prolongation of the northerly line of said Lot 14;

Thence westerly along said prolongation line South 89°32'18" West 50.00 feet to a point on the westerly line of the land described in the Deed recorded February 27, 1958, as Instrument No. 536, in Book 4448, Page 365 of Official Records, in the office of the County Recorder of said County, said point also being the **Point of Beginning**;

Thence continuing westerly along the northerly line of said Lot 14 South 89°32'18" West 65.95 feet;

Thence southerly leaving said northerly line South 00°04'18" East 330.89 feet to the southerly line of said Lot 14;

Thence easterly along said southerly line North 89°32'41" East 70.41 feet to said westerly line of the land described in Instrument No. 536;

Thence northerly along said westerly line North 00°50'42" West 330.90 feet to the **Point of Beginning**.

Containing 22,559 square feet (0.52 acres) more or less.

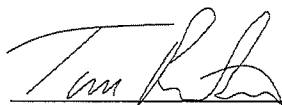
Together with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

Attachment: K-25-021-Chung - S&P Family Trust Final RON (10906 : US 395 Phase 2 RONS)

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).


Tim R. Garcia, PLS 9146

07/16/2024
Date:



Attachment: K-25-021-Chung - S&P Family Trust Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-381-29_01		22,559 S.F.	3064-381-29

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

**N 1/2 OF THE S 1/2 OF THE
NE 1/4 OF SECTION 16
T4N, R5W, S.B.M.**

APN: 3064-381-01

WESTERLY LINE OF LAND
PER INST. NO. 536,
BK. 4448, PG. 365, O.R.
REC. 02/27/1958

LINE TABLE		
NO.	BEARINGS	DISTANCE
L1	S89°32'18"W	50.00'

N'LY LINE OF LOT 14 PER
M.B. 71/90

APN: 3064-381-29

**LOT 14
TRACT NO. 5681
M.B. 71/90**

S'LY LINE OF LOT 14 PER
M.B. 71/90

NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
—	SECTION LINE
----	RIGHT OF WAY LINE
—	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



SCALE: 1" = 150'
FEET 0 75 150 300

THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

TIM R. GARCIA, PLS 9146 07/16/2024
DATE

PREPARED BY:
PSOMAS
1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 07/16/2024		DRAFTED BY: MN		REV.:	EA: 0F633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.28	1	2

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-381-29_01		22,559 S.F.	3064-381-29

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

AVENAL STREET

- ① UNDERLYING FEE AREA: 9,231 SQ.FT.
② REMAINING FEE AREA: 13,328 SQ.FT.
③ TOTAL FEE AREA: 22,559 SQ.FT.

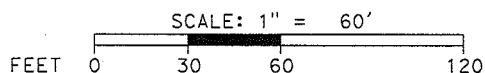
NOTE:

- ① UNDERLYING FEE INTEREST: THAT PORTION
LYING WITHIN THE MAINTAINED AREA OF THE
STATE HIGHWAY ROUTE 395 AS IT NOW EXISTS.

**N 1/2 OF THE S 1/2
OF THE NE 1/4
OF SECTION 16
T4N, R5W, S.B.M.**

APN: 3064-381-29

**LOT 14
TRACT NO. 5681
M.B. 71/90**



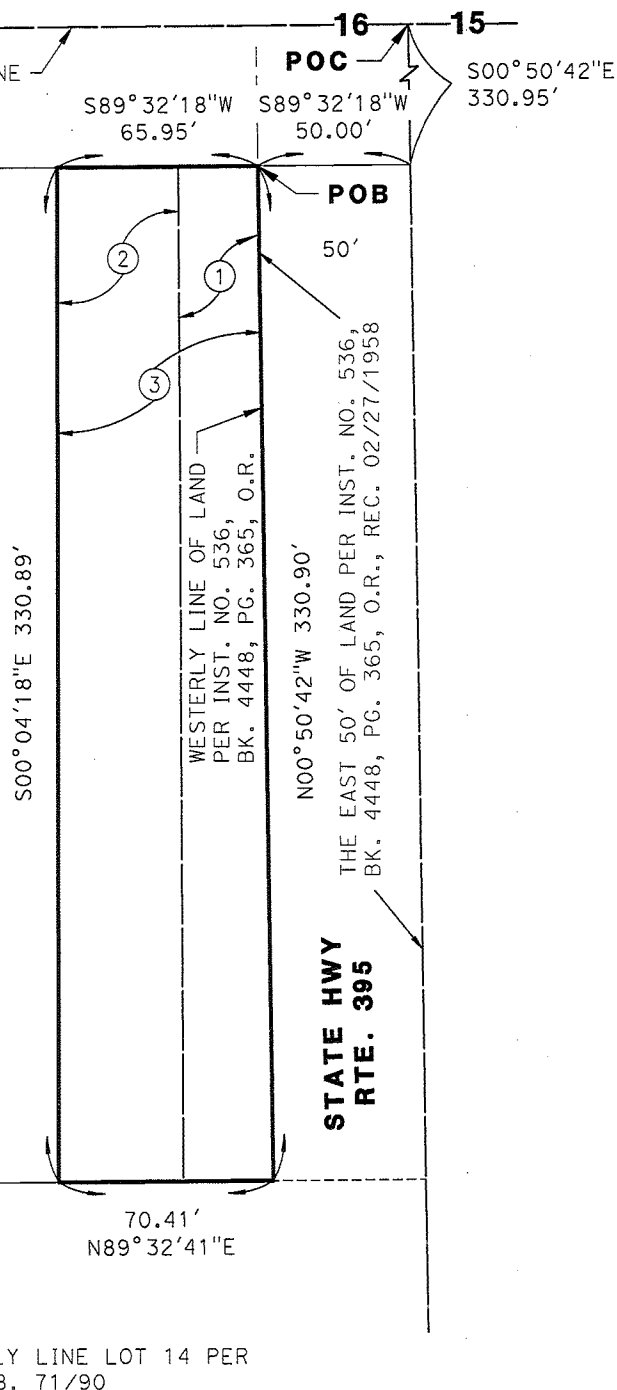
NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	PARCEL LINE
S.F.	SQUARE FEET
APN	ASSESSOR PARCEL NUMBER

BOLINAS ST.



PREPARED BY:
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(951) 787-8421 www.psomas.com

DATE: 07/16/2024		DRAFTED BY: MN		REV.:	EA: 0F633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.28	2	2

Attachment: K-25-021-Chung - S&P Family Trust Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "2"

Attachment: K-25-021-Chung - S&P Family Trust Final RON (10906 : US 395 Phase 2 RONS)

PERMANENT EASEMENT (SLOPE)
ATTACHMENT TO LEGAL DESCRIPTION
Parcel No. 3064-381-29

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Hesperia, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

Attachment: K-25-021-Chung - S&P Family Trust Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3064-381-29_02

That portion of Lot 14 of Tract No. 5681, in the City of Hesperia, County of San Bernardino, State of California, as shown on map recorded in Book 71, Page 90 of Maps, in the office of the County Recorder of said County, lying within the North one-half (1/2) of the South one-half (1/2) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

Commencing at the North one-sixteenth (1/16) corner of said Section 16, as shown said Tract No. 5681;

Thence southerly along the easterly line of said Section 16 South 00°50'42" East 330.95 feet to the easterly prolongation of the northerly line of said Lot 14;

Thence westerly along said prolongation line South 89°32'18" West 50.00 feet to the westerly line of the land described in the Deed recorded February 27, 1958, as Instrument No. 536, in Book 4448, Page 365 of Official Records, in the office of the County Recorder of said County;

Thence continuing westerly along the northerly line of said Lot 14 South 89°32'18" West 65.95 feet to the **Point of Beginning**;

Thence southerly leaving said northerly line South 00°04'18" East 330.89 feet to the southerly line of said Lot 14;

Thence westerly along said southerly line South 89°32'41" West 5.00 feet;

Thence northerly leaving said southerly line North 00°04'18" West 330.89 feet to said northerly line of Lot 14;

Thence easterly along said northerly line North 89°32'18" East 5.00 feet to the **Point of Beginning**.

Containing 1,654 square feet (0.04 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).


Tim R. Garcia, PLS 9146

07/16/2024

Date:

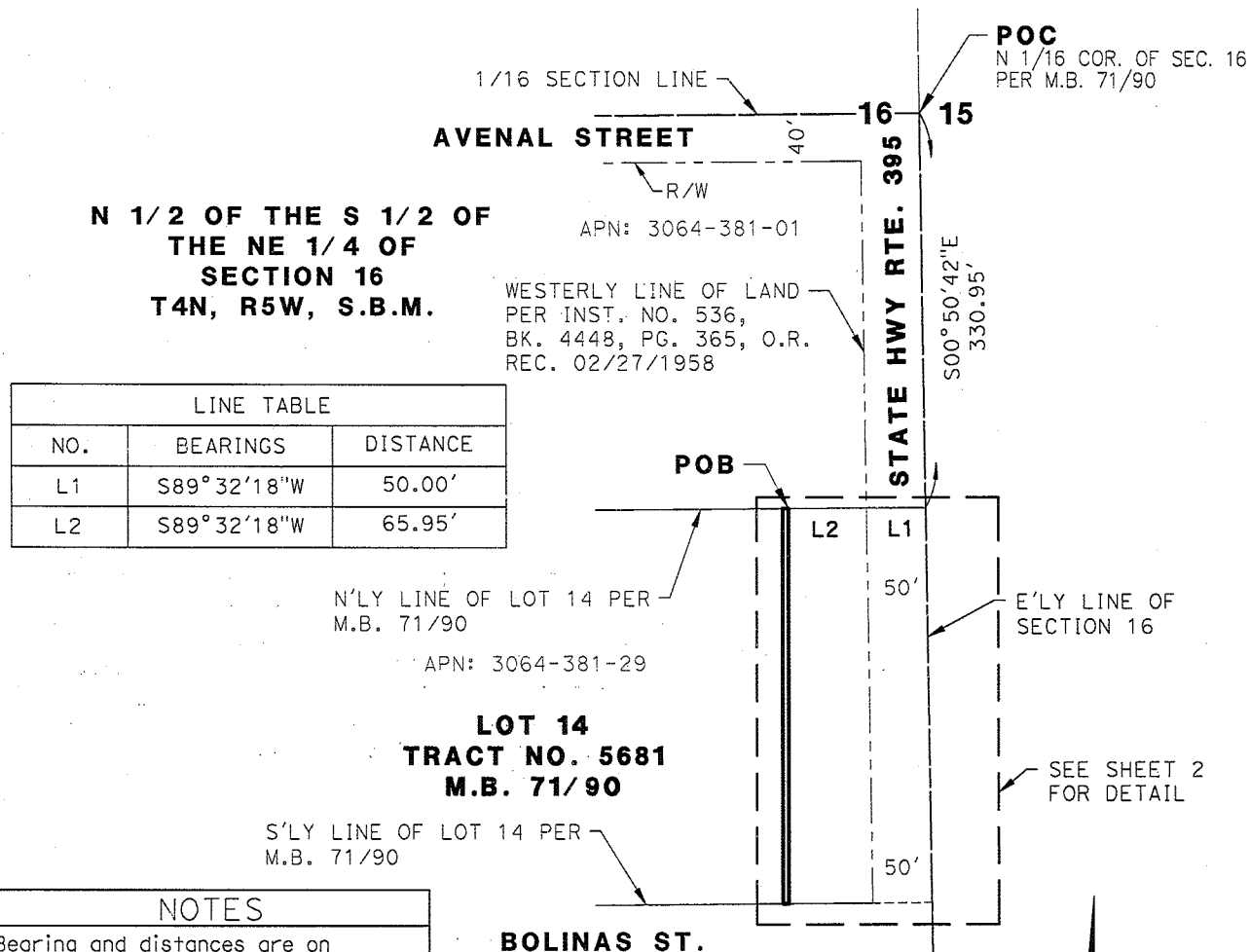


Attachment: K-25-021-Chung - S&P Family Trust Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-381-29_02		1,654 S.F.	3064-381-29

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.



NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER



THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

Tim R. Garcia
TIM R. GARCIA, PLS 9146
07/16/2024
DATE

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

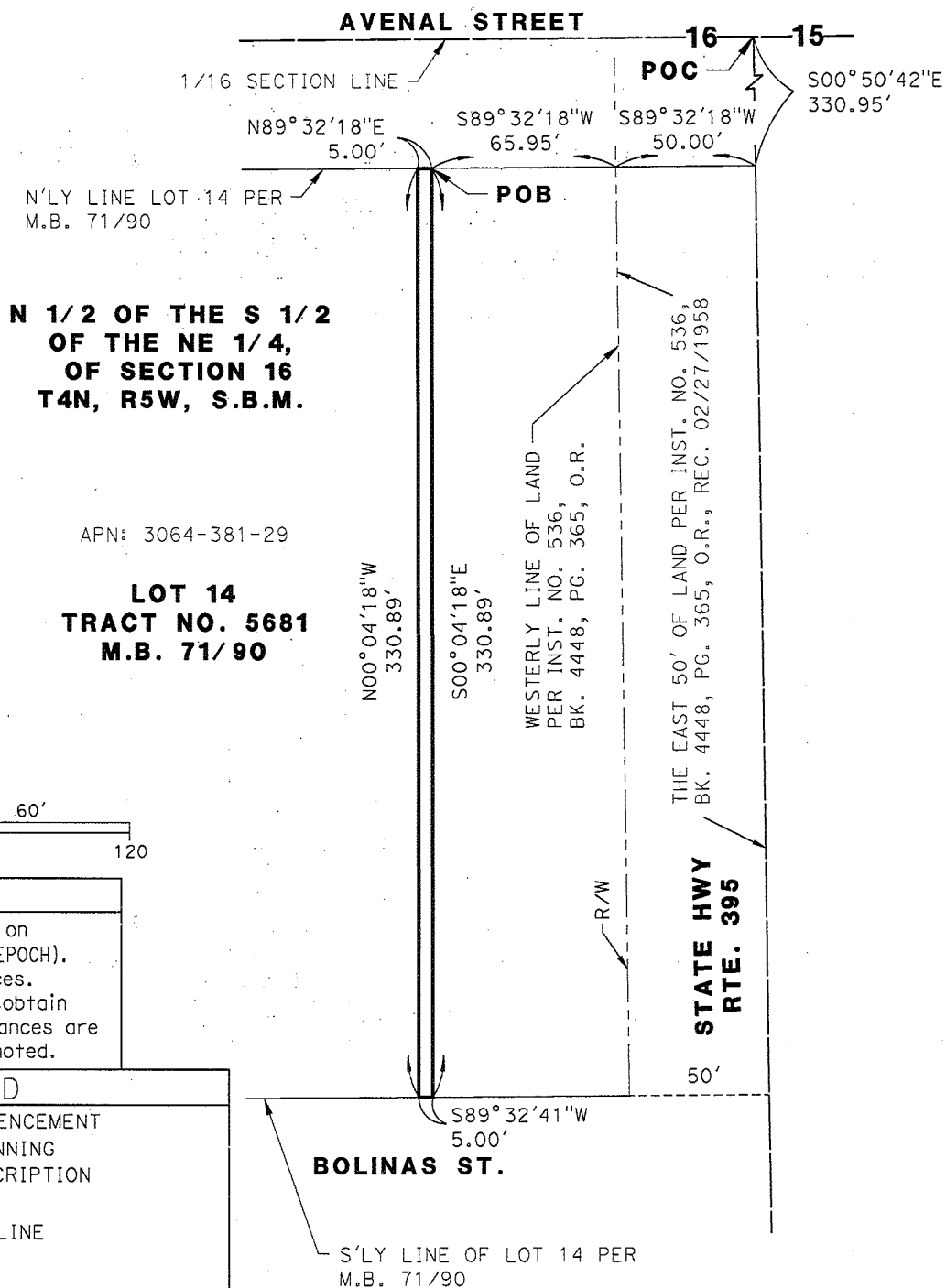
DATE: 07/16/2024		DRAFTED BY: MN		REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.28	1	2

Attachment: K-25-021-Chung - S&P Family Trust Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-381-29_02		1,654 S.F.	3064-381-29

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.



NOTES

Bearing and distances are on CCS 1983 Zone 5 (2007.00 EPOCH). Distances are grid distances. Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER

PREPARED BY:

PSOMAS

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Riverside, Co 92507
(951) 787-8421 www.psomas.com

DATE: 07/16/2024

DRAFTED BY: MN

REV.:

EA: OF633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

6.28

2

2

Attachment: K-25-021-Chung - S&P Family Trust Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION OF NECESSITY NO. 25-022
VARINDER PAUL SANGHA PROPERTY
(APN 3064-371-12)

Attachment: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-022

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. 3064-371-12.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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 the northwest corner of US Highway 395 and Avenal Street, in the City of Hesperia, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as legally described and depicted in Exhibit "1" hereto and a permanent slope 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: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

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 Hesperia 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 October 2, 2024 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

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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(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" and "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 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 the reduction can be accomplished 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

Attachment: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "1"

Attachment: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3064-371-12_01

That portion of Parcel 4 of Parcel Map No. 7875, in the City of Hesperia, County of San Bernardino, State of California, as shown on map filed in Book 81, Page 65 of Parcel Maps, in the office of the County Recorder of said County, lying within the South one-half (1/2) of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 16 as shown on said Parcel Map;

Thence northerly along the easterly line of said Section 16 North 00°50'14" West 331.33 feet to the intersection with the easterly prolongation of the northerly line of said Parcel 4;

Thence westerly along said easterly prolongation line South 89°31'48" West 52.00 feet to a point on the easterly line of said Parcel 4, said point also being the **Point of Beginning**;

Thence continuing westerly along the northerly line of said Parcel 4 South 89°31'48" West 55.59 feet;

Thence southerly leaving said northerly line South 00°07'20" East 311.31 feet to the southerly line of said Parcel 4;

Thence easterly along said southerly line North 89°32'17" East 39.34 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 20.00 feet;

Thence northeasterly along said tangent curve, through a central angle of 90°22'32", an arc length of 31.55 feet to said easterly line of Parcel 4;

Thence northerly along said easterly line North 00°50'14" West 291.19 feet to the **Point of Beginning**.

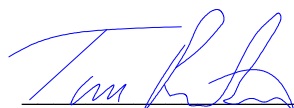
Containing 17,823 square feet (0.41 acres) more or less.

Together with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

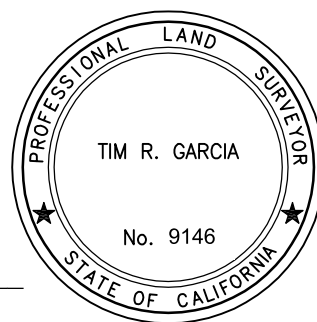
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).



Tim R. Garcia, PLS 9146

07/12/2024

Date:



Attachment: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

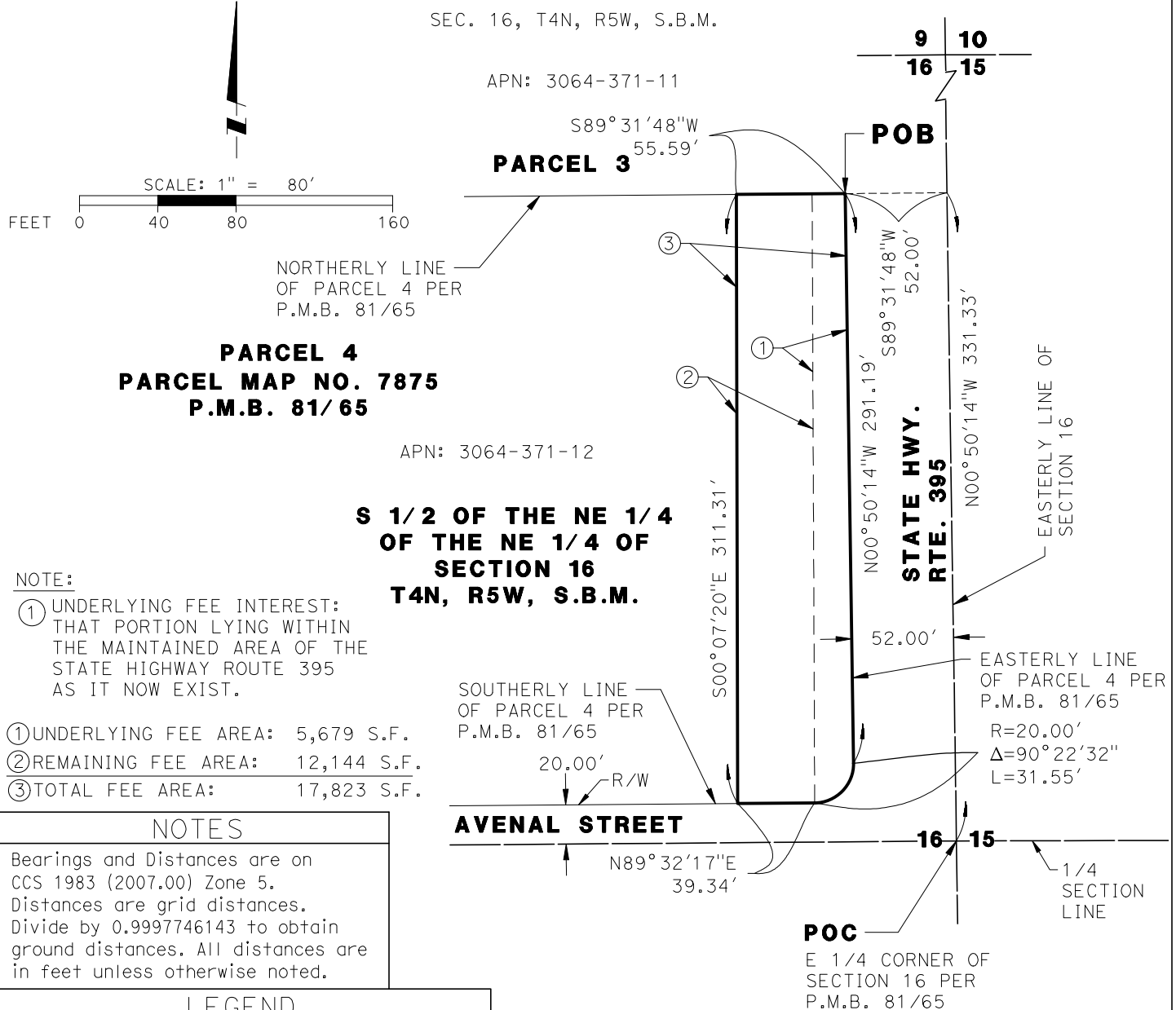
EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-371-12_01		17,823 S.F.	3064-371-12

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

SEC. 16, T4N, R5W, S.B.M.

APN: 3064-371-11



Attachment: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

PREPARED BY:

PSOMAS1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 07/12/2024

DRAFTED BY: MNS

REV.:

EA: 0F633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

6.41

1

1

EXHIBIT "2"

Attachment: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

PERMANENT EASEMENT (SLOPE)
ATTACHMENT TO LEGAL DESCRIPTION
Parcel No. 3064-371-12

This Permanent Easement (Slope) shall be in, on, upon, over, under, and across that certain real property in the City of Hesperia, County of San Bernardino, State of California described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto, subject to the rights and limitations set forth herein ("Slope Easement"). The Slope Easement shall be used by San Bernardino County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "SBCTA") for the purpose of constructing, replacing, removing, maintaining, repairing, relocating and adjusting, as applicable, a slope.

Once the slope is in place, the owner(s) and occupant(s) of the real property subject to the Slope Easement will have the right to use the easement area but may not construct any improvements or use in a manner that would impede the rights as defined herein. The affected portion of the easement area will be backfilled to grade with dirt.

The rights and obligations of SBCTA and the owner of the real property subject to the Slope Easement shall run with the land and be binding upon and/or inure to the benefit of SBCTA's and the owner's respective heirs, successors and assigns. No other easement or easements shall be granted on, under or over said Slope Easement area by the owner(s), occupant(s), or any person, firm or corporation acting their behalf, which would conflict in any way with SBCTA's rights as defined herein.

SBCTA has the right to convey, transfer or assign the Slope Easement subject to the same rights and limitations described herein.

Attachment: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3064-371-12_02

That portion of Parcel 4 of Parcel Map No. 7875, in the City of Hesperia, County of San Bernardino, State of California, as shown on map filed in Book 81, Page 65 of Parcel Maps, in the office of the County Recorder of said County, lying within the South one-half (1/2) of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

Commencing at the East one-quarter (1/4) corner of said Section 16 as shown on said Parcel Map;

Thence northerly along the easterly line of said Section 16 North $00^{\circ}50'14''$ West 331.33 feet to the intersection with the easterly prolongation of the northerly line of said Parcel 4;

Thence westerly along said easterly prolongation line South $89^{\circ}31'48''$ West 52.00 feet to a point on the easterly line of said Parcel 4;

Thence continuing westerly along the northerly line of said Parcel 4 South $89^{\circ}31'48''$ West 55.59 feet to the **Point of Beginning**;

Thence southerly leaving said northerly line South $00^{\circ}07'20''$ East 311.31 feet to the southerly line of said Parcel 4;

Thence westerly along said southerly line South $89^{\circ}32'17''$ West 5.00 feet;

Thence northerly leaving said southerly line North $00^{\circ}07'20''$ West 311.31 feet to said northerly line of Parcel 4;

Thence easterly along said northerly line North $89^{\circ}31'48''$ East 5.00 feet to the **Point of Beginning**.

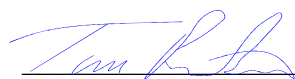
Containing 1,557 square feet (0.04 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

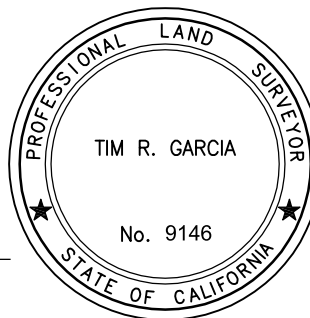
Attachment: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).


