Governments SANBAG Working Together

San Bernardino Associated Governments
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TRANSPORTATION MEASURE I

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

AGENDA

Board of Directors Meeting

March 5, 2014
Start Time: 10:00 a.m.

LOCATION
San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA

Board of Directors

President
Bill Jahn, Council Member
City of Big Bear Lake

Vice-President
L. Dennis Michael, Mayor
City of Rancho Cucamonga

Cari Thomas, Mayor
City of Adelanto

Curt Emick, Mayor
Town of Apple Valley

Julie McIntyre, Mayor
City of Barstow

Dennis Yates, Mayor
City of Chino

Ed Graham, Mayor
City of Chino Hills

Frank Navarro, Council Member
City of Colton

Michael Tahan, Council Member
City of Fontana

Walt Stanckiewitz, Mayor
City of Grand Terrace

Mike Leonard, Council Member
City of Hesperia

Larry McCallon, Mayor Pro Tem
City of Highland

Rhodes "Dusty" Rigsby, Mayor
City of Loma Linda

Paul Eaton, Mayor
City of Montclair

Edward Paget, Mayor
City of Needles

Alan Wapner, Mayor Pro Tem
City of Ontario

Pete Aguilar, Mayor
City of Redlands

Deborah Robertson, Mayor
City of Rialto

Carey Davis, Mayor
City of San Bernardino

Jim Harris, Council Member
City of Twentynine Palms

Ray Musser, Mayor
City of Upland

Ryan McEachron, Mayor Pro Tem
City of Victorville

Dick Riddell, Council Member
City of Yucaipa

George Huntington, Council Member
Town of Yucca Valley

Robert A. Lovingood, Supervisor
County of San Bernardino

Janice Rutherford, Supervisor
County of San Bernardino

James Ramos, Supervisor
County of San Bernardino

Gary Ovitt, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Basem Muallem, Caltrans
Ex-Officio Member

Ray Wolfe, *Executive Director*

Eileen Teichert, *SANBAG Counsel*

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

> ***The San Bernardino County Transportation Commission,*** *which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.*
>
> ***The San Bernardino County Transportation Authority,*** *which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.*
>
> ***The Service Authority for Freeway Emergencies,*** *which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.*
>
> ***The Congestion Management Agency,*** *which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.*
>
> *As a* ***Subregional Planning Agency,*** *SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.*

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

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

AGENDA

Board of Directors

March 5, 2014
10:00 a.m.

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

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 10:00 a.m. by Council Member Bill Jahn

I. Pledge of Allegiance
II. Attendance
III. Announcements:
- Calendar of Events (Pg. 17)

IV. Agenda Notices/Modifications – Vicki Watson

Notes/Actions:

1. Possible Conflict of Interest Issues for the Board Meeting of March 5, 2014 Pg. 18

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.

Consent Calendar

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up under **Agenda Item 23.**

Notes/Actions:

Consent Calendar Continued....

Administrative Matters

2. Board of Directors Attendance Roster Pg. 20

3. Public Reporting of Individual Votes or Abstentions (Senate Bill 751) Pg. 24

Approve changes necessitated by Senate Bill 751 to SANBAG's Policy regarding "General Practices for Conducting Meetings" of the SANBAG Board of Directors and Policy Committees. **Eileen Teichert/Vicki Watson**

This item and the "General Practices for Conducting Meetings" Policy was unanimously approved by the General Policy Committee and has been reviewed by SANBAG's General Counsel.

4. January 2014 Procurement Report Pg. 29

Receive January 2014 Procurement Report. **William Stawarski**

This item was received by the General Policy Committee on February 12, 2014.

5. Measure I Revenue Pg. 39

Receive report on Measure I receipts for Measure I 2010-2040. **William Stawarski**

This item was received by the General Policy Committee on February 12, 2014.

6. Employee Classification and Compensation and Benefits Study Pg. 41

1. Approve a budget amendment to Task No. 0140 – Indirect Human Resources to increase the budget by $35,000 to complete a study of San Bernardino Associated Governments Employee Classification and Compensation and Benefit Plans.

2. Approve the attached scope of work for Employee Classification and Compensation and Benefits study.

3. Authorize the release of Request for Proposals No. 14125 for Consultant support to complete the Employee Classification and Compensation and Benefits study consistent with the approved scope of work. **Duane Baker**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014.

Notes/Actions:

Consent Calendar Continued....

Air Quality/Traveler Services

7. Budget Amendment to Task No. 0702 – Call Box System Pg. 46

Approve a Fiscal Year 2013/2014 budget amendment to increase Task No. 0702, for the Call Box System in the amount of $140,000, funded by SAFE – Vehicle Registration Fees for a total Task budget of $1,282,713. **Duane Baker**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014.

8. Agreement with the California Department of Transportation (Caltrans) for Construction Freeway Service Patrol (CFSP) services Pg. 48

That the Board, acting in its capacity as the San Bernardino County Transportation Commission:

1. Approve Agreement No. R14019, between SANBAG and the California Department of Transportation (Caltrans) for Freeway Service Patrol services in various construction areas in San Bernardino County for a not-to-exceed amount of $2,000,000 over a five-year period.

2. Adopt Resolution No. 14-012 authorizing the Chairperson to execute ordinances and resolutions, and the Chairperson and Executive Director to execute various agreements with the California Department of Transportation that have been approved by the Commission.

3. Delegate authority to the Executive Director to approve budget amendments to Task No. 0704 and possibly other freeway construction department projects, as various construction projects surface with funding source information, in an amount not-to-exceed $2,000,000. **Duane Baker**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014. SANBAG General Counsel and Contract Administrator have reviewed this item and the agreement.

Regional/Subregional Planning

9. Draft SANBAG Freight Strategy Pg. 73

Receive information on the draft SANBAG Freight Strategy provided in Attachment 1. **Steve Smith**

This item was reviewed by the Board of Directors Metro Valley Study Session on February 13, 2014. This item was also reviewed by the Mountain/Desert Policy Committee on February 21, 2014. Information in this agenda item was presented to the Transportation Technical Advisory Committee on February 3, 2014.

Consent Calendar Continued....

Regional/Subregional Planning (Cont.)

10. Congestion Management Program Cost Allocation Pg. 91

The Board, acting as the San Bernardino County Congestion Management Agency:

1. Approve the 2012/2013 Congestion Management Program Cost Allocation.

2. Approve Mountain/Desert Subarea Jurisdiction Invoicing for Shares. **Steve Smith**

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on February 21, 2014.

11. Process for Review of the Measure I 2010-2040 Expenditure Plan in 2015 Pg. 98

1. Receive information on the process for review of the Measure I 2010-2040 Expenditure Plan in 2015.

2. Consider and comment on a preliminary recommendation by the City/County Managers' Technical Advisory Committee (CCMTAC) that it is premature to entertain amendments to the Measure I 2010-2040 Expenditure Plan in 2015 because SANBAG is still in the initial years of a 30-year Measure, and experience with the Measure is limited. It is recommended that the Expenditure Plan be reviewed in the 2017-2018 timeframe, pending the outreach required by the Measure I Ordinance.

3. Authorize an outreach process by SANBAG staff based on the requirement in Section XIV of San Bernardino County Transportation Authority Ordinance No. 04-01 that the Measure I 2015 review process "shall consider recommendations from local governments, transportation agencies and interest groups, and the general public." Following input from this outreach, a determination would be made by the SANBAG Board regarding whether to pursue Expenditure Plan amendments in 2015.

4. Direct staff to proceed with analysis of interchange priorities for the Valley subarea consistent with the direction provided by the SANBAG Board on November 30, 2010 and in conjunction with the interchange phasing analysis authorized by the Board on October 3, 2012. **Steve Smith**

This item was reviewed and recommended for approval (18-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on February 13, 2014. This item was also reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on February 21, 2014. Information in this agenda item was presented to the Transportation Technical Advisory Committee on February 3, 2014, to the City/County Manager Technical Advisory Committee on January 30, 2014, and to the Measure I/Nexus Study Ad Hoc Committee of the CCMTAC on December 3, 2013, January 7, 2014, and January 21, 2014.

Notes/Actions:

Consent Calendar Continued....

Council of Governments

12. Letter received regarding Metro Gold Line Extension to Ontario Airport Pg. 126

Approve draft response letter regarding the status of the Ontario Airport Access Study. **Wendy Strack**

This item was received by the Commuter Rail and Transit Committee on February 13, 2014.

13. State and Federal Legislative Update Pg. 130

Receive State and Federal Update. **Wendy Strack**

This item was received by the General Policy Committee on February 12, 2014.

Project Delivery

14. Amendment to the Lenwood Road Grade Separation Construction Cooperative Agreement Pg. 135

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

1. Approve Amendment No. 2 to Contract No. C11199, the Funding Agreement for the Right-of-Way and Construction Phases of the Lenwood Road Grade Separation Project with the City of Barstow and the County of San Bernardino as shown by Exhibit "A-2"; and

2. Approve an increase in Right-of-Way acquisition authorization from $1,900,000.00 to $3,075,355.00; and

3. Approve a budget amendment for Fiscal Year 2013/2014 increasing Measure I North Desert Major Local Highway fund in the amount of $1,175,355.00. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Committee on February 21, 2014. SANBAG General Counsel has reviewed this item and the amendment.

Transit/Commuter Rail

15. Review Financial Audits for Transit Operators Pg. 144

Review and receive the following Operator financial reports for Fiscal Year 2011/2012: Barstow Area Transit (BAT).
Mitch Alderman

Barstow Area Transit has or is scheduled to take these financial reports to their board. This item was reviewed by the Commuter Rail and Transit Committee on February 13, 2014 as well as the Mountain/Desert Policy Committee on February 21, 2014. The Finance department has reviewed and approved this item.

Consent Calendar Continued....

Transit/Commuter Rail (Cont.)

16. Review Financial Audits for Transit Operators Pg. 150

Review and receive the following Operator financial reports for Fiscal Year 2012/2013 for:

a. Mountain Area Regional Transit Authority (MARTA)

b. Morongo Basin Transit Authority (MBTA)

c. Valley Transportation Services (Vtrans)

d. Victor Valley Transit Authority (VVTA) **Mitch Alderman**

Each Operator has or is scheduled to take these financial reports to their respective board. This item has been reviewed by the Commuter Rail and Transit Committee on February 13, 2014 as well as the Mountain/Desert Policy Committee on February 21, 2014. The Finance department has reviewed and approved this item.

Transportation Fund Administration

17. Local Transportation Fund Apportionment Pg. 169

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

1. Maintain Fiscal Year 2013/2014 Local Transportation Fund apportionment of $81,265,071 as approved by the Board on March 6, 2013.

2. Maintain a Fund Reserve of $7,250,000 for unexpected financial need.

3. Approve a Local Transportation Fund Estimated Apportionment of $80,484,541 for Fiscal Year 2014/2015 as detailed in Attachment A and based on $74,920,020 in estimated receipts, $5,564,521 from the prior year audited unrestricted fund balance, and maintaining a $7,250,000 Fiscal Year Fund Reserve. **Andrea Zureick**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014.

Consent Calendar Continued....

Transportation Fund Administration (Cont.)

18. Fund Allocation and Exchange on I-10 Tippecanoe Interchange Phase II and I -215 Projects Pg. 174

That the Board, acting in its capacity as the San Bernardino County Transportation Commission:

1. Allocate the remaining balance of State Proposition 1B Trade Corridor Improvement Funds, estimated at $10,669,955, to the I-10 Tippecanoe Interchange Phase II Construction project, which shall be applied to the project as follows:

a. First replace as much SANBAG Public Share contribution as possible, estimated at $1,422,500.

b. Replace an estimated $4,000,000 of Projects of National and Regional Significance funds and an estimated $5,275,531 of High Priority Program Funds originally designated for the Inland Empire Goods Movement Project and allow those funds to retain the "buy-down" status of the Projects of National and Regional Significance funds and High Priority Program funds.

2. Approve allocation of an estimated $4,000,000 of Projects of National and Regional Significance funds to the I-215 Landscaping project.

3. Approve replacing an estimated $1,500,000 of federal Surface Transportation Program funds and an estimated $3,415,531 of Measure I Valley Freeway Program funds for the I-215 Barton Road Interchange project with an estimated $4,915,531 of High Priority Program Funds and allocate the remaining amount of High Priority Program Funds, estimated at $360,000, to the I-215 Barton Road Interchange project for future cost increases.

4. Approve Trade Corridors Improvement Fund Baseline Agreement No. C14131 for the I-10 Tippecanoe Interchange Improvement Phase II project and authorize the Executive Director to execute C14131 when final Trade Corridors Improvement Funds programming amount is determined including modifications to the Project Programming Request form to reflect the final programming amounts and technical and administrative changes that may be necessary following California Transportation Commission staff review. Should any policy issues arise, the Executive Director will consult with Board Officers. **Andrea Zureick**

This item was reviewed and recommended for approval (18-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on February 13, 2014. The programming of TCIF savings on the I-10 Tippecanoe Phase II Construction project and subsequent movement of the Inland Empire Goods Movement federal earmark funding to the I-215 Landscaping project and I-215 Barton Road Interchange project was discussed at the December 2, 2013, and February 3, 2014, Transportation Technical Advisory Committee.

Notes/Actions:

Consent Calendar Continued....

Transportation Fund Administration (Cont.)

19. Fiscal Year 2014/2015 State Transit Assistance Fund – Population Share Apportionment Pg. 249

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

1. Approve a State Transit Assistance Fund - Population Apportionment for Fiscal Year 2014/2015 of $7,406,093 to be apportioned to the Valley and $2,795,529 to be apportioned to the Mountain/Desert Areas, for a total of $10,201,622, based on 2013 California Department of Finance Population Data. **Andrea Zureick**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014.

20. Ten-Year Delivery Plan – 2014 Update Pg. 252

That the Board, acting as the San Bernardino County Transportation Authority, approve the 2014 Update to the Measure I 2010-2040 Ten-Year Delivery Plan. **Andrea Zureick**

This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014. The proposed 2014 Update to the Ten-Year Delivery Plan was presented to the Transportation Technical Advisory Committee on February 3, 2014 and March 3, 2014.

21. Amendment to Construction Funding Agreement for Yucca Loma Bridge Pg. 255

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

1. Approve additional allocation of $192,951.81 in Measure I Victor Valley Subarea - Major Local Highway Program funds to the Town of Apple Valley for the Yucca Loma Bridge Project.

2. Approve Amendment No. 1 to Funding Agreement C12227 with the Town of Apple Valley to increase the commitment from $14,071,401.73 to $15,992,951.81 for the Yucca Loma Bridge Project, with $9,585,951.81 funded by Measure I Victor Valley Subarea – Major Local Highway Program funds and $6,407,000 funded by State Local Partnership Program funds previously allocated. **Andrea Zureick**

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on February 21, 2014. SANBAG General Council has reviewed this item and the amended agreement as to form.

Notes/Actions:

Consent Calendar Continued....

Transportation Fund Administration (Cont.)

22. Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) Funding for SANBAG and the City of Barstow Pg. 264

That the Board, acting as the San Bernardino Transportation Commission:

1. Approve the amendment to the Expenditure Plan for the City of Barstow, Barstow Area Transit, for the remaining Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account funds as identified in Attachment A.

2. Approve the amendment to the Expenditure Plan for the San Bernardino Associated Governments for the remaining Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account funds as identified in Attachment B.

3. Approve Memorandum of Understanding No. C14133 with the City of Barstow defining the roles and responsibilities for the administration of Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account Funds previously allocated to them. **Vanessa Jezik**

This item was reviewed and unanimously recommended for approval by the Commuter Rail and Transit Committee on February 13, 2014. SANBAG General Counsel has reviewed the MOU as to form.

Consent Calendar Items Pulled for Discussion

23. Items pulled from the consent calendar shall be taken under this item in the order they were presented on the calendar.

Notes/Actions:

DISCUSSION ITEMS

Transit and Commuter Rail

24. Hearings to Consider Resolutions of Necessity to Acquire Property Needed for the San Bernardino Transit Center Project Pg. 276

1. Conduct public hearings to consider condemnation of real property required for the San Bernardino Transit Center Project (Project) in the City of San Bernardino; and

2. By at least a two-thirds majority vote of the entire Commission (i.e. at least 20 affirmative votes), adopt Resolutions of Necessity Nos. 14-016 through 14-018, and authorize and direct legal counsel to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests for the Project from the following property owners:

Commission Parcel #	APN #	Property Owner	Purpose of Acquisition**
SBTC-01	0134-371-01	LINUS C. AMARIKWA, an individual	PE for street purposes, TCE, and TAE
SBTC-02	0134-371-10	CANYON DEVELOPER, LLC, a California limited liability company	PE for street purposes, TCE, and TAE
SBTC-03	0134-341-26	CALIFORNIA COMMUNITY COLLABORATIVE, INC., a California corporation	PE for street purposes, TCE, and TAE

**PE denotes permanent easement; TCE denotes temporary construction easement; TAE denotes temporary access easement.

3. Delegate authority to the Executive Director or his designee to negotiated, approve, and execute all documents for the acquisition of the referenced rights-of-way and real property described in Recommendation 2. **Mitch Alderman**

This item has not been reviewed by any policy committee. The Commission's General Counsel and the Commission's Right-of-Way Counsel, Nossaman LLP, have approved this item as to form. This item is not scheduled for review by any other policy committee or technical advisory committee.

Administrative

25. General Policy Committee Representatives Pg. 353

1. Note the results of the East Valley Caucus to select a representative to the SANBAG General Policy Committee.

2. Approve, until June 30, 2014, a temporary increase of one additional member to the West Valley city representatives to the General Policy Committee to a total of four city members. **Duane Baker**

This item has not received prior policy or technical advisory committee review.

Notes/Actions:

Discussion Items Continued....

Administrative (Cont.)

26. Appointments to and Vacancies on External Boards and SANBAG Committees Pg. 355

1. Re-appoint Mayor Pro Tem Alan Wapner, City of Ontario, as a member of the Southern California Association of Governments (SCAG) Regional Council representing SANBAG as the County Transportation Commission.

2. Re-appoint Mayor Paul Eaton, City of Montclair, as the primary member to the Metro Gold Line Phase II Joint Powers Authority.

3. Announce re-appointment of Mayor Julie McIntyre, City of Barstow, as the alternate member to the Alameda Corridor-East Construction Authority.

4. Note the following vacancies and request Board Members to express their interest in serving for the following:

- SANBAG Commuter Rail and Transit Committee
- Metro Gold Line Phase II JPA – Alternate Member
- SCAG Energy and Environment Committee **Duane Baker**

This item has not had prior policy or technical committee review.

27. Resolution No. 14-009, Issuance of the 2014 Sales Tax Revenue Bond and Designating the Underwriter and Printer Pg. 358

1. Approve Resolution No. 14-009 authorizing the issuance and sale of not-to-exceed $150,000,000 aggregate principal amount of San Bernardino County Transportation Authority sales tax revenue bonds (limited tax bonds), the execution and delivery of an indenture, supplemental indenture, escrow agreement, amendment to state transactions and use tax agreement, purchase contract, official statement and continuing disclosure agreement and the taking of all other actions necessary in connection therewith;

2. Designate Citigroup Global Markets Inc., as Senior Manager, and Bank of America Merrill Lynch, Goldman, Sachs & Co., Barclays Capital Inc., and RBC Capital Markets, LLC as Co-Managers for bond underwriting services; and

3. Designate Financial Printer Resource, Inc. for printing services. **William Stawarski**

This item was reviewed and unanimously approved by the General Policy Committee on February 12, 2014.

Council of Governments

28. Report on Regional Public Safety Collaboration Pg. 367

Receive and file the report. **Duane Baker**

This item has not received prior policy or technical advisory committee review.

Notes/Actions:

Discussion Items Continued....

Council of Governments (Cont.)

29. Federal Buy America Waiver request by California Steel Industries Pg. 368

Provide direction on the preferred option to support the requested waiver. **Wendy Strack**

The Legislative Ad Hoc Committee reviewed this item on February 14, 2014, and recommended the item go forward to the March Board of Directors meeting for consideration and action.

Transportation Programs and Fund Administration

30. Congestion Mitigation and Air Quality Program Proposed Legislation Pg. 378

Oppose proposed surface transportation reauthorization legislative language concerning use of Congestion Mitigation and Air Quality Program funds. **Andrea Zureick and Wendy Strack**

This item was reviewed as an informational item by the General Policy Committee on February 12, 2014. At the request of the Committee, the Recommendation was changed to reflect an oppose position to the proposed legislative language.

31. 2014 State Transportation Improvement Program Amended Proposal Pg. 388

That the Board, acting as the San Bernardino Transportation Commission, amend 2014 State Transportation Improvement Program proposal to reflect the following actions, as shown in Table 2:

1. Propose programming of $1.27 million per year in Fiscal Years 2016/2017 to 2018/2019 for Planning, Programming, and Monitoring activities.

2. Propose an amendment to the current programming for the Interstate 10 HOV Lane project to increase Regional Improvement Program construction funds from $40 million to $39.75 million and to reprogram from Fiscal Year 2015/2016 to Fiscal Year 2017/2018.

3. Nominate the following new projects for Regional Improvement Program funds to be submitted to the California Transportation Commission for inclusion in the 2014 State Transportation Improvement Program:

a. US 395 Widening through Adelanto – Program $5.55 million for right of way in Fiscal Year 2014/2015.

b. Interstate 215 Mount Vernon Avenue/Washington Street Interchange Improvement – Program $38.523 million for Construction in Fiscal Year 2018/2019.

Notes/Actions:

Agenda Item 31 Continued.....

c. State Route 210 Widening from Highland Avenue to Interstate 10 – Program $25 million for Construction in Fiscal Year 2017/2018.

4. Propose an amendment to the current programming for Interstate 215 Barton Road Interchange Reconstruction to shift construction funds from Fiscal Year 2015/2016 to Fiscal Year 2016/2017 in accordance with the current construction schedule.

5. Propose an amendment to the current programming for Route 138 Widening to increase construction funds by $795,000 in Fiscal Year 2013/2014. **Andrea Zureick**

This item has not received prior policy committee or technical advisory committee review. This is being brought directly to the Board as a result of a request by the California Transportation Commission to amend our proposal prior to their March 21, 2014, STIP adoption.

Project Delivery

32. Laurel Street Grade Separation and Lenwood Road Grade Separation Funding Application Resolution Pg. 392

1. Adopt Resolution No. 14-013 for the Laurel Street Grade Separation Project authorizing filing an application for Grade Separation funding allocation and confirming sufficient local funds will be available as project work progresses.

2. Adopt Resolution No. 14-014 for the Lenwood Road Grade Separation Project authorizing filing an application for Grade Separation funding allocation and confirming sufficient local funds will be available as project work progresses. **Garry Cohoe**

This item has not received prior policy committee or technical advisory committee review.

33. Lenwood Road Grade Separation Project Pg. 398

That the Board acting as the San Bernardino County Transportation Commission:

1. Ratify the July 8, 2013 execution of Contract No. C13032 with Simon Wong Engineering for Construction Management services for the Lenwood Road Grade Separation Project in an amount not-to-exceed $2,493,341.00.

2. Approve Amendment No. 1 to Contract C13032 with Simon Wong Engineering for Construction Management services for the Lenwood Road Grade Separation Project to reflect changes to the contract based upon the Caltrans Audits and Investigations Conformance Review and execute after Caltrans provides final approval of the amendment. **Garry Cohoe**

This item has not received prior policy committee or technical advisory committee review. SANBAG General Counsel and Contract Administrator have approved this item and the contract amendment.

Notes/Actions:

Discussion Items Continued....

Regional/Subregional Planning

34. San Bernardino County Regional Greenhouse Gas Reduction Plan and Environmental Impact Report (EIR) Pg. 423

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

1. Adopt Resolution No. 14019 certifying the Environmental Impact Report and adopting environmental findings under CEQA (California Environmental Quality Act) for the San Bernardino County Regional Greenhouse Gas Reduction Plan.

2. Adopt Resolution No. 14020 approving the San Bernardino County Regional Greenhouse Gas Reduction Plan. **Steve Smith**

This item has not been reviewed by any SANBAG policy committee or technical advisory committee. SANBAG General Counsel and special CEQA counsel have approved this item and the resolutions as to form.

Comments from Board Members

Brief Comments from Board of Directors

Executive Director's Comments

Brief Comments from the Executive Director

Public Comment

Brief Comments by the General Public

ADJOURNMENT

Additional Information

Agency Reports/Committee Memberships

South Coast Air Quality Management Report Pg. 443
Mayor Dennis Yates

Mobile Source Air Pollution Reduction Review Committee Pg. 445
Mayor Larry McCallon

SCAG Committees Pg. 450

SCAG Regional Council
SCAG Policy Committees
Community, Economic and Human Development
Energy and Environment
Transportation and Communications

SANBAG Policy Committees Pg. 451

Acronym List Pg. 457

Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

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

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

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

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

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

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

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

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

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes 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, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

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

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 Vote as specified in the SANBAG Bylaws.

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

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his 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 not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

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

The Chair.

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

Important Dates to Remember...