Tim R. Garcia, PLS 9146

07/12/2024

Date:

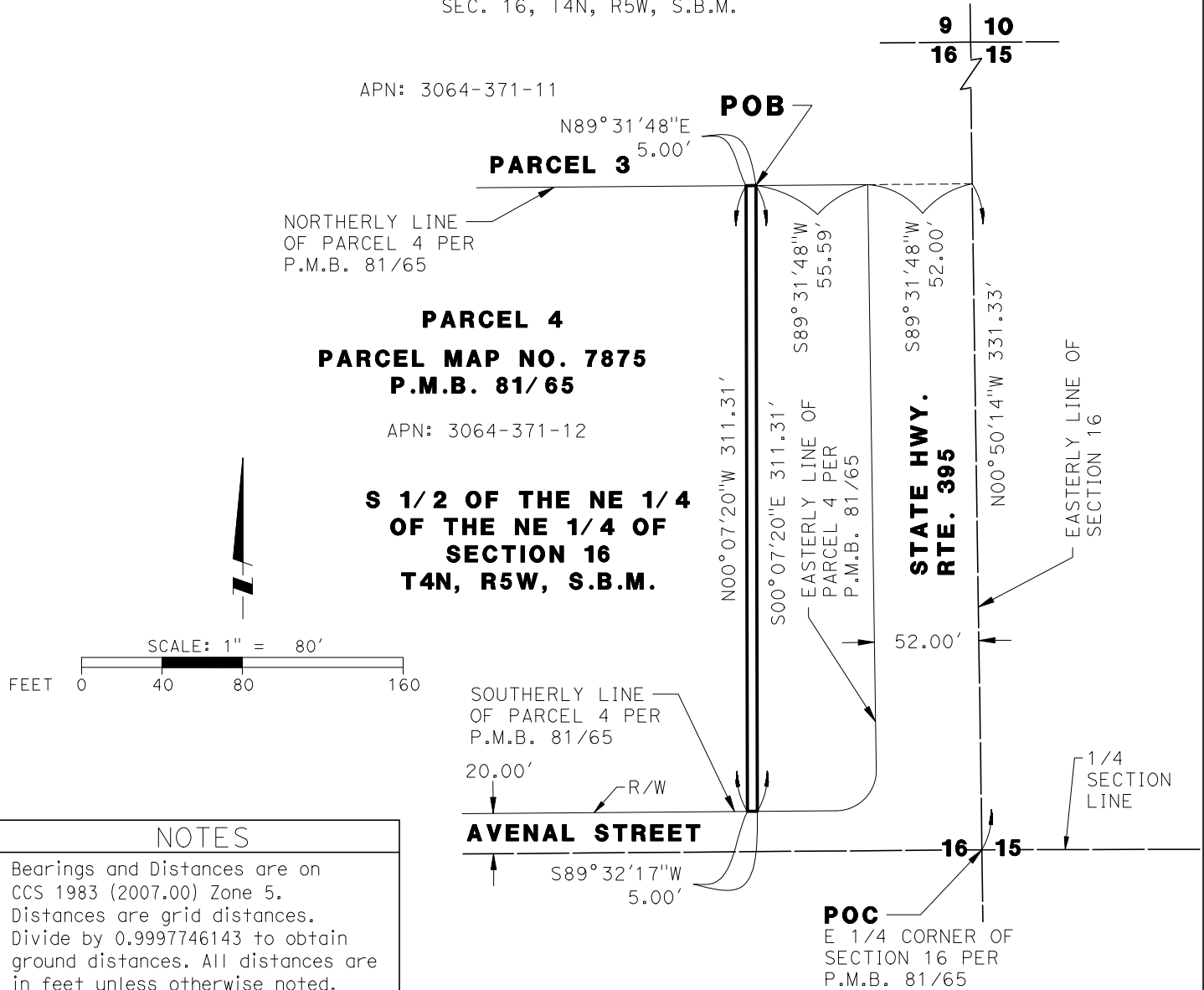


Attachment: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-371-12_02		1,557 S.F.	3064-371-12

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

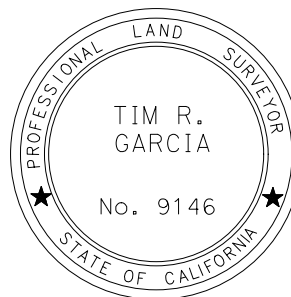


NOTES

Bearings and Distances are on CCS 1983 (2007.00) Zone 5.
Distances are grid distances.
Divide by 0.9997746143 to obtain ground distances. All distances are in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	PARCEL LINE
	SECTION LINE
	RIGHT OF WAY LINE
APN	ASSESSOR PARCEL NUMBER
S.F.	SQUARE FEET
R/W	RIGHT OF WAY



THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

TIM R. GARCIA, PLS 9146

07/12/2024

DATE

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 07/12/2024

DRAFTED BY: MNS

REV.:

EA: 0F633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

6.41

1

1

Attachment: L-25-022-Sangha Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION OF NECESSITY NO. 25-024
JM BUILT CORPORATION PROPERTY
(APN 3064-371-08)

Attachment: N-25-024-JM Built Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-024

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 AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3064-371-08.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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, a portion of the real property located on the west side of US Highway 395 and east side of Caliente Road, one lot south of Smoke Tree Road, in the City of Hesperia, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); 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 Interest; and

Attachment: N-25-024-JM Built Final RON (10906 : US 395 Phase 2 RONS)

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 Interest. 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 Hesperia 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 October 2, 2024 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

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 Interest is 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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" 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 Interest sought to be acquired is 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 the Property Interest, or any portion thereof, is 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 Interest, or any portion thereof, is 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 Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is 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 Interest, 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 Interest 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 Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

Attachment: N-25-024-JM Built Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "1"

Attachment: N-25-024-JM Built Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3064-371-08_01

That portion of land within the East three-quarter (3/4) of the South one-half (1/2) of the North one-half (1/2) of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, said portion more particularly described in the Tax Deed recorded September 02, 2021 as Document No. 2021-0398344 of Official Records, in the office of the County Recorder of said County, described as follows:

Commencing at the North one-sixteenth (1/16) corner of said Section 16 as shown on Parcel Map No. 7875, filed in Book 81, Page 65 of Parcel Maps, in the office of the County Recorder of said County;

Thence northerly along the easterly line of said Section 16 North 00°50'14" West 992.87 feet to a point on the northerly line of the land described in said Tax Deed, said point also being the **Point of Beginning**;

Thence westerly along said northerly line South 89°31'35" West 116.80 feet to the beginning of a non-tangent curve, concave westerly, having a radius of 14,623.00 feet, a radial line to said beginning bears North 88°37'48" East;

Thence southerly along a non-tangent curve, through a central angle of 01°14'52", an arc length of 318.46 feet;

Thence South 00°07'20" East 12.50 feet to a point on the southerly line of the land described in said Tax Deed;

Thence easterly along said southerly line of said Tax Deed North 89°31'25" East 117.46 feet to said easterly line of said Section 16;

Thence northerly along said easterly line North 00°50'14" West 330.96 feet to the **Point of Beginning**.


Containing 38,559 square feet (0.89 acres) more or less.

Together with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).



Tim R. Garcia, PLS 9146

07/12/2024

Date:



Attachment: N-25-024-JM Built Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-371-08_01		38,559 S.F.	3064-371-08

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

- ① UNDERLYING FEE AREA: 20,243 S.F.
② REMAINING FEE AREA: 18,316 S.F.
③ TOTAL FEE AREA: 38,559 S.F.

- ① UNDERLYING FEE INTEREST:
THAT PORTION LYING WITHIN
THE MAINTAINED AREA OF THE
STATE HIGHWAY ROUTE 395 AS
IT NOW EXISTS.

N88°37'48"E (RAD)
N'LY LINE PER DOC.
NO. 2021-0398344, O.R.

**E 3/4 OF THE S 1/2 OF
THE N 1/2 OF THE
NE 1/4 OF THE NE 1/4
OF SECTION 16
T4N, R5W, S.B.M.**

APN: 3064-371-08

SCALE: 1" = 60'
FEET 0 30 60 120



TAX DEED TO PURCHASER OF
TAX-DEFAULTED PROPERTY
REC. 09/02/21
DOC. NO. 2021-0398344, O.R.

THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

Tim R. Garcia
TIM R. GARCIA, PLS 9146

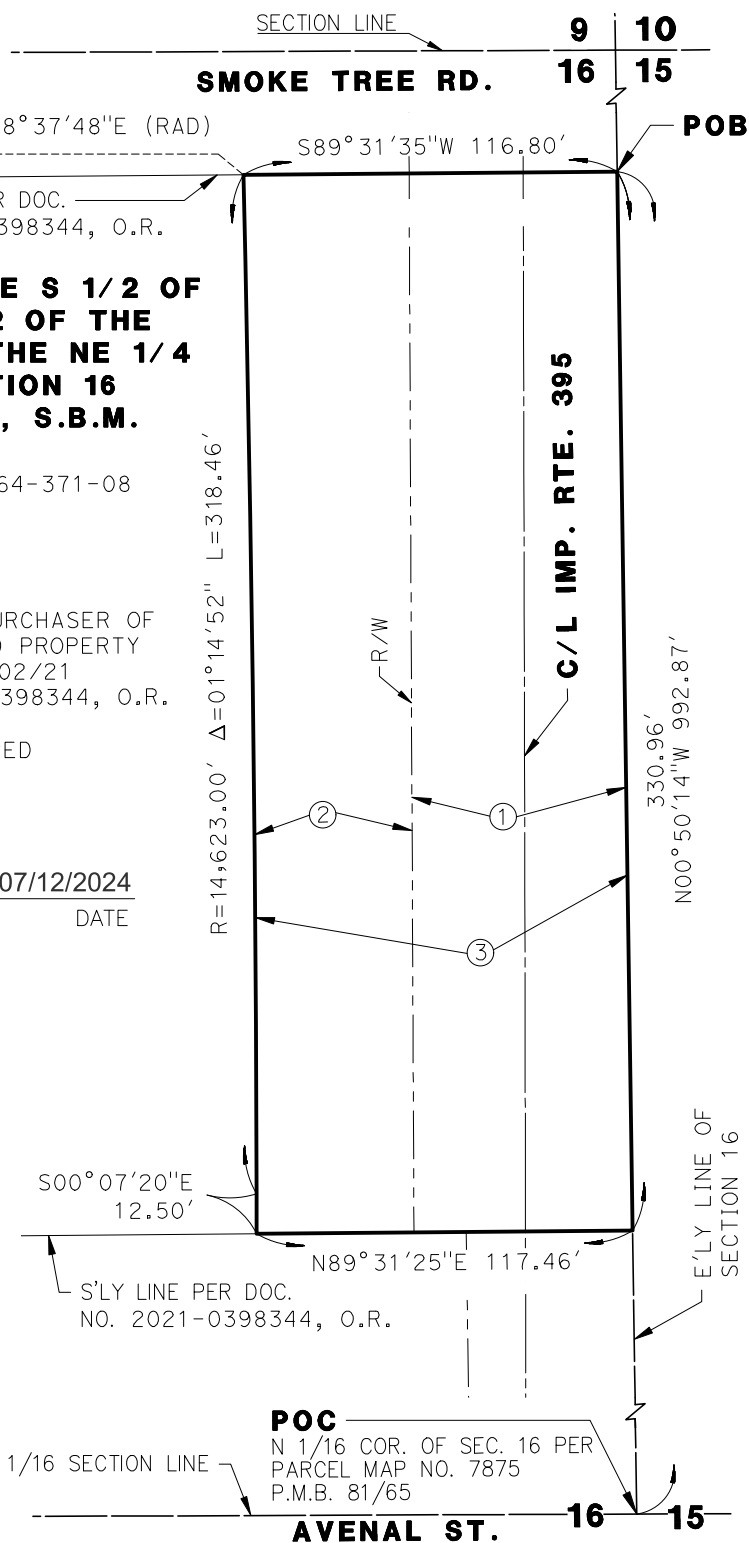
07/12/2024
DATE

NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	CENTERLINE
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER
(RAD)	RADIAL BEARING



PREPARED BY: PSOMAS 1650 Spruce St., Suite 400 Riverside, Ca 92507 (951) 787-8421 www.psomas.com		DATE: 07/12/2024	DRAFTED BY: MN	REV.:	EA: OF633
DISTRICT	COUNTY	ROUTE	POSTMILE	SHEET NO.	TOTAL SHEETS
08	SBD	395	6.56	1	1

Attachment: N-25-024-JM Built Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION OF NECESSITY NO. 25-025
DANIEL LINDSEY SONG PROPERTY
(APN 3064-371-06)

Attachment: O-25-025-Song Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-025

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 AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3064-371-06.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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, a portion of the real property located at the southwest corner of US Highway 395 and Smoke Tree Road, in the City of Hesperia, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a partial fee acquisition as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); 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 Interest; and

Attachment: O-25-025-Song Final RON (10906 : US 395 Phase 2 RONS)

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 Interest. 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 Hesperia 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 October 2, 2024 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

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 Interest is 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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" 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 Interest sought to be acquired is 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 the Property Interest, or any portion thereof, is 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 Interest, or any portion thereof, is 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 Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is 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 Interest, 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 Interest 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 Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

Attachment: O-25-025-Song Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "1"

Attachment: O-25-025-Song Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel: 3064-371-06_01

That portion of land within the North one-half (1/2) of the North one-half (1/2) of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 16, Township 4 North, Range 5 West, San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, said portion more particularly described in the Grant Deed recorded October 03, 2001 as Document No. 2001-0452768 of Official Records, in the office of the County Recorder of said County, described as follows:

Commencing at the North one-sixteenth (1/16) corner of said Section 16 as shown on Parcel Map No. 7875, filed in Book 81, Page 65 of Parcel Maps, in the office of the County Recorder of said County;

Thence along the easterly line of said Section 16 North 00°50'14" West 992.87 feet to a point on the southerly line of the land described in said Grant Deed, said point also being the **Point of Beginning**;

Thence along said southerly line South 89°31'35" West 116.80 feet to the beginning of a non-tangent curve, concave westerly, having a radius of 14,623.00 feet, a radial line to said beginning bears North 88°37'48" East;

Thence northerly along said non-tangent curve, through a central angle of 01°13'08", an arc length of 311.05 feet to the southerly line of the land described in the Grant Deed recorded February 18, 1948, filed in Book 2363, Page 52 of Official Records, in the office of the County Recorder of said County;

Thence along said southerly line of said Grant Deed, in Book 2363, Page 52 of Official Records, North 89°31'17" East 123.00 feet to a point on said easterly line of said Section 16;

Thence along said easterly line South 00°50'14" East 310.95 feet to the **Point of Beginning**.


Containing 37,110 square feet (0.85 acres) more or less.

Together with underlying fee interest if any, contiguous to the above-described property in and to the adjoining public way.

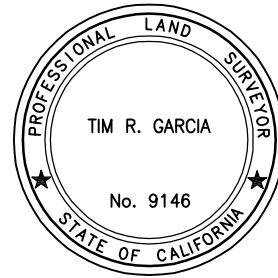
The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).


Tim R. Garcia, PLS 9146

07/12/2024
Date:



Attachment: O-25-025-Song Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3064-371-06_01		37,110 S.F.	3064-371-06

CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
SEC. 16, T4N, R5W, S.B.M.

GRANT DEED
REC. 02/18/1948
BK. 2363, PG.52, O.R.

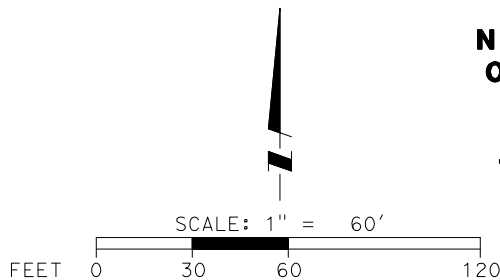
SECTION LINE

- ① UNDERLYING FEE AREA: 18,154 S.F.
② REMAINING FEE AREA: 18,956 S.F.
③ TOTAL FEE AREA: 37,110 S.F.

- ① UNDERLYING FEE INTEREST:
THAT PORTION LYING WITHIN THE
MAINTAINED AREA OF THE STATE
HIGHWAY ROUTE 395 AS IT NOW EXISTS.

S'LY LINE OF LAND PER
GRANT DEED
BK. 2363 PG. 52, O.R.

**N 1/2 OF THE N 1/2
OF THE NE 1/4 OF
THE NE 1/4 OF
SECTION 16
T4N, R5W, S.B.M.**



GRANT DEED
REC. 10/03/01
DOC. NO. 2001-0452768, O.R.

APN: 3064-371-06

THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

Tim R. Garcia
TIM R. GARCIA, PLS 9146

07/12/2024
DATE

NOTES

Bearing and distances are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
	LIMITS OF DESCRIPTION
	CENTERLINE
	SECTION LINE
	RIGHT OF WAY LINE
	PARCEL LINE
S.F.	SQUARE FEET
R/W	RIGHT OF WAY
APN	ASSESSOR PARCEL NUMBER
(RAD)	RADIAL BEARING

S'LY LINE PER DOC.
NO. 2001-0452768, O.R.

N88°37'48"E (RAD)

S89°31'35"W 116.80'

1/16 SECTION LINE

POC

N 1/16 COR. OF SEC. 16
PARCEL MAP NO. 7875
PER P.M.B. 81/65

AVENAL ST.

9 10
16 15

N89°31'17"E 123.00'

R/W

C/L IMP. RTE. 395

S00°50'14"E 310.95'

E'LY LINE OF
SECTION 16N00°50'14"W
992.87'

16 15

Attachment: O-25-025-Song Final RON (10906 : US 395 Phase 2 RONS)

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 07/12/2024

DRAFTED BY: MN

REV.:

EA: OF633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

6.64

1

1

**RESOLUTION OF NECESSITY NO. 25-026
MPNR PROPERTIES, LLC/FARSAI'S LLC
PROPERTY
(APN 3039-361-09)**

Attachment: P-25-026-MPNR Final RON (10906 : US 395 Phase 2 RONS)

RESOLUTION NO. 25-026

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 AN INTEREST IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF A PORTION OF ASSESSOR PARCEL NO. 3039-361-09.

WHEREAS, the San Bernardino County Transportation Authority ("SBCTA") is undertaking Phase 2 of the US-395 Widening Project (the "Project") between Interstate 15 and State Route 18; and

WHEREAS, the Project is a public project that proposes to improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits; 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, a portion of the real property located at 8685 US Highway 395, in the City of Hesperia, California (the "Subject Property") is required for the Project. The specific portion of the Subject Property required for the Project is a temporary construction easement as legally described and depicted in Exhibit "1" hereto (the "Property Interest"); 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 Interest; 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

Attachment: P-25-026-MPNR Final RON (10906 : US 395 Phase 2 RONS)

Necessity for acquisition by eminent domain of the Property Interest. 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 Hesperia 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 October 2, 2024 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

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 Interest is 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 improve approximately 7 miles between Interstate 15 and State Route 18 by extending the two lanes to four lanes and installing a continuous raised median, turn lanes, and signal modifications at various intersections within the Project limits;

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interest.

Section 5. Description of the Property Interest. The Property Interest sought to be acquired is more particularly described and depicted in Exhibit "1" 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 Interest sought to be acquired is 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 the Property Interest, or any portion thereof, is 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 Interest, or any portion thereof, is 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 Interest, or any portion thereof, is already devoted.

Section 8. Acquisition of Substitute Property. To the extent the Property Interest, or any portions thereof, is 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 Interest, 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 Interest 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 Interest at the earliest possible time. Counsel is further authorized to reduce the extent of the interests or property to be acquired where the reduction can be accomplished without substantially impairing the construction and operation of the Project for which the Property Interest is 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 October 2, 2024 by the following votes:

AYES:

NOES:

ABSENT:

Ray Marquez, Board President
San Bernardino County Transportation Authority

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

Attachment: P-25-026-MPNR Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "1"

Attachment: P-25-026-MPNR Final RON (10906 : US 395 Phase 2 RONS)

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel No. 3039-361-09**

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 Phase 2 of the US-395 Widening Project 2 (the "Project"). The TCE shall be for a period of sixty (60) 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 may place a temporary fence around the TCE area.
- 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 and shall be included in the compensation paid by SBCTA for this TCE.
- 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.

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

APN: 3039-361-09_01

That portion of Parcel 1 of Parcel Map 12479, in the City of Hesperia, County of San Bernardino, State of California, as shown on map filed in Book 170, Page 13 through 15, inclusive of Parcel Maps, in the office of the County Recorder of said County, located within Section 27, Township 4 North, Range 5 West, San Bernardino Meridian, described as follows:

Commencing at the northwest corner of said Section 27 as shown on said parcel map;

Thence easterly along the northerly line of said Section 27 North 89°37'07" East 119.98 feet to the westerly line of said Parcel 1, also being the **Point of Beginning**;

Thence continuing easterly along said northerly line North 89°37'07" East 13.92 feet;

Thence leaving said northerly line South 00°35'29" East 555.48 feet to a point on said westerly line of Parcel 1;

Thence along said westerly line North 02°02'49" West 516.13 feet to the beginning of a tangent curve, concave easterly, having a radius of 3,939.10 feet;

Thence northerly along said curve through a central angle of 00°34'32", an arc length of 39.58 feet to the **Point of Beginning**.

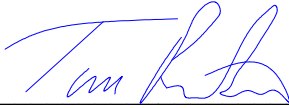
Containing 3,918 square feet (0.09 acres) more or less.

The bearings and grid distances used in the above description are based on the California Coordinate System of 1983 (CCS83), Zone 5, 2007.00 epoch. Divide grid distances shown by 0.9997746143 to obtain ground distances.

See Exhibit "B" attached hereto and by this reference made a part hereof.

Attachment: P-25-026-MPNR Final RON (10906 : US 395 Phase 2 RONS)

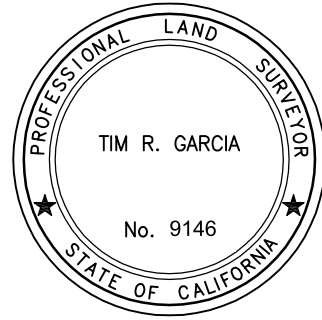
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act (Bus. & Prof. Code §8700).



Tim R. Garcia, PLS 9146

05/14/2024

Date:



Attachment: P-25-026-MPNR Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3039-361-09_01	TEMPORARY CONSTRUCTION EASEMENT	3,918 S.F.	3039-361-09

SEC. 27, T4N, R5W, S.B.M.
CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

**NE 1/4 OF SECTION 28
T4N, R5W, S.B.M.**

**NW 1/4 OF SECTION 27
T4N, R5W, S.B.M.**

APN: 3039-361-09

**PARCEL 1
PARCEL MAP NO. 12479
P.M.B. 170/ 13-15**

NOTE:
SEE SHEETS 2 & 3 FOR
TEMPORARY CONSTRUCTION
EASEMENT DETAILS.

NOTES

Coordinates and bearings are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
LIMITS OF DESCRIPTION
--- CENTERLINE
--- SECTION LINE
--- RIGHT OF WAY LINE
R/W RIGHT OF WAY
(RAD) RADIAL BEARING
APN ASSESSOR PARCEL NUMBER



SCALE: 1" = 150'
FEET 0 75 150 300

THIS EXHIBIT WAS PREPARED
UNDER MY DIRECTION:

Tim R. Garcia 05/14/2024
TIM R. GARCIA, PLS 9146 DATE

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 05/14/2024

DRAFTED BY: BP

REV.:

EA: 0F633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

4.5

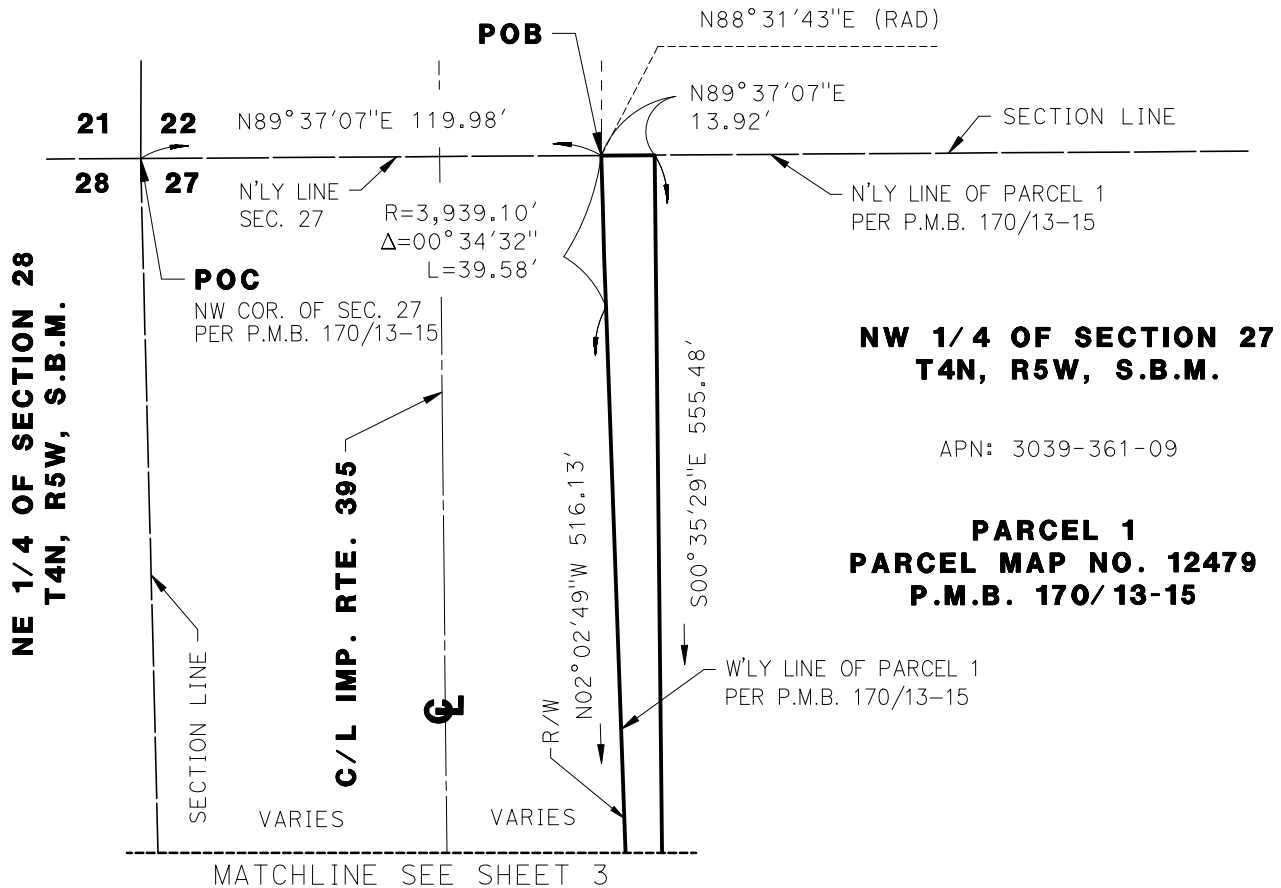
1

3

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3039-361-09_01	TEMPORARY CONSTRUCTION EASEMENT	3,918 S.F.	3039-361-09

SEC. 27, T4N, R5W, S.B.M.
CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA



NOTES

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Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

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POB POINT OF BEGINNING
LIMITS OF DESCRIPTION
CENTERLINE
SECTION LINE
RIGHT OF WAY LINE
R/W RIGHT OF WAY
(RAD) RADIAL BEARING
APN ASSESSOR PARCEL NUMBER

PREPARED BY:

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08

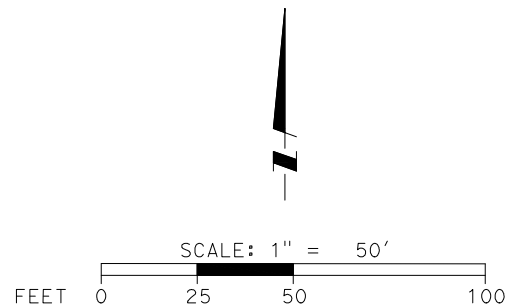
SBD

395

4.5

2

3



Attachment: P-25-026-MPNR Final RON (10906 : US 395 Phase 2 RONS)

EXHIBIT "B"

PARCEL	TYPE OF ESTATE	AREA	APN
3039-361-09_01	TEMPORARY CONSTRUCTION EASEMENT	3,918 S.F.	3039-361-09

SEC. 27, T4N, R5W, S.B.M.
CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

MATCHLINE SEE SHEET 2

**NE 1/4 OF
SECTION 28
T4N, R5W, S.B.M.**

SECTION LINE

C/L IMP. RTE. 395

VARIES

CL

VARIES

R/W

N02°02'49"W 516.13'

S00°35'29"E 555.48'

R/W

W'LY LINE OF PARCEL 1
PER P.M.B. 170/13-15

**NW 1/4 OF SECTION 27
T4N, R5W, S.B.M.**

APN: 3039-361-09

**PARCEL 1
PARCEL MAP NO. 12479
P.M.B. 170/13-15**

NOTES

Coordinates and bearings are on
CCS 1983 Zone 5 (2007.00 EPOCH).
Distances are grid distances.
Divide by 0.9997746143 to obtain
ground distances. All distances are
in feet unless otherwise noted.

LEGEND

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POB POINT OF BEGINNING
LIMITS OF DESCRIPTION
--- CENTERLINE
--- SECTION LINE
--- RIGHT OF WAY LINE
R/W RIGHT OF WAY
(RAD) RADIAL BEARING
APN ASSESSOR PARCEL NUMBER



SCALE: 1" = 50'
FEET 0 25 50 100

PREPARED BY:

PSOMAS

1650 Spruce St., Suite 400
Riverside, Ca 92507
(951) 787-8421 www.psomas.com

DATE: 05/14/2024

DRAFTED BY: BP

REV.:

EA: 0F633

DISTRICT

COUNTY

ROUTE

POSTMILE

SHEET NO.

TOTAL SHEETS

08

SBD

395

4.5

3

3

Attachment: P-25-026-MPNR Final RON (10906 : US 395 Phase 2 RONS)

Minute Action

AGENDA ITEM: 16

Date: *October 2, 2024*

Subject:

Status of Agreement No. 24-1003125 with the California Highway Patrol for Freeway Service Patrol

Recommendation:

Receive information on the status of the San Bernardino County Transportation Authority Agreement No. 24-1003125 with the California Highway Patrol (CHP). This agreement is for a five-year term beginning November 1, 2024, through October 31, 2029, in the amount of \$3,063,952 for daily oversight of the state and locally funded Freeway Service Patrol (FSP) Program and FSP CHP oversight for construction activity which includes the FSP services in Express Lane Project areas.

Background:

The Freeway Service Patrol (FSP) Program consists of a fleet of tow trucks roaming urban freeways for the purpose of assisting motorists with their disabled vehicles during peak commute periods. The stretch of highway in which the FSP driver patrols is referred to as a “Beat”. Over the years, the FSP Program has demonstrated many benefits including reductions in traffic delays, fuel consumption, vehicular emissions, and secondary traffic incidents. The San Bernardino FSP Program was implemented in January of 2006 and services 98 centerline miles of San Bernardino County freeways.

San Bernardino County Transportation Authority’s (SBCTA) current agreement with California Highway Patrol (CHP), Contract No. 21-1002547, which expires on October 31, 2024, provides a contract for officer field oversight of the FSP Program and for FSP construction support services, when needed. This new agreement will allow the FSP CHP officers to continue their field supervision of the FSP Program at the current level during the peak commute hours, as well as during the weekend service pilot, for five years (November 1, 2024 through October 31, 2029). It should be noted that this agreement includes an estimated \$300,000 reduction due to one-half of an FSP CHP officer position being funded by Senate Bill (SB) 1 funds through CHP’s current budget. More background on the agreement is provided below.

This Agreement was reviewed by the SBCTA Board of Directors (Board) on September 4, 2024, and the following recommendation was approved:

Authorize the Executive Director, or his designee, to finalize and execute Agreement No. 24-1003125 with the CHP for a five-year term beginning November 1, 2024 through October 31, 2029, in the amount of \$3,063,952 for daily oversight of the state and locally funded FSP Program and FSP CHP oversight for construction activity which includes the FSP Express Lanes Project areas, subject to approval as to form by SBCTA General Counsel.

This agreement is being brought back to the Board because there is a potential delay in the execution of the agreement. Although this is a two-party agreement between SBCTA and CHP, the California Department of General Services (DGS) must authorize CHP to sign it. The agreement that was included in the September Board agenda provided for mutual

Entity: San Bernardino County Transportation Authority

indemnification, consistent with the current agreement expiring October 31, as well as the Memorandum of Understanding between CHP, Caltrans and SBCTA providing for implementation of the FSP program. However, on September 17, 2024, SBCTA staff was notified by CHP that the Agreement was being reviewed by DGS and DGS's counsel wanted to change the indemnification provision to a unilateral indemnification provision in favor of CHP. With this change, SBCTA would be assuming all liability for CHP's services. It would also create inconsistency with the Memorandum of Understanding (MOU), which could create uncertainty as to who was liable for what.

SBCTA Executive Management, in consultation with General Counsel, advises that SBCTA not agree to the proposed change. SBCTA staff has proposed restoring the mutual indemnification provisions, and is seeking a meeting between SBCTA, CHP, and DGS staff to expedite a resolution along those lines. However, such resolution cannot be guaranteed before the current contract expires. The FSP Program could continue to operate under the MOU between CHP, California Department of Transportation (Caltrans), and SBCTA, but CHP overtime services could lapse without a new agreement.

Under the MOU, Caltrans funds two CHP officers. The new agreement supplements that with FSP oversight and supervision of construction FSP to provide support services for Express Lanes construction activity. The anticipated traffic due to the construction activity will require FSP presence to assist with the removal of disabled vehicles from the construction zone, thus ensuring the safety of the motoring public. At the conclusion of the construction FSP phase for the Express Lanes, the FSP CHP supervision will transition into field supervision of the Express Lanes Beat (when it is open to the motoring public), which will continue throughout the remainder of the term of this agreement. Staff may return to the Board for an amendment once all the details of FSP support services in the Express Lanes are determined.

Some of the duties that the FSP CHP provides under this agreement are as follows:

Oversight Duties performed during FSP hours:

These are not all-inclusive.

- Provide constant, in-field, on-scene, program oversight on all types of FSP, regular peak periods, construction, and weekend service.
- Provide “real-time” decisions to incidents occurring in the field.
- Enforce program rules and guidelines through in-field supervision.
- Conduct all investigations with regard to equipment, personnel, damage, and concerns.
- Inspect tow trucks on a spot-check basis, as needed.
- Act as an FSP liaison between other governmental agencies, such as other CHP personnel, Caltrans, cities, counties, etc.
- Be available to the public for FSP questions/comments/concerns.
- Conduct bi-monthly or as-needed two-day, 10-hour certified FSP Driver training classes for the FSP Program.

Oversight Duties performed during non-FSP hours:

- Maintain driver files, records, etc., for all drivers.
- Conduct driver training classes.
- Conduct background checks, testing, fingerprinting, and certifications for new drivers.
- Preparation of training class materials (maps, codes, etc.).
- Maintaining the Standard Operating Procedures (SOP) manual.

- Tracking of extra truck time, fines, penalties, and certificates (Compliance of California (CA) Driver License, DL64, medical cards, Motor Carrier Permits, etc.).
- Attend various FSP-related required meetings and training (Technical Advisory Committee, quarterly drivers' meetings, etc.).
- Maintenance of drop point maps includes changing local regulations.
- Monitoring of the Automatic Vehicle Locator (AVL) system, tablets, radios, and any other computer-related FSP equipment.
- Maintenance of required "field ready" equipment, such as backup tablets, radios, safety vests, brochures, survey forms, magnetic signs, etc.
- Tracking of drivers' tenure and performance for driver recognition and rewards.
- Participate in the Request for Proposals process for new vendors, beats, etc.

Staff coordinated with the CHP to develop an estimate for the incremental CHP Officer and CHP Dispatcher time and corresponding costs needed to support general overtime. Staff also coordinated internally with the Express Lanes project team and CHP to determine the estimated costs for CHP Officer and CHP Dispatcher hours for the construction phase.

The CHP is an integral part of SBCTA's FSP Program and has been a key component to the program's success. An Inland CHP Lieutenant Commander provides direct supervision of the dedicated FSP Officers, and reviews and approves their reimbursed overtime expenses.

As noted earlier, the current CHP extra time agreement expires on October 31, 2024. SBCTA staff, working closely with CHP in Sacramento, had planned to have the new CHP Agreement (24-1003125) start on November 1, 2024. However, with the introduction of the unilateral indemnity language by DGS, this may be delayed. SBCTA staff has been working diligently with the CHP Sacramento contact in hopes of resolving this issue. However, it is possible that the current CHP extra time agreement may expire before the new CHP extra time agreement is fully executed.

If the new CHP extra time agreement is not fully executed by October 31, 2024, then the following CHP extra time services may be impacted:

- Construction support of the Interstate 10 (I-10) Express Lanes construction activity (please note this means the construction support tow trucks would not be able to operate without CHP field supervision).
- I-10 Express Lanes CHP services for the Express Lanes open to the motoring public.
- CHP dispatch support outside of the normal FSP hours of operation.
- Field Supervision of the Weekend FSP Services. Tow trucks cannot be out in the field without CHP field supervision being present.
- Some of our Monday through Friday service hours may need to be reduced. Currently, Monday through Thursday regular FSP services start in the afternoon at 1:00 pm. If there is a lapse with the contract, the afternoon shift would probably need to start at 1:30 pm. On Fridays, the afternoon shift currently starts at 11:00 am, and with the lapse it would likely start at 11:30 am.
- Some of the currently available driver training classes may need to be reduced.

To further clarify the consequences of the potential expiration of the agreement with CHP, state law provides that "the freeway service patrol in any particular area shall be operated pursuant to an agreement between the Department of the California Highway Patrol, the department San Bernardino County Transportation Authority

Board of Directors Agenda Item

October 2, 2024

Page 4

[Caltrans], and the appropriate regional or local entity.” (Streets & Highways Code § 2561.3) The previously mentioned MOU with Caltrans and CHP is the agreement contemplated by the Code; as such, SBCTA can continue to operate the FSP program even if the CHP overtime agreement lapses. That said, CHP likely would not provide overtime services, which would have implications for the program.

In the meantime, staff is working closely with its CHP Sacramento contact, with the goal of resolving this issue as quickly as possible. Please note SBCTA staff and our CHP Sacramento contact are both waiting to hear from DGS regarding the concern, which hopefully will occur soon.

Financial Impact:

This item has no financial impact on the adopted Budget for Fiscal Year 2024/2025.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. This item is being taken directly to Board because the current contract expires on October 31, 2024, and this Board meeting is the only opportunity to receive full Board input prior to contract expiration, should another path be required that is different from what the Board approved at its September meeting.

Responsible Staff:

Kelly Lynn, Chief of Air Quality & Mobility Programs

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

San Bernardino County Transportation Authority

Contract Summary Sheet

16.a

General Contract Information

Contract No: 24-1003125 Amendment No.: _____

Contract Class: Payable Department: Air Quality and Mobility

Vendor No.: 00496 Vendor Name: CALIFORNIA HIGHWAY PATROL

Description: FREEWAY SERVICE PATROL OVERTIME AGREEMENT

List Any Related Contract Nos.: _____

Dollar Amount

Original Contract	\$	3,063,952.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Current Amendment	\$	-	Current Amendment	\$	-
Total/Revised Contract Value	\$	3,063,952.00	Total Contingency Value	\$	-
Total Dollar Authority (Contract Value and Contingency)				\$	3,063,952.00

Contract Authorization

Board of Directors Date: 09/04/2024 Board Item # 10820

Contract Management (Internal Purposes Only)

Other Contracts _____ Sole Source? Yes _____ N/A

State/Local _____ Freeway Service Patrol _____

Accounts Payable

Estimated Start Date: 11/01/2024 Expiration Date: 10/31/2029 Revised Expiration Date: _____

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

							Total Contract Funding:		Total Contingency:	
	Fund	Prog	Task	Sub-Task	Object	Revenue	PA Level	Revenue Code Name	\$	
GL:	2810	15	0704	0000	52001	42212001		DMV SAFE	\$	3,063,952.00
GL:	4110	40	0820	0831	52001	41100000		MSI Valley Fwy	\$	-
GL:	4110	40	0820	0821	52001	41100000		MSI Valley Fwy	\$	-
GL:	7550	70	0750	0000	62610	44001090		Toll Revenue	\$	-
GL:									\$	-
GL:									\$	-
GL:									\$	-
GL:									\$	-
GL:									\$	-
GL:									\$	-

Kelly Lynn

Steven Smith

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes:

Attachment: CHP CSS (10957 : Status of Agreement No. 24-1003125 with the California Highway Patrol for Freeway Service Patrol)

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

STANDARD AGREEMENT

STD 213 (Rev. 04/2020)

AGREEMENT NUMBER

24R061002

PURCHASING AUTHORITY NUMBER (If Applicable)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

Department of California Highway Patrol (CHP)

CONTRACTOR NAME

San Bernardino County Transportation Authority (SBCTA)

2. The term of this Agreement is:

START DATE

11/01/2024

THROUGH END DATE

10/31/2029

3. The maximum amount of this Agreement is:

\$3,063,952.00 (Three Million Sixty-Three Thousand Nine Hundred Fifty-Two Dollars and Zero Cents)

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibits	Title	Page
Exhibit A	Scope of Work	4
Exhibit B	Budget Detail and Payment Provisions	1
Exhibit C	General Terms and Conditions	4
+ - Exhibit D	Special Terms and Conditions	1

Items shown with an asterisk (), are hereby incorporated by reference and made part of this agreement as if attached hereto.**These documents can be viewed at <https://www.dgs.ca.gov/OLS/Resources>***IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.****CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

San Bernardino County Transportation Authority (SBCTA)

CONTRACTOR BUSINESS ADDRESS

1170 West 3rd Street, 2nd Floor

CITY

San Bernadino

STATE

CA

ZIP

9241

PRINTED NAME OF PERSON SIGNING

Raymond W. Wolfe

TITLE

Executive Director

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

Department of California Highway Patrol (CHP)

CONTRACTING AGENCY ADDRESS

601 North 7th Street

CITY

Sacramento

STATE

CA

ZIP

9581

PRINTED NAME OF PERSON SIGNING

TITLE

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION (If Applicable)

EXHIBIT A

AGREEMENT BETWEEN

STATE OF CALIFORNIA

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

AND

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

FOR FREEWAY SERVICE PATROL

THIS AGREEMENT is between the State of California acting by and through Department of California Highway Patrol (hereinafter referred to as CHP) and San Bernardino County Transportation Authority (herein referred to as SBCTA) and shall be effective upon approval by the Department of General Services (DGS), Office of Legal Services. Collectively, CHP and SBCTA may be referred to as the "Parties."

ARTICLE 1. GENERAL INFORMATION

- A. Section 2401 of the California Vehicle Code (CVC) states that the Commissioner of the CHP shall be made adequate provisions for patrol of the highways at all times of the day and night, which is interpreted to mean that the Commissioner is given broad discretion in determining the means of providing adequate patrol, including the use of Freeway Service Patrol (FSP) vehicles; and
- B. Under Section 2557 (d) of the Streets and Highways Code (S&H), SBCTA has the ability to provide funding for FSP on freeways within the San Bernardino County Area and SBCTA intends, by this Agreement, to provide funding for specified CHP activities relating to its FSP program as follows:

ARTICLE 2. CHP RESPONSIBILITIES

- A. All personnel providing services shall be state employees under the sole discretion, supervision, and regulation of CHP. Said personnel shall work out of the appropriate CHP facilities as designated by CHP. At no time shall any state employee assigned to the FSP program be considered employees, agents, officials, or volunteers of SBCTA.
- B. CHP shall provide invoices to SBCTA documenting incurred weekend oversight and weekday enhanced oversight of the FSP program, including date, staff name, brief description of overtime performed, and number of hours worked. Invoice details shall be itemized on a monthly basis.
- C. CHP shall deliver or mail invoices to SBCTA, as follows:

SBCTA
 Attention: Kelly Lynn, Program Manager
 1170 West Third Street, Second Floor
 San Bernardino, CA 92410-1715
 klynn@gosbcta.com

ARTICLE 3. SBCTA RESPONSIBILITIES

- A. The SBCTA agrees to reimburse CHP for FSP-related activities in accordance with Exhibit B. Upon receipt and verification of all costs described in the invoice, SBCTA agrees to make payment to CHP within thirty (30) days from receipt and approval of the CHP invoice. Maximum amount payable under this Agreement is Three Million Sixty-Three Thousand Nine Hundred Fifty-Two Dollars (\$3,063,952.00) subject to SBCTA's annual budget approval process.
- B. The SBCTA agrees to provide CHP with a resolution, motion, order, or ordinance of the governing body, which authorizes execution of this Agreement.

ARTICLE 4. PERIOD OF PERFORMANCE

The period of performance of this Agreement will be from November 1, 2024, through October 31, 2029.

ARTICLE 5. APPROVAL

This Agreement is of no force or effect until signed by the Parties and approved by Department of General Services, if required. The Parties may not commence performance until such approval has been obtained.

ARTICLE 6. AGENCY COORDINATORS

The agency coordinators for the purposes of this Agreement are:

SBCTA

Kelly Lynn, Program Manager
 1170 West Third Street, 2nd Floor
 San Bernardino, CA 92410-1715
 Telephone: (909) 884-8276
 Electronic mail: klynn@gosbcta.com

CHP

Denise Tapia, FSP Manager
 CHP, Research and Planning Section
 601 North 7th Street
 Sacramento, CA 95811
 Telephone: (916) 843-3351
 Electronic mail: dtapia@chp.ca.gov

ARTICLE 7. TERMINATION FOR CAUSE

- A. The FSP program is intended to be partially funded by SBCTA. If adequate funding does not become available for this program, performance hereunder may be immediately terminated by either party by written notice, and such termination shall not be deemed a breach of this Agreement.
- B. Should this Agreement be terminated under paragraph (A) of this section, SBCTA agrees to reimburse CHP for those reasonable costs incurred and associated with implementation of this Agreement up to the point of termination.

ARTICLE 8. AMENDMENTS

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the Parties, and approved as required. No oral understanding or additional agreement not incorporated into this Agreement is binding on any party.

ARTICLE 9. DISPUTES

Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement that is not disposed of by mutual agreement of the Parties may be submitted to an independent arbitrator mutually agreed upon by CHP and SBCTA. If arbitration is pursued, CHP and SBCTA shall be equally responsible for the costs of the arbitrator but shall be otherwise individually responsible for their own costs and expenses related to the arbitration process. The arbitrator's decisions shall be non-binding and advisory only, and nothing herein shall prevent either party, at any time, from pursuing any other legal available course of action, including the filing of a lawsuit. Pending a final decision of a dispute hereunder, both parties shall proceed diligently with the performance of their duties under this Agreement, and such continued performance shall not constitute a waiver of any rights, legal or equitable, of either party relating to the dispute.

The Parties shall continue with the responsibilities under this Agreement during any dispute.

ARTICLE 10. INDEMNIFICATION

- A. To the extent permitted by law, SBCTA shall defend, indemnify, and save harmless CHP and all of CHP's appointees, directors, Commissioners, officers, and employees from and against any and all claims, suits, or actions for "injury" (as defined by Government Code [GOV] Section 810.8) caused by negligent or intentional acts or omissions of SBCTA, or SBCTA's officers, directors, commissioners, and employees, arising out of the performance of this Agreement.
- B. To the extent permitted by law, CHP shall defend, indemnify, and save harmless SBCTA and all of SBCTA's officers, directors, commissioners, and employees from and against any and all claims, suites, or actions for "injury" (as defined by Section 810.8 of the GOV) caused by the negligent or intentional acts or omissions of CHP, or CHPs appointees, directors, Commissioners, officers, or employees, arising out of the performance of this Agreement.
- C. Neither termination of this Agreement, nor completion of the acts to be performed under this Agreement, shall release any party from its obligation to indemnify as to any claims or cause of action asserted so long as the event(s) upon which such claim or cause of action is predicated shall have occurred subsequent to the effective date of this Agreement and prior to the effective date of termination or completion.

ARTICLE 11: AUDITS

- A. The Parties hereto shall be subject to the examination and audit of the state for a period of three (3) years after final payment under the contract. In addition, SBCTA and CHP may be subject to the examination and audit by representatives of either party. The examination and audit shall be confined to those matters connected with the performance of the contract including, but not limited to, the costs of administering the contract. The SBCTA and CHP agree to allow the auditor(s) access to such records, except for those

records deemed confidential per law, during normal business hours and to allow interviews of any employees who might reasonably have information related to such records (Section 8546.7 of the GOV, Public Contract Code Section 10115 et seq., California Code of Regulations Title 2, Section 1896). SBCTA and CHP agree to maintain such records for possible audit for a minimum of three (3) years after final payment.

ARTICLE 12: INDEPENDENT CONTRACTOR

The Parties, and the agents and employees of Parties, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of each other. This Agreement and any attachments or documents incorporated herein by inclusion of reference constitute the complete and entire agreement between CHP and SBCTA and supersede any prior representations, understandings, communications, commitments, agreements, or proposals, oral or written, for FSP.

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Department of California Highway Patrol (CHP)
and San Bernadino County Transportation Authority (SBCTA)
CHP Agreement #24R061002
SBCTA Agreement #24-1003125
Exhibit B, Page 1 of 1

EXHIBIT B
BUDGET DETAIL AND METHOD OF PAYMENT

1. The SBCTA agrees to reimburse CHP for the overtime costs incurred by CHP FSP sergeant, officers, dispatchers, and/or analyst for the purpose of duties that include, but are not limited to, overseeing and assisting with regular FSP program oversight and operations, extended weekday services, weekend services, regular and construction express lane services, investigating complaints from the public regarding an SBCTA FSP contractor or driver, performing all necessary driver's license and background checks on all SBCTA FSP operators, inspecting all SBCTA FSP contractor tow trucks on a periodic basis, overseeing SBCTA contractors' compliance with statutory and regulatory requirements, providing training to all SBCTA FSP contractors and drivers, and providing representation for the SBCTA FSP technical committee.
2. In consideration for the services contained herein, SBCTA agrees to reimburse the CHP upon receipt of an itemized invoice. The SBCTA agrees to reimburse the CHP for the actual hours worked by CHP officers (at the overtime rate, described below) at the time services are provided. The rates indicated in this Agreement are for estimate purpose only. It is understood by both parties that rate increases in salary and benefits are governed by collective bargaining agreements and/or statute and that no advance written notification is necessary prior to implementing the increased rates. In the event CHP is granted a rate increase, SBCTA agrees to pay the increased rate. The following information is the CHP officer overtime rate effective Fiscal Year 2023/24 until superseded:

CHP Sergeant \$130.37
CHP Officer \$107.16
CHP Analyst \$60.81
CHP Dispatch Supervisor \$63.16
CHP Dispatcher \$54.29

3. The maximum amount payable under this contract shall not exceed \$3,063,952.00. Amounts payable to the CHP by SBCTA for costs incurred pursuant to this Agreement may be utilized over several fiscal years and need not be utilized in a single fiscal year by the CHP, so long as the total amount payable under this Agreement is not exceeded. The estimated breakdown for each fiscal year of this contract is as follows:

FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
\$598,099.33	\$611,754.34	\$661,316.28	\$749,272.76	\$443,509.29
Total Contract Amount \$3,063,952.00				

General Terms and Conditions (GTC 04/2017)
EXHIBIT C

1. **APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. **AMENDMENT:** No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. **ASSIGNMENT:** This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. **DISPUTES:** Contractor shall continue with the responsibilities under this Agreement during any dispute.
5. **TERMINATION FOR CAUSE:** The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.
6. **INDEPENDENT CONTRACTOR:** Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.
7. **RECYCLING CERTIFICATION:** The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).
8. **NON-DISCRIMINATION CLAUSE:** During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis 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, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully 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, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of

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such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

9. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.
10. TIMELINESS: Time is of the essence in this Agreement.
11. COMPENSATION: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.
12. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
13. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.
 - a. The Government Code Chapter on Antitrust claims contains the following definitions:
 - 1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
 - 2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.
 - b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title,

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and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

- c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.
 - d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.
14. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:
 - a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
 - b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.
15. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.
16. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

17. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

- a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)
- b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

18. LOSS LEADER: If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

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EXHIBIT D

SPECIAL TERMS AND CONDITIONS

Gifts, donations, or gratuities may not be accepted by CHP employees in their own behalf or on behalf of the Department, informal squad club, or other local funds.

DRAFT

Minute Action

AGENDA ITEM: 17

Date: *October 2, 2024*

Subject:

Deallocation of PACE Revenue from SBCOG Task

Recommendation:

That the Board, acting as the San Bernardino Council of Governments:

A. Approve the deallocation of Property Assessed Clean Energy (PACE) funds for other Council of Governments functions and reserve the carryover fund balance for unknown future PACE-related expenditures.

B. Approve a Budget Amendment to the Fiscal Year 2024/2025 Budget, Task No. 0511 – Council of Governments, to decrease the PACE (Fund 2911) by \$313,214.

Background:

On March 6, 2013, the San Bernardino Associated Governments (SANBAG) (now known as San Bernardino Council of Governments or SBCOG) Board of Directors held a public hearing and then adopted Resolution No. 13-044, creating the Home Energy Renovation Opportunity (HERO) Program, a Property Assessed Clean Energy (PACE) Program, that allowed a jurisdiction and an interested property owner to enter into a contractual agreement to finance the installation of eligible renewable energy, energy efficiency, or water efficiency improvements that were permanently affixed to the property. SANBAG loaned the property owner the funds for the improvements. The amount of the loan plus a fixed interest amount is repaid through an assessment on the property tax bill for the property. SANBAG obtained the funds to loan by selling bonds to private investors secured by the property tax assessments paid by the property owners.

The HERO Program, administered by SBCOG, ended on June 30, 2017. However, during the four years of the program, more than 15,000 assessments were created, and SBCOG has a continuing obligation to bond holders to see that those existing assessments are collected.

Under the Master Indentures that outline how SANBAG issued bonds for the PACE Program, any property owner that is delinquent in their tax bill on October 1st of each year will be subject to SBCOG starting a judicial foreclosure process. The Master Indentures provide that SBCOG may elect to defer the judicial foreclosure proceedings if SBCOG has received or advanced funds to cover the delinquent amounts.

Each year SBCOG contracts with a third party, FNA California, LLC (FNA), that advances the funds and is to be reimbursed for such advance when the delinquent assessments are brought current. The agreement with FNA includes a section on defective assessment installment receivables where FNA can require SBCOG to repurchase the defective assessment installment receivable. If this were to occur and SBCOG does not cover the delinquent amounts, a judicial foreclosure process could result.

Due to the uncertainties of the future collectability of the delinquent assessments, SBCOG staff recommends that it is in the best interest of SBCOG to deallocate the amounts in the PACE fund for Fiscal Year 2024/2025 and hold those funds for future PACE-related expenditures.

Entity: San Bernardino Council of Governments

Board of Directors Agenda Item

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Recommendation B includes a reduction of \$313,214 in the Fiscal Year 2024/2025 budgeted amount to reduce the use of PACE funds for other Council of Government functions. The remaining budget of \$145,500 is reserved for PACE-related expenditures.

Financial Impact:

A budget amendment is required as described in Recommendations B and described in the background section of this item.

Reviewed By:

This item has not received prior policy committee or technical advisory committee review. This is being brought directly to the Board to accompany the COG Work Plan agenda item being presented by the Chief of COG and Equity Programs.

Responsible Staff:

Lisa Lazzar, Chief of Fiscal Resources

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

Minute Action

AGENDA ITEM: 18

Date: *October 2, 2024*

Subject:

San Bernardino Council of Governments Work Plan, Policy 10014, and Proposed Amendment to Bylaws

Recommendation:

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

- A. Receive an update on the development of the SBCOG Work Plan.
- B. Review and provide comments on the proposed revisions to the SBCOG Bylaws, proposed Policy No. 10014 - SBCOG Member Agency Dues Collection, and the SBCOG Work Plan.

Background:

In July 2023, the San Bernardino Council of Governments (SBCOG) Board of Directors' (Board) President established an SBCOG Ad Hoc Committee to provide direction to staff for an increase in SBCOG capacity and member agency dues in an effort to establish a robust Council of Governments. In January 2024, the Board took action to approve Amendment No. 4 to the SBCOG Joint Powers Authority (JPA) Agreement, allowing for an increase in SBCOG funding and capacity, pending the concurrence of member agencies. As of April 30, 2024, all member agencies have approved Amendment No. 4 to the JPA, and since that time, staff has been working with an Ad Hoc Committee of the Board and the City/County Manager's Technical Advisory Committee (CCMTAC) to update SBCOG policy and Bylaws and the SBCOG Work Plan Program.

In June 2024, the SBCOG Ad Hoc Committee provided direction to staff to proceed with working internally on developing a policy and amending language in the Bylaws. SBCOG General Counsel, Clerk of the Board, Executive Director, and Deputy Executive Director all provided insight and direction to form the language of the documents attached to this item for review and feedback. The policy created is new and sets the process and formula for assessing member agency dues. It incorporates the language approved by the Board in January 2023 with its approval of Amendment No. 4. The proposed Policy 10014 is the formalization of that direction, and the language is below:

Assessments shall be computed on an annual basis as follows to create a minimum \$1,500,000 annual budget:

- a. a base assessment whereby the prior year's base assessment is adjusted based on the annual percentage change in population of each signatory member plus the annual percentage change in assessed valuation of each signatory member added together and divided by two (2) to arrive at the annual increase; and*
- b. the additional assessment adopted in Fiscal Year 2015/2016 of \$133,418 (or approximately \$5,337 per each signatory member due to rounding); and*
- c. the additional assessment adopted in Fiscal Year 2021/2022 of \$200,000 (or \$8,000 per each signatory member) for Fiscal Year 2024/2025, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%; and*

Entity: San Bernardino Council of Governments

d. a further assessment to fund any gap between the Board-approved annual budget and the total of the assessments set forth in a., b., and c., above. In determining the amount of said gap, no grant moneys shall be considered. This “gap” assessment shall be based one-half on the population of each signatory member and one-half on the combined General Fund property tax and General Fund base sales tax revenue rate of each signatory member, where “base sales tax” means the statewide sales tax and is exclusive of any additional local sales taxes, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%; and

e. further assessments to fund optional or subscription programs and projects beyond those identified in the annual budget will be assessed on a cost-allocation basis to fund the cost of the program or project.