March 2014

SANBAG Meetings – Scheduled:			
General Policy Committee	Mar. 12	9:00 am	The Super Chief
Metro Valley Board Study Session	Mar. 13	9:00 am	SANBAG Lobby, 1st floor
Commuter Rail/Transit Committee	Mar. 13	10:00 am	SANBAG Lobby, 1st floor
Mountain/Desert Committee	Mar. 21	TBD	**LOCATION CHANGE:** City of Barstow Council Chambers, 220 E. Mtn. View St., Suite A, Barstow

Other Meetings/Events:			
I-10 & I-15 Corridor Projects, East Valley Community Advisory Group Project Update Meeting	Mar. 18	6:00-7:00 pm	Gonzales Community Center, 670 N. Colton Ave., Colton, CA
I-10 & I-15 Corridor Projects, High Desert Community Advisory Group Project Update Meeting	Mar. 19	5:30-6:30 pm	Victorville City Hall, Conference Room D, 14343 Civic Drive, Victorville. CA
I-10 & I-15 Corridor Projects, West Valley Community Advisory Group Project Update Meeting	Mar. 20	6:00-7:00 pm	Victoria Gardens, Mgmt. Office, Rm 200, 12505 N. Mainstreet, Rancho Cucamonga
Groundbreaking Ceremony for the Lenwood Grade Separation, Barstow, CA	Mar. 21	11:00 am	Corner of Lenwood Road and Main Street, Barstow, CA
30th Annual City-County Conference, Lake Arrowhead, CA	Mar. 27-28	Thursday Noon to Friday Noon	Lake Arrowhead Resort

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

CalenMar2014- jd

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 1

Date: March 5, 2014

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 SANBAG 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
27	N/A	Citigroup Global Markets, Inc. *Chris Mukai*	None
27	N/A	Bank of America-Merrill Lynch *Bryon Rockwell*	None
27	N/A	Goldman Sachs & Co. *Andrew Prindle*	None
27	N/A	Barclays Capital, Inc. *John McCray-Goldsmith*	None
27	N/A	RBC Capital Markets, LLC *Tom A. Yang*	None
27	N/A	Financial Printer Resource Inc. *Cheryl Granger*	None

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE	X	CMA	X

Check all that apply
BRD1403z-aa

Item No.	Contract No.	Principals & Agents	Subcontractors
33	C13032-01	Simon Wong Engineering *Marc McIntyre*	DHS Consulting Dynamic Engineering Services, Inc. CHJ Consultants, Leighton Consulting, Inc. Towill, Inc.

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

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

BOARD OF DIRECTORS ATTENDANCE RECORD – 2014

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Gary Ovitt Board of Supervisors	X	X										
James Ramos Board of Supervisors	X	X										
Janice Rutherford Board of Supervisors	X	X										
Josie Gonzales Board of Supervisors	X	X										
Robert A. Lovingood Board of Supervisors	X	X										
Cari Thomas City of Adelanto	X	X										
Curt Emick Town of Apple Valley	X	X										
Julie McIntyre City of Barstow	X	X										
Bill Jahn City of Big Bear Lake	X	X										
Dennis Yates City of Chino	X	X										
Ed Graham City of Chino Hills	X	X										
Frank Navarro City of Colton	X	X										
Michael Tahan City of Fontana	*	X										
Walt Stanckiewitz City of Grand Terrace	X	X										
Mike Leonard City of Hesperia	X	X										
Larry McCallon City of Highland	X	X										

X = member attended meeting. * = alternate member attended meeting. Empty box = Did not attend meeting Crossed out box = not a Board Member at the time.

brdatt14

BOARD OF DIRECTORS ATTENDANCE RECORD – 2014

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Rhodes 'Dusty' Rigsby City of Loma Linda	X	X										
Paul Eaton City of Montclair	X	X										
Edward Paget City of Needles	X	X										
Alan Wapner City of Ontario	X	X										
L. Dennis Michael City of Rancho Cucamonga	X	X										
Pete Aguilar City of Redlands	X	X										
Deborah Robertson City of Rialto	X	X										
Patrick Morris City of San Bernardino	X	X										
Jim Harris City of Twentynine Palms	X	X										
Ray Musser City of Upland	X	X										
Ryan McEachron City of Victorville	X	X										
Dick Riddell City of Yucaipa	X	X										
George Huntington Town of Yucca Valley	X	X										
Basem Muallem Ex-Official Member		X										

X = member attended meeting. * = alternate member attended meeting. Empty box = Did not attend meeting Crossed out box = not a Board Member at the time.

BOARD OF DIRECTORS ATTENDANCE RECORD – 2013

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Gary Ovitt Board of Supervisors	X	X		X	X	X	X		X	X		X
James Ramos Board of Supervisors	X	X			X		X		X	X	X	X
Janice Rutherford Board of Supervisors	X	X		X	X	X	X		X	X	X	
Josie Gonzales Board of Supervisors		X		X	X	X	X		X	X	X	X
Robert A. Lovingood Board of Supervisors	X	X		X	X	X	X		X		X	X
Cari Thomas City of Adelanto		X	X	X	X	X	X		X	X	X	X
Curt Emick Town of Apple Valley	X	X	X	*	X	X	X		X	X	X	X
Julie McIntyre City of Barstow		X	X		X	X			X	X	X	
Bill Jahn City of Big Bear Lake	X	X	X	X	X	X	X		X	X	X	X
Dennis Yates City of Chino	X	X	X	X	X	X	X		X	X	X	X
Ed Graham City of Chino Hills	X	X	X	X	X	X	X		X	X	X	X
Frank Navarro City of Colton	X	X	X	X	X	X	X		X	X	X	X
Michael Tahan City of Fontana	X	X	X	X	X	X	X		*	X	X	X
Walt Stanckiewitz City of Grand Terrace	X	X	X	X	X	X	X		X	X	X	X
Mike Leonard City of Hesperia	X	X		X		X	X			X	X	X
Larry McCallon City of Highland	X	X	X	X	X	X	X		X			X

X = member attended meeting. * = alternate member attended meeting. Empty box = Did not attend meeting Crossed out box = not a Board Member at the time.

brdatt13

BOARD OF DIRECTORS ATTENDANCE RECORD – 2013

Name	Jan	Feb	March	April	May	June	July	Aug DARK	Sept	Oct	Nov	Dec
Rhodes 'Dusty' Rigsby City of Loma Linda	X	X	X	X	X	X	X		X	X	X	X
Paul Eaton City of Montclair	X		X		X	X	X		X		X	X
Edward Paget City of Needles	X	X	X	X	X	X	X		X	X	X	X
Alan Wapner City of Ontario	X	X	X	*	X	X	X		X	X	X	X
L. Dennis Michael City of Rancho Cucamonga		X	X	*	X	X	*		X	X	X	*
Pete Aguilar City of Redlands	X	X	X	X	X	X	X		X	X	X	X
Deborah Robertson City of Rialto	X	X	X	X	X	X	X		X	X	X	X
Patrick Morris City of San Bernardino	X	X	X	X	X	X	X		X	X	X	X
Jim Harris City of Twentynine Palms	X	X	X	X	X	X	X		X	X	X	X
Ray Musser City of Upland	X	X		X	*	X	X		X	X	X	*
Ryan McEachron City of Victorville	X	X	X		X	X	X		X	X	X	X
Dick Riddell City of Yucaipa	X	X	X	X	X	X	X		X	X	X	X
George Huntington Town of Yucca Valley	X	X	*	X	X	X	X		X	X	X	X
Basem Muallem Ex-Official Member	Robert So	Syed Raza	X	Syed Raza	Syed Raza	X	Jesus Galvan		Christy Connors	X	X	X

X = member attended meeting. * = alternate member attended meeting. Empty box = Did not attend meeting Crossed out box = not a Board Member at the time.

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 3

Date: March 5, 2014

Subject: Public Reporting of Individual Votes or Abstentions (Senate Bill 751)

Recommendation:* Approve changes necessitated by Senate Bill 751 to SANBAG's Policy regarding "General Practices for Conducting Meetings" of the SANBAG Board of Directors and Policy Committees.

Background: Senate Bill 751 (SB 751), effective January 1, 2014, amends Government Code Section 54953 of the Brown Act and necessitates changes in SANBAG's voting process at Board and Policy Committee meetings. This Brown Act amendment requires "The legislative body of a local agency to publicly report any action taken and the vote or abstention on that action of each member present for the action." Previously, local agencies' legislative bodies were required to report the votes of individual officials in closed sessions and in meetings held by teleconference. However, there was no such requirement to report individual officials' votes cast during open meetings. This amendment imposes a similar obligation on reporting open session votes.

The legislative history for SB 751 explains:

> "When local agencies with many board members vote on an agenda item, keeping track of who voted how can be difficult. This bill puts in place reasonable provisions to improve public accountability by requiring those agencies to clearly report the vote or abstention of each member present."

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE	X	CMA	X

BRD1403-emt
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403a1-emt.doc

SANBAG's current practice requires the President or Committee Chair call for a motion and second on an item, after which the Board votes collectively "aye" or "nay" on the motion without announcing how each member voted. This does not comply with SB 751.

Because SB 751 does not expressly identify how "to clearly report the vote or abstention of each member present", SANBAG has several options for complying with SB 751. The options identified include: 1) Electronic Voting; 2) Roll Call Voting; and 3) Modified Roll Call Voting.

1) Electronic Voting.
At present, SANBAG does not have the necessary equipment for electronic voting nor does SANBAG have dedicated public meeting rooms. SANBAG Board and Committee meetings are held in rooms that must be set up with the necessary microphones, audio/visual, tables, chairs and other portable equipment for each meeting. The Clerk of the Board is currently researching the technology, feasibility, logistics and cost of implementing electronic voting at SANBAG Board and Committee meetings.

2) Roll Call Voting.
Roll call voting would entail the Clerk of the Board calling the name of each member present and the member stating "aye", "nay" or "abstain" for each item requiring a vote. The Consent Calendar would be voted on as one item. The Clerk of the Board would announce the number of "aye" votes, and the number of "nay" votes and abstentions. SANBAG Board meetings in calendar year 2013 had from three to twelve items on each agenda requiring separate votes, plus an additional one to two votes on items pulled from the Consent Calendar. With 29 Board members, each roll call vote would be anticipated to take approximately two minutes thirty seconds. Roll call voting would likely extend the meeting length an additional ten to thirty-five minutes.

Roll call voting at the General Policy Committee, Board of Directors Metro Valley Study Session, Commuter Rail Transit Committee and Mountain Desert Committee meetings would be conducted in the same manner. In calendar year 2013 these committee meetings had from three to eleven items on each agenda requiring separate votes. Each roll call vote at a committee meeting would be estimated to take one additional minute. Roll call voting would likely extend committee meeting duration by an additional three to eleven minutes.

3) Modified Roll Call Voting.
Modified roll call voting could be conducted as follows:

Consistent with the Board's current practice, each meeting would begin with a roll call by the Clerk of the Board or at the President's or Chair's discretion self-introductions. This would apprise the public of the names of the members and alternates present at the meeting.

On items requiring a vote of the Board or Committee, after a motion and a second, the President or Chair would ask for any "aye" votes on the motion. The "ayes" votes in favor of the motion would be made collectively. Any members wishing to oppose or abstain from voting on the motion would individually and orally state the member's name and his/her "nay" vote or abstention. If the member's abstention requires he or she to leave the room, the member would announce his/her abstention before leaving. Any member present who does not individually and orally state his or her "nay" vote or abstention, shall be deemed, and reported to the public, to have voted "aye" on the motion.

At its February 12, 2014, meeting, the General Policy Committee unanimously recommended adoption of a modified roll call voting process. The Committee also recommended including a requirement that a member arriving or departing the meeting after the roll call or self-introductions must announce his or her arrival before voting, or the fact of his or her need to depart the meeting prior to its conclusion. The proposed modifications to the Board's "General Practices for Conducting Meetings" are intended to address the need to publicly report the actions and votes taken at meetings while being mindful of the size of the Board.

The "General Practices for Conducting Meetings" is attached to this report and the proposed changes reflecting the modified roll call voting process as approved by the General Policy Committee are italicized.

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

Reviewed By: This item and the "General Practices for Conducting Meetings" Policy with modifications was unanimously approved by the General Policy Committee on February 12, 2014, and has been reviewed by SANBAG's General Counsel.

Responsible Staff: Vicki Watson, Clerk of the Board, and Eileen Monaghan Teichert, SANBAG General Counsel.

BRD1403-emt

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

Attendance.

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

Basic Agenda Item Discussion.

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

The Vote as specified in the SANBAG Bylaws.

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

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he/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 not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

BRD1402al-VW

Call for the Question.

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

The Chair.

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

Courtesy and Decorum.

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

BRD1402a1-VW

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 4

Date: March 5, 2014

Subject: January 2014 Procurement Report

Recommendation:* Receive January 2014 Procurement Report

Background: The Board of Directors adopted the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997, and approved the last revision on May 1, 2013. On February 6, 2013, the Board of Directors authorized the Executive Director, or designee, to approve: a) contracts and purchase orders up to $100,000; b) amendments with a zero dollar value; c) amendments to exercise the option term if the option term was approved by the Board of Directors in the original contract; and d) amendments that cumulatively do not exceed 50% of the original contract value or $100,000, whichever is less and to release Request for Proposal (RFP), Request for Quote (RFQ) and Invitation for Bid (IFB) for proposed contracts from which funding has been approved in San Bernardino Associated Governments (SANBAG's) Annual Budget, and which are estimated not-to-exceed $1,000,000. SANBAG staff has compiled this report that summarizes all contract actions approved by the Executive Director, or designee.

On July 11, 2012, the Board of Directors authorized SANBAG's General Counsel to award and execute legal services contracts up to $50,000 with outside counsel as needed on behalf of SANBAG and its authorities organized under the umbrella

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE	X	CMA	X

Check all that apply.
BRD1403a-wws
Attachments:
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403a1-wws.docx
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403a2-wws.docx

of the Council of Governments. Also, periodically notify the Board after exercising such authority.

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

Financial Impact: This item imposes no impact on the Fiscal Year 2013/2014 budget. Presentation of the monthly procurement report demonstrates compliance with the Contracting and Procurement Policy (Policy No. 11000).

Reviewed By: This item was received by the General Policy Committee on February 12, 2014.

Responsible Staff: William Stawarski, Chief Financial Officer

BRD1403a-wws

Attachment A
December to January Contract Actions

New Contracts Executed:

Contract No.	Description of Specific Services	Vendor Name	Dollar Amount	Description of Overall Program
None				

*The Executive Director was authorized to execute Program Supplements associated with the Master Agreement between Caltrans and SANBAG on March 7, 2007. There are no dollar limits associated to the Executive Director's authorization for these Program Supplements.

Attachment A

December to January Contract Amendment Actions

Contract Amendments Executed:

Contract No. & Amendment No.	Reason for Amendment (include a description of the amendment)	Vendor Name	Previous Amendments & Dollar Values	Dollar Amount of Amendment	Amended Contract Total
C06043 Amendment 2	Amendment extended the contract duration 8 months to match construction completion and project closeout and updated key personnel. Articles for Technical Direction and Changes were updated to bring the contract to current language which allows for administrative changes such as key personnel, subcontractors, Attachment B and address of the vendor. These changes can be updated via a memo to file instead of an amendment which expedites the update. Project: Construction Management Services for I-215 5th Street Overcrossing and Segments 1 and 2.	Jacobs Projects Management	Original: $3,134,214.00 Amend. 1: Contract increased by $25,805,007	$0.00	$28,939,221.00
C06044 Amendment 4	Amendment extended the contract duration 8 months to match construction completion and project closeout. Articles for Technical Direction and Changes we update to bring the	Ninyo & Moore	Original: $425,000.00 Amend. 1: Contract increased by $3,559,166.56	$0.00	$4,564,166.56

	contract to current language which allows for administrative changes such as key personnel, subcontractors, Attachment B and address of the vendor. These changes can be updated via a memo to file instead of an amendment which expedites the update. Project: Material Testing Services for I-215 5th Street Overcrossing and Segments 1 and 2.		Amend. 2: Contract increased by $480,000.00 Amend. 3: Contract increased by $100,000.00		
C06045 Amendment 2	Amendment extended the contract duration 8 months to match construction completion and project closeout. Articles for Technical Direction and Changes were updated to bring the contract to current language which allows for administrative changes such as key personnel, subcontractors, Attachment B and address of the vendor. These changes can be updated via a memo to file instead of an amendment which expedites the update. Project: I-215 Segments 1&2 Construction Surveying.	David Evans & Associates	Original: $1,183,381.00 Amend. 1: Contract increased by $4,953,175.79	$0.00	$6,136,556.79
C14004 Amendment 1	Removed the Builders Risk insurance requirement which was not required for underground facilities Project: Construction of	GRFCO, Inc.	n/a	$0.00	$354,300.00

	36" Storm Drain on E Street in San Bernardino for the Downtown San Bernardino Rail Project.				
C13020 Amendment 2	Extend the contract by 12 months, although the plan has been completed, the services of ICF is needed until Environmental impact report is completed by Atkins. Project: Regional Greenhouse Gas Inventory & Reduction Plan.	ICF Jones & Stokes	Original: $173,628.00 Amend. 1: Contract duration increased by 6 months	$0.00	$173,628.00
C13021 Amendment 2	Extend the contract by 12 months to complete the report. Add additional public meetings and cost. Project: Regional Greenhouse Gas Reduction Plan Environmental Impact Report	Atkins North America, Inc.	Original: $220,803.35 Amend. 1: Contract duration increased by 6 months	$1,840.00	$222,643.35

December 12, 2013 - January 17, 2014 Purchase Order Actions

Purchase Orders:

PO No.	PO Issue Date	Vendor Name	Description of Services	PO Dollar Amount
4001094	12/12/2013	BNSF Railway Company	SANBAG requested flagging services from BNSF since it is the only entity that provides flagging services on the San Bernardino/Redlands Subdivision railroad. SANBAG requires this service for the Transit Center Project.	$25,000.00
4001096	12/17/2013	Economics & Politics, Inc.	John Husing, from Economics & Politics, has provided valuable economic information for various SANBAG projects. Mr. Husing is hired to produce an economic report for a bond rating presentation to rating agencies for the 2014 bond issue.	$10,000.00
4001097	12/18/2013	Simon Wong Engineering	SANBAG awarded contract to Simon Wong on June 5, 2013. However, SANBAG issued Purchase Order to Simon Wong to cover the cost of utility survey and coordination services that must commence prior to issuance of the Letter of Conformance and start of construction for the Lenwood Road Grade Separation Project. The amount spent on this Purchase Order will be deducted from current contract with Simon Wong.	$100,000.00
4001101	01/13/2014	Environmental Systems Research (ESRI)	ESRI is the only provider of maintenance to SANBAG's GIS (Geographic Information Systems) software. All of GIS systems run on ESRI software which SANBAG has been using since 1996.	$12,294.00
4001104	01/14/2014	Apple One	Since County of San Bernardino performed competitive procurement process, SANBAG piggyback from the County's contract with Apple One to obtain temporary receptionist services.	$6,825.00

4001105	01/14/2014	Southern California Edison (SCE)	SCE is the only electric utility for new meter installation, service and line extension for the Downtown San Bernardino Passenger Rail Project.	$60,670.06
4001106	01/14/2014	Southern California Edison (SCE)	SCE is the only electric utility provider and their poles need to be relocated for the Downtown San Bernardino Passenger Rail Project.	$25,000.00
4001107	01/17/2014	Southern California Edison (SCE)	SCE is the only electric utility provider and their poles need to be relocated for the Downtown San Bernardino Transit Center Project.	$34,182.74
***Note:** Sole Source justification is noted in the Purpose statement, if applicable.*			**Total**	**$273,971.80**

Attachment A

December to January Purchase Order Amendment Actions

Purchase Order Amendments Executed:

Purchase Order No. & Amendment No.	Description of Services and Reason for Amendment	Vendor Name	Previous Amendments & Dollar Values	Dollar Amount of Amendment	Amended PO Total
None					

Attachment B
December to January RFPs and IFBs

Release of RFP's and IFB's

Release Date	RFP/IFB No.	Description of Services	Anticipated Dollar Amount	Anticipated Award Date	Description of Overall Program and Program Budget
1/21/14	RFP14010	Freeway Service Patrol for Beats 2, 4, and 5	$993,686	May 7, 2014	Provide roadside assistance to multiple sections of major freeways during peak times.
1/21/14	RFP14047	PA/ED, PS&E & construction support for the I-10/ University Street project	$800,000	July 2, 2014	For professional services for the initiation document, PA/ED, PS&E and construction support for the I-10/University Street project in the City of Redlands.
				Total	**$1,793,686**

BRD1403a2-wws

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 5

Date: March 5, 2014

Subject: Measure I Revenue

Recommendation:* Receive report on Measure I receipts for Measure I 2010-2040.

Background: Sales tax revenue collections for Measure I 2010 through 2040 began on April 1, 2010. Cumulative total receipts for Fiscal Year 2013/2014 as of December 31, 2013 were $70,833,653.

Included is a summary of the current Measure I receipts by quarter and cumulative total since its inception. The quarterly receipts represent sales tax collection from the previous quarter taxable sales. For example, receipts for October through December represent sales tax collections from July through September.

Measure I revenue for the 2013/2014 Fiscal Year budget was estimated to be $139,400,000. Actual Measure I receipts for Fiscal Year 2013/2014 October through December are $35,403,641, in comparison to $35,076,980 received during the quarter ending September 2012/2013, with an increase of .93%.

Financial Impact: Measure I revenues are expected to exceed both the budgeted amount and prior years' collections.

Reviewed By: This item was received by the General Policy Committee on February 12, 2014.

Responsible Staff: William Stawarski, Chief Financial Officer

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA	X	SAFE		CMA	X

Check all that apply.

BRD1403b-wws

http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403b1-wws.docx

ATTACHMENT A

Summary of SANBAG Measure I Receipts 2010-2040

Fiscal Year	July-September	October-December	January-March	April- June	Fiscal Year Total	Cumulative Total To Date
Receipts Prior to FY 2010/11						**$7,158,800**
Fiscal Year 2010/11	28,188,907	29,207,950	28,808,766	29,397,456	115,603,079	**$122,761,879**
Fiscal Year 2011/12	31,027,319	33,547,956	32,757,419	33,476,051	130,808,745	**$253,570,624**
Fiscal Year 2012/13	34,279,449	35,076,980	34,675,280	34,309,171	138,340,881	**$391,911,504**
Fiscal Year 2013/14	35,430,012	35,403,641	0	0	70,833,653	**$462,745,157**
% Increase Over 12/13	3.36%	0.93%				

BRD1403b1-wws

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 6

Date: March 5, 2014

Subject: Employee Classification and Compensation and Benefits Study

Recommendation:*

1. Approve a budget amendment to Task No. 0140 – Indirect Human Resources to increase the budget by $35,000 to complete a study of San Bernardino Associated Governments Employee Classification and Compensation and Benefit Plans.

2. Approve the attached scope of work for Employee Classification and Compensation and Benefits study.

3. Authorize the release of Request for Proposals No. 14125 for Consultant support to complete the Employee Classification and Compensation and Benefits study consistent with the approved scope of work.

Background: San Bernardino Associated Governments (SANBAG) periodically contracts with consulting firms to study SANBAG's Salary and Classification Plans. The intent of the study is to evaluate the existing job classifications, determine the total compensation competitiveness of the positions within the labor market, and to align internal compensation based on differences in duties and responsibilities. As part of this process, SANBAG may evaluate the major components of the

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC		CTA		SAFE		CMA	

BRD1403e-dab
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Requests%20for%20Proposals%20RFPs/RFP14125.docx

benefit programs to determine the value of our health, dental, life insurance, paid time off, and other employee benefit plans.

The last external study was completed in 2009. Since that time, there have been substantial changes in staffing, including a reorganization in 2012 that affected the Planning and Fund Administration and Programming Departments, and the creation of a Procurement/Risk Management/Contract Administrator work group.

By completing this study, SANBAG will be able to make informed decisions about job reclassifications and compensation packages. The study's information will also provide the necessary tools for SANBAG to remain competitive in the labor market and attract top quality employees.

SANBAG will seek consultant support to complete the study based on the approved scope of work. Staff recommends that Request for Proposal No. 14125 and the associated scope of work be approved for release. Per SANBAG Contracting and Procurement Policy 11000, revised May 1, 2013, the Executive Director will execute a contract with the consultant selected by the procurement evaluation panel.

Financial Impact: This item will increase the expenditure budget for the Fiscal Year 2013-2014 budget for Task No. 0140 - Indirect Human Resources by $35,000.

Reviewed By: This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014.

Responsible Staff: Duane A. Baker, Director of Management Services

BRD1403e-dab

ATTACHMENT A - SCOPE OF WORK

The consultant will be fully responsible for designing and implementing a comprehensive classification and compensation and benefits study that meets the objectives of San Bernardino Associated Governments (SANBAG). The following represents some of the tasks organized under the three sections that the consultant will be asked to complete as part of the scope of work for this engagement.

This is not intended to represent a complete task plan and only outlines some of the major areas that need to be addressed. The consultant will be expected to expand upon this outline and further articulate his/her approach.

A. Scope of the Study – Classification Portion

1. Develop a classification structure that reflects SANBAG's overall classification and compensation strategy and the development of career ladders/promotional opportunities for each classification.
2. Review background materials, including organizational charts, budgets, personnel policies and regulations, compensation schedules, current job descriptions, and related information (See Attachments D, E, and F).
3. Design an appropriate job-related questionnaire for completion by all employees that will be used for classification and compensation purposes. Current job descriptions to be attached.
4. Conduct interviews with all employees as needed to discuss the job-related questionnaire.
5. Allocate all employees to an appropriate job title, job class and with an appropriate exempt and non-exempt designation.
6. Recommend changes based on the job evaluation including changes to the job classifications for the purpose of classifying and group jobs appropriately.
7. Review reporting/organization structure and make suggestions.

B. Scope of the Study – Compensation Portion

1. Assess SANBAG's current compensation program.
2. Complete a job evaluation based on review and analysis of job descriptions, job classifications, job-related questionnaires, pay ranges, and benefits. Consultant will conduct employee interviews as needed.
3. Conduct a compensation market survey comparison and provide an analysis of SANBAG's compensation program in comparison with the study comparables.
4. Recommend changes to existing compensation program. This should include changes to pay ranges following the market survey and incorporate best practice strategies.
5. Complete internal salary relationship analyses, including development of appropriate internal relationship guidelines (internal equity).
6. Provide implementation strategies for recommended changes.
7. Prepare compensation administrative guidelines with recommendations covering special compensation issues such as salaries above the maximum, promotions, "acting in the capacity of" situations, market conditions, and ongoing maintenance of the compensation program to ensure competitiveness and alignment with the market.
8. Discuss how the compensation program impacts employee recruitment and retention efforts.