The Board also directed to staff to update the language of the Bylaws to provide a process by which member agencies may re-enter into the JPA should one choose to leave SBCOG. That language is shown below:

Withdrawal from SBCOG. *Members that have withdrawn from SBCOG are ineligible to receive funds from grants sources, allocations and any other fund sources allocated to SBCOG originating outside of SBCOG membership dues.*

Re-entry to SBCOG. *Any member agency that has withdrawn from SBCOG will be eligible to petition for re-entry after five years from the date of withdrawal.*

- a. The petition for re-entry shall include:

 - i. A resolution of the local agency’s governing body stating the reason for the request to rejoin SBCOG and affirming its commitment to work together with fellow SBCOG member jurisdictions for the benefit of the entire region; and*
 - ii. The local agency’s most recent audit report and statement of the agency’s fiscal soundness, with confirmation of its ability to pay its member dues for at least the next five years.**
- b. Member agencies petitioning to re-enter SBCOG shall pay a member agency penalty, which shall be based on 120% of the dues the member agency would have been assessed for the immediate prior year assessments had they been a member agency of SBCOG.*
- c. Member agencies petitioning to re-enter SBCOG shall pay to SBCOG all amounts owed under Article 12 of the JPA Agreement, if any, plus interest, (determined using the current Local Agency Investment Fund rate) before re-entry will be effective.*
- d. A majority of the SBCOG Board must vote to permit re-entry into SBCOG.*

Considering that the Bylaws were established in the 1970s, staff also did a review and revision of outdated terminology and language to make the Bylaws consistent with how SBCOG currently operates and to ensure consistency with the JPA Agreement.

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In addition to updating the Bylaws and establishing policy, staff has been working through the Board-approved process to identify and prioritize plans and projects to be undertaken by SBCOG through the Work Plan within the functions set by the SBCOG Board:

- Strategic Planning
- Regional Advocacy
- Grant Writing
- Project Development
- City/County Conference Planning
- Liaison to Agencies
- Liaison to Stakeholders and Organizations

Between July and September, SBCOG staff met with the CCMTAC through sub-regional meetings. Project options were discussed in these meetings, and they voted for the top five priorities based on the list provided and additions made at the direction of the subregional group. Once all the meetings had taken place, staff took the results to the Board Ad Hoc in September and provided an overall tally of projects and discussion of each project. The Board Ad Hoc provided further direction and the tally identified the following projects which are proposed to be programmed over the next 5 years in the SBCOG Work Plan:

1. Homelessness Strategic Plan
2. Street Vendor Toolkit/Standards Menu
3. Small Business Vendor Fairs
4. Small Business Hub Implementation
5. Regional Small Business Certification
6. Forum for Discussion and Information Exchange Development and Implementation
7. Smart Intersections/Corridors Implementation
8. Speaker Series Program Development and Implementation
9. “Cad To Cad” Implementation

These and other program options that were vetted and prioritized by the Board Ad Hoc and CCMTAC are listed with deliverables on the attached table. The programs and plans, as prioritized above, were identified through the process with the Board Ad Hoc and the CCMTAC. With the direction of the SBCOG Board Ad Hoc, staff proposes programing these options out using funds available. The proposed programming is a part of the attached SBCOG Work Plan including:

- SBCOG Member Dues
- Measure I
- Equity/Indirect funds
- Partner Funds
- Grant Funds

The Work Plan is proposed to be programmed for five years but will be reviewed every two years to ensure priorities still ring true and to account for changes in funding, such as the award of grants.

Financial Impact:

This item has no financial impact on the adopted budget for Fiscal Year 2024/2025.

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Reviewed By:

This item has not received prior policy committee review. This item will be presented to the City/County Managers' Technical Advisory Committee on October 3, 2024. SBCTA General Counsel has reviewed this item, the draft policy, and the proposed revisions to the Bylaws.

Responsible Staff:

Monique Reza-Arellano, Chief of COG and Equity Programs

Approved
Board of Directors
Date: October 2, 2024

Witnessed By:

**Bylaws, San Bernardino ~~Associated Governments~~ Council
of Governments ~~(SANBAG)~~ (SBCOG)**

Amended ~~April 5,~~
~~2023XXXX~~ November
6, 2024

Preamble

Article I – Functions

Article II – Definitions

Article III -- Membership & Representation

Article IV -- Board of Directors

Article V -- Officers, Elections & Vacancies

Article VI -- Executive Director

Article VII – General Counsel

Article VIII – Finances

Article IX -- Statutory Authority

Article X – Withdrawal

Article XI – Amendments

Article XII -- Effective Date

PREAMBLE

The San Bernardino ~~Associated Governments~~ is an ~~Association~~ Council of Governments (SBCOG) ~~is an Association~~ voluntarily established by its members pursuant to a Joint Exercise of Powers Agreement for the purpose of providing a forum for discussion, study and development of recommendations on countywide, subregional and regional problems of mutual interest and concern. It shall be the responsibility of the ~~Association~~ SBCOG to effect improved intergovernmental ~~cooperation~~ collaboration and thereby increase the overall quality of government services.

Article I - Functions

The functions of ~~the Association~~ SBCOG are:

- A. Exchange of planning information. Making available to members plans and planning studies, completed or proposed by local governments or those of state or federal agencies, which would affect local governments.
- B. Study of sub-regional problems. Identification and study of problems requiring planning by more than one governmental entity within the collective area of its membership and the making of appropriate policy or action recommendations.
- C. Review and/or develop~~ment of~~ governmental proposals. Review and/or develop proposals creating agencies of regional scope and the making of appropriate policy or action recommendations concerning the need for such units or agencies.
- D. Consider questions of mutual interest and concern to members of ~~the Association~~ SBCOG and develop policy and action recommendations.
- E. Act upon any matter to the extent and in the manner required, permitted or authorized by joint powers agreements, state or federal law or the regulations adopted pursuant to any such law.

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F. Identify and apply for potential fund sources in the form of grants, earmarks, allocations, and other options that may arise on behalf of and/or in partnership with SBCOG's member agencies.

Article II - Definitions

- A. ~~Association~~**SBCOG**. ~~The Association~~**SBCOG**, as used in these Bylaws, means the San Bernardino ~~Associated Governments~~**Council of Governments** as established by ~~these Bylaws~~the Joint Exercise of Powers Agreement.
- B. **Board of Directors**. As used in these Bylaws, means the official representatives of the members of the San Bernardino ~~Associated Governments~~**Council of Governments**.
- C. **Official Representative**. As used in these Bylaws, means either the Mayor or Councilmember of each member city or town, and the members of the Board of Supervisors of ~~the County of~~ San Bernardino County.
- D. **Alternate**. Alternate, as used in these Bylaws when referring to the Board of Directors, shall mean either the Mayor or a Councilmember of each member city or town in the absence of the official representative of that member city or town. The County shall have no alternates to the Board of Directors.
- ~~E. **San Bernardino Council of Governments or SBCOG**. San Bernardino Council of Governments or SBCOG means the San Bernardino Associated Governments, and San Bernardino Associated Governments may do business as San Bernardino Council of Governments or SBCOG.~~

Article III - Membership and Representation

A. Membership.

1. Membership shall be contingent upon the execution of the Joint Exercise of Powers Agreement and the payment by the county, cities and towns of each annual assessment. A member whose dues are more than three months overdue and which has been notified of this delinquency shall be deemed to have withdrawn from the SBCOG if a response and dues payment of the dues is have not been received within 30 days of the notification.
2. Any city or town in the area set forth in the Joint Exercise of Powers Agreement may become a member after the initial formation of this ~~Association~~**SBCOG**, provided that all the provisions of this Article III are met by the jurisdiction seeking membership.
- ~~3. Special districts which are significantly involved in regional problems and the boundaries of which include territory within the collective area of the membership shall be eligible for non-voting, advisory membership in the Association SBCOG. The representatives of any such advisory member may participate in the work of committees of the Association SBCOG.~~

~~Withdrawal from SBCOG. Members that have withdrawn from SBCOG are ineligible to receive funds from grants sources, allocations and any other fund sources allocated to SBCOG originating outside of SBCOG membership dues~~

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- ~~5. Re-entry to SBCOG. has nwill be eligible to five from the date of withdrawal.
The petition for re-entry shall include:~~
 - ~~A resolution of the local agency's governing body stating the reason for the request to rejoin SBCOG and affirming its commitment to work together with fellow SBCOG member jurisdictions for the benefit of the entire region; and~~
 - ~~The local agency's most recent audit report and statement of the agency's fiscal soundness, with confirmation of its ability to pay its member dues for at least the next five years.~~
 - ~~srenThe most recent audit of the agency and statement of confirmationof for at least the next five yearsa petitioning to re-entershall pay, which shall be set by the Board of Directors, in its sole.~~
 - ~~a. petitioning shall pay to SBCOG all amounts owed under Article 12 of the JPA Agreement, if any., (determined using the current LAIF rate) before re-entry will be effective~~

B. Representation.

1. Only the ~~o~~Official ~~r~~Representatives or alternates present shall represent a member on the Board of Directors.
- ~~2. The mayor of each city or town shall be either the oOfficial rRepresentative or alternate for such city or town unless the city or town council specifically designates another councilmember to act as Official rRepresentative and alternate.~~
- ~~32.~~ Names of ~~o~~Official ~~r~~Representatives and alternates shall be communicated to the Board of Directors by the appointing city, town or county.
- ~~43.~~ Official ~~R~~representatives and alternates shall serve until a successor is appointed, except if an ~~o~~Official ~~r~~Representative or alternate ceases to be a member of the legislative body or mayor of the city, town or county appointing him/her, in which case his/her seat as an ~~o~~Official ~~r~~Representative shall be vacant until a successor is appointed.
- ~~54.~~ The ~~o~~Official ~~r~~Representatives and alternates appointed by the members to the ~~Association SBCOG~~ Board shall be the same persons appointed to serve as ~~official~~ representatives and alternates on the San Bernardino County Transportation Authority Board.

Article IV - Board of Directors

A. The powers and functions of the Board of Directors, subject to the limitations of Article I, shall include:

1. The making of policy decisions and the determination of policy matters for the ~~Association SBCOG~~.
2. Any ~~o~~Official ~~r~~Representative may, at any meeting of the Board of Directors, propose a subject or subjects for study by the ~~Association SBCOG~~. The Board of Directors may determine whether a study will be made of the subject or subjects so proposed.

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3. The Board of Directors shall review ~~the~~ proposed budget and member dues assessment schedule submitted by the Executive Director and shall adopt an annual budget and an assessment schedule.
4. The Board of Directors shall review and approve the SBCOG Work Plan which shall be updated on a biannual basis coinciding with the development of the fiscal year budget. ~~projected for five, with at least annual updates coinciding with budget cycles to maintain the Work Plan as current~~

B. Duties.

1. The Board of Directors shall conduct the affairs of the ~~Association~~ SBCOG.
2. The Board of Directors shall have power to transfer funds within the total budget amount in order to meet unanticipated needs or changed situation.
3. The Board of Directors shall have the power to appoint committees to study specific problems, programs, or other matters which they have approved for study.
4. Recommendations from committees for policy decisions shall be made to the Board of Directors. The Board shall act upon policy recommendations including policy recommendations from committees.

C. Meetings.

1. Regular meetings of the Board of Directors shall be held at such times as shall be designated by the Board, and ~~as~~ shall be coordinated with the San Bernardino County Transportation Authority's regular meetings. Special meetings of the Board of Directors may be called by the President or a majority of the Board of Directors. Written notice of a special meeting shall be given to the ~~o~~Official ~~r~~Representatives and alternates in accordance with Government Code section 54956. An agenda specifying the subject of the special meeting shall accompany the notice.
2. At its first meeting of the calendar year or such other meeting determined by the Board of Directors, the Board of Directors shall establish the time and dates of its regular meetings for such year in coordination with the times and dates of regular meetings of the San Bernardino County Transportation Authority. ~~The meeting location shall be determined the preceding month by the Board of Directors.~~ Other meetings may be called by the Board of Directors for the purpose of determining sub-regional consensus of items of common interest.
3. ~~Dates, times and locations of standing Association SBCOG committees shall be established in the same manner as Board meetings. Advisory committees shall meet on the call of their chairpersons or as otherwise provided herein. SBCOG committee meetings shall be established in the same manner as Board meetings or on the call of their chairpersons.~~

D. Voting on the Board of Directors shall be conducted in the following manner:

1. A quorum of the Board of Directors shall consist of ~~o~~Official ~~r~~Representation from a majority of the membership of the Board of Directors, and the Board of Directors shall act only upon a majority vote of the membership.

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2. Each member of the Board of Directors shall have one vote. In the absence of the ~~Official~~ ~~Representative~~, the attending alternate shall be entitled to vote.
3. Voting may be by voice, electronic 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, and when required to comply with the Brown Act.

E. Expenses.

1. Members of the Board of Directors shall receive a stipend of one hundred dollars (\$100) for attendance at each regular meeting of the Board, and also may be compensated at a rate not exceeding one hundred dollars (\$100) for any day attending to the business of ~~SANBAG~~ SBCOG, but not to exceed \$200 in any month. Except with regard to regular meetings of the Board, members may receive only one stipend on any day for which they attend to the business of both ~~SANBAG-SBCOG~~ and SBCTA. Members shall be reimbursed for the actual and necessary traveling and personal expenses incurred by them in the performance of their duties to the extent that reimbursement is not otherwise provided by another public agency.

Article V - Officers, Elections and Vacancies

- A. Officers of ~~the SB Association~~ COG shall consist of a President, a Vice President, a Secretary and a Treasurer. The President and Vice President of the San Bernardino County Transportation Authority Board shall be the President and Vice President of the ~~Association~~ SBCOG Board. The Secretary shall be the Clerk of the Board of the San Bernardino County Transportation Authority and the Treasurer shall be the Chief Financial Officer of the San Bernardino County Transportation Authority, but they shall have no votes in the ~~Association~~ SBCOG.
- B. The President shall be the presiding officer of the Board of Directors. The Vice President shall act in ~~his or her~~ the President's absence.
- C. The Secretary shall keep a record of all proceedings and perform the usual duties of such office. The Treasurer shall have custody of all funds, and perform the usual duties of such office pursuant to the SBCOG/SBCTA Board-approved/adopted policies and procedures; ~~provided however, the Treasurer of San Bernardino County shall maintain in a separate trust account all funds received by the Association.~~
- D. The President of the Board of Directors may designate ad hoc committees to study specific projects or matters subject to the concurrence of the Board of Directors, and shall make appointments to ad hoc committees.

Article VI - Executive Director

The Executive Director of the San Bernardino County Transportation Authority shall be the Executive Director and chief administrative officer of the ~~Association~~ SBCOG. The powers and duties of the Executive Director are:

- A. Subject to the authority of the Board of Directors, to administer the affairs of ~~the~~ Association SBCOG.

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- B. To appoint, direct and remove all staff of the ~~Association~~SBCOG.
- C. Annually to prepare and present a proposed budget to the Board of Directors and to control the approved budget.
- D. To attend the meetings of the Board of Directors.
- E. To perform such other and additional duties as the Board of Directors may require.

Article VII – General Counsel

The General Counsel of the San Bernardino County Transportation Authority shall be the General Counsel and chief legal advisor of the ~~Association~~SBCOG. The powers and duties of the General Counsel are:

- A. Subject to the direction of the Board of Directors, to provide legal advice and representation for the ~~Association~~SBCOG.
- B. To appoint, retain, direct and remove all outside legal counsel and legal staff of the ~~Association~~SBCOG.
- C. To attend the meetings of the Board of Directors.
- D. To perform such other and additional duties as the Board of Directors may require.

Article VIII - Finances

- A. **Fiscal Year.** The Fiscal Year of the ~~Association~~SBCOG shall commence on July 1.
- B. **Budget Submission and Adoption.** The budget of the ~~Association~~SBCOG shall be submitted to the Board of Directors by the Executive Director on or before the second to last regular meeting of each fiscal year. The annual budget and assessment schedule shall be adopted by the Board of Directors not later than ~~May-June~~ 15th of each fiscal year. Notwithstanding any provision of the agreement establishing the ~~Association~~SBCOG, any member that cannot pay its assessment therefore because of any applicable law or charter provision or other lack of ability to appropriate or pay the same, may add such assessment to its assessment for the next full fiscal year. The budget for each year shall provide the necessary funds with which to obtain and maintain the requisite liability ~~and worker's compensation~~ insurance to fully protect each of the signatory parties hereto against liabilities reasonably estimated to arise out of ~~Association's~~SBCOG's own activities, and such insurances shall be so obtained and maintained.
- C. **Annual Audit.** The Board of Directors shall cause an annual audit of the financial affairs of the ~~Association~~SBCOG to be made at the end of each fiscal year. The audit report shall be made available to ~~Association~~SBCOG members.
- D. **Indemnification for Tort Liability.** In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined in Section 895 of said code, the parties hereto as between themselves, pursuant to the authorization contained in Section 895.4 and 895.6 of said code, will each assume the full liability imposed upon it, or any of its officers, agents or employees by law for injury caused

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by a negligent or wrongful act or omission occurring in the performance of this agreement to the same extent that such liability would be imposed in the absence of Section 895.2 of said code. To achieve the above stated purpose, each party indemnifies and holds harmless the other party for any loss, cost or expense that may be imposed upon such other party solely by virtue of said Section 895.2. The rules set forth in Civil Code Section 2778 are hereby made a part of these Bylaws.

- E. Notwithstanding the provisions of said Joint Exercise of Powers Agreement by which this ~~Association-SBCOG~~ is formed, no contract, employment, debt, liability or obligation of the ~~Association-SBCOG~~ shall be binding upon or obligate any member of this ~~Association-SBCOG~~ without the express written request or consent of such member and only to the extent so requested or consented to, nor shall the ~~Association-SBCOG~~ have the authority or the power to bind any member by contract, employment, debt, liability, or obligation made or incurred by it without the written request or consent of such member and then only to such extent as so requested or consented to in writing.

Article IX - Statutory Authority

The San Bernardino ~~Associated Governments~~ Council of Governments shall be an agency established by a joint powers agreement among the members pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California and shall have the powers vested in ~~the Association-SBCOG~~ by state or federal law, the Joint Exercise of Powers Agreement, or these Bylaws. ~~The Association-SBCOG~~ shall not have the power of eminent domain, or the power to levy taxes.

Article X - Withdrawal

Any member city, town or county may, at any time, withdraw from ~~the Association-SBCOG~~ providing, however, that the intent to withdraw must be stated in the form of a resolution enacted by the legislative body of the jurisdiction wishing to withdraw. Such resolution of intent to withdraw from ~~the Association-SBCOG~~ must be given to the Executive Director by the withdrawing jurisdiction at least 90 days prior to the effective date of withdrawal. Such withdrawal shall be made prior to May 1 of any year and shall be effective only as of July 1 of the year withdrawal is made.

Nonpayment of member dues by a member agency will be considered a "Withdrawal," and the SBCOG Board will initiate an Amendment Resolution of Termination to remove a member agency that has withdrawn.

Withdrawal from SBCOG. Members that have withdrawn from SBCOG are ineligible to receive funds from grants sources, allocations and any other fund sources allocated to SBCOG originating outside of SBCOG membership dues

Re-entry to SBCOG. Any member agency that has withdrawn from SBCOG will be eligible to petition for re-entry after five years from the date of withdrawal.

- a. The petition for re-entry shall include:

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- i. A resolution of the local agency's governing body stating the reason for the request to rejoin SBCOG and affirming its commitment to work together with fellow SBCOG member jurisdictions for the benefit of the entire region; and
- ii. The local agency's most recent audit report and statement of the agency's fiscal soundness, with confirmation of its ability to pay its member dues for at least the next five years.
- b. Member agencies petitioning to re-enter SBCOG shall pay a member agency penalty, which shall be based on 120% of the dues the member agency would have paid been assessed for the immediate prior year assessments had they been a member agency of SBCOG.
- c. Member agencies petitioning to re-enter SBCOG shall pay to SBCOG all amounts owed under Article 12 of the JPA Agreement, if any, plus interest, (determined using the current Local Agency Investment Fund rate) before re-entry will be effective.
- d. A majority of the SBCOG Board must vote to permit re-entry into SBCOG.

Article XI - Amendments

The Board of Directors shall review these Bylaws periodically. Amendments to these Bylaws may be proposed by an ~~Official~~ ~~Representative~~ on the Board of Directors. A proposed amendment shall be submitted to the Board of Directors at least 14 days prior to the regular meeting at which the proposed amendment shall be first introduced. Each proposed amendment shall be considered and voted upon no sooner than the first regular meeting following the introduction of the amendment.

A majority vote of the entire membership of the Board of Directors is required to adopt an amendment to these Bylaws.

Initial adoption of these Bylaws shall follow this same procedure.

Article XII - Effective Date

These Bylaws shall go into effect ~~April 5, 2023XXXXXXX~~November 6, 2024.

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Amended
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Preamble

Article I – Functions

Article II – Definitions

Article III -- Membership & Representation

Article IV -- Board of Directors

Article V -- Officers, Elections & Vacancies

Article VI -- Executive Director

Article VII – General Counsel

Article VIII – Finances

Article IX -- Statutory Authority

Article X – Withdrawal

Article XI – Amendments

Article XII -- Effective Date

PREAMBLE

The San Bernardino Council of Governments (SBCOG) is voluntarily established by its members pursuant to a Joint Exercise of Powers Agreement for the purpose of providing a forum for discussion, study and development of recommendations on countywide, subregional and regional problems of mutual interest and concern. It shall be the responsibility of the SBCOG to effect improved intergovernmental collaboration and thereby increase the overall quality of government services.

Article I - Functions

The functions of SBCOG are:

- A. Exchange of planning information. Making available to members plans and planning studies, completed or proposed by local governments or those of state or federal agencies, which would affect local governments.
- B. Study of sub-regional problems. Identification and study of problems requiring planning by more than one governmental entity within the collective area of its membership and the making of appropriate policy or action recommendations.
- C. Review and/or development of governmental proposals. Review and/or develop proposals creating agencies of regional scope and the making of appropriate policy or action recommendations concerning the need for such units or agencies.
- D. Consider questions of mutual interest and concern to members of SBCOG and develop policy and action recommendations.
- E. Act upon any matter to the extent and in the manner required, permitted or authorized by joint powers agreements, state or federal law or the regulations adopted pursuant to any such law.
- F. Identify and apply for potential fund sources in the form of grants, earmarks, allocations, and other options that may arise on behalf of and/or in partnership with SBCOG's member agencies.

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Article II - Definitions

- A. SBCOG.** SBCOG, as used in these Bylaws, means the San Bernardino Council of Governments as established by the Joint Exercise of Powers Agreement.
- B. Board of Directors.** As used in these Bylaws, means the official representatives of the members of the San Bernardino Council of Governments.
- C. Official Representative.** As used in these Bylaws, means either the Mayor or Councilmember of each member city or town, and the members of the Board of Supervisors of San Bernardino County.
- D. Alternate.** Alternate, as used in these Bylaws when referring to the Board of Directors, shall mean either the Mayor or a Councilmember of each member city or town in the absence of the official representative of that member city or town. The County shall have no alternates to the Board of Directors.

Article III - Membership and Representation

A. Membership.

- 1. Membership shall be contingent upon the execution of the Joint Exercise of Powers Agreement and the payment by the county, cities and towns of each annual assessment. A member whose dues are more than three months overdue which has been notified of this delinquency shall be deemed to have withdrawn from SBCOG if payment of the dues is not received within 30 days of the notification.
- 2. Any city or town in the area set forth in the Joint Exercise of Powers Agreement may become a member after the initial formation of this SBCOG, provided that all the provisions of this Article III are met by the jurisdiction seeking membership.

B. Representation.

- 1. Only the Official Representatives or alternates present shall represent a member on the Board of Directors.
- 2. Names of Official Representatives and alternates shall be communicated to the Board of Directors by the appointing city, town or county.
- 3. Official Representatives and alternates shall serve until a successor is appointed, except if an Official Representative or alternate ceases to be a member of the legislative body or mayor of the city, town or county appointing him/her, in which case his/her seat as an Official Representative shall be vacant until a successor is appointed.
- 4. The Official Representatives and alternates appointed by the members to the SBCOG Board shall be the same persons appointed to serve as representatives and alternates on the San Bernardino County Transportation Authority Board.

Article IV - Board of Directors

A. The powers and functions of the Board of Directors, subject to the limitations of Article I, shall include:

- 1. The making of policy decisions and the determination of policy matters for the SBCOG.

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2. Any Official Representative may, at any meeting of the Board of Directors, propose a subject or subjects for study by the SBCOG. The Board of Directors may determine whether a study will be made of the subject or subjects so proposed.
3. The Board of Directors shall review the proposed budget and member dues assessment schedule submitted by the Executive Director and shall adopt an annual budget and an assessment schedule.
4. The Board of Directors shall review and approve the SBCOG Work Plan which shall be updated on a biannual basis coinciding with the development of the fiscal year budget.

B. Duties.

1. The Board of Directors shall conduct the affairs of the SBCOG.
2. The Board of Directors shall have power to transfer funds within the total budget amount in order to meet unanticipated needs or changed situation.
3. The Board of Directors shall have the power to appoint committees to study specific problems, programs, or other matters which they have approved for study.
4. Recommendations from committees for policy decisions shall be made to the Board of Directors. The Board shall act upon policy recommendations including policy recommendations from committees.

C. Meetings.

1. Regular meetings of the Board of Directors shall be held at such times as shall be designated by the Board, and shall be coordinated with the San Bernardino County Transportation Authority's regular meetings. Special meetings of the Board of Directors may be called by the President or a majority of the Board of Directors. Written notice of a special meeting shall be given to the Official Representatives and alternates in accordance with Government Code section 54956. An agenda specifying the subject of the special meeting shall accompany the notice.
2. At its first meeting of the calendar year or such other meeting determined by the Board of Directors, the Board of Directors shall establish the time and dates of its regular meetings for such year in coordination with the times and dates of regular meetings of the San Bernardino County Transportation Authority. Other meetings may be called by the Board of Directors for the purpose of determining sub-regional consensus of items of common interest.
3. SBCOG committee meetings shall be established in the same manner as Board meetings or on the call of their chairpersons.

D. Voting on the Board of Directors shall be conducted in the following manner:

1. A quorum of the Board of Directors shall consist of Official Representation from a majority of the membership of the Board of Directors, and the Board of Directors shall act only upon a majority vote of the membership.
2. Each member of the Board of Directors shall have one vote. In the absence of the Official Representative, the attending alternate shall be entitled to vote.

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3. Voting may be by voice, electronic or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, at the discretion of the presiding officer, and when required to comply with the Brown Act.

E. Expenses.

1. Members of the Board of Directors shall receive a stipend of one hundred dollars (\$100) for attendance at each regular meeting of the Board, and also may be compensated at a rate not exceeding one hundred dollars (\$100) for any day attending to the business of SBCOG, but not to exceed \$200 in any month. Except with regard to regular meetings of the Board, members may receive only one stipend on any day for which they attend to the business of both SBCOG and SBCTA. Members shall be reimbursed for the actual and necessary traveling and personal expenses incurred by them in the performance of their duties to the extent that reimbursement is not otherwise provided by another public agency.

Article V - Officers, Elections and Vacancies

- A. Officers of SBCOG shall consist of a President, a Vice President, a Secretary and a Treasurer. The President and Vice President of the San Bernardino County Transportation Authority Board shall be the President and Vice President of the SBCOG Board. The Secretary shall be the Clerk of the Board of the San Bernardino County Transportation Authority, and the Treasurer shall be the Chief Financial Officer of the San Bernardino County Transportation Authority, but they shall have no votes in the SBCOG.
- B. The President shall be the presiding officer of the Board of Directors. The Vice President shall act in the President's absence.
- C. The Secretary shall keep a record of all proceedings and perform the usual duties of such office. The Treasurer shall have custody of all funds and perform the usual duties of such office pursuant to the SBCOG/SBCTA Board-approved/adopted policies and procedures.
- D. The President of the Board of Directors may designate ad hoc committees to study specific projects or matters subject to the concurrence of the Board of Directors, and shall make appointments to ad hoc committees.

Article VI - Executive Director

The Executive Director of the San Bernardino County Transportation Authority shall be the Executive Director and chief administrative officer of the SBCOG. The powers and duties of the Executive Director are:

- A. Subject to the authority of the Board of Directors, to administer the affairs of SBCOG.
- B. To appoint, direct and remove all staff of the SBCOG.
- C. Annually to prepare and present a proposed budget to the Board of Directors and to control the approved budget.
- D. To attend the meetings of the Board of Directors.
- E. To perform such other and additional duties as the Board of Directors may require.