C. Scope of the Study – Benefits Portion

1. Conduct a market survey of the benefits program of the agencies identified in the study comparables. Survey should include SANBAG's medical, dental, and employer-paid vision insurance, SBCERA retirement program, employer-paid 401(a) deferred compensation plan, employer-paid life insurance, employer-paid long and short-term disability insurance, tuition reimbursement plan, an Employee Assistance Program (EAP), paid time off, as well as benefits SANBAG does not offer.
2. Provide an analysis of SANBAG's offerings in comparison with the market study comparables.
3. Recommend changes to existing benefits program following market survey.
4. Discuss how the benefits program impacts employee recruitment and retention efforts.

D. Study Comparables

The consultant will conduct a market salary survey by gathering comparable salary and benefit information from other counties and municipalities of which SANBAG competes against to attract and retain the best and brightest employees. The consultant shall also propose a process by which comparable private sector salary data, to the extent it may be available, may be examined for various positions for which SANBAG must also compete with the private sector.

SANBAG proposes that the study include comparable salary and benefit information from no more than fifteen comparables and include the following relevant labor market agencies:

1. CalTrans District 8
2. County of San Bernardino
3. County of Riverside
4. Riverside County Transportation Commission
5. Orange County Transportation Authority
6. Los Angeles County Metropolitan Transportation Authority
7. Southern California Association of Governments
8. Southern California Regional Rail Authority
9. San Diego Associated Governments
10. Western Riverside Council of Governments

The list of comparables is subject to change, pending review and recommendations by the consulting firm. The final list will be agreed upon between SANBAG and the consulting firm.

E. Study Conclusion

1. Attend meetings as requested, throughout the process with employees, managers, and the SANBAG Board of Directors as necessary in performing work scope tasks and to explain the methodology, study results, and recommendations:
2. Prepare a written draft report of the recommendations, including discussion of methods, techniques, and convey survey data used to develop classification and compensation and benefit plan; and
3. Prepare a final classification and compensation and benefit report of recommendations and make presentation to SANBAG.

F. Work Schedule

The Classification and Compensation and Benefits study will be a significant source of the development of the FY2014/15 budget. As a result, managing schedules and meeting key deadlines will be a critical priority of the study. Provide a timeline indicating tasks required and the start/completion dates for each. It is expected the work will commence as soon as possible after April 2, 2014, and be completed on or before May 21, 2014. On June 4, 2014 the Classification and Compensation and Benefits study will be presented to the Commission for discussion and approval in order to meet the FY 2014/15 budget deadline.

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 7

Date: March 5, 2014

Subject: Budget Amendment to Task No. 0702 – Call Box System

Recommendation:* Approve a Fiscal Year 2013/2014 budget amendment to increase Task No. 0702, for the Call Box System in the amount of $140,000, funded by SAFE – Vehicle Registration Fees for a total Task budget of $1,282,713.

Background: On June 5, 2013, the SANBAG Board of Directors approved a contract with CASE Systems, Inc. for call box maintenance services. The initial contract covers a three-year period and allows for two additional one-year options. Also included in the contract and the subsequent approval was the installation of 20 satellite call boxes. The approved not-to-exceed budget amount for the contract ($1,895,620) includes the installation of satellite call boxes, however, the Fiscal Year 2013/2014 budget had been completed prior to the final negotiation of the contract and therefore the cost of the satellite call box installations was not included in the budget request. As Staff was not sure of the fiscal year timing of the satellite call box installations, a budget amendment was not requested at that time. To date, 3 of the 20 satellite call boxes have been installed and preparations are underway for the remaining 17, therefore, Staff is requesting a budget amendment at this time.

Financial Impact: This item is not consistent with the approved SANBAG Fiscal Year 2013/2014 budget. A budget amendment is required to increase Task No. 0702, Call Box System by $140,000, funded by the Department of Motor Vehicles (DMV),

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC		CTA		SAFE	X	CMA	

Check all that apply.

BRD1403a-nm

Service Authority for Freeway Emergencies (SAFE) Vehicle Registration Fees, Fund 2810.

Reviewed By: This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014.

Responsible Staff: Duane A. Baker, Director of Management Services

BRD1403a-nm

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TRANSPORTATION MEASURE I

■ San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
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Minute Action

AGENDA ITEM: 8

Date: March 5, 2014

Subject: Agreement with the California Department of Transportation (Caltrans) for Construction Freeway Service Patrol (CFSP) services

Recommendation:* That the Board, acting in its capacity as the San Bernardino County Transportation Commission:

1. Approve Agreement No. R14019, between SANBAG and the California Department of Transportation (Caltrans) for Freeway Service Patrol services in various construction areas in San Bernardino County for a not-to-exceed amount of $2,000,000 over a five-year period.

2. Adopt Resolution No. 14-012 authorizing the Chairperson to execute ordinances and resolutions, and the Chairperson and Executive Director to execute various agreements with the California Department of Transportation that have been approved by the Commission.

3. Delegate authority to the Executive Director to approve budget amendments to Task No. 0704 and possibly other freeway construction department projects, as various construction projects surface with funding source information, in an amount not-to-exceed $2,000,000.

*

COG		CTC	X	CTA		SAFE	X	CMA	X

Check all that apply.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

BRD1403a-jh
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/ContractsWorkInProcess%20Files%20%202014/R14019.pdf
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/ContractsWorkInProcess%20Files%20%202014/Resolution%2014012.docx

Background: Freeway Service Patrol (FSP) consists of a fleet of tow trucks roaming the freeways for the purpose of assisting motorists with their disabled vehicles during peak periods of congestion. Since the program's inception in January 2006, the FSP Program has demonstrated many benefits by reducing the amount of time a motorist is in unsafe conditions, as well as reducing traffic delays, vehicular emissions, and secondary accidents. Through an excellent partnership with the CHP, who are the supervisors in the field; more than 3,500 motorists are assisted each month through the San Bernardino FSP program.

In addition to normal FSP services, FSP is used to provide support in construction zones as a congestion mitigation strategy. CFSP is utilized to relieve traffic congestion as a result of construction and assist in the reduction of accidents and secondary accidents. Hours of support vary with traffic flows and project needs such as: freeway closures, elimination of freeway shoulders, and periodic night and weekend work.

Historically, San Bernardino FSP has been used on several projects through the use of task and purchase orders. Caltrans now desires to execute an agreement that will include FSP services for various construction projects throughout San Bernardino County. The proposed agreement provides up to a maximum of $2 million dollars to cover 100 percent of the costs associated with the service provided by our contracted FSP tow operators and our administrative overhead costs over a five-year period.

The contracts for each of the contracted FSP tow operators shall be amended to include language requirements within the Caltrans and SANBAG agreement that should be flowed down to the tow operators.

Service for each of the construction projects will be initiated by a Caltrans task order; which identifies the project, locations, as well as hours and duration of the service. This supplemental FSP service will bring traffic congestion relief, improve air quality, and reduce accidents in construction zones.

Caltrans requires that SANBAG adopt a resolution delegating authority to the Chairperson and the Executive Director to execute various agreements with Caltrans.

Financial Impact: There is no financial impact in Fiscal Year 2013/2014. However, because each construction project varies in funding sources, staff is asking for the Board to give the Executive Director the authority to approve budget amendments as CFSP service needs arise with various FSP or construction project funding sources, provided by Caltrans, in an amount not to exceed $2,000,000 over a five-year period.

BRD1403a-jh

Reviewed By: This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014. SANBAG General Counsel and Contract Administrator have reviewed this item and the agreement.

Responsible Staff: Duane A. Baker, Director of Management Services

BRD1403a-jh

Governments SANBAG Working Together

CONTRACT SUMMARY SHEET

Contract No. R 14019 Amendment No. _____

By and Between

San Bernardino Associated Governments and California Department of Transportation

Contract Description Construction Freeway Service Patrol Services

Board of Director's Meeting Date: March 5, 2014
Overview of BOD Action: Approve Agreement R14019 with California Depa tment of Transportation.

Is this a Sole-Source procurement? ☐ **Yes** ☒ **No**

CONTRACT OVERVIEW

Original Contract Amount	$	2,000,000	**Original Contingency Amount**	$	0
Revised Contract Amount *Inclusive of prior amendments*	$	2,000,000	**Revised Contingency Amount** *Inclusive of prior amendments*	$	0
Current Amendment Amount	$	0	**Contingency Amendment**	$	0
TOTAL CONTRACT VALUE	$	2,000,000	**TOTAL CONTINGENCY VALUE**	$	0
TOTAL BUDGET AUTHORITY *(contract value + contingency)*				$	2,000,000

Contract Start Date	**Current Contract Expiration Date**	**Revised Contract Expiration Date**
1/8/2014	1/8/2019	

Has the contract term been amended? ☒ No ☐ Yes - please explain.

FINANCIAL INFORMATION

☒ Budget authority for this contract currently exists in Task No. 0704.
☐ A Budget Amendment is required.
How are we funding current FY? Funds received vary by project for which Construction FSP is needed. Caltrans will reimburse SANBAG.

☐ Federal Funds ☒ State Funds ☐ Local Funds ☐ TDA Funds ☐ Measure I Funds

*Provide Brief Overview of the **Overall** Funding for the duration of the Contract:*
Will continued to be paid by Caltrans depending on each project.
☐ Payable ☒ Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:
☐ Retention? If yes, indicate % _____.
☐ Disadvantaged Business Enterprise (DBE) Goal _____ %

JENNY HERRERA		2/27/14
Project Manager (Print Name)	Signature	Date
DWANE BAKER		2-27-14
Task Manager (Print Name)	Signature	Date
Andrea Zureck		2/27/14
Dir. of Fund Admin. & Programming (Print Name)	Signature	Date
Jeffery Hill		2/28/14
Contract Administrator (Print Name)	Signature	Date
William Stawarski		2/27/14
Chief Financial Officer (Print Name)	Signature	Date

Contract Summary Sheet 11/6/12

COOPERATIVE AGREEMENT NO. R14019

THIS AGREEMENT (Agreement), ENTERED INTO ON **January 8, 2014,** is between the State of California, acting by and through its Department of Transportation, referred to herein as **CALTRANS** and the **San Bernardino Associated Governments (SANBAG)**, acting in its capacity as the San Bernardino County Transportation Commission, referred to as **LOCAL AGENCY**.

RECITALS

1. **CALTRANS** and **LOCAL AGENCY**, pursuant to Streets and Highways Code section 114 (a), are authorized to enter in this Agreement affecting State highways within the jurisdiction of **LOCAL AGENCY**.

2. **LOCAL AGENCY** has agreed to implement **Freeway Service Patrol (FSP)**, hereinafter the Project, subject to the terms and conditions of this Agreement. The Project Description (Scope of Work) is attached hereto as **Attachment III.**

3. The **LOCAL AGENCY's** governing body, under the authority of state law is authorized to provide services or funding as described and specified herein pursuant to the **LOCAL AGENCY** resolution attached hereto as **Attachment I**.

4. All services performed by **LOCAL AGENCY** pursuant to this Agreement are intended to be performed in accordance with all applicable Federal, State, and **LOCAL AGENCY** laws, ordinances, regulations, and **CALTRANS** encroachment permits, published manuals, policies, and procedures.

5. Project funding is as follows:

FUND TITLE	FUND SOURCE	DOLLAR AMOUNT
Project Specific	Various Funds Per Project	**$2,000,000.00**

6. This Agreement is exempt from legal review and approval by the Department of General Services, pursuant to PCC section 10295.

SECTION I

LOCAL AGENCY AGREES:

To satisfactorily complete all FSP Task Orders described in **Attachment II**.

SECTION II

CALTRANS AGREES:

That when conducting an audit of the costs claimed by **LOCAL AGENCY** under the provisions of this Agreement, **CALTRANS** will rely to the maximum extent possible on any prior audit of **LOCAL AGENCY** pursuant to the provisions of State and applicable Federal laws. In the absence of such an audit, work of other auditors will be relied upon to the extent that such work is acceptable to **CALTRANS** when planning and conducting additional audits.

SECTION III

IT IS MUTUALLY AGREED:

In consideration of the foregoing and the mutual promises of the parties hereto, **LOCAL AGENCY** and **CALTRANS** agree as follows:

1. **Notification of Parties**

   a. **LOCAL AGENCY's** Project Manager is Jenny Herrera (909) 884-8276.

   b. **CALTRANS** Contract Manager is Al Afaneh (909) 383-6262.

   c. All notices herein provided to be given, or which may be given, by either party to the other, shall be deemed to have been fully given when made in writing and received by the parties at their respective addresses:

   San Bernardino Associated Governments
   Attention: Jenny Herrera
   FSP Program Manager
   1170 W. 3rd street, 2nd Floor
   San Bernardino, CA 92410

   California Department of Transportation
   District 08/Traffic Operations
   Attention: Al Afaneh, Contract Manager/DTM
   464 Fourth Street, 6th Floor
   San Bernardino, CA 92401-1400

2. **Period of Performance**

   Work under this Agreement shall begin on **January 8, 2014,** contingent upon approval of this Agreement by **CALTRANS**, and will terminate on **December 31, 2019,** unless extended by amendment.