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Article VII – General Counsel

The General Counsel of the San Bernardino County Transportation Authority shall be the General Counsel and chief legal advisor of the SBCOG. The powers and duties of the General Counsel are:

- A. Subject to the direction of the Board of Directors, to provide legal advice and representation for the SBCOG.
- B. To appoint, retain, direct and remove all outside legal counsel and legal staff of the SBCOG.
- C. To attend the meetings of the Board of Directors.
- D. To perform such other and additional duties as the Board of Directors may require.

Article VIII - Finances

- A. **Fiscal Year.** The Fiscal Year of the SBCOG shall commence on July 1.
- B. **Budget Submission and Adoption.** The budget of the SBCOG shall be submitted to the Board of Directors by the Executive Director on or before the second to last regular meeting of each fiscal year. The annual budget and assessment schedule shall be adopted by the Board of Directors not later than June 15th of each fiscal year. Notwithstanding any provision of the agreement establishing the SBCOG, any member that cannot pay its assessment therefore because of any applicable law or charter provision or other lack of ability to appropriate or pay the same, may add such assessment to its assessment for the next full fiscal year. The budget for each year shall provide the necessary funds with which to obtain and maintain the requisite liability insurance to fully protect each of the signatory parties hereto against liabilities reasonably estimated to arise out of SBCOG's own activities, and such insurances shall be so obtained and maintained.
- C. **Annual Audit.** The Board of Directors shall cause an annual audit of the financial affairs of the SBCOG to be made at the end of each fiscal year. The audit report shall be made available to SBCOG members.
- D. **Indemnification for Tort Liability.** In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined in Section 895 of said code, the parties hereto as between themselves, pursuant to the authorization contained in Section 895.4 and 895.6 of said code, will each assume the full liability imposed upon it, or any of its officers, agents or employees by law for injury caused by a negligent or wrongful act or omission occurring in the performance of this agreement to the same extent that such liability would be imposed in the absence of Section 895.2 of said code. To achieve the above stated purpose, each party indemnifies and holds harmless the other party for any loss, cost or expense that may be imposed upon such other party solely by virtue of said Section 895.2. The rules set forth in Civil Code Section 2778 are hereby made a part of these Bylaws.
- E. Notwithstanding the provisions of said Joint Exercise of Powers Agreement by which this SBCOG is formed, no contract, employment, debt, liability or obligation of the SBCOG shall be binding upon or obligate any member of this SBCOG without the express written request or consent of such member and only to the extent so requested or consented to, nor shall the

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SBCOG have the authority or the power to bind any member by contract, employment, debt, liability, or obligation made or incurred by it without the written request or consent of such member and then only to such extent as so requested or consented to in writing.

Article IX - Statutory Authority

The San Bernardino Council of Governments shall be an agency established by a joint powers agreement among the members pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California and shall have the powers vested in SBCOG by state or federal law, the Joint Exercise of Powers Agreement, or these Bylaws. SBCOG shall not have the power of eminent domain, or the power to levy taxes.

Article X - Withdrawal

Any member city, town or county may, at any time, withdraw from SBCOG providing, however, that the intent to withdraw must be stated in the form of a resolution enacted by the legislative body of the jurisdiction wishing to withdraw. Such resolution of intent to withdraw from SBCOG must be given to the Executive Director by the withdrawing jurisdiction at least 90 days prior to the effective date of withdrawal. Such withdrawal shall be made prior to May 1 of any year and shall be effective only as of July 1 of the year withdrawal is made.

Nonpayment of member dues by a member agency will be considered a "Withdrawal," and the SBCOG Board will initiate a Resolution of Termination to remove a member agency that has withdrawn.

Withdrawal from SBCOG. Members that have withdrawn from SBCOG are ineligible to receive funds from grants sources, allocations and any other fund sources allocated to SBCOG originating outside of SBCOG membership dues.

Re-entry to SBCOG. Any member agency that has withdrawn from SBCOG will be eligible to petition for re-entry after five years from the date of withdrawal.

- a. The petition for re-entry shall include:
 - i. A resolution of the local agency's governing body stating the reason for the request to rejoin SBCOG and affirming its commitment to work together with fellow SBCOG member jurisdictions for the benefit of the entire region; and
 - ii. The local agency's most recent audit report and statement of the agency's fiscal soundness, with confirmation of its ability to pay its member dues for at least the next five years.
- b. Member agencies petitioning to re-enter SBCOG shall pay a member agency penalty, which shall be based on 120% of the dues the member agency would have been assessed for the immediate prior year assessments had they been a member agency of SBCOG.
- c. Member agencies petitioning to re-enter SBCOG shall pay to SBCOG all amounts owed under Article 12 of the JPA Agreement, if any, plus interest, (determined using the current Local Agency Investment Fund rate) before re-entry will be effective.
- d. A majority of the SBCOG Board must vote to permit re-entry into SBCOG.

Bylaws, San Bernardino Council of Governments (SBCOG)

Amended
November 6, 2024

Article XI - Amendments

The Board of Directors shall review these Bylaws periodically. Amendments to these Bylaws may be proposed by an Official Representative on the Board of Directors. A proposed amendment shall be submitted to the Board of Directors at least 14 days prior to the regular meeting at which the proposed amendment shall be first introduced. Each proposed amendment shall be considered and voted upon no sooner than the first regular meeting following the introduction of the amendment.

A majority vote of the entire membership of the Board of Directors is required to adopt an amendment to these Bylaws.

Initial adoption of these Bylaws shall follow this same procedure.

Article XII - Effective Date

These Bylaws shall go into effect November 6, 2024.

San Bernardino Council of Governments	Policy	10014
Adopted by the Board of Directors	Pending	Revised
SBCOG Member Agency Dues Collection	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

The purpose of this policy is to establish the process by which Amendment No. 4 to the SBCOG Joint Powers Authority Agreement may be implemented for the collection of member agency dues. SBCOG collects member agency dues annually based on the Article entitled "Assessments" as amended by Amendment No. 4 of the Joint Powers Authority.

II. REFERENCES

SBCOG Joint Powers Authority Agreement
 SBCOG Joint Powers Authority Agreement Amendment No. 4
 FY 15/16 Additional Dues Assessment
 FY 24/25 Additional Assessment

III. POLICY

Assessments shall be computed on an annual basis as follows to create a minimum \$1,500,000 annual budget:

- A. Base assessment whereby the prior year's base assessment is adjusted based on the annual percentage change in population of each signatory member plus the annual percentage change in assessed valuation of each signatory member added together and divided by two (2) to arrive at the annual increase;
- B. The additional assessment adopted in Fiscal Year 2015/2016 of \$133,418 (or approximately \$5,337 per each signatory member due to rounding);
- C. The additional assessment adopted in Fiscal Year 2021/2022 of \$200,000 (or \$8,000 per each signatory member) for Fiscal Year 2024/2025, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%;
- D. Further assessment to fund any gap between the Board-approved annual budget and the total of the assessments set forth in a., b., and c., above. In determining the amount of said gap, no grant moneys shall be considered. This "gap" assessment shall be based one-half on the population of each signatory member and one-half on the combined General Fund property tax and General Fund base sales tax revenue rate of each signatory member, where "base sales tax" means the statewide sales tax and is exclusive of any additional local sales taxes, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%;
- E. Further assessments to fund optional or subscription programs and projects beyond those identified in the annual budget will be assessed on a cost-allocation basis to fund the cost of the program or project.

IV. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted.	Mm/dd/yy

DRAFT

DRAFT - San Bernardino Council of Governments 5-Year Work Plan

Introduction

The San Bernardino Council of Governments (SBCOG), originally formed as the San Bernardino Associated Governments in 1973 and legally separated from the Transportation Authority in 2016, is a voluntary association guided by a joint powers agreement (JPA) and elected representatives from the 24 member cities and towns and five county supervisorial districts that serve San Bernardino County (County) residents. SBCOG works with member jurisdictions and partners to address broad, long-term policy matters like greenhouse gas emissions, housing, promoting healthy communities, public safety, and more. In addition to its 25 member agencies (the 24 member cities and towns and the County of San Bernardino), SBCOG partners with many other federal, state, and regional agencies and private entities in the course of our work, in order to best serve the interests of the County. SBCOG plays a vital role in supporting its member jurisdictions and enhancing the County's communities by providing a forum for local leaders and regional officials to form a comprehensive approach to community services and establish priorities that will benefit the region for generations to come.

The San Bernardino Council of Governments 5-Year Work Plan establishes projects and programs the COG and other responsible agencies will prioritize over the next 5 years. This document serves to provide a County profile including the varying geographic context of the subregions, a demographic and socioeconomic overview of the people and economy of the County, and other factors that provide a lens for the prioritization of the selected Work Plan projects and programs.

The overview of programs included in this document is organized by Countywide and Regional programs. This section includes the SBCOG Work Plan Programs and Priorities over the next 5 years, and an overview of programs related to the state's Regional Early Action Plan 2.0 (REAP 2.0) programs and other ongoing County programs. Additional cross-jurisdictional efforts which involve coordination and shared funding with other council of governments are described in the Inland Empire Regional Programs section. Each program under these sections includes a program summary, identified funding sources and amounts, and highlights key project deliverables, as applicable. Lastly, the attached program matrix provides a detailed description of all funding sources, amounts, and project phasing and implementation years for the selected work plan programs described in the Work Plan Programs and Priorities section.

County Profile

Geographic Context:

The San Bernardino County (County) is approximately 20,105 square miles, the largest county in the contiguous United States. There are twenty-four (24) incorporated towns and cities and over eighty (80) unincorporated communities. The County is commonly divided into six distinct subregions, the San Bernardino Valley, the Victor Valley, the Mountains, the North Desert, the Morongo Basin, and the Colorado River as shown in Figure 1. The Colorado River, Morongo Basin, Mountains, and North Desert Subregions are also commonly referred to as the Rural Mountain/Desert Subregions.

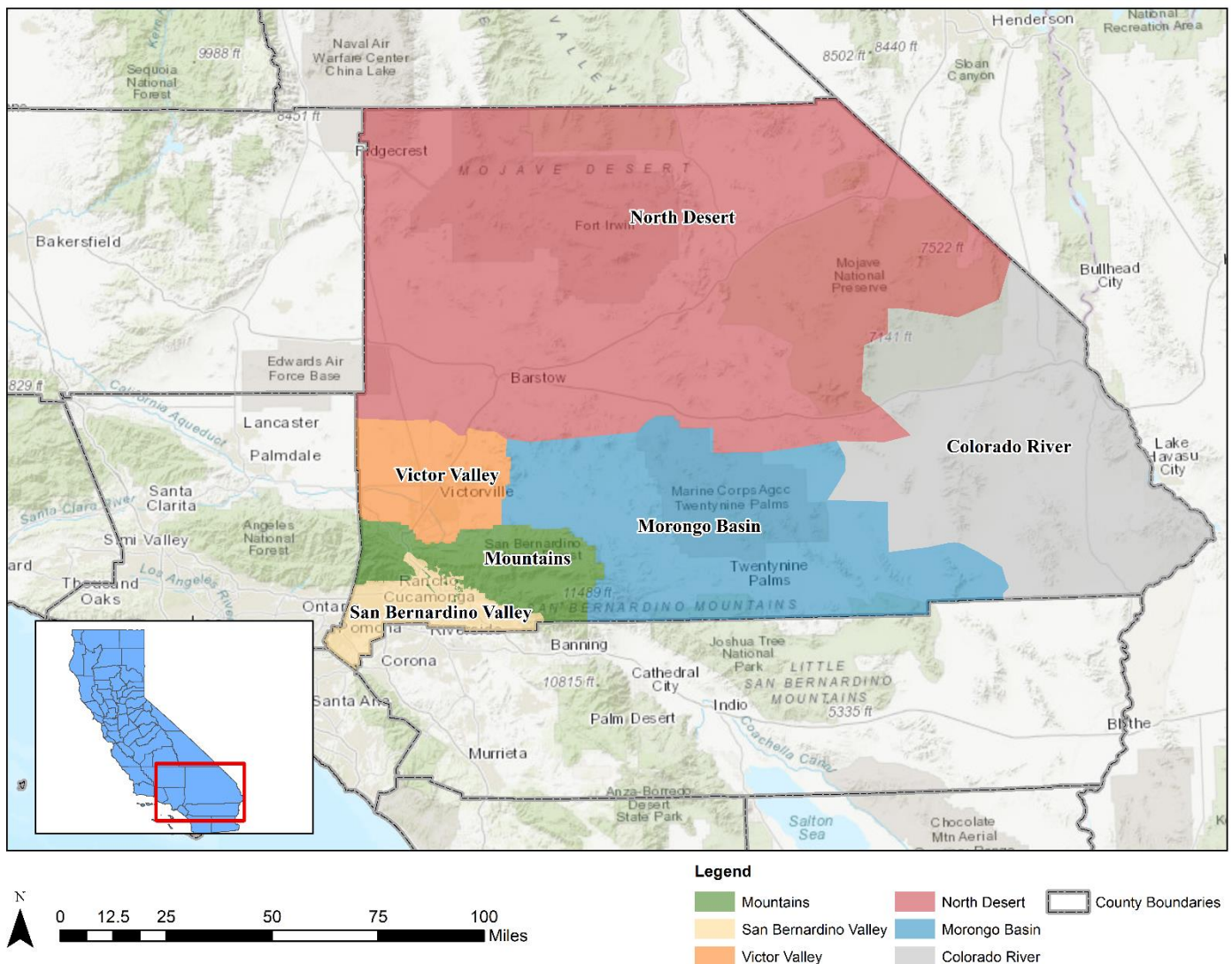


Figure 1. County regions

Source: https://services.arcgis.com/aA3snZwJfKvYDuP/arcgis/rest/services/Cities_and_Communities/FeatureServer

San Bernardino Valley

The San Bernardino Valley Subregion, sometimes further divided into East and West Valley, is the most densely populated region. Cities include Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa. Unincorporated communities include Bloomington, Mentone, and Muscoy.

Victor Valley

Victor Valley is located in the western Mojave Desert, the Victor Valley Subregion in the high desert region of the San Bernardino County. It is bordered by the San Bernardino Mountains to the south and the San Gabriel Mountains to the southwest. Cities within the subregion include Adelanto, Apple Valley, Hesperia, and Victorville. There are many unincorporated communities within the subregion such as Helendale, Lucerne Valley, and Phelan.

Mountains

The Mountains Subregion is primarily comprised of public lands owned and managed by federal and state agencies. The City of Big Bear Lake is the only incorporated city within the subregion. However, there are multiple unincorporated communities such as Big Bear City, Crestline, Lake Arrowhead, Running Springs, and Wrightwood within the subregion.

North Desert

The North Desert Subregion is the largest subregion geographically, covering approximately 93% of the county, and includes parts of the Mojave Desert. The City of Barstow is the only incorporated city within the subregion. However, there are many unincorporated communities such as Baker, Lenwood, Newberry Springs, and Yermo within the subregion.

Morongo Basin

The Morongo Basin Subregion is located within the Mojave Desert and in the high desert region of the county. It is a desert landscape of hills and alluvial fans framed by mountain ranges. Cities within the subregion include Yucca Valley and Twentynine Palms. Joshua Tree is an unincorporated community within the subregion.

Colorado River

This subregion is framed by the Mojave Desert to the west and the Colorado River to the east. The City of Needles is the only incorporated city within the subregion and borders the state of Arizona.

People

Population. The County is the fifth most populous county in the State of California with a total population of 2,195,732 in 2024 and a population density of 109 persons per square mile. Densities in the developed areas tend to be in the range of 3000 to 4000 persons per square mile. The County's population forecast varies depending on the source. The State Department of Finance (DOF) forecast shows the County reaching a population of approximately 2.3 million by 2040, representing a 5% growth rate over the next 15 years as shown in Figure 2. The forecast from the Southern California Association of Governments (SCAG) projects a 2.43 million population by 2040 (10.5%) and 2.62 million by 2050 (19%).

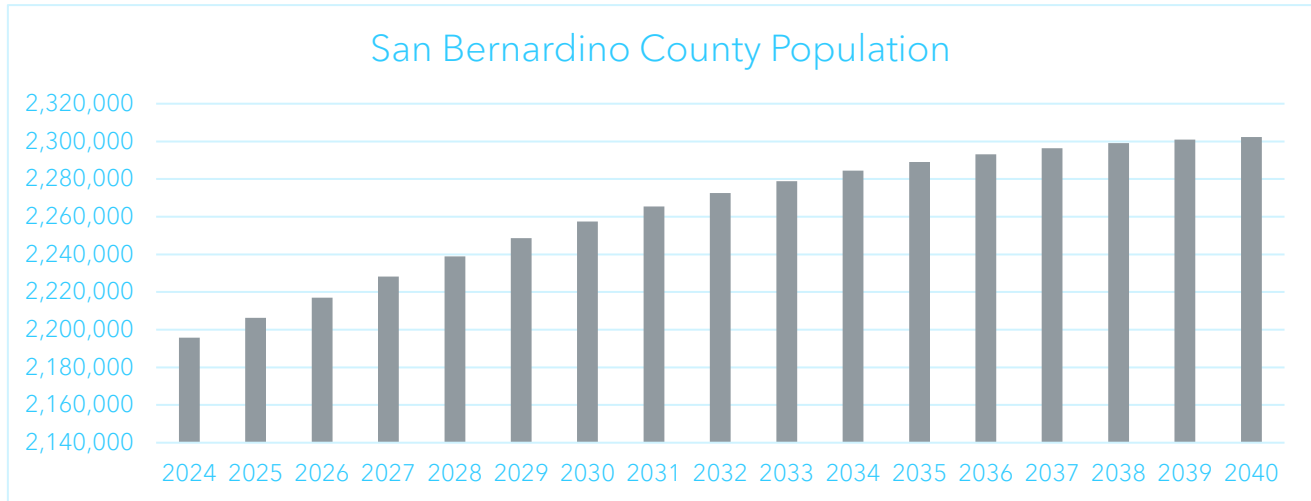


Figure 2. Projected Population Growth

Source: CA DOF, P-2: County Population Projections, 2020-2060

Age. In 2024, persons aged 25 to 44 make up 29 percent of the total population, according to the DOF forecast. In 2040, all age categories are projected to experience a decline except for age categories 45 to 64 and 65 and older which are expected to continue to experience an increase in population size as shown by Figure 3. By 2060, it is projected that the 45 to 64 and 65 and older age categories will make up almost 50 percent of the County's population.

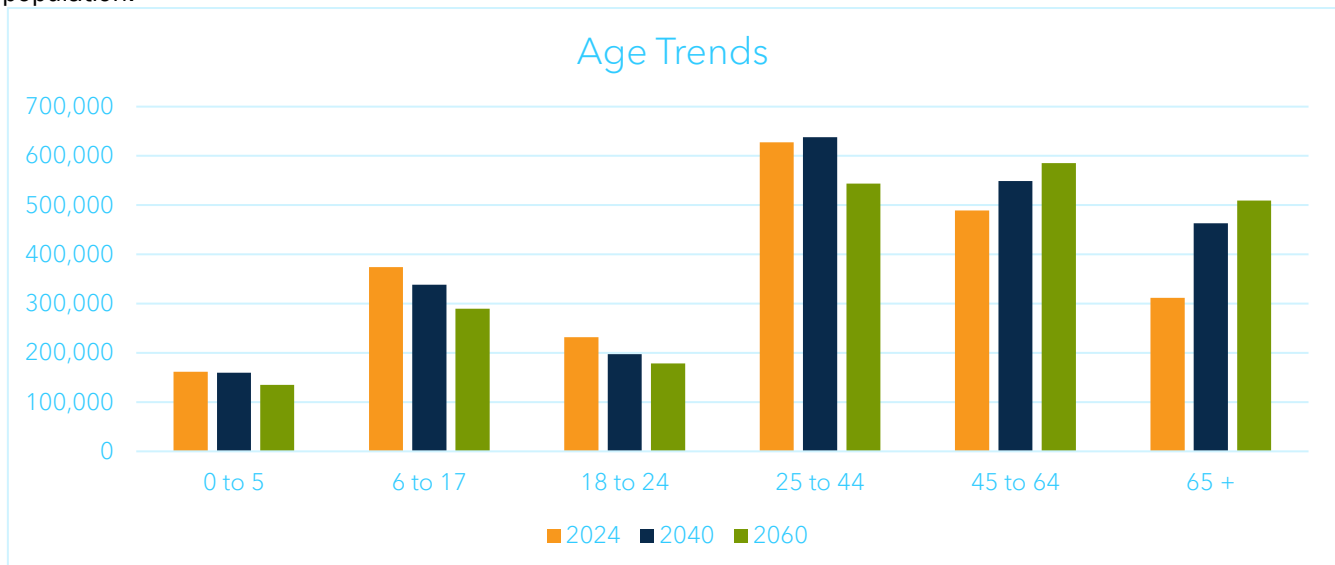


Figure 3. County Age Trends and Projections

Source: CA DOF, P-2B: Population Projections by Individual Year of Age, 2020-2060

Race. Hispanic persons make up the largest population in the County followed by White non-Hispanic persons as shown in Figure 4. Population projections for 2040 indicates a 5 percent growth across each race category indicating the racial make-up of the County is projected to remain the same.

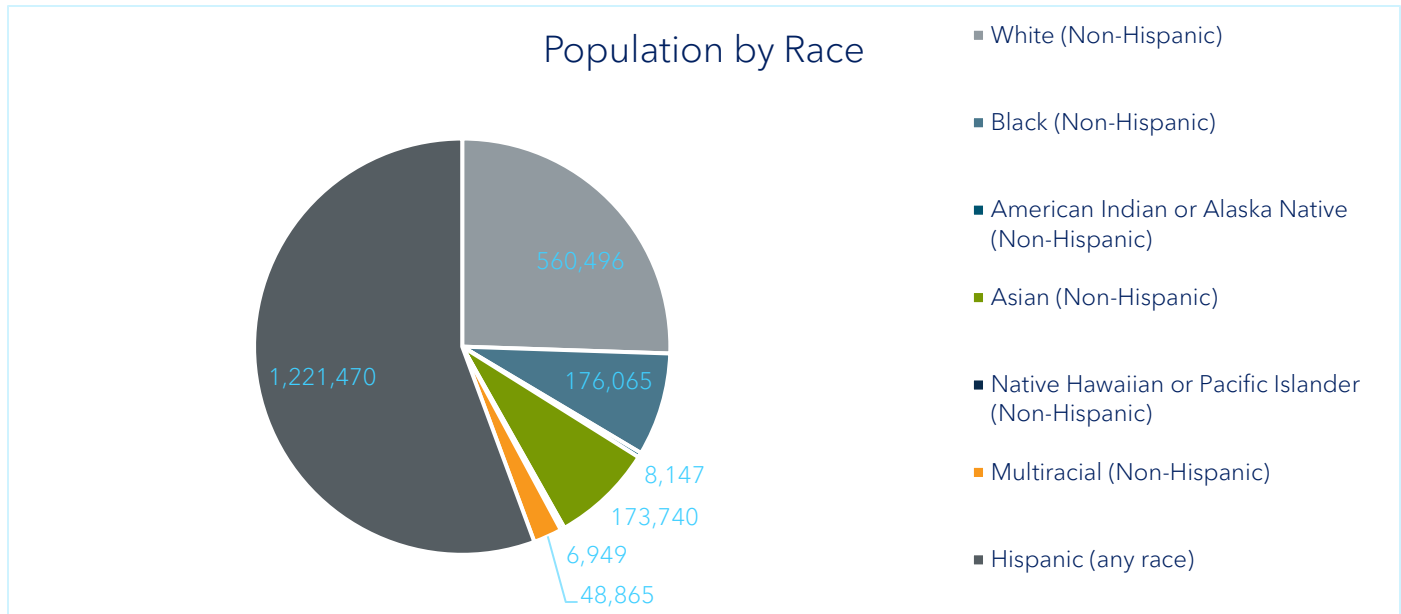


Figure 4. Population by Race.

Source: CA DOF, P-1D Total Hispanic and Non-Hispanic Race, 2024

Social and Household Characteristics & Civic Engagement

- Total Households. 674,191 ACS 1 -year estimates 2022.
- 45 Percent of persons speak a language other than English at home ACS 1 -year estimates 2022.
- 22 percent of the population is foreign born ACS 1 -year estimates, 2022 falls below the California foreign born population which is 27 percent but higher than the national ratio which is 13 percent.
- Average household size 3.2 ACS 1 -year estimates 2022, compared to 2.82 for the State of California.
- Households with Children under 18: 34 % ACS 1 -year estimates 2022.
- Voter turnout among population registered to vote is 1,138,702 (general election 2022)
- Voting by mail is 86% (general election 2022).
- The median household income for San Bernardino County in 2023 is \$85,069. which falls below the California median household income of \$95,521.

Sources:

<https://data.census.gov/table/ACSDP1Y2022.DP02> and <https://data.census.gov/table/ACSDP1Y2023.DP03>
<https://sbcountyelections.com/elections/votinghistory/>

People Experiencing Homelessness. The number of persons experiencing homelessness has doubled in size since 2018, with 2,118 then, and 4,195 in 2024 as shown in Figure 5.

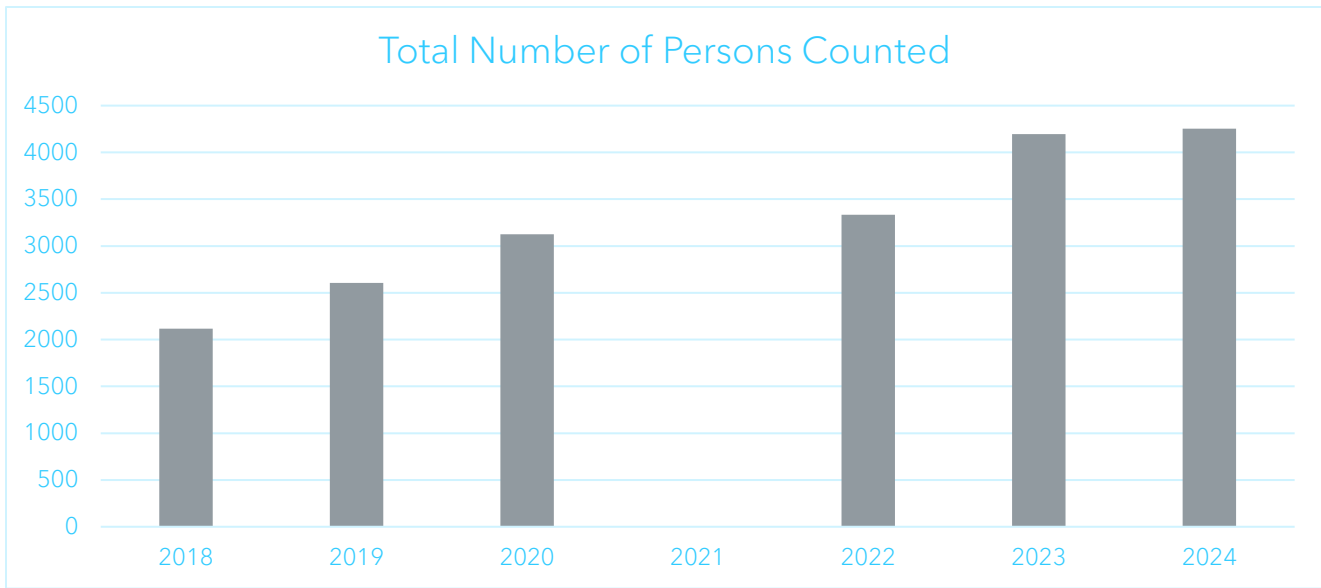


Figure 5. Persons Experiencing Homelessness Counts since 2018. Note: The total count for 2021 is not included in the report.

Source: San Bernardino County, Point in Time Count.

(<https://main.sbcounty.gov/wp-content/uploads/sites/80/2024/05/SBC-Point-in-Time-Count-Report-2024-Final.pdf>)

However, when comparing the total number of persons experiencing homeless in the year 2023 and 2024 in Table 1, there was only a 1 percent increase in total population, which is an increase of 60 persons from 2023.

Table 1. San Bernardino County 2023 and 2024 Homeless County Comparison

Year	Sheltered	Unsheltered	Total
2023 Count	1,219	2,976	4,195
2024 Count	1,200	3,055	4,255
Difference	-19 (1.6%)	+79 (2.6%)	+60 (1.4%)

Source: <https://main.sbcounty.gov/wp-content/uploads/sites/80/2024/05/SBC-Point-in-Time-Count-Report-2024-Final.pdf>

Economy

Housing. The median single family existing home price has increased by 6.2% from July 2023 to July 2024 and has a current median sale price of \$515,000. The median sold price of existing condos and townhomes has increased by 4.7 percent over the last year and has a current median price of \$472,700. The percentage of buyers in the County who can afford an entry-level home has decreased over the last 5 years and is currently at 47 percent as shown in Figure 6. According to the California Association of Realtors First-time Buyer Housing Affordability Index, the minimum income needed to qualify purchasing a home is \$89,100 which is greater than the median household income for the County.

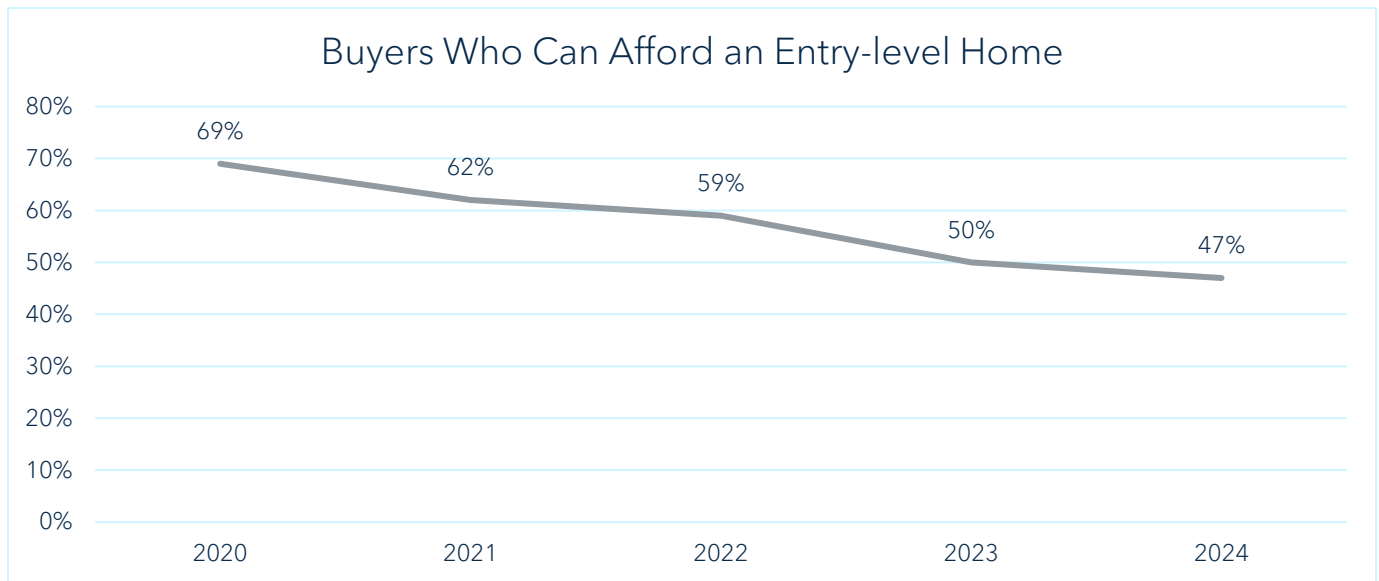


Figure 6. Buyers Who Can Afford an Entry-level Home

Source: https://carorg.sharepoint.com/:x:/s/CAR-RE-PublicProducts/ET_2DKm5ImVEqXVoLM7RGP0BomBEy7JfeTkOpDgsbh5fLg?rttime=8nlsxdrN3Eg

Key Industries and Employment. There are approximately 1,086,962 persons 16 years and older who are in the labor force, including persons in the armed forces (2023 ACS 1-year estimates). The County's unemployment rate is approximately 6 percent, which is slightly higher than the State unemployment rate of 5 percent. Key industries include, education services, and health care and social assistance, Transportation and warehousing, and utilities, and retail trade industries which account for 48 percent of the total employed population 16 years or older (excluding armed forces).

Infographic #1 (Placeholder)

- Retail trade: 12%
- Transportation and warehousing, and utilities: 13%
- Educational services, and health care and social assistance: 23%

Business Sector. Enterprise businesses accounted for 67 percent of employed persons in the County in 2021. Table 2 below highlights enterprises by business size categorized by number of people employees. Businesses with less than 100 employees accounted for 22 percent of the employed population in 2021, indicating that small businesses play a vital role in employment trends in the County.

Table 2. San Bernardino County Number of Firms and Employment, 2021

Enterprise Size	Firms		Employees	
	Number of Firms	Percent of Total Firms	Number	Percent of Total Employees
<20 employees	28,189	85%	110,241	17%
20-99 employees	2,756	8%	92,973	15%
100-499 employees	868	3%	70,346	11%
500+ employees	1,543	5%	359,801	57%
Total	33,356	-	633,361	-

Source: <https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html>

Countywide and Regional Programs

The programs and projects below include a list of programs and projects enabled through San Bernardino Council of Governments (SBCOG). The list includes budgeting capacity, Regional Early Action Planning Grants of 2021 (REAP 2.0) projects, and other countywide sustainability and climate related projects. The programs will be funded by a variety of sources; such as, member dues, Measure I, REAP 2.0 grants, the Carbon Reduction Program grants (CRP), Caltrans Sustainable Transportation Planning Grant Program, and the California Public Utilities Commission (CPUC).

Work Plan Programs and Priorities

The programs and project options selected were informed through comprehensive outreach including, initial discussions with the SBCOG Board Ad Hoc, targeted coordination and collaboration over five subregional meetings held with subsets of City and County Managers, and research on programs offered by sister agencies including the Western Riverside Council of Governments (WRCOG) and the San Gabriel Valley Council of Governments (SGVCOG). The subregional meetings were held in the West Valley, East Valley, Mountain, Victor Valley, and Desert Regions. Finally, the Work Plan is being reviewed and anticipated to be approved by the General Policy Committee and the Board of Directors. Funding for these plans and programs will be a mix of Member Agency Dues, Equity/Indirect Funds, Measure I where applicable, grant funds, and partner funds.

HOMELESSNESS STRATEGIC PLAN

Program Summary: This program is a regional strategy to plan for the population of persons experiencing homelessness within the County with prioritized programs and targeted strategies. San Bernardino Council of Governments (SBCOG) will lead a collaborative strategy for the region and coordinate with member jurisdictions. The plan will include an inventory of existing resources, law enforcement options, nonprofit organization (NGO) support, and create strategies to plan and prioritize shelter placement for individuals experiencing homelessness. Additionally, the program will identify and prioritize funding opportunities to support the identified strategies across region.

Deliverable:

Establish a regional strategy with prioritized projects, inventory of existing resources, and strategy for countywide coordination.

Target Fiscal Year	2025/2026
Funding Source	Member Dues; Equity/Indirect;
Funding Amount	\$750,000

STREET VENDOR TOOLKIT/STANDARDS

Program Summary: Street vendor regulation varies from jurisdiction to jurisdiction in the County which can be difficult for street vendors to navigate the complexity of the permitting process when operating in different jurisdictions. This program will analyze and create best practices on regulations and ordinances to create a menu of options for jurisdiction to implement to create consistency across the region and encourage street vendors to operate in compliance.

Deliverable:

Toolkit and standards on street vendor regulation.

Target Fiscal Year	2026/2027
Funding Source	Member Dues
Funding Amount	\$250,000

SMALL BUSINESS VENDOR FAIRS

Program Summary: The program creates networking opportunities for small business owners countywide to connect with other vendors and consumers to enhance visibility and boost sales. It includes collaboration with member agencies and partners to host vendor and procurement fairs.

Deliverable:

Establish vendor fairs throughout the county to highlight small businesses within the region.

Target Fiscal Year	2024/2025 – 2028/2029
Funding Source	Equity/Indirect
Funding Amount	\$290,000

SMALL BUSINESS HUB

Program Summary: This program will establish a hub or dashboard for public access to public procurements and a site that promotes local, small business service providers for the benefit of San Bernardino Council of Government's (SBCOG's) member jurisdictions.

Deliverable:

Dashboard that promotes small business service providers.

Target Fiscal Year	2025/2026 – 2026/2027
Funding Source	Member Dues; Equity/Indirect
Funding Amount	\$550,000

REGIONAL SMALL BUSINESS CERTIFICATION

Program Summary: The program creates a regionally recognized small business certification that individual jurisdictions may opt into so as to support small businesses in applying and bidding for a government contract. Amongst the San Bernardino Council of Governments (SBCOG) members, many of the cities' and towns' bidding platforms are used with varying registration requirements, they do not have a main point of contact for procurement and purchasing which is cumbersome for small businesses and may deter them from successfully contracting with the local governments. This program allows participating businesses to capitalize on opportunities in government and private-sector procurement through a more equitable process.

Deliverable:

Create a regional procurement program to streamline certification for small businesses and training for small businesses in contract administration.

Target Fiscal Year	2025/2026 - 2026/2027
Funding Source	Member Dues; Equity/Indirect
Funding Amount	\$315,000

FORUM

Program Summary: Discussion and information sharing meetings between cities, towns, and counties on various issues and challenges experienced within the county. Discussion topics will include Municipal Separate Storm Sewer System (MS4) Permits, Ambulance Contracts, Animal Shelters, and more.

Deliverable:

Host discussion opportunities focused on a rotation of topics and challenges within the county.

Target Fiscal Year	2025/2026 – 2028/2029
Funding Source	Member Dues; Management/Support Cost (2910 & 7001)
Funding Amount	\$11,000

SMART INTERSECTIONS AND CORRIDORS

Program Summary: Countywide Capital Improvement Projects for identified corridors under the Smart County Master Plan (SCMP). Implement Smart Corridor pilots to extend the principles of smart intersections along entire traffic corridors, modernize transportation at a large scale to facilitate smoother traffic flow, enhance safety, reduce travel times, and minimize environmental impact.

Deliverable: New smart intersections and corridors

Target Fiscal Year	2024/2025 – 2028/2029
Funding Source	Measure I
Funding Amount	\$5,000,000

SPEAKER SERIES

Program Summary: The program creates an opportunity, quarterly or biannually, for discussion on various topics and networking opportunity for member jurisdictions.

Deliverable:

Establish a panel of experts or series of speakers to create discussion opportunities and networking events.

Target Fiscal Year	2024/2025 – 2028/2029
Funding Source	Member Dues; Management/Support Cost (2910 & 7001)

Funding Amount	\$41,800
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CAD-TO-CAD

Program Summary: This program, focused on connecting computer-aided dispatch (CAD) systems, would implement data sharing across boundaries to improve emergency services. To create a unified system and maximize public safety, this program would leverage the existing Inland Empire Public Safety Operations Platform (IE PSOP) and connect neighboring Emergency Communication Centers (ECC) and other cooperating agencies through a cloud-hosted communications system interface.

Deliverable:

Cloud-hosted communications system interface known as CAD-to-CAD.

Target Fiscal Year	2027/2028
Funding Source	Member Dues; Management/Support Cost (2910 & 7001)
Funding Amount	\$357,500
Subregions and Participating Cities	CONFIRE Jurisdictions: Apple Valley, Big Bear, Chino, Chino Hills, Colton, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, Running Springs, San Bernardino County, San Manuel Band of Mission Indians, Victorville

REAP 2.0 Programs

The Regional Early Action Planning Grants (REAP) 2.0 program was established as part of the 2021 California Comeback Plan under Assembly Bill 140 and builds on the success of the REAP 2019 program. The REAP program focused on providing housing planning and process improvement services to cities and counties. Building on the success of the REAP 2019 program, REAP 2.0 seeks to accelerate infill housing development, reduce vehicle miles traveled (VMT), increase housing supply at all affordability levels, affirmatively further fair housing, and implement adopted regional and local plans to achieve these goals.

The REAP 2.0 grant applications were reviewed and recommended for approval by the Board of Directors Metro Valley Study Session on August 11, 2022. The item was recommended for approval by the Mountain/Desert Policy Committee on August 12, 2022. Lastly, the item was approved by the San Bernardino Council of Governments (SBCOG) Board of Directors on September 7, 2022. As shown in the graphic above, the County received over 17 million dollars in combined funding for Countywide and regional programs.

SBCOG coordinated with member agencies through the standing committee of jurisdiction planning directors called the Planning and Development Technical Forum (PDTF), City-County Manager's Technical Advisory Committee (CCMTAC), and through one-on-one meetings to identify and select REAP application projects. Additionally, SBCOG staff informed the selection of projects through collaboration with member agencies to identify eligible sites for affordable housing in their jurisdiction, housing-related projects undergoing the process of entitlement, and technical assistance needs related to implementing projects and programs in their 6th cycle certified housing element that could be supported by REAP funds. The following section provides a summary of the selected projects that received funding from the REAP 2.0 program.

VMT MITIGATION BANK - CTC PARTNERSHIP PROGRAM

Program Summary: To establish a regional San Bernardino County VMT Mitigation Bank (VMT Bank) using a mode-choice-based framework, with telework as an initial regional mitigation measure and incrementally adding transit and shared-ride measures. Initially, the VMT Bank will incentivize individuals to earn VMT reduction credits by reducing their commute travel with home-based work, or “telework.” The money exchanged for purchased credits could be applied to individual, local, regional, or state VMT reduction programs or projects, such as housing-specific projects included in a regional housing trust program. While telework would be the primary mode choice included in the bank initially, additional mode-choice programs, such as transit, vanpool/carpool, and active transportation will be incrementally added in the course of this two-year pilot project. The concept is one of incentivizing trip-reducing behavior, which will, in turn, build more demand for alternate mode investments. Once fully developed, the program will provide financial incentives to persons living in disadvantaged areas who are able to telework, ride transit, vanpool/carpool, or bike/walk to work. Secondly, using proceeds from the VMT Bank, the San Bernardino County Housing Trust will be able to target funding to affordable housing and supportive infrastructure projects located in these disadvantaged communities. The VMT Bank may be the first in the state to be implemented. It is innovative and transformative in that it will incentivize “trip-makers” to make modal choices that personally reduce their VMT.

Deliverables:

1. **Develop Home-Based Work-Mode-choice-based framework/VMT Bank Program:** Establish a framework, develop the VMT Mitigation Bank application, and market the program to enroll participants and attract developers.
2. **Develop Verification Oversight and Banking Capabilities:** Develop funding strategies for incentives, establish the VMT Bank, and set up third-party verifier to validate recorded VMT reductions.

3. **Sell Banked VMT Credits:** Sell developers VMT-mitigation credits, prices will be market-based with the minimum amount to be the VMT credit development costs (credits will not be funded by the REAP 2.0 CTC grant).

Target Fiscal Year	2024/2025 - 2025/2026
Funding Source	REAP 2.0 and CRP (Federal Carbon Reduction Program)
Funding Amount	\$3,045,000
Subregions and Participating Cities	Countywide

MULTI-MODAL COMPLETE STREETS PROGRAM - (CTC) PARTNERSHIP PROGRAM

Program summary: Supports transformative planning activities connecting infill housing to daily services and increase travel options that support multimodal communities to shift travel modes. The projects will all demonstrate a nexus to accelerate infill development that facilitates housing supply, choice and affordability. Projects will reduce VMT and affirmatively further fair housing by fostering racially equitable and inclusive communities while retaining and increasing affordability and protecting existing residents from displacement.

Deliverable:

Pre-construction activities for transportation improvements near affordable housing sites. Deliverables could include surveys, preliminary engineering design, background studies, environmental studies, pre-construction documents (PS&E package). Colton and Rialto have planning studies completed pertaining to active transportation.

Target Fiscal Year	2024/2025
Funding Source	REAP 2.0
Funding Amount	\$6,519,868
Subregions and Participating Cities	San Bernardino Valley: Cities of Colton, Fontana, Ontario, Rialto, and Upland Morongo Basin: City of Twentynine Palms

SUBREGIONAL PARTNERSHIP PROGRAM 2.0

Program Summary: The program focuses on implementing approved and compliant Housing Elements in order to invest in early actions that will accelerate infill development facilitating housing supply, choice, and affordability. The goal is to affirmatively further fair housing while reducing vehicle miles traveled across the region. The program will provide member jurisdictions with technical assistance and materials to adopt and implement. Additionally, webinars and technical training will be available to facilitate and accelerate affordable housing projects. Finally, the project assists with outreach and engagements to all community members, gathering information and feedback related to fair housing, and providing resources to empower residents and increase discourse around fair housing. Program funding is available to member jurisdictions interested in technical assistance.

Deliverable:

Templates and Implementation Guides for best practices, AFFH engagement programs, technical assistance to jurisdictions and programs/actions implemented.

Target Fiscal Year	2024/2025
Funding Source	REAP 2.0
Funding Amount	\$2,367,317
Subregions and Participating Cities	Agencies interested in technical assistance include: San Bernardino Valley: cities of Chino Hills, Colton, Loma Linda, and Yucaipa Victor Vally: cities of Hesperia and Victorville Colorado River: City of Needles

HOUSING INFILL ON PUBLIC AND PRIVATE LANDS (HIPP) PILOT PROGRAM

Program Summary: SBCOG will partner with member jurisdictions and the San Bernardino County Superintendent of Schools to develop a comprehensive inventory and analysis of all surplus properties within the County to identify suitable sites for housing development. The project will identify sites that could accommodate housing at a variety of affordability levels, with focus on workforce housing for educators. An implementation guide detailing best practices and implementable actions to provide member jurisdictions with direction on how to develop sites with residential uses will be created. Finally, the pilot project with the City of Needles will utilize the implementation guide to demonstrate the streamlined process of predevelopment activities related to publicly-owned surplus land, environmental assessment, surveys, etc., for development of affordable housing.

Deliverable:

Implementation Guide, inventory, development guide for jurisdictions, project documents for Needles, such as permits.

Target Fiscal Year	2024/2025
Funding Source	REAP 2.0
Funding Amount	\$720,000
Subregions and Participating Cities	Countywide Colorado River: City of Needles

NOTICE OF FUNDING AVAILABILITY – FUNDING FOR LASTING AFFORDABILITY/PATH

Program Summary: The program will establish and administer the San Bernardino Regional Housing Trust (Housing Trust) and provide a mechanism to raise and leverage existing funds to support the creation of housing, with a focus on affordable housing. Additionally, two programs with the City of Ontario and the City of Twentynine Palms will demonstrate how a gap financing program will be used to provide funding needed to complete the affordable housing projects and accelerate infill development in order to increase the housing stock Countywide. For additional information on the Housing Trust see the Current and Ongoing Programs section.

Deliverable:

Establishment of Housing Trust and accompanying documents, gap financing program for pilot projects.

Target Fiscal Year	2024/2025
Funding Source	REAP 2.0
Funding Amount	\$5,000,000
Subregions and Participating Cities	Countywide San Bernardino Valley: City of Ontario Morongo Basin: City of Twentynine Palms

Current and Ongoing Programs

This section includes a summary of programs SBCOG and its member jurisdictions have recently began or are ongoing.

SMART COUNTY MASTER PLAN (SCMP)

Program Summary: SBCOG is leading a Smart County Master Plan (SCMP) that will provide a roadmap for improving the region's communications and technology infrastructure to better serve the County's growing technology needs. The SCMP will allow the County and its cities to be more competitive for the growing number of state and federal grants available to local governments. Goals of the SCMP are to improve technology infrastructure, address growing technology needs, equitable resource distribution, share information/break down silos, and to serve the County and all jurisdictions. The SCMP is divided into two phases, the Early Action Plan and the Long-Range Smart County Master Plan. The Early Action Plan, which identifies tasks that the region can implement has been completed. Early Action Plan projects include broadband, smart intersections, smart corridors, Advanced Traveler Information System (ATIS) and Emergency Management Services (EMS), CAD-to-CAD, and Zero Emission Vehicles (ZEV). The Early Action Plan identified next steps for implementation.

Deliverable:

Master Plan to promote clean and sustainable transportation, enhance traffic flow and connectivity, improve quality of life through universal broadband access, and rewrite the narrative by promoting advancements and celebrating early wins to incentivize living and working in the County.

Target Fiscal Year	2024/2025
Funding Source	County of San Bernardino; SBCTA
Funding Amount	\$1,000,000

Equity Framework

Program Summary: The Equity Framework kicked off in July 2024 and will build off of the work completed and guide the agency toward its equity goals when implementing projects, designing programs, and performing public outreach. As a part of the Equity Framework Scope which derives from direction of the Equity Ad Hoc discussion and ultimately direction of the Board, SBCTA/ SBCOG has a goal of strengthening relationships with Community Based Organizations and other local partners. Additionally, as the goals of funding agencies evolve to include questions on how applicants address inequities, it has become clear that SBCTA/SBCOG needs to define equity clearly and identify practices that support its definition.

Deliverable:

Create a plan to compile studies to guide member agencies in advancing SBCOG equity goals and strengthen relationships with Community Based Organizations and other local partners to advance SBCOG equity goals.

Target Fiscal Year	2024/2025
Funding Source	Equity/Indirect
Funding Amount	\$199,934

San Bernardino Regional Housing Trust

Program Summary: The San Bernardino Regional Housing Trust (SBRHT) will be established by execution of the Joint Exercise of Powers Agreement (JPA) by and between participating jurisdictions. Through the established JPA, the SBRHT would be authorized to receive and pursue public and private financing and funds for the purpose of funding the planning, construction, and preservation of housing for extremely low-, very low-, low-, and moderate-income households, and attract significant funding and affordable housing development interest into the San Bernardino region. Through strong participatory governance, member jurisdictions will increase the region's affordable housing supply, reduce household overcrowding, increase equitable access to community resources, and provide financial relief for vulnerable and cost-burdened households.

Deliverable: Establish a JPA for the San Bernardino Regional Housing Trust including to develop a framework and methodology for member dues, distribution of funds, administration and funding priorities of the trust.

Target Fiscal Year	2024/2025
Funding Source	REAP 2.0
Funding Amount	\$1,500,000

Inland Empire Regional Programs

The programs and projects included in this section highlight ongoing and upcoming cross-jurisdiction projects in the region which involve multiple council of governments agencies, specifically within the Inland Empire region.

Climate Pollution Reduction Grant (CPRG) Program

Climate Pollution Reduction Grant (CPRG) SCAQMD

Program Summary: SBCOG led development of a Priority Climate Plan for the bi-county Riverside/San Bernardino MSA (Metropolitan Statistical Area), funded by the Environmental Protection Agency. A bi-county grant application was submitted for implementation of multiple climate measures but was not awarded CPRG funding. However, SBCOG/SBCTA are part of a collaboration with the South Coast Air Quality Management District (SCAQMD) that was awarded the largest CPRG grant in the U.S., focused on cleaning up the goods movement system across Southern California. SBCOG will collaborate on identifying those investments over approximately a 5-year period.

Deliverable: A study identifying investments to reduce air pollution in the goods movement system within the San Bernardino County.

Target Fiscal Year	2024/2025 – 2029/2030
Funding Source	US EPA CPRG
Funding Amount	A share of SCAQMD's \$500,000,000 CPRG award

Caltrans Sustainable Transportation Planning Grant – Climate Adaptation Programs

Emergency Evacuation Network Resilience (EENR) Study

Program Summary: SBCOG and WRCOG have partnered to conduct an Emergency Evacuation Network Resilience (EENR) Study. The study will conduct a local-level evacuation compliance assessment (Senate Bill 99) and a high-level evacuation route capacity, safety, and viability analysis (Assembly Bill 747) for up to 40 member agencies within SBCOG and WRCOG's jurisdiction. This Study builds upon the completed Resilient Inland Empire (Resilient IE) Study to provide planning resources for extreme weather events through evacuation planning, identifying communities with inadequate access to transportation options, and planning for increased transportation options in evacuation corridors.

Deliverable:

The EENR Study will help individual agencies to identify areas where transportation networks need redundancy improvements to boost resilience and recommend specific infrastructure to help areas adapt to extreme weather events.

Target Fiscal Year	2024/2025
Funding Source	Caltrans Climate Adaptation Planning Grant Program
Funding Amount	\$1,500,000

Inland Regional Energy Network Energy Efficiency Programs

The Inland Regional Energy Network (I-REN) Program is an initiative to help San Bernardino and Riverside County jurisdictions access project development and funding resources for energy efficiency projects.

On January 9, 2019, SBCOG's Board of Directors authorized staff to pursue the development of a Regional Energy Network (REN) in coordination with the Coachella Valley Association of Governments (CVAG) and the Western Riverside Council of Governments (WRCOG). In October 2021, the California Public Utilities Commission (CPUC) issued a proposed decision to approve the I-REN Business Plan. The decision provided \$65 million combined over five years for funding of programs for jurisdictions within both the San Bernardino County and the Riverside County. I-REN initiatives are guided by the I-REN Executive Committee, comprised of a board of elected officials from San Bernardino and Riverside counties.

Public Sector Programs

The Public Sector Program offers no-cost energy efficiency support and technical assistance to all public agencies served by Southern California Edison or Southern California Gas Company including cities, school districts, water districts, special districts, and tribes.

Target Fiscal Year	2022-2027
Funding Source	California Public Utilities Commission (CPUC)
Funding Amount for Both Counties	\$29,600,000

Building Upgrade Concierge (Technical Assistance and Strategic Energy Planning)

Program Summary: The Building Upgrade Concierge (BUC) software is part of the technical assistance provided to member jurisdictions, designed to be a one-stop-shop to access information on energy efficiency, building codes and standards, available rebates and grants, financing opportunities, access to energy consumption of publicly owned facilities, and various types of reporting.

BUC has three components that work together to support member agencies.

1. **Analytics** – This includes the dashboard, benchmarking, and energy analysis tools. The dashboard provides at-a-glance energy savings information, while the benchmarking and energy analysis tools allow a deeper understanding of energy usage.
2. **Modeling** – These tools allow agencies to estimate the energy savings potential of various projects, along with any associated incentives that may be available through I-REN.
3. **Measurement & Verification** – This tool allows agencies and I-REN personnel to track the performance of installed projects and calculate the incentives that have been achieved.

The Public Sector Program focuses on helping public agencies save energy and money with the following support:

- **Energy Usage Review** - Review utility data and share insights on energy savings potential, including an energy benchmarking tool created exclusively for I-REN agencies called the Building Upgrade Concierge (BUC).
- **Energy Resilience Roadmap** - Help develop a plan to make lasting energy impacts, big and small.
- **Energy Audits** - Identify actionable energy improvement projects for public facilities.
- **Funding and Financing Support** - Help secure incentives and financing for projects
- **Project Completion** - Help take plans off the shelf and into reality with project coordination support.

- Celebrate Success - Spread the word about agency leadership and achievements through case studies, check presentations, and other community outreach.

Deliverable:

Dashboard providing information on energy efficiency, building codes and standards, available rebates and grants, financing opportunities, access to energy consumption of publicly owned facilities, and various types of reporting.

Program In Action

Member agencies who are actively receiving Public Sector Program support include:

- | | | |
|------------------------|-----------------------------|----------------------------|
| 1. City of Adelanto | 6. City of Grand Terrace | 11. City of San Bernardino |
| 2. City of Barstow | 7. City of Highland | 12. City of Victorville |
| 3. City of Chino Hills | 8. City of Ontario | 13. City of Yucaipa |
| 4. City of Colton | 9. City of Rancho Cucamonga | 14. Town of Apple Valley |
| 5. City of Fontana | 10. City of Redlands | |

Member agencies who have conducted a minimum of one energy audit include:

- | | | |
|-------------------------|-----------------------------|---------------------------|
| 1. Town of Apple Valley | 4. City of Grand Terrace | 7. City of Redlands |
| 2. City of Barstow | 5. City of Highland | 8. City of San Bernardino |
| 3. City of Fontana | 6. City of Rancho Cucamonga | 9. City of Victorville |

Energy Efficiency Community Block Grant (EECBG) (Technical Assistance and Strategic Energy Planning)

Program Summary: The Department of Energy (DOE) deployed \$550M of Energy Efficiency Community Block Grant (EECBG) funds in January 2023 designed to help states, local governments, and Tribes reduce energy use, reduce fossil fuel emissions, and improve energy efficiency. Several eligible uses for these grant funds included, but are not limited to, energy efficiency retrofits and renewable energy technologies related to government buildings, traffic signals, and street lighting. The I-REN Public Sector team provided ongoing technical assistance to I-REN member agencies for the EECBG funding. The types of EECBG projects supported have included battery systems, streetlights, building retrofits, solar charging stations, HVAC and lighting controls, electric vehicle (EV) charging stations, and solar light poles.