3. **Changes in Terms/Amendment**

   This Agreement may only be amended or modified by mutual written agreement of the parties.

4. **Termination**

   This Agreement may be terminated by either party for any reason by giving written notice to the other party at least thirty (30) days in advance of the effective date of such termination. In the event of termination by said notice, funds reimbursed to **LOCAL AGENCY** will include all authorized non-cancelable obligations and prior costs incurred

5. **Cancellation**

   a. In the event of a disaster or an unforeseen emergency or other good cause, **CALTRANS** and **LOCAL AGENCY** may cancel a scheduled FSP service shift under this Agreement upon prior written notice.

   b. **Construction FSP Cancellation Policy:**

      1. If a tow operator is scheduled for Construction FSP, and they are notified of a cancellation with **LESS than a 24 Hour notice** - then the tow operator will be

reimbursed for **three (3) hours** of the agreed upon contract truck rate (*the hourly rate for which one tow truck will be compensated*).

Note: The minimum of the three (3) truck hours should cover eight hours of the driver's hourly wage.

2. If a tow operator begins the Construction FSP beat (*the segment of highway (construction zone) that is being patrolled by the San Bernardino County Freeway Service Patrol through a Caltrans task order which falls under this MOU),* and is then notified that Construction FSP has been cancelled, the FSP operator will be paid for the entire shift period **up to a maximum of eight (8) hours.**

   A shift period for this policy will be defined as follows: for the time period of the actual CFSP shift assigned or for a maximum of eight (8) contract truck hours, whichever is less.

   For example: If the Construction FSP tow operator was originally scheduled for six (6) hours, then the tow operator can be asked to continue to work the beat and be reimbursed for only those six originally assigned CFSP hours. On the other hand, if the tow operator was originally scheduled for a twelve (12) hour CFSP shift then the tow operator will only work and be reimbursed for a maximum of eight (8) truck hours. They will not be required to work nor reimbursed for any time past the maximum of eight hours.

   Please note that the supervising FSP CHP Officer for the CFSP beat will make the final determination as to whether or not the tow operator will continue to work the CFSP beat area, or is asked to return back to their offices. Regardless, the tow operator will be reimbursed for the original shift period or a maximum of eight (8) hours, whichever is less.

6. Cost Limitation

a. The total amount payable to **LOCAL AGENCY** pursuant to this Agreement by **CALTRANS** shall not exceed **$2,000,000.00.**

b. Rates for these services shall be:

1. FSP Contracted Service Rate (Hourly)	$35.00 - $80.00
2. Local Agency's Administrative Costs	Actual cost not to exceed 8% of cost of provided tow services.

c. It is agreed and understood that this Agreement fund limit is an estimate and that **CALTRANS** will only reimburse the cost of services actually rendered as authorized by the **CALTRANS** Contract Manager at or below that fund limitation established hereinabove.

7. Allowable Costs

a. The method of payment for this Agreement will be based on actual allowable costs. **CALTRANS** will reimburse **LOCAL AGENCY** for expended actual allowable direct and indirect costs, including, but not limited to labor costs, employee benefits, and travel

(overhead is reimbursable only if the **LOCAL AGENCY** has an approved indirect cost allocation plan) and costs incurred by **LOCAL AGENCY** in performance of the Project work, not to exceed the cost reimbursement limitation set forth in 6.a, above. Actual costs shall not exceed the estimated wage rates, labor costs, travel and other estimated costs and fees set forth in 6.a, above without prior written agreement between **CALTRANS** and **LOCAL AGENCY.**

b. Reimbursement of **LOCAL AGENCY** expenditures will be authorized only for those allowable costs actually incurred by **LOCAL AGENCY** in the performance of the Project work. **LOCAL AGENCY** must not only have incurred the expenditures on or after the Effective Date of this Agreement and before the Termination Date, but must have also paid for those costs to claim any reimbursement.

c. Travel expenses and per diem rates are not to exceed the rate specified by the State of California Department of Personnel Administration for similar employees (i.e. non-represented employees) unless written verification is supplied that government hotel rates are not commercially available to **LOCAL AGENCY**, or its contractors, its subcontractors, and/or its sub recipients, at the time and location required as specified in the California Department of Transportation's Travel Guide Exception Process.

d. **CALTRANS** will reimburse **LOCAL AGENCY** for all allowable Project costs no more frequently than monthly in arrears as promptly as **CALTRANS** fiscal procedures permit upon receipt of itemized signed invoices in triplicate. Invoices shall reference this Agreement Number and shall be signed and submitted to the Contract Manager at the following address:

California Department of Transportation
District 08/Traffic Operations/DTM
Attention: Al Afaneh, Contract Manager
464 Fourth Street, 6th Floor
San Bernardino, CA 92401

e. Invoices shall include the following information:

1. Names of the **LOCAL AGENCY** Personnel performing work
2. Dates of Service
3. Locations of Service (**LOCAL AGENCY** - address)

8. <u>Reports</u>

a. **LOCAL AGENCY** shall submit written progress reports with each set of invoices to allow the **CALTRANS** Contract Manager to determine if **LOCAL AGENCY** is performing to expectations, is on schedule, is within funding cost limitations, to communicate interim findings, and to afford occasions for airing difficulties respecting special problems encountered so that remedies can be developed.

b. Any document or written report prepared as a requirement of this Agreement shall contain, in a separate section preceding the main body of the document, the number and dollar amounts of all contracts and subcontracts relating to the preparation of those documents or reports.

c. **LOCAL AGENCY** will provide five (5) copies and one (1) electronic version of the final written report to the **CALTRANS** Contract Manager.

9. **Cost Principles**

a. **LOCAL AGENCY** agrees to comply with Title 2 Code of Federal Regulations (CFR) Part 225, Cost Principles for State, Local, and Indian Tribal Governments (2 CFR 225), and Title 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (49 CFR 18).

b. **LOCAL AGENCY** agrees, and will assure that its contractors and subcontractors will be obligated to agree, that (a) Title 48 CFR Part 31, Contract Cost Principles and Procedures (48 CFR 31), shall be used to determine the allowability of individual Project cost items and (b) all parties shall comply with Federal administrative procedures in accordance with 49 CFR 18. Every sub-recipient receiving Project funds as a contractor or sub-contractor under this Agreement shall comply with Federal administrative procedures in accordance with 49 CFR 18.

c. Any Project costs for which **LOCAL AGENCY** has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR 31, or 49 CFR 18, are subject to repayment by **LOCAL AGENCY** to **CALTRANS**. Should **LOCAL AGENCY** fail to reimburse moneys due **CALTRANS** within thirty (30) days of discovery or demand, or within such other period as may be agreed in writing between the Parties hereto, **CALTRANS** is authorized to intercept and withhold future payments due **LOCAL AGENCY** from **CALTRANS** or any third-party source, including, but not limited to, the State Treasurer, the State Controller or any other fund source.

d. **LOCAL AGENCY** agrees to include Project in the schedule of projects to be examined in **LOCAL AGENCY**'s annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with Office of Management and Budget Circular (OMB) A-133.

e. Prior to **LOCAL AGENCY** seeking reimbursement of indirect costs, **LOCAL AGENCY** must prepare and submit annually to **CALTRANS** an indirect cost rate proposal and a central services cost allocation plan (if any) in accordance with 2 CFR 225 and Local Program Procedures Manual (LLP 04-10).

10. **Americans with Disabilities Act**

By signing this Agreement **LOCAL AGENCY** assures **CALTRANS** that it complies with the applicable provisions of the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. sec.12101 et seq.)

11. **Indemnification**

a. Nothing in the provisions of the Agreement is intended to create duties or obligations to or rights in third parties to this Agreement or affect the legal liability of either party to the Agreement by imposing any standard of care with respect to the operation, maintenance and repair of State highways different from the standard of care imposed by law.

b. Neither **CALTRANS** nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by **LOCAL AGENCY** under or in connection with any work, authority or conduct conferred upon **LOCAL AGENCY** under this Agreement. It is understood and agreed that, **LOCAL AGENCY** shall fully defend, indemnify and save harmless **CALTRANS** and all of its officers and employees from all claims, suits or actions of every name, kind and description arising out of this Agreement, including but not limited to, any tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by

reason of anything done or omitted to be done by **LOCAL AGENCY** under or in connection with any work, authority or conduct delegated to **LOCAL AGENCY** under this Agreement.

c. Neither **LOCAL AGENCY** nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by **CALTRANS** under or in connection with any work, authority or conduct conferred upon **CALTRANS** under this Agreement. It is understood and agreed that **CALTRANS** shall fully defend, indemnify, and save harmless **LOCAL AGENCY** and all of its officers and employees from all claims, suits or actions of every name, kind of description arising out of this Agreement, including but not limited to, any tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by **CALTRANS** under or in connection with any work, authority or conduct delegated to **CALTRANS** under this agreement.

12. Non-Discrimination

a. During the performance of this Agreement, **LOCAL AGENCY** and all of its subcontractors, if any, shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, denial of family and medical care leave, and denial of pregnancy disability leave. **LOCAL AGENCY** and its subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. **LOCAL AGENCY** and its sub-contractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by this reference and are made a part hereof as if set forth in full. **LOCAL AGENCY** 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.

b. **LOCAL AGENCY** shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this Agreement.

c. **LOCAL AGENCY** shall comply with Title VI of the Civil Rights Act of 1964, as amended. Accordingly, 49 CFR 21 through Appendix C and 26 CFR 710.405 (b) is applicable to this Agreement by this reference.

13. Funding Requirements

a. It is mutually understood between the parties that this Agreement may have been written for the mutual benefit of both parties in order to avoid program and fiscal delays that would occur if the Agreement was executed only after ascertaining the availability of a congressional or legislative appropriation of funds.

b. This Agreement is valid and enforceable only if sufficient funds are made available to **CALTRANS** by the United States Government and/or the California State Legislature for the purpose of this Project. In addition, this Agreement is subject to any additional

restrictions, limitations, conditions, or any statute enacted by the Congress or the State Legislature that may affect the provisions, terms or funding of this Agreement in any manner.

c. It is mutually agreed that if the Congress or the State Legislature does not appropriate sufficient funds for the program and Project, this Agreement shall be amended to reflect any reduction in funds.

d. **CALTRANS** has the option to void this Agreement under the thirty (30) day termination clause or to amend this Agreement to reflect any reduction of funds. In the event of an unscheduled termination, the **CALTRANS** Contract Manager shall reimburse **LOCAL AGENCY LOCAL AGENCY** is accordance with the provisions of Article 4 of this Section III.

14. Records Retention

a. **LOCAL AGENCY**, its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred Project costs and matching funds by line item for the Project. The accounting system of **LOCAL AGENCY**, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of **LOCAL AGENCY**, its contractors and subcontractors connected with Project performance under this Agreement shall be maintained for a minimum of three (3) years from the date of final payment to **LOCAL AGENCY** and shall be held open to inspection, copying, and audit by representatives of **CALTRANS**, the California State Auditor, and auditors representing the federal government. Copies thereof will be furnished by **LOCAL AGENCY**, its contractors, and its subcontractors upon receipt of any request made by **CALTRANS** or its agents. In conducting an audit of the costs and match credits claimed under this Agreement, **CALTRANS** will rely to the maximum extent possible on any prior audit of **LOCAL AGENCY** pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by **LOCAL AGENCY's** external and internal auditors may be relied upon and used by **CALTRANS** when planning and conducting additional audits.

b. For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of **LOCAL AGENCY's** contracts with third parties pursuant to Government Code section 8546.7, **LOCAL AGENCY**, **LOCAL AGENCY's** contractors and subcontractors and **CALTRANS** shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire Project period and for three (3) years from the date of final payment to **LOCAL AGENCY** under this Agreement. **CALTRANS**, the California State Auditor, or any duly authorized representative of **CALTRANS** or the United States Department of Transportation, shall each have access to any books, records, and documents that are pertinent to a Project for audits, examinations, excerpts, and transactions, and **LOCAL AGENCY** shall furnish copies thereof if requested.

c. **LOCAL AGENCY**, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by **CALTRANS**, for the purpose of any investigation to ascertain compliance with this Agreement.

15. Disputes

a. Any dispute concerning a question of fact arising under this Agreement that is not disposed of by agreement shall be decided by the **CALTRANS** Contract Officer, who may consider any written or verbal evidence submitted by **LOCAL AGENCY**.

b. Neither the pendency of a dispute nor its consideration by the Contract Officer will excuse **LOCAL AGENCY** from full and timely performance in accordance with the terms of the Agreement.

16. Subcontractors

LOCAL AGENCY shall perform the work contemplated with resources available within its own organization and no portion of the work shall be subcontracted without written authorization by **CALTRANS** Contract Manager, unless expressly included (subcontractors identified) in **Attachment III**. Any subcontract in excess of $25,000 entered into as a result of this Agreement shall contain all the provisions stipulated in this Agreement to be applicable to **LOCAL AGENCY's** subcontractors.