I-REN support to SBCOG member agencies included:

- Facilitating the application processes
- Providing sample applications
- Technical assistance and guidance
- Hosting information sessions
- Coordination with the Department of Energy (DOE) and the California Energy Commission (CEC)
- Navigating funding options
- Enhancing community energy strategies

Deliverable:

Retrofit and renewable energy technologies related to government buildings, traffic signals, and street lighting.

Program In Action

The following SBCOG member agencies have received I-REN EECBG technical support, along with their total formula allocation funding and proposed projects:

1. City of Adelanto: \$76,240 - Solar Light Poles Project
2. City of Chino Hills: \$131,750 - Battery System, City Yard
3. City of Fontana: \$230,640 - Solar Charging Station & Facility Retrofit

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4. City of Redlands: \$133,300 - Joslyn Senior Center
5. City of San Bernardino: \$249,590 - Streetlights
6. City of Victorville: \$173,590 - Novar System & Retrofits
7. City of Yucaipa: \$113,510 - Charging Stations

Cash for Kilowatts

Program Summary: The I-REN Cash for Kilowatts Program provides incentives and financing for savings based on energy reduction achieved with a special focus on Heating, Ventilation, Air Conditioning (HVAC) improvements to community-serving buildings. The money saved on the monthly electric bill will help pay for facility upgrades. There are \$10.75 million dollars in incentives available.

Deliverable:

Incentives and financing for savings from HVAC upgrades for community-serving buildings.

Program In Action

The following SBCOG member agencies have conducted an I-REN Energy Audit at an eligible public facility and their respective eligible incentives:

City/Town	Number of Incentives/Financing	Public Facility and Funding Amount
City of Barstow	2	City Hall \$28,752 Dana Park \$3,242
City of San Bernardino	1	Feldheym Library \$188,015
City of Victorville	2	Center of Arts \$9,554.98 City Hall \$737,371
Town of Apple Valley	3	Corporate Yard \$19,571 Development Services \$48,558 Conference Center, Police Department \$36,272

Workforce Education and Training (WE&T) Programs

The Workforce Education & Training (WE&T) Program is primarily focused on providing resources to support the development of green workforce pathways, by building partnerships within the community to help advance and promote energy jobs for a trained workforce in both Riverside and San Bernardino counties. I-REN is uniquely positioned to effectively support these initiatives through the direct connections to local governments and stakeholders that I-REN, and its Council of Government member agencies, have with the communities within Riverside and San Bernardino Counties. The intent of this Sector is not to duplicate initiatives already under delivery by Investor-Owned Utilities (IOUs) or various workforce organizations, but to supplement and tailor programs to fill gaps, with a focus on enhancing energy and energy efficiency knowledge and understanding.

During the development of other WE&T Sector program initiatives (energy certification, and workforce training programs), staff continue to meet and develop relationships with various educational institutions, workforce organizations, and community-based organizations specialized in supporting job pathways in energy fields. Staff have met with approximately 30 local organizations to date.

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Staff is in the process of identifying services that can assist staff and the I-REN Executive Committee to determine the workforce gaps within both Riverside and San Bernardino Counties to help guide the implementation and deployment of existing WE&T resources as well as support and identify the best use of the remaining unallocated WE&T budget.

Target Fiscal Year	2022 - 2027
Funding Source	California Public Utilities Commission (CPUC)
Funding Amount for Both Counties	\$15,100,000

WE&T Training and Education

Program Summary: Establish local partnerships to enable job seekers have easy access to training and education. The program will assess the training resources currently available and support providers to “train the trainer” on energy efficiency topics and trends.

The WE&T program aims to deploy up to 27 I-REN Energy Fellows per year to offer energy efficiency support services at no cost to member agencies. Total estimated value per fellow at \$33,000.

Deliverable:

Establish a fellowship program for continuing education.

Program In Action

The following SBCOG member agencies have hosted an I-REN Energy Fellow for the 2023-2024 service year:

1. City of Chino Hills
2. City of Grand Terrace
3. City of Ontario
4. City of Rancho Cucamonga
5. City of San Bernardino

The following SBCOG member agencies will host an I-REN Energy Fellow for the 2024-2025 service year:

1. City of Chino Hills
2. City of Ontario
3. City of Rancho Cucamonga
4. Town of Apple Valley

WE&T Workforce Development

Program Summary: Connect with local companies to develop appropriate job pathways, develop energy efficiency training for job pathways, foster connections between industry and workforce development organizations. Help job seekers find employment in energy efficiency and advanced energy. Collaborate with employers to provide continuing education for professional development and employee retention.

Deliverable: Connect job seekers to companies, develop job pathways, and provide continuing education.

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Code and Standards (C&S) Programs

The Code and Standards (C&S) programs seek to empower local building department staff and building professionals to be energy-efficiency leaders in the community. The program will support the local jurisdictions' building departments through identifying potential issues, providing guidance to permit applicants, and streamlining the permitting process. The program will engage and support local builders and the building industry to comply with energy codes through education. Lastly, the program will provide regional tools, training, and resources to promote energy codes by serving as a bridge between the Statewide Codes Team and the local industry.

Target Fiscal Year	2022-2027
Funding Source	California Public Utilities Commission (CPUC)
Funding Amount for Both Counties	\$9,390,000

C&S Training and Education Program

Program Summary: I-REN C&S Training & Education Program establishes and implements training and education for building department staff and the building industry to support, understand, and effectively implement energy efficiency codes and standards (C&S), including where gaps exist in the Statewide Investor-Owned Utility (IOU) Compliance Improvement program and enforcement activities. The Program also includes outreach to engage, educate, and involve regional construction firms, architects, industry experts, and building departments, as well as support compliance and enforcement within regional energy efficiency programs and customers.

The C&S Training & Education Program provides accessible information on existing requirements, as well as continuing education on the latest changes and trends in energy codes and standards through the form of monthly no-cost virtual training. Training participants are eligible to receive free continuing education units (CEU) training certificates from the International Code Council (ICC) valued at an approximate cost per registrant between \$40-\$50.

Deliverable:

Provide training for the building department staff and other professionals on energy efficiency codes and standards.

Program In Action

The following member agencies have participated in an I-REN C&S training:

- | | | |
|--------------------------|------------------------------|------------------------------|
| 1. City of Adelanto | 8. City of Loma Linda | 15. City of San Bernardino |
| 2. City of Chino Hills | 9. City of Montclair | 16. City of Twentynine Palms |
| 3. City of Colton | 10. City of Needles | 17. City of Yucaipa |
| 4. City of Fontana | 11. City of Ontario | 18. Town of Apple Valley |
| 5. City of Grand Terrace | 12. City of Rancho Cucamonga | 19. Town of Yucca Valley |
| 6. City of Hesperia | 13. City of Redlands | 20. County of San Bernardino |
| 7. City of Highland | 14. City of Rialto | |

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C&S Technical Support Program

Program Summary: I-REN C&S Technical Support Program develops technical assistance tools and resources to assist building departments and the building industry with understanding, evaluating, and permitting the energy codes to support improved enforcement and compliance. I-REN develops regionally appropriate model ordinances, and vets and refines them with participating local governments, provides ongoing technical assistance for adoption and implementation, and delivers model ordinance updates to reflect the triennial code cycle. I-REN developed the “Ask an Energy Code Question” that enables a “Code Mentor” to provide quick, tailored support to aid building professionals in navigating the Energy Code. Members of the public can submit an inquiry via the iren.gov website and a “Code Mentor” will respond within 48 hours.

Deliverable:

Provide technical support for building professionals in evaluating and permitting energy codes to improve enforcement and compliance.

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SBCOG Work Plan Program Matrix

The attached document provides details for the funding, implementation, and phasing of the SBCOG programs provided in the Work Plan Programs and Priorities section.

SBCOG Work Plan Program FY 2024/25-FY28/29

Programming Funding FY25 thru FY29						
Total SBCOG Revenues \$ 1,091,000.00 \$ 1,716,365.00 \$ 1,663,374.46 \$ 1,592,573.89 \$ 1,608,306.80						
Total SBCOG Staff and Budget Expenditures \$ 991,000.00 \$ 1,005,865.00 \$ 1,020,952.98 \$ 1,036,267.27 \$ 1,051,811.28						
Total Available for Vendor Projects \$ 100,000.00 \$ 710,500.00 \$ 642,421.48 \$ 556,306.62 \$ 556,495.52						
Total Programing Cost	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
COG Member Dues (remaining fees available)	\$ 55,000	\$ 710,450	\$ 635,450	\$ 555,950	\$ 535,450	\$ 2,492,300
Equity/Indirect Fund	\$ 50,000	\$ 502,500	\$ 247,500	\$ 60,000	\$ 60,000	\$ 920,000
Grant/Partner	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Measure I	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
Subscription	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Management/Support Cost (2910 & 7001)	\$ 1,000	\$ 15,950	\$ 35,950	\$ 33,450	\$ 950	\$ 87,300
Total	\$ 1,106,000	\$ 2,228,900	\$ 1,918,900	\$ 1,649,400	\$ 1,596,400	\$ 8,499,600

Funding By Project FY 25-29

1	Homelessness Strategic Plan	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 240,000	\$ 230,000			\$ 470,000
	Equity/Indirect Fund		\$ 242,500	\$ 37,500			\$ 280,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)				\$ -	\$ -	\$ -
	Total	\$ -	\$ 482,500	\$ 267,500	\$ -	\$ -	\$ 750,000

2	Street Vendor Toolkit	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 250,000				\$ 250,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -			\$ -	\$ -	\$ -
	Total	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ 250,000

SBCOG Work Plan Program FY 2024/25-FY28/29

3	Small Business Hub	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 150,000	\$ 200,000			\$ 350,000
	Equity/Indirect Fund			\$ 150,000			\$ 150,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ 15,000	\$ 35,000	\$ -	\$ -	\$ 50,000
	Total	\$ -	\$ 165,000	\$ 385,000	\$ -	\$ -	\$ 550,000

4	Regional Small Business Certification	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)			\$ 115,000			\$ 115,000
	Equity/Indirect Fund		\$ 200,000				\$ 200,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -			\$ -	\$ -	\$ -
	Total	\$ -	\$ 200,000	\$ 115,000	\$ -	\$ -	\$ 315,000

5	Small Business Vendor Fairs	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)						\$ -
	Equity/Indirect Fund	\$ 50,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 290,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)						\$ -
	Total	\$ 50,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 290,000

SBCOG Work Plan Program FY 2024/25-FY28/29

6	Speaker Series	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)	\$ 10,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 38,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ 1,000	\$ 700	\$ 700	\$ 700	\$ 700	\$ 3,800
	Total	\$ 11,000	\$ 7,700	\$ 7,700	\$ 7,700	\$ 7,700	\$ 41,800

7	Forum	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	
	Equity/Indirect Fund						
	Grant/Partner						
	Measure I						
	Subscription						
	Management/Support Cost (2910 & 7001)	\$ -	\$ 250	\$ 250	\$ 250	\$ 250	
	Total	\$ -	\$ 2,750	\$ 2,750	\$ 2,750	\$ 2,750	\$ -

8	Smart Intersections/Corridors	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)						\$ -
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)						\$ -
	Total	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000

9	Cad to Cad	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)				\$ 325,000		\$ 325,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ -	\$ -	\$ 32,500	\$ -	\$ 32,500
	Total	\$ -	\$ -	\$ -	\$ 357,500	\$ -	\$ 357,500

SBCOG Work Plan Program FY 2024/25-FY28/29

10	Telling Our Stories	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	0
	COG Member Dues (remaining fees available)				\$ 130,000	\$ 445,000	\$ 575,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ -	\$ -	\$ 13,000	\$ 35,000	\$ 48,000
	Total	\$ -	\$ -	\$ -	\$ 143,000	\$ 480,000	\$ 623,000

10	Outreach/Advocacy	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	0
	COG Member Dues (remaining fees available)	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 225,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Total	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 225,000



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2024 Work Plan Update Project Options

Project/Program	Deliverable	Regional Area
1. Homelessness Strategic Plan/Planning	<p>Regional Strategy with prioritized projects and strategy for coordination with existing County Infrastructure and County/City/Town resources.</p> <p>SBCOG to lead a collaborative strategy for the region between the member jurisdictions. To include inventory or existing resources, planning/prioritizing for shelter placement, inventory of law enforcement options, inventory of NGO support, prioritizing the funding opportunities and use across region.</p>	Countywide
2. Fellowship Program	Internship program in partnership with college programs at CSUSB/UCR for placement at member agencies in elected official offices/CM offices.	Countywide
3. Clean Cities Program/ZEV Planning – SCMP	Regional study and prioritization of potential ZEV sites with prioritization and funding options.	Countywide
4. Cad to Cad - SCMP	<p>Implementation of data sharing across boundaries to improve emergency services.</p> <p>Leverage the existing Inland Empire Public Safety Operations Platform (IE PSOP) to connect neighboring ECC's and other cooperating agencies through a cloud-hosted communications system interface known as CAD-to-CAD.</p>	CONFIRE Jurisdictions
5. ATIS/EMS Integration and Information Hub	<p>System integration and implementation. Establishment of a Communications Hub for use during an emergency.</p> <p>Integrate Advanced Traveler Information Systems (ATIS), video surveillance of key locations, and automation of emergency signage into EMS to make responses more efficient, effective, and timely. This will also free up personnel bandwidth at critical times, further improving EMS. Implement process and practice of pushing out information on the emergency to the public.</p>	Countywide



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2024 Work Plan Update Project Options

Project/Program	Deliverable	Regional Area
6. Smart Intersections/Smart Corridors	CIP improvements for identified corridors under SCMP. Implement Smart Corridor pilots to extend the principles of smart intersections along entire traffic corridors, modernize transportation at a large scale to facilitate smoother traffic flow, enhance safety, reduce travel times, and minimize environmental impact.	Subregional
7. Wildfire Prevention and Education	Establish outreach and partnership with fire agencies. Implement outreach strategies as requested.	Emphasis on jurisdictions in Wildland Urban Interface
8. Speaker Series	Establish panel or speaker discussions Quarterly or biannual opportunity for discussion on various topics and networking opportunity	Countywide
9. Forum	Discussion and Information Sharing meetings between cities, towns, and counties on various issues, i.e. MS 4 Permits, Ambulance Contracts, Animal Shelters, etc.	Countywide
10. Marketing Campaign/Tell Our Story	Marketing campaign and implementation - Campaign illustrating the quality of life benefits of the region, higher education, healthcare sector fastest growing sector, workforce opportunities, destinations, local businesses (robotics, cybersecurity, etc.)	Countywide
11. Small Business Hub	Hub/Dashboard for public access to public procurements and a site that promotes local, vetted small business service providers for the benefit of SBCOG's member jurisdictions.	Countywide
12. Regional Small Business Certification	Regional Certification Program. Create and partner on a regionally recognized small business certification that individual jurisdictions may opt in that would train small businesses how to administer a government contract successfully.	Countywide
13. Small Business Vendor Fairs	Collaborate with member agencies and partners on vendor and procurement fairs.	Countywide

SBCOG Board Ad Hoc 9/12/24



2024 Work Plan Update Project Options

Project/Program	Deliverable	Regional Area
14. Street Vendors	Toolkit and Standards. Analysis and menu of regulations and ordinances to create consistency across the region.	As needed by jurisdiction
15. Animal Shelter Strategic Plan	Cost study/Strategic Plan – Similar to the model SBCOG used for the initial research and strategizing on the Housing Trust, the Animal Shelter Strategic Plan would be a strategy for a regional and/or a subregional approach to building and operating (a/an) animal shelter(s).	Countywide
16. Community Indicators Report	County leads the update, and SBCOG would partner in hosting the data and report on the COG website.	Countywide
17. Olympics Approach?	Marketing Campaign - An opportunity for the region to market itself as a destination for So Cal residents in the face of crowds coming to Southern CA for the 2028 Olympics. An opportunity to capitalize on attracting more people to come to the region.	countywide
18. Regional Dispatch Center	Collaborative Analysis, Strategy, and Cost Structure. Local agencies contract with CONFIRE for Fire -Related services. Is there an opportunity to use this model for law enforcement? Currently, dispatchers are not necessarily available. 24- hour/day program. Is there a better way?	Sub Regional
19. Insurance-fire/Flood	Collaborative Strategy that would include existing condition analysis, advocacy efforts, and strategizing for educating and changing how insurance companies identify insurance risk areas (flood, fire, etc.)	Countywide

SBCTA/SBCOG in Collaboration with **DUDEK**



Draft Work Plan, Policy, and Bylaws

San Bernardino Region

1

Agenda

- 01** Overview
- 02** Bylaws and Policy Discussion
- 03** Work Plan Project Options & Discussion
- 04** Next Steps

2

01

Overview

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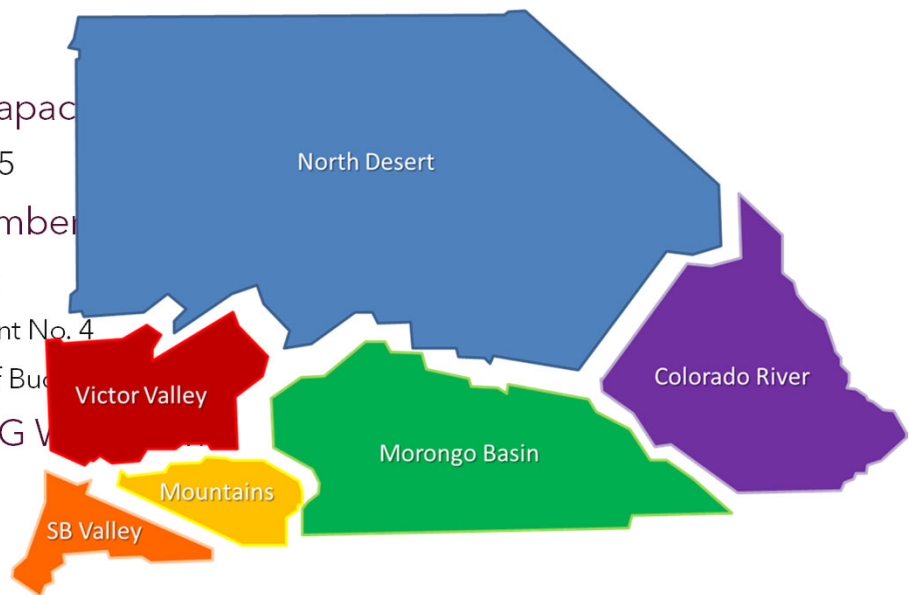
San Bernardino
Council of Governments

3



Background

- Budget and Capacity
 - FY 2024-2025
- Update to Member
 - New formula
 - Amendment No. 4
 - Creation of Budget
- Update SBCOG V



4

4



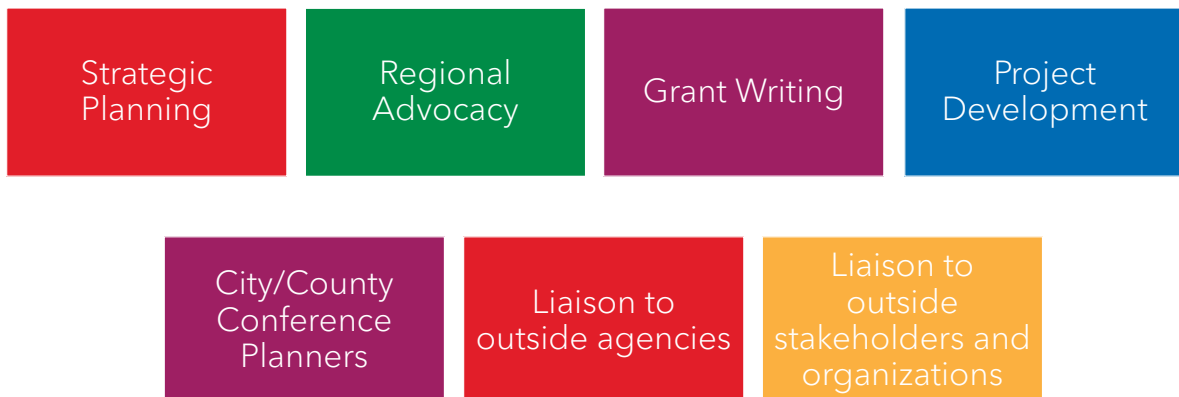
Process To-Date



5



Functions of SBCOG



6



Updates in Progress

Policy

- Budget Policy

Bylaws

- Participation Standards
- Member Expectations

Work Plan

- Key Functions
- 5-Year Projects & Programs

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02

Policies and Bylaws

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MRO



Policy Creation

Assessment is computed annually:

- A. Annual change in population
- B. Additional FY 2015/2016
- C. Additional FY 2021/2022
- D. Gap in annual budget and total assessments
- E. Optional or subscription programs and projects

III. POLICY

State policy. Assessments shall be computed on an annual basis as follows to create a minimum \$1,500,000 annual budget:

A. Base assessment whereby the prior year's base assessment is adjusted based on the annual percentage change in population of each signatory member plus the annual percentage change in assessed valuation of each signatory member added together and divided by two (2) to arrive at the annual increase;

B. The additional assessment adopted in Fiscal Year 2015/2016 of \$133,418 (or approximately \$5,337 per each signatory member due to rounding);

C. The additional assessment adopted in Fiscal Year 2021/2022 of \$200,000 (or \$8,000 per each signatory member) for Fiscal Year 2024/2025, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%;

D. Further assessment to fund any gap between the Board-approved annual budget and the total of the assessments set forth in a., b., and c., above. In determining the amount of said gap, no grant moneys shall be considered. This "gap" assessment shall be based one-half on the population of each signatory member and one-half on the combined General Fund property tax and General Fund base sales tax revenue rate of each signatory member, where "base sales tax" means the statewide sales tax and is exclusive of any additional local sales taxes, escalated every Fiscal Year thereafter of the lower of Consumer Price Index (CPI) or 2%;

E. Further assessments to fund optional or subscription programs and projects beyond those identified in the annual budget will be assessed on a cost-allocation basis to fund the cost of the program or project.

A.

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Bylaw Update

Withdrawal from SBCOG

- Members are ineligible to receive funds allocated to SBCOG
- Funds include grants, allocations and other fund sources outside of SBCOG membership dues

Re-entry to SBCOG

- 5-Year period from date of withdrawal
- Requires petition for re-entry, requirements include:
 - Resolution from the local agency
 - Audit and financial report
 - Penalty fees
 - Fees owed under Article 12 of JPA Agreement
 - Majority Approval from SBCOG Board

Withdrawal from SBCOG. Members that have withdrawn from SBCOG are ineligible to receive funds from grants sources, allocations and any other fund sources allocated to SBCOG originating outside of SBCOG membership dues

Re-entry to SBCOG. Any member agency that has withdrawn from SBCOG will be eligible to petition for re-entry after five years from the date of withdrawal

a. The petition for re-entry shall include:

i. A resolution of the local agency's governing body stating the reason for the request to rejoin SBCOG and affirming its commitment to work together with fellow SBCOG member jurisdictions for the benefit of the entire region; and

ii. The local agency's most recent audit report and statement of the agency's fiscal soundness, with confirmation of its ability to pay its member dues for at least the next five years

b. Member agencies petitioning to re-enter SBCOG shall pay a member agency penalty, which shall be based on 120% of the dues the member agency would have paid been assessed for the immediate prior year assessments had they been a member agency of SBCOG

c. Member agencies petitioning to re-enter SBCOG shall pay to SBCOG all amounts owed under Article 12 of the JPA Agreement, if any, plus interest, (determined using the current Local Agency Investment Fund rate) before re-entry will be effective.

d. A majority of the SBCOG Board must vote to permit re-entry into SBCOG.

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03

Work Plan Project Options & Discussion

Handout

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Informing the Work Plan

Project Options Developed

- Previous Ad Hoc discussions
- Research on sister agency programs (WRCOG, CVAG, SGVCOG)
- SBCOG Objectives
- CCMTAC subregional meeting discussions

Prioritization of Projects and Programs

- CCMTAC and Board Ad Hoc

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Projects/Programs – Ad Hoc, COG research, SCMP, Equity

*#1 Homelessness Strategic Plan/Planning**

*# 11 Small Business Hub**

*#12 Regional Small Business Certification**

#13 Small Business Vendor Fairs

#2 Fellowship Program

#3 Clean Cities Program/ZEV Planning – SCMP

#5 ATIS/EMS Integration and Information Hub

#7 Wildfire Prevention and Education

#10 Marketing Campaign/Tell Our Story

****Bold/Italics*** indicates CCMTAC priority/ preferred project and program

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Project/Programs - CCMTAC Input

*#14 Street Vendors Toolkit/Standards**

*# 15 Animal Shelter Strategic Plan**

#16 Community Indicators Report

#17 Olympics Marketing Approach

#18 Regional Dispatch Center

#19 Insurance – Fire/Flood

****Bold/Italics*** indicates CCMTAC priority/ preferred project and program

14

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Projects/Programs – Early/Quick Wins

#4 Cad to Cad - SCMP

#6 Smart Intersections/Smart Corridors

#8 Speaker Series

#9 Forum (MS 4 Permits, Ambulance Contracts, Animal Shelter)

***Bold** indicates CCMTAC priority/ preferred project and program

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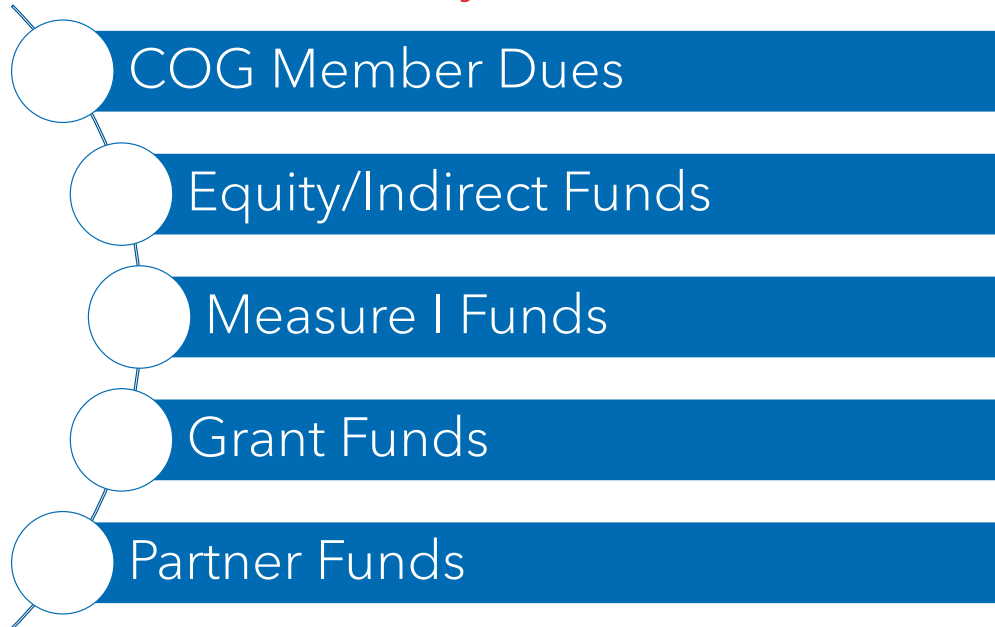
Tally – SBCOG Ad Hoc and Sub Regional CCMTAC Discussions

Program Options	East Valle	WV1	WV2	Morongo Basin	High Dese	TOTAL
Homelessness Strategic Plan	10	3	4	3	1	21
Street Vendor Toolkit/Standards	10				2	12
Small Business Vendor Fairs	4	2	3		3	12
Small Business Hub	4	2	3		2	11
Regional Small Business Certification	4	2	4			10
Forum	3	2	3	1		9
Smart Intersections/Corridors	0	2	2	2	2	8
Speaker Series	3	2	1	1		7
Cad to Cad	0	1	3		1	5
Telling Our Stories Campaign	4	1		2		7
Insurance Roadmap/Strategy			4	1	1	6
Housing Trust (Workforce Housing, Subsidized Housing)				5		5
Clean Cities Program/ZEV Planning	0		1		2	3
Community Indicators Report Hub		1	1			2
Wildfire Prevention			1	1		2
Olympics/Come to SB/IE		1		1		2
ATIS/EMS Integration			1			1
Regional Dispatch Center for Law Enforcement			1			1
Fellowship Program	1					1

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Fund Sources for Prioritized Projects



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SBCOG Work Plan Program 2024/25-2028/29