17. Third Party Contracting

a. **LOCAL AGENCY** shall not award a construction contract over $10,000 or other contracts over $25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this Agreement without the prior written approval of **CALTRANS**. Contracts awarded by **LOCAL AGENCY**, if intended as local match credit, must meet the requirements set forth in this Agreement regarding local match funds.

b. Any subcontract entered into by **LOCAL AGENCY** as a result of this Agreement shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as Project costs only after those costs are incurred and paid for by the subcontractors.

c. If local match is a requirement of these funds, **LOCAL AGENCY** must ensure that local match funds used for the Project meet the requirements outlined in this Agreement in the same manner as is required of all other Project expenditures.

d. In addition to the above, the pre-award requirements of third party contractor/consultants with local agencies must be consistent with Local Program Policy (LPP 00-05).

18. Disadvantaged Business Enterprise

Should Title 49 CFR, Part 26, of the Code of Federal Regulations, entitled "Participation by Disadvantaged Business Enterprises (DBEs) in Department of Transportation Financial Assistance Programs," be applicable to **LOCAL AGENCY**, **LOCAL AGENCY** agrees to carry out applicable requirements in the award and administration of federally assisted Contracts for work performed under this Agreement. **LOCAL AGENCY**, in the

administration of its contracts, shall adopt practices that are consistent with the **CALTRANS** DBE Program Plan.

19. Disabled Veterans Business Enterprise

a. Should Military and Veterans Code sections 999 et seq. be applicable to **LOCAL AGENCY**, **LOCAL AGENCY** shall meet the 3% Disabled Veterans Business Enterprises goals (or **LOCAL AGENCY's** applicable higher goals) in the award of every contract for Project work to be performed under this Agreement.

b. **LOCAL AGENCY** shall have the sole duty and authority under this Agreement and each amendment to determine whether these referenced code sections are applicable to **LOCAL AGENCY** and, if so, whether participation asserted by those contractors of **LOCAL AGENCY** were sufficient as outlined in Military and Veterans Code sections 999 et seq.

20. Federal Lobbying Activities Certification

a. **LOCAL AGENCY** certifies, to the best of its knowledge and belief, that:

b. No State or Federal appropriated funds have been paid or will be paid, by or on behalf of the **LOCAL AGENCY**, to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any 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 contract or agreement, and the extension, continuation, renewal, amendment, or modification of any State or Federal contract, grant, loan, or cooperative agreement.

c. 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 Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, **LOCAL AGENCY** shall complete and submit Standard Form-LL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

d. This certification is a material representation of fact upon which reliance was placed when this Agreement was entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

e. **LOCAL AGENCY** also agrees, by signing this Agreement that the language of this certification shall be included in all lower tier subcontracts which exceed $100,000, and that all such subcontractors shall certify and disclose accordingly within each subcontract.

21. Drug-Free Workplace Certification

By signing this Agreement, **LOCAL AGENCY** hereby certifies under penalty of perjury under the laws of the State of California that **LOCAL AGENCY** will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code section 8350 et seq.) and will provide a Drug-Free workplace by doing all of the following:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying

actions to be taken against employees for violations, as required by Government Code section 8355(a).

b. Establish a Drug-Free Awareness Program as required by Government Code section 8355(b) to inform employees about all of the following:

   1. the dangers of drug abuse in the workplace,
   2. the person's or organization's policy of maintaining a Drug-Free workplace,
   3. any available counseling, rehabilitation, and employee assistance programs, and
   4. penalties that may be imposed upon employees for drug abuse violations.

c. Provide as required by Government Code section 8355(c), that every employee who works on the proposed contract or grant:

   1. will receive a copy of the company's Drug-Free policy statement, and
   2. will agree to abide by the terms of the company's statement as a condition of employment in the contract or grant.

Failure to comply with these requirements may result in suspension of payments under this Agreement or termination of this Agreement or both, and **LOCAL AGENCY** may be ineligible for the award of any future state contracts if **CALTRANS** determines that any of the following has occurred: (1) **LOCAL AGENCY** has made a false certification; or (2) **AGENCY** violates the certification by failing to carry out the requirements as noted above.

22. Relationship of Parties

It is expressly understood that this agreement is executed by and between two independent governmental entities and that this is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of an independent party.

23. Equipment Purchase (By LOCAL AGENCY)

a. Prior authorization in writing by the **CALTRANS** Contract Manager shall be required before **LOCAL AGENCY** enters into any non-budgeted purchase order or sub-agreement exceeding $500 for supplies, equipment, or consultant services. **LOCAL AGENCY** shall provide an evaluation of the necessity or desirability of incurring such costs.

b. For the purchase of any item, service or consulting work not covered in the attached Project Description (**Attachment III**) and exceeding $500, three competitive quotations must be submitted with the request or the absence of bidding must be adequately justified, and prior authorization must be obtained from the **CALTRANS** Contract Manager.

c. Any equipment purchased as a result of this Agreement is subject to the following: **LOCAL AGENCY** shall maintain an inventory record for each piece of non-expendable equipment purchased or built with funds provided under the terms of this Agreement. The inventory record of each piece of such equipment shall include the date acquired, total cost, serial number, model identification (on sale, in accordance with established **CALTRANS** procedures, purchased equipment), and any other information or description necessary to identify said equipment. Non-expendable equipment so inventoried are those items of equipment that have a normal life expectancy of one year or more and an approximate unit price of $5,000 or more. In addition, theft-sensitive

items of equipment costing less than $5,000 shall be inventoried. A copy of the inventory record must be submitted to **CALTRANS** upon request by **CALTRANS.**

d. At the conclusion of the Agreement, or if the Agreement is terminated, **LOCAL AGENCY** may either keep the equipment and credit **CALTRANS** 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 **CALTRANS** procedures and credit **CALTRANS** in an amount equal to the sales price. If **LOCAL AGENCY** elects to keep the equipment, fair market value shall be determined, at **LOCAL AGENCY** expense, on the basis of a competent, independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to **CALTRANS** and **LOCAL AGENCY**. If it **LOCAL AGENCY** is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by **CALTRANS**.

e. CFR 49, Part 18.32 requires a credit to Federal funds when participating equipment with a fair market value greater than $5,000 is credited to the Project.

f. Any sub-agreement entered into as a result of this Agreement shall contain all of the provisions of this Article.

24. Disabled Access Review

Disabled access review by the Department of General Services (Office of State Architect) is required for the construction of all publicly funded buildings, structures, sidewalks, curbs and related facilities. No construction contract will be awarded by **LOCAL AGENCY** unless **LOCAL AGENCY** plans and specifications for such facilities conform to the provisions of sections 4450 and 4454 of the California Government Code, if applicable. Further requirements and guidance are provided in Title 24 of the California Administrative Code and the Americans with Disabilities Act (42 USC 12101, et. seq.).

25. Fire Marshal Review

The State Fire Marshal adopts building standards for fire safety and panic prevention. Such regulations pertain to fire protection design and construction, means of egress and adequacy of exits, installation of fire alarms, and fire extinguishment systems for any **CALTRANS** owned or **CALTRANS** occupied buildings per Section 13108 of the Health and Safety Code. When applicable, **LOCAL AGENCY** must assure that any relevant Project plans meet the standards of the State Fire Marshal to ensure consistency with **CALTRANS** fire protection standards.

26. Environmental Clearance

Environmental clearance of Project by **LOCAL AGENCY** and/or **CALTRANS** is required prior to requesting funds for right of way purchase or construction. No department or agency shall request funds nor shall any department/agency board or commission authorize expenditures of funds for any project, except feasibility or planning studies, which may have a significant effect on the environment unless such a request is accompanied by an environmental impact report per California Public Resources Code section 21102. The California Environmental Quality Act (CEQA), in California Public Resources Code section 21080(b)(10), does provide an exemption for rail projects which institute or increase passenger or commuter services on rail or highway rights-of-way already in use.

27. Labor Code Compliance: Prevailing Wages

If the work performed on this Project is done under contract and falls within the Labor Code section 1720(a)(1) definition of a "public work" in that it is construction, alteration, demolition, installation, repair or maintenance, **LOCAL AGENCY** must conform to the provisions of

Labor Code sections 1720 through 1815 and all applicable regulations and coverage determinations issued by the Director of Industrial Relations. **LOCAL AGENCY** agrees to include prevailing wage requirements in its contracts for public works. Work performed by **LOCAL AGENCY's** own forces is exempt from the Labor Code's prevailing wage requirements.

28. Prevailing Wage Requirements in Subcontracts

LOCAL AGENCY shall require its contractors to include prevailing wage requirements in all subcontracts funded by this Agreement when the work to be performed by the subcontractor is a "public work" as defined in Labor Code section 1720(a)(1). Subcontracts shall include all prevailing wage requirements set forth in **LOCAL AGENCY's** contracts.

29. Project Close Out

The Agreement Expiration Date refers to the last date for **LOCAL AGENCY** to incur valid Project costs or credits and is the date the Agreement expires. **LOCAL AGENCY** has sixty (60) days after the Expiration Date to make final allowable payments to Project contractors or vendors, prepare the Project Closeout Report, and submit the final invoice to **CALTRANS** for reimbursement for allowable Project costs. Any unexpended Project funds not invoiced by that sixtieth (60th) day will be reverted and will no longer be accessible to reimburse late Project invoices.

30. State-Owned Data

a. **LOCAL AGENCY** agrees to comply with the following requirements to ensure the preservation, security, and integrity of State-owned data on portable computing devices and portable electronic storage media:

1. Encrypt all State-owned data stored on portable computing devices and portable electronic storage media using government-certified Advanced Encryption Standard (AES) cipher algorithm with a 256-bit or 128-bit encryption key to protect **CALTRANS** data stored on every sector of a hard drive, including temp files, cached data, hibernation files, and even unused disk space.
2. Data encryption shall use cryptographic technology that has been tested and approved against exacting standards, such as FIPS 140-2 Security Requirements for Cryptographic Modules.
3. Encrypt, as described above, all State-owned data transmitted from one computing device or storage medium to another.
4. Maintain confidentiality of all State-owned data by limiting data sharing to those individuals contracted to provide services on behalf of the State, and limit use of State information assets for State purposes only.
5. Install and maintain current anti-virus software, security patches, and upgrades on all computing devices used during the course of the Agreement.
6. Notify the Contract Manager immediately of any actual or attempted violations of security of State-owned data, including lost or stolen computing devices, files, or portable electronic storage media containing State-owned data.
7. Advise the owner of the State-owned data, the agency Information Security Officer, and the agency Chief Information Officer of vulnerabilities that may present a threat to the security of State-owned data and of specific means of protecting that State-owned data.

b. To use the State-owned data only for State purposes under this Agreement.

c. To not transfer State-owned data to any computing system, mobile device, or desktop computer without first establishing the specifications for information integrity and security as established for the original data file(s). Reference State Administrative Manual (SAM) section 5335.1.

ATTACHMENTS:

The following attachments are incorporated into and are made a part of this Agreement by this reference and attachment.

I. **LOCAL AGENCY** Resolution
II. FSP Task Order
III. Subcontracting Provision/List and Tow Operator Scope of Work
IV. Sample Invoice
V. Invoice Dispute Form

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

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first herein above written:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____

Title: Contract Officer

Date: _____

SAN BERNARDINO ASSOCIATED GOVERNMENTS, ACTING AS THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION

By: _____

Title: _____

Date: _____

APPROVED AS TO FORM

By: _____

Title: SANBAG General Counsel

Date: _____

APPROVED AS TO FORM AND PROCEDURE

By: _____

Title: SANBAG Contract Administrator

Date: _____

RESOLUTION No. 14-012

RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION, AUTHORIZING DESIGNATED OFFICIALS TO EXECUTE CALIFORNIA DEPARTMENT OF TRANSPORTATION AGREEMENTS, ORDINANCES AND RESOLUTIONS

Whereas, the San Bernardino County Transportation Commission (Commission) is authorized under state law, including Sections 130000 et seq, of the California Public Utilities Code, to enter into binding agreements with public and private parties for a variety of purposes, and also to enact resolutions and ordinances; and

Whereas, the Commission is eligible to receive Federal and/or State funding for certain Transportation Projects, through the California Department of Transportation; and

Whereas, various agreements, including but not limited to Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Contribution/Transfer Agreements need to be executed with the California Department of Transportation before such funds could be claimed; and

Whereas, the Commission wishes to authorize designated officials to execute agreements, and any amendments thereto with the California Department of Transportation on the behalf of the Commission.

Now, therefore, be it resolved by the San Bernardino County Transportation Commission, as follows:

Section 1. The Chairperson of the Commission shall be authorized to execute agreements, resolutions and ordinance on behalf of the Commission, including but not limited to Master Agreements, Program Supplemental Agreements , Fund Exchange Agreements and/or Fund Contribution/Transfer Agreements with the California Department of Transportation, which have been approved by the Commission. When the Chairperson is not available, the Vice-Chairperson shall be so empowered.

Section 2. The Executive Director shall be authorized to execute agreements on behalf of the Commission, including but not limited to Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Contribution /Transfer Agreements with the California Department of Transportation, which have been approved by the Commission.