1	Homelessness Strategic Plan	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 240,000	\$ 230,000			\$ 470,000
	Equity/Indirect Fund		\$ 242,500	\$ 37,500			\$ 280,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)				\$ -	\$ -	\$ -
	Total	\$ -	\$ 482,500	\$ 267,500	\$ -	\$ -	\$ 750,000

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SBCOG Work Plan Program 2024/25-2028/29

2	Street Vendor Toolkit	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 250,000				\$ 250,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -			\$ -	\$ -	\$ -
	Total	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ 250,000

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SBCOG Work Plan Program 2024/25-2028/29

3	Small Business Hub	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 150,000	\$ 200,000			\$ 350,000
	Equity/Indirect Fund			\$ 150,000			\$ 150,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ 15,000	\$ 35,000	\$ -	\$ -	\$ 50,000
	Total	\$ -	\$ 165,000	\$ 385,000	\$ -	\$ -	\$ 550,000

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SBCOG Work Plan Program 2024/25-2028/29

4	Regional Small Business Certification	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)			\$ 115,000			\$ 115,000
	Equity/Indirect Fund		\$ 200,000				\$ 200,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -			\$ -	\$ -	\$ -
	Total	\$ -	\$ 200,000	\$ 115,000	\$ -	\$ -	\$ 315,000

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SBCOG Work Plan Program 2024/25-2028/29

5	Small Business Vendor Fairs	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)						\$ -
	Equity/Indirect Fund	\$ 50,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 290,000
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)						\$ -
	Total	\$ 50,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 290,000

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SBCOG Work Plan Program 2024/25-2028/29

6	Speaker Series	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)	\$ 10,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 38,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ 1,000	\$ 700	\$ 700	\$ 700	\$ 700	\$ 3,800
	Total	\$ 11,000	\$ 7,700	\$ 7,700	\$ 7,700	\$ 7,700	\$ 41,800

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SBCOG Work Plan Program 2024/25-2028/29

7	Forum	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)		\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	
	Equity/Indirect Fund						
	Grant/Partner						
	Measure I						
	Subscription						
	Management/Support Cost (2910 & 7001)	\$ -	\$ 250	\$ 250	\$ 250	\$ 250	
	Total	\$ -	\$ 2,750	\$ 2,750	\$ 2,750	\$ 2,750	\$ -

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SBCOG Work Plan Program 2024/25-2028/29

8	Smart Intersections/Corridors	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)						\$ -
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)						\$ -
	Total	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000

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SBCOG Work Plan Program 2024/25-2028/29

9	Cad to Cad	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	Total
	COG Member Dues (remaining fees available)				\$ 325,000		\$ 325,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ -	\$ -	\$ 32,500	\$ -	\$ 32,500
	Total	\$ -	\$ -	\$ -	\$ 357,500	\$ -	\$ 357,500

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SBCOG Work Plan Program 2024/25-2028/29

10	Telling Our Stories	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	0
	COG Member Dues (remaining fees available)				\$ 130,000	\$ 445,000	\$ 575,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Management/Support Cost (2910 & 7001)	\$ -	\$ -	\$ -	\$ 13,000	\$ 35,000	\$ 48,000
	Total	\$ -	\$ -	\$ -	\$ 143,000	\$ 480,000	\$ 623,000

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SBCOG Work Plan Program 2024/25-2028/29

10	Outreach/Advocacy	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	0
	COG Member Dues (remaining fees available)	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 225,000
	Equity/Indirect Fund						\$ -
	Grant/Partner						\$ -
	Measure I						\$ -
	Subscription						\$ -
	Total	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 225,000

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SBCOG Work Plan Program 2024/25-2028/29

Programming Funding FY25 thru FY29

Total SBCOG Revenues	\$	1,091,000.00	\$	1,716,365.00	\$	1,663,374.46	\$	1,592,573.89	\$	1,608,306.80	
Total SBCOG Staff and Budget Expenditures	\$	991,000.00	\$	1,005,865.00	\$	1,020,952.98	\$	1,036,267.27	\$	1,051,811.28	
Total Available for Vendor Projects	\$	100,000.00	\$	710,500.00	\$	642,421.48	\$	556,306.62	\$	556,495.52	
Total Programing Cost		FY 24/25		FY 25/26		FY 26/27		FY 27/28		FY 28/29	Total
COG Member Dues (remaining fees available)	\$	55,000	\$	710,450	\$	635,450	\$	555,950	\$	535,450	\$ 2,492,300
Equity/Indirect Fund	\$	50,000	\$	502,500	\$	247,500	\$	60,000	\$	60,000	\$ 920,000
Grant/Partner	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -
Measure I	\$	1,000,000	\$	1,000,000	\$	1,000,000	\$	1,000,000	\$	1,000,000	\$ 5,000,000
Subscription	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -
Management/Support Cost (2910 & 7001)	\$	1,000	\$	15,950	\$	35,950	\$	33,450	\$	950	\$ 87,300
Total	\$	1,106,000	\$	2,228,900	\$	1,918,900	\$	1,649,400	\$	1,596,400	\$ 8,499,600

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Next Steps

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Next Steps



Board Ad Hoc

Review of
Policies and Bylaws

Staff Work

Program Priorities for
Board

Board of Directors

Presentation and
discussion on the
policy, bylaws, and
work plan

CCMTAC

Report and Feedback

Board of Directors

Approval of Work
Plan, Policies, and
Bylaws

Staff Work

Implementation of
Work Plan

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Thank you

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San Bernardino
Council of Governments

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ADDITIONAL INFORMATION

BOARD OF DIRECTORS ATTENDANCE RECORD – 2024

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Paul Cook Board of Supervisors	X	X	X	X		X	X		X			
Jesse Armendarez Board of Supervisors	X	X	X	X		X	X		X			
Dawn Rowe Board of Supervisors	X	X	X	X	X	X	X		X			
Curt Hagman Board of Supervisors		X	X	X	X	X	X		X			
Joe Baca, Jr. Board of Supervisors	X	X	X	X	X	X	X		X			
Daniel Ramos City of Adelanto	X	X	X	X	X	X	X		X			
Art Bishop Town of Apple Valley	X	X	X	X	X	X	X		X			
Carmen Hernandez City of Barstow	*	X	X	X		X	X		X			
Rick Herrick City of Big Bear Lake		X	*	X	X	X	X		X			
Eunice Ulloa City of Chino	X	X	X	X	X	X	X		X			
Ray Marquez City of Chino Hills	X	X	X	X	X	X	X		X			
Frank Navarro City of Colton	X	X	X	X		X	X		X			
Acquanetta Warren City of Fontana	X	X	X	X		X	X		X			
Sylvia Robles City of Grand Terrace	X	X	*									
Bill Hussey City of Grand Terrace				X	X	X	X		X			
Rebekah Swanson City of Hesperia	X	X	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

BOARD OF DIRECTORS ATTENDANCE RECORD – 2024

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Larry McCallon City of Highland	X	*	X	X	X	X	X		X			
Bhavin Jindal City of Loma Linda	X	X	X	X								
Ron Dailey City of Loma Linda					*	X	X		X			
John Dutrey City of Montclair	X	X	X	X	X	X	X		X			
Janet Jernigan City of Needles		X	X	X		X	X		X			
Alan Wapner City of Ontario	X		X	X	X	X			X			
L. Dennis Michael City of Rancho Cucamonga	X	X	X	X	X	X	X					
Paul Barich City of Redlands						*	X					
Deborah Robertson City of Rialto				X			*		X			
Helen Tran City of San Bernardino		*	X	X		X	X		X			
Joel Klink City of Twentynine Palms	X		X	X	X		X		X			
Rudy Zuniga City of Upland	*	X	X	X	X	*	*		X			
Debra Jones City of Victorville	X	X	X	X	X	X	X		X			
Bobby Duncan City of Yucaipa	X	X	X	X	X	X						
Rick Denison Town of Yucca Valley	X	X	X	X	X	X	X		X			
Catalino Pining Ex-Official Member	X	X	Rebecca Guirado	X	X	X	Kurt Heidelberg		Jesus Galvan			

Communication: Attendance (Additional Information)

X = member attended meeting. * = alternate member attended meeting. Empty box = did not attend meeting. Crossed out box = not a Board Member at the time. Shaded box=no meeting

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

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

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

AGENCY REPORTS



REPORT: Mobile Source Air Pollution Reduction Review Committee

FROM: Larry McCallon, SBCTA Representative to the MSRC

SYNOPSIS: The Mobile Source Air Pollution Reduction Review Committee held a hybrid meeting on Thursday, August 15, 2024. The following is a summary of the meeting.

Contract Modification Requests

The MSRC considered three contract modification requests and took the following actions:

1. City of Los Angeles, Contract #ML18082 to purchase eight medium-duty vehicles and install eight limited access EV charging infrastructures, approval of a one-year term extension with the condition that there be no further extensions;
2. City of Mission Viejo, Contract #ML18068 to purchase two light-duty ZEVs and install EV charging infrastructure, approval of two-year term extension, and
3. City of Riverside, Contract #ML18063 to expand existing CNG station, approval of nineteen-month term extension with the condition that there be no further extensions.

FYs 2021-24 MOUs with Ports of Los Angeles and Long Beach

MSRC Request for Information (RFI) 2023-01 was released on September 2, 2022. The RFI requested submittal of information packages seeking partnerships to facilitate investment in zero-emission infrastructure to support the transition of goods movement trucks to zero-emissions within the South Coast AQMD region. A total of \$50,000,000 was allocated by the MSRC for this Work Program category. Port of Long Beach (POLB) and Port of Los Angeles (POLA) both responded to the RFI, expressing an interest in investigating partnership opportunities to implement electric vehicle support infrastructure projects that would benefit zero-emission heavy-duty drayage trucks operating at the ports.

As a result of a collaborative work effort involving the MSRC and the staff of the POLB and POLA, a list of RFI projects were identified that were deemed meritorious and would further mutual goals of expanding accessible zero-emission electric vehicle charging equipment. To facilitate a partnership between POLB, POLA, and South Coast AQMD on behalf of the MSRC, proposed MOUs were developed. These two MOUs, which have already been approved by the Boards of the Ports, outline the terms and conditions to allow each Port to invest a portion of their respective Clean Truck Fund rate proceeds towards projects included in each MOU. Each Port would contribute \$12,520,661, for a total of \$25,041,322, towards eight total projects for the installation of accessible

charging equipment. The MSRC would administer the projects as an element of their FYs 2021-24 Work Program.

FYs 2021-24 Partnership with Penske Truck Leasing

Penske Truck Leasing also responded to MSRC RFI 2023-01 discussed above. Previously, the MSRC approved partnering with Penske in pursuing funding under PA2024-02 Carl Moyer Zero Emission Infrastructure Program for the project which had been submitted in response to the RFI. In January 2024, the MSRC allocated an amount not to exceed \$17,980,000 towards co-funding to install Level III charging stations at 20 facilities dispersed throughout the region if the project were selected. Penske had applied for funding for the same charging stations under the earlier PA2023-04 Carl Moyer Program opportunity. In February 2024, 5 of the 20 locations, sites in Carson, Corona, Fontana, and two in Montebello, were awarded Clean Air Protection Program funding under PA2023-04. This award had not yet been made when the MSRC considered partnership on a 2024 application. The MSRC has now clarified that partnering with Penske in responding to PA2024-02 includes partnering under the earlier PA2023-04 Carl Moyer Program. \$6,353,697 would be awarded to Penske now for the five locations, and \$11,626,303 would remain allocated under the original terms pending the outcome of PA2024-02, as part of approval of the FYs 2021-24 Work Program.

FYs 2024-27 MSRC/Los Angeles County Metropolitan Transportation Authority (Metro) Joint RFI

Previously, the MSRC approved a cooperative agreement with Metro to facilitate the pursuit of shared objectives regarding electrified and alternative fuel transportation systems for heavy duty commercial vehicles in Los Angeles County. The MSRC and Metro are now seeking RFI responses that will be used to inform a grant application being prepared by Metro for submittal to the California Transportation Commission Trade Corridor Enhancement Program (TCEP) - Cycle 4 funding program. Responses to this RFI will be used as potential candidate projects for inclusion in the Metro funding application. The identified trade corridor is Long Beach to East Los Angeles. The RFI response period commences September 6, 2024 and closes October 7, 2024. No MSRC funding is currently identified; any potential MSRC funding allocation would be considered following receipt and evaluation of RFI responses, prior to TCEP application submittal, and be brought back for South Coast AQMD Board approval at a future meeting.

FYs 2024-27 Partnership with California Department of Transportation (Caltrans) and CEC

In May 2023, the MSRC partnered with Caltrans and CEC in pursuit of funding under the U.S. Department of Transportation (U.S. DOT) Charging and Fueling Infrastructure (CFI) Grant Program (CFI Round 1). The Caltrans/CEC CFI Round 1 application did not receive an award; however, it is eligible to be resubmitted. U.S. DOT has released a Round 2 of CFI. Caltrans and CEC intend to resubmit their previous application for reconsideration as well as submitting a new Round 2 application. Because U.S. DOT did

not select the original application last year, the previous MSRC commitment lapsed. The MSRC recommitted up to \$6 million in co-funding to the Caltrans/CEC applications. MSRC funding would be contingent upon receipt of funding from U.S. DOT, and the MSRC retains the discretion to apportion and adjust the total MSRC funding contribution once all U.S. DOT funding award information is known.

Evaluate Performance of MSRC Website

The current contract for hosting and maintenance of the MSRC website will terminate on June 20, 2025. The features, functionality and performance of the current website were assessed. The MSRC directed the development of an RFP for hosting and maintenance of the website, with supplemental quotes for performing limited upgrades/revisions. The MSRC also directed investigation of other means of solicitation posting and proposal acceptance, such as PlanetBids.

FY 2024-25 Administrative Budget

Every year the MSRC adopts an Administrative Budget for the upcoming fiscal year to ensure costs remain within the Health and Safety Code limitation of 6.25 percent of annual revenue received. For FY 2024-25, the MSRC adopted an Administrative Budget in the amount of \$965,560, which is \$69,683 below the 6.25 percent cap. Administrative expenditures are not directly drawn from the MSRC fund account, but instead are incurred in the South Coast AQMD's General Fund budget. To cover these expenses, the MSRC approved \$965,560 in funding to South Coast AQMD.

Contracts Administrator's Report

The MSRC AB 2766 Contracts Administrator's report provides a written status report on all open contracts from FY 2011-12 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 D. Alexander A. Warren L. Michael R. Marquez R. Denison L. Becerra C. Hagman G. Reyes	A. Warren G. Reyes	D. Alexander R. Denison	F. Navarro 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.		Bill Hussey Bobby Duncan Helen Tran	Carmen Hernandez Daniel Ramos Art Bishop	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 \$150 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 \$150 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.

Communication: Representatives on SCAG Committees (Committee Membership)

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.	12/31/24
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 \$150 payment from Gold Line Authority for participation.	12/31/25 12/31/24
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.	
Inland Regional Energy Network (I-REN) Program Executive Committee	Curt Hagman, County Supervisor Deborah Robertson, Rialto Art Bishop, Apple Valley	President	The I-REN Executive Committee consists of three representative votes from SANBAG, WRCOG, and CVAG. The committee will meet quarterly and make executive decisions regarding the overall program. Stipends for the Executive Committee are not an allowable expense under the CPUC rules.	12/31/24 12/31/24 12/31/24
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 12:00 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.	12/31/24 12/31/24
Mobile Source Air Pollution Reduction Review Committee	Larry McCallon, Highland, Primary John Dutrey, Montclair, 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.	12/31/24 12/31/24

SBCTA/SBCOG Appointments to External Agencies

Committee	Appointee	Appointing Authority	Purpose	Term
One Water One Watershed (OWOW) Steering Committee of the Santa Ana Watershed Project Authority	Deborah Robertson, Rialto	Board of Directors	Responsible for developing the integrated Regional Water Management Plan for the Santa Ana River. The term of the appointment is for four years for a city representative from San Bernardino County. Officers leaving elected office after appointment are still eligible to serve. Beginning January 2016, the OWOW meets on the 4 th Thursday of every other month at 11:00 a.m. at the Santa Ana Watershed Project Authority (SAWPA). Members of the Steering Committee do not receive a stipend.	12/31/26
SCAG Policy Committees	See associated table.	The Board has authorized the President to make appointments to SCAG Policy Committees.	SBCTA also has authority to appoint up to seven appointees to the three SCAG Policy Committees: i.e., Community Economic and Human Development, Energy and Environment, and Transportation. SCAG pays appointees to policy committees a stipend of \$120 per meeting.	See associated table – Representatives on SCAG Committees
Southern California Regional Rail Authority	Alan Wapner, Ontario, Primary Larry McCallon, Highland, Primary Ray Marquez, Chino Hills, Alternate John Dutrey, Montclair, Alternate	Board of Directors (Recommendation made by the Transit Committee)	SCRRA serves as the governing body for Metrolink, the regional commuter rail system serving the five Southern California Counties. Members receive payment of \$100 per day from SCRRA for participation.	Indefinite
SR 91 Advisory Committee	Ray Marquez, Chino Hills, Ex-Officio Member	Board of Directors	The Committee reviews issues and makes recommendations to OCTA regarding the transportation facilities acquired, including tolls imposed, operations, maintenance, use of toll revenues, and improvements in the area of SR 91 between I-15 and SR 55, including the identification and siting of alternate highways. SBCTA has not authorized payment of stipend for participation.	12/31/24
The Sam and Alfreda L. Maloof Foundation for Arts and Crafts	Deborah Robertson, Rialto	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.	12/31/24

Communication: Appointments to External Agencies (Committee Membership)

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>General Policy Committee</p> <p>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)</p> <p>City members shall be SBCTA Board Members elected by caucus of city SBCTA Board Members within the subarea.</p> <p>Policy Committee and Board Study Session Chairs are members of this policy committee.</p> <p>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.</p> <p>The SBCTA Vice President shall serve as Chair of the General Policy Committee.</p>	<p>Makes recommendations to Board of Directors and:</p> <p>(1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity;</p> <p>(2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization;</p> <p>(3) Serves as policy review committee for any program area that lacks active policy committee oversight.</p> <p>The General Policy Committee is authorized to approve Contracts in excess of \$100,000, Contract Task Orders in excess of \$500,000, and amendments exceeding the Executive Director's authority in the event of significant time constraints, extenuating circumstances, or emergencies when approval is required, with notification to the Board. Notification shall be made at the next regularly scheduled meeting of the Board following such approval.</p> <p>(Brown Act)</p>	<p><u>West Valley</u> Ray Marquez, Chino Hills (Vice Chair/President) John Dutrey, Montclair (TC Chair) Alan Wapner, Ontario Jesse Armendarez, Supervisor</p> <p><u>East Valley</u> Frank Navarro, Colton Larry McCallon, Highland Helen Tran, San Bernardino (MVSS Chair) Joe Baca, Jr., Supervisor</p> <p><u>Mountain/Desert</u> Art Bishop, Apple Valley Debra Jones, Victorville Rick Denison, Yucca Valley (Chair/Vice President) Dawn Rowe, Supervisor (Past President)</p> <p>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.</p>	<p>6/30/2025 6/30/2025 6/30/2025 6/30/2025</p> <p>6/30/2025 6/30/2025 6/30/2025 6/30/2025</p> <p>6/30/2025 6/30/2025 6/30/2025 6/30/2025</p>
<p>Transit Committee</p> <p>Membership consists of 12 SBCTA Board Members:</p> <p>10 Valley-members, two being Southern California Regional Rail Authority (SCRRA) primary (*) and two being SCRRA alternate (**) members, and 2 Mountain/Desert Board Members.</p> <p>SCRRA members and alternates serve concurrent with their term on the SCRRA Board of Directors as appointed by the SBCTA Board.</p> <p>Other members are appointed by the SBCTA President for 2-year terms.</p>	<p>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.</p> <p>* SCRRA Primary Member ** SCRRA Alternate Member</p> <p>(Brown Act)</p>	<p>John Dutrey, Montclair** (Chair) Joe Baca, Jr., Supervisor (Vice Chair) Eunice Ulloa, Chino Ray Marquez, Chino Hills** Frank Navarro, Colton Acquanetta Warren, Fontana Larry McCallon, Highland* Alan Wapner, Ontario* L. Dennis Michael, Rancho Cucamonga Bobby Duncan, Yucaipa Rick Denison, Yucca Valley Dawn Rowe, Supervisor</p>	<p>Indeterminate (6/30/2025) 12/31/2024 (6/30/2025) 12/31/2024 Indeterminate 12/31/2025 12/31/2025 Indeterminate Indeterminate 12/31/2025 12/31/2025 12/31/2024 12/31/2024</p>

San Bernardino County Transportation Authority (SBCTA) Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Mountain/Desert Committee Membership consists of 11 SBCTA Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, 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)	Debra Jones, Victorville (Chair) Rebekah Swanson, Hesperia (Vice Chair) Daniel Ramos, Adelanto Art Bishop, Apple Valley Carmen Hernandez, Barstow Rick Herrick, Big Bear Lake Janet Jernigan, Needles Joel Klink, Twentynine Palms Rick Denison, Yucca Valley Paul Cook, 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 even-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)	Ray Marquez, Chino Hills (President) Rick Denison, Yucca Valley (Vice President) Dawn Rowe, Supervisor (Past President) Larry McCallon, Highland Alan Wapner, Ontario Paul Cook, Supervisor Art Bishop, Apple Valley	Indeterminate Indeterminate Indeterminate 12/31/2024 12/31/2024 12/31/2024 12/31/2024

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 Helen Tran, San Bernardino (Chair) Jesse Armendarez, Supervisor (Vice Chair)	6/30/2025 6/30/2025

Meeting Time: Second Thursday, 9:30 a.m., SBCTA Office

Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
<p>Public and Specialized Transportation Advisory and Coordinating Council (PASTACC)</p> <p>Membership consists of 11 members appointed by the SBCTA Executive Director.</p> <p>5 representing Public Transit Providers</p> <p>1 representing County Dept. of Public Works</p> <p>2 representing the Consolidated Transportation Services Agency - Omnitrans and VVTA also represent CTSA for the Valley and High Desert respectively.</p> <p>5 At Large Members representing Social Service Providers</p>	<p>Subject to the Transportation Development Act (TDA) Section 99238 – establishes PASTACC’s statutory responsibilities;</p> <p>(1) Review and make recommendations on annual Unmet Transit Needs hearing findings</p> <p>(2) Score and make recommendations for Federal Transit Administration Section 5310 Capital Grant Program applications</p> <p>(3) Assist SBCTA in developing public outreach approach on updating the Coordinated Public Transit/Human Services Transportation Plan</p> <p>(4) Review call for projects for Federal Transit Administration Section 5310 grant applications</p> <p>(5) Monitor and make recommendations on Federal regulatory processes as they relate to transit and specialized transit</p> <p>(6) Monitor and disseminate information in reference to State level law and recommendations as they relate to transit and specialized transit</p> <p>(7) Receive annual reports on funded specialized programs funded through FTA Section 5310 and Measure I</p> <p>(8) Identify regional or county level areas of unmet needs</p> <p>(9) Address special grant or funding opportunities</p> <p>(10) Address any special issues of PASTACC voting and non-voting members</p> <p>(Brown Act)</p>	<p>Standing Membership –</p> <p>Morongo Basin Transit Authority</p> <p>Mountain Transit</p> <p>City of Needles Transit Services</p> <p>Omnitrans</p> <p>Victor Valley Transit Authority</p> <p>County of San Bernardino Dept. of Public Works</p> <p>At Large Membership –</p> <p>San Bernardino Dept. of Aging and Adult Services</p> <p>Foothill Aids</p> <p>Anthesis</p> <p>Reach Out Morongo Basin</p> <p>Loma Linda University Health</p>	<p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>On-going</p> <p>5/31/2027</p> <p>9/30/2026</p> <p>9/30/2026</p> <p>6/30/2025</p> <p>8/31/2027</p>

Meeting Dates and Time: Bi monthly, beginning in January, 2nd Tuesday of the month, 10:00 a.m., (Location rotates: SBCTA Office, VVTA, MBTA)

Communication: Committee Membership (Committee Membership)

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>Cole Jackson (A) Gerry Newcombe (B) Alex Artiaga (C) Chad Logan (D) Patrick Morris (E) Ray Marquez, Ex-Officio Ray Wolfe, Ex-Officio</p>	<p>10/31/2024 12/31/2024 06/30/2028 06/30/2028 03/01/2025</p>

SBCTA Ad Hoc Committees

The Brown Act does not apply to ad hoc or temporary advisory committees composed of less than a majority of the Board or a standing policy committee. The President of the Board of Directors may designate ad hoc committees to study specific projects or matters for a set time frame subject to the concurrence of the Board of Directors, and shall make appointments to the ad hoc committees. When the subject matter of the ad hoc committee is of relevance to the geographical region of the County as a whole, geographical representation should be considered and if there is lack of interested members to ensure geographical balance the Board President may seek out participation from specific members.

COMMITTEE	PURPOSE	MEMBERSHIP
<p>Council of Governments Ad Hoc Committee</p> <p>On May 1, 2024, the Board approved the establishment of this ad hoc committee composed of Board members appointed by the Board President.</p>	<p>To provide guidance on the reviewing and updating the Bylaws and policies relating to SBCOG. This ad hoc has a term ending June 30, 2025.</p>	<p>Rick Herrick, Big Bear Lake Rebekah Swanson, Hesperia Larry McCallon, Highland John Dutrey, Montclair L. Dennis Michael, Rancho Cucamonga Helen Tran, San Bernardino Rick Denison, Yucca Valley Joe Baca Jr., Supervisor</p>

Housing Trust Ad Hoc Committee On January 4, 2023, the Board approved the establishment of this ad hoc committee composed of Board members appointed by the Board President, for a term ending December 31, 2023. On December 6, 2023, the Board approved a 6-month extension of this ad hoc, for a new term ending June 30, 2024. On February 7, 2024, the Board approved a 6-month extension of this ad hoc, for a new term ending December 31, 2024.	To take a broad look into the housing trust and how it interacts with the Council of Governments. This ad hoc has a term ending December 31, 2024.	Eunice Ulloa, Chino Deborah Robertson, Rialto Alan Wapner, Ontario L. Dennis Michael, Rancho Cucamonga Daniel Ramos, Adelanto Rick Denison, Yucca Valley Curt Hagman, Supervisor
Transportation Investment Plan Ad Hoc Committee On June 29, 2022 the Board approved the establishment of this ad hoc committee composed of Board members appointed by the Board President. At the Board Workshop on November 30, 2023, the Board approved a 1-year extension of this ad hoc, for a new term ending December 31, 2024	To look at future Measure options and make recommendations relating to any future local measure. This ad hoc has a term end date of December 31, 2024.	Art Bishop, Apple Valley Larry McCallon, Highland Alan Wapner, Ontario L. Dennis Michael, Rancho Cucamonga Joel Klink, Twentynine Palms Debra Jones, Victorville Bobby Duncan, Yucaipa Jesse Armendarez, Supervisor

SBCTA Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
Transportation Technical Advisory Committee (TTAC) Committee membership consists of a primary staff representative of each SBCTA member agency designated by the City Manager or County Administrative Officer.	SBCTA's Transportation Technical Advisory Committee was formed by SBCTA management to provide input to SBCTA staff on technical transportation-related matters and formulation of transportation-related policy recommendations to the SBCTA Board of Directors. The TTAC is not a Brown Act committee.	Generally meets on the first Monday of each month at 1:30 PM, at SBCTA.
City/County Manager's Technical Advisory Committee (CCM TAC) The committee is composed of up to two representatives of the County Administrator's Office and the city manager or administrator from each city and town in the County.	SBCTA's City/County Manager's Technical Advisory Committee was established in the Joint Powers Authority that established San Bernardino Associated Governments (SANBAG). The primary role of the committee is to provide a forum for the chief executives of SANBAG's member agencies to become informed about and discuss issues facing SANBAG/SBCTA. It also provides a forum for the discussion of items of mutual concern and a way to cooperate regionally in addressing those concerns. The CCM TAC is a Brown Act Committee.	Meets bimonthly on the first Thursday of the 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	<p>Project Development Teams (PDTs) are assembled for all major project development activities by SBCTA staff.</p> <p>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.</p> <p>PDTs make recommendations related to approaches to project development, evaluation of alternatives, and technical solutions.</p> <p>PDTs meet on a regular basis throughout the project phase to review progress and to provide technical input required for project development.</p> <p>The PDTs are not Brown Act Committees.</p>	Varies with the PDT.
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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