Section 3. Where it is necessary for the signature of the Chairperson, Vice-Chairperson, and Executive Director to be attested, the Clerk of the Commission or her designee shall be authorized to attest as to the authenticity of such signature.

Section 4. Effective Date. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the San Bernardino County Transportation Commission held on March ___, 2014.

_____

W.E Jahn, Commission Chairperson

ATTEST:

_____

Clerk of the Commission

FSP TASK ORDER
Contract No.: 08A2104
Date of Request_____
Project Number_____

This Task Order is entered into pursuant to the provisions of the Cooperative Agreement No._____ between **DEPARTMENT** and the **LOCAL AGENCY**. This Task Order implements and is hereby made part of Cooperative Agreement No.08A2104.

Project Description and Location (include the county route and post mile):
Type of Services Required:
Date(s) and Time(s) Services are to be provided:

Weekday Service
Beginning Date: _____
Ending Date: _____
Daily Reporting Time (a.m.): _____
*Daily Completion Time (a.m.): _____
Daily Reporting Time (p.m.): _____
*Daily Completion Time (p.m.): _____
Excluded Dates: _____

Weekend Service
Beginning Date: _____
Ending Date: _____
Daily Reporting Time (a.m.): _____
*Daily Completion Time (a.m.): _____
Daily Reporting Time (p.m.): _____
*Daily Completion Time (p.m.): _____
Excluded Dates: _____

Estimated Hourly Rate for Tow Services: $_____

Project Officials

CALTRANS Project Supervisor
Name: _____
Title: _____
Telephone No.: _____
Facsimile No.: _____

SANBAG FSP Program Manager
Name: _____
Title: _____
Telephone No.: _____
Facsimile No.: _____

1. Tow Contractor (completed by SANBAG)
Name: _____
Title: _____
Beat#: _____
Telephone No.: _____
Facsimile No.: _____

2. Tow Contractor (completed by SANBAG)
Name: _____
Title: _____
Beat#: _____
Telephone No.: _____
Facsimile No.: _____

Reporting

DEPARTMENT and **LOCAL AGENCY** agree that all reporting for this job shall be accomplished through the standard FSP Daily Report Form. Revisions, other versions, or additional forms shall not be used.

Funds Certified by: _____, Construction
(Name and Title)

Approvals

DEPARTMENT

By: _____
(Name and Title)

LOCAL AGENCY

By: _____
(Name and Title)

For use with all contracts that allow for subcontracting.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

SUBCONTRACTING PROVISIONS/LIST

Form ADM 1511 (REV. 9/06)

ATTACHMENT III

List all subcontractors that will be used in this Agreement. All subcontractors listed below must be used in accordance with the Agreement. This includes, if applicable, compliance with the subcontracting provisions and any Disabled Veteran Business Enterprise (DVBE), Small Business, Micro-Business, and Disadvantaged Business Enterprises (DBE) subcontractors. If none, bidder to write "NONE" in this space.

NAME	BUSINESS ADDRESS	DESCRIPTION OF PORTION OF WORK WHICH WILL BE DONE BY EACH CONTRACTOR*
Pepe's Towing Service	2000 W. Key Street, Colton, CA 92324	Please see next page for scope of work applicable to ALL subcontractors.
Roy and Dot's Towing	661 W. Rialto Avenue, Rialto, CA 92376	
Steve's Towing	9529 8th Street Rancho Cucamonga, CA 91730	

**SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG)
CONSTRUCTION FREEWAY SERVICE PATROL
TOW OPERATOR - SCOPE OF WORK**

The Freeway Service Patrol is a joint project between San Bernardino Associated Governments (SANBAG), the California Highway Patrol (CHP), and the California Department of Transportation (Caltrans). The service is provided by private tow truck companies, who are selected through a competitive bid process, and go under contract to SANBAG. The purpose of the freeway service patrol is to provide rapid removal of disabled vehicles and assist those involved in minor accidents on the freeway. Where conditions permit, safe removal of small debris will be required. Contractor vehicles shall be exclusively dedicated to the service during the hours of operation. All vehicle maintenance activities shall be conducted during non-service hours. When and where conditions warrant, service may be executed on the freeway shoulders. Where conditions do not warrant, vehicle operators will remove the vehicles from the freeway to provide service. The vehicle operators shall continuously patrol their assigned Beat, respond to CHP dispatched calls for service, and use the designated turnaround locations and use the CHP designated drop locations. FSP operators designated to perform construction FSP services shall either be the vendor with the closest proximity of their normal FSP Beat to the construction site; or, per SANBAG's and CHP's discretion.

FSP vehicle operators may be required to change flat tires, provide "jump" starts, provide one gallon of gasoline or diesel fuel, temporarily tape cooling system hoses and refill radiators. Vehicle operators may spend a maximum of ten (10) minutes per disablement in attempting to mobilize a vehicle. If a disabled vehicle cannot be mobilized within the ten-minute (10) time limit, it shall be towed to a designated drop location identified by the CHP. The motorist can request the FSP vehicle operator to call the CHP Communications Center to request a CHP rotational tow or other services. FSP vehicle operators shall not be allowed to tow as an independent contractor from an incident that occurred during the FSP shift unless called as a rotation tow by CHP. If called as a rotation tow after a FSP shift, the vehicle operator must remove all FSP markings such as vests, uniforms and magnetic vehicle signage.

All FSP services shall be provided at no cost to the motorist. FSP vehicle operators shall not accept gratuities, perform secondary towing services, recommend secondary tows, or recommend repair/body shop businesses. To promote a safe work environment and to maintain a level of professionalism, the Standard Operating Procedures (SOP) manual must be followed by the tow company and their vehicle operators as this document and all updates will be incorporated into the Contractor's agreement. Please note that the SOP is updated as needed, and that the Contractor is responsible to operate and adhere to the most recent version of the SOP at all times.

SAMPLE INVOICE

CONSTRUCTION FSP INVOICE FOR SANBAG

Month/Yr.	Task Order	Tow Contractor Name	Hourly Rate	Hours Worked	**Tow Service Amount**
					$
					$
					$
					$
					$
					$
					$
					$
					$

Total Tow Subcontractor's Costs $ _____

SANBAG Administrative Cost (8% of Total Amount) $ _____

TOTAL INVOICE (Tow Contractor(s) + Administrative Cost) $ _____

STATE OF CALIFORNIA – DEPARTMENT OF FINANCE

INVOICE DISPUTE NOTIFICATION

STD. 209 (REV. 7/2008)

(Mail in a window envelope.)

VENDOR ADDRESS

DATE OF DISPUTE

INVOICE NUMBER

AMOUNT

INVOICE DATE

REFERENCE NUMBER(S)

(fold)

The invoice referenced above is disputed for the following reasons:

- ☐ Goods/Services not received
- ☐ Noncompliance with contract
- ☐ Incorrect billing/amount due
- ☐ Partial shipment received
- ☐ Other
- ☐ Duplicate billing
- ☐ Invoice belongs to another department
- ☐ Damaged goods
- ☐ Invoice not properly executed

THIS NOTIFICATION IS A FOLLOWUP TO A PHONE CONVERSATION WITH THE PERSON FROM YOUR COMPANY WHOSE NAME APPEARS BELOW

NAME

DATE OF CONVERSATION

IF YOU HAVE ANY QUESTIONS REGARDING THIS DISPUTE, CONTACT:

NAME

E-MAIL

TELEPHONE NUMBER

(fold)

FOR STATE AGENCY USE ONLY

DATE DISPUTE RESOLVED

INITIAL

RESOLUTION

RETURN A COPY OF THIS NOTIFICATION WITH THE CORRECTED INVOICE (IF APPLICABLE)

(For your convenience, the return address has been positioned for use in a window envelope.)

RETURN TO:

DISTRIBUTION:

Vendor — original and one copy
Purchasing — one copy
Accounting — one copy
File — one copy

Governments SANBAG Working Together

San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715
Phone: (909) 884-8276 Fax: (909) 885-4407 Web: www.sanbag.ca.gov

TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 9

Date: March 5, 2014

Subject: Draft SANBAG Freight Strategy

Recommendation:* Receive information on the draft SANBAG Freight Strategy provided in Attachment 1.

Background: Attachment 1 provides a working draft of a freight strategy that could guide SANBAG in both its own freight-related initiatives and in its collaborative efforts with other agencies and the private sector. It is intended as a means to foster discussion among SANBAG technical and policy committees and external stakeholders as well.

Part of the basis of the working paper is a series of interviews with a cross-section of public and private entities with involvement in the freight and logistics industry and environmental community. Interviews were conducted in late Summer and Fall 2013, covering a range of topics, with a slightly different focus based on the sector being interviewed.

The overarching question asked of interviewees was: "What could or should SANBAG be doing to support the economic vitality of the County as it relates to the logistics sector, while also seeking to minimize the impacts the sector can have on the population in general?" Information was also gathered from freight

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC		CTA	X	SAFE		CMA	

Check all that apply.
BRD1403b-ss
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403b1-ss.pdf

studies, research, and freight-related conferences sponsored by regional agencies in 2013.

The working paper in Attachment 1 is a draft intended for review and discussion by SANBAG policy and technical committees and by interested stakeholders across the spectrum of freight-related issues. SANBAG staff will be receiving input and comments on the working paper through approximately April 2014. A revised draft will be submitted for approval to SANBAG policy committees and the Board in approximately June 2014. The SANBAG Freight Strategy will become a consideration in the Countywide Transportation Plan being developed for San Bernardino County and ultimately in the SCAG 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

Financial Impact: This item has no financial impact on the SANBAG Fiscal Year 2013/2014 Budget.

Reviewed By: This item was reviewed by the Board of Directors Metro Valley Study Session on February 13, 2014. This item was also reviewed by the Mountain/Desert Policy Committee on February 21, 2014. Information in this agenda item was presented to the Transportation Technical Advisory Committee on February 3, 2014.

Responsible Staff: Steve Smith, Director of Planning

SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG) - DRAFT FREIGHT STRATEGY WORKING PAPER - JANUARY 29, 2014

SAN BERNARDINO COUNTY – HISTORICAL GATEWAY TO SOUTHERN CALIFORNIA

San Bernardino County has long been a gateway to the Southland. The Cajon Pass from the north and the San Gorgonio Pass (also known as the Banning Pass) from the east were logical locations for the establishment of transnational routes into and out of the Southern California region in the 1800s.

In 1829, traders opened a route between Los Angeles and Santa Fe via the Cajon Pass, providing a vital economic link between the two Mexican cities of that day. The trade route was later used by the American adventurer John C. Frémont and his guide, Kit Carson, who named the corridor the Old Spanish Trail and advertised it as a link between the coast and the interior of the new American West. This later became known as part of the National Old Trails Road, which was designated Route 66 in 1926. After coming down Cajon Pass, Route 66 generally followed the alignment of today's Interstate 215 to downtown San Bernardino and then turned due west toward Los Angeles and Santa Monica. Route 66 and U.S. 395 at one time merged in Hesperia and diverged in San Bernardino as U.S. 395 headed south toward San Diego. Interstate 15 (the Mojave Freeway) was built over the Cajon Summit in 1969 and together with Interstate 40 is now one of the primary truck corridors to and from the Midwest.

The California Southern Railroad, a subsidiary of the Atchison, Topeka and Santa Fe Railway, built the first rail line to use the Cajon Pass as a route through the mountains. The line was built in the early 1880s as part of a connection between the present day cities of Barstow and San Diego. The Southern Pacific Railroad Company built its own track, known as the Palmdale-Colton Cutoff, through the pass in 1966/1967.

In terms of the eastern gateway, the first stagecoach line came through the Banning Pass in 1862. The pass is named for Phineas Banning, stagecoach line owner, founder of Wilmington, and known as the "Father of Los Angeles Harbor." The east-west U.S. Route 99 was built in 1923, generally following the route of today's Interstate 10. The Southern Pacific railroad followed in the late 1870s, eventually purchased by the Union Pacific railroad of today.

This legacy as a gateway has lived on today, shaping not only the San Bernardino Valley, but the High Desert communities as well. The growth of freight movement in San Bernardino County has generally tracked the growth of the Ports of Los Angeles and Long Beach, together the largest port complex in the United States. The significance of the gateway through San Bernardino County has increased as the ports have grown.

The combination of geographic location, relationship to the ports, and world-class transportation infrastructure continue to provide San Bernardino County with economic opportunities into the future. But these opportunities must be managed well, if the County is to continue to benefit from its ongoing strategic advantages as the gateway to Southern California.

PURPOSE OF THIS WORKING PAPER

This paper provides a working draft of a freight strategy that could guide SANBAG in both its own freight-related initiatives and in its collaborative efforts with other agencies and the private sector. It is intended as a means to foster discussion among SANBAG technical and policy committees and external stakeholders as well. It will be a living document that can be modified from year to year as issues and conditions change over time.

It is not the intent of this paper to provide detailed statistics on the operation of the supply chain that runs within and through San Bernardino County, although a statistical overview is provided for context. The details of current operations are well explained in other reports and analyses such as the Southern California Association of Governments (SCAG) report "*Comprehensive Regional Goods Movement Plan and Implementation Strategy*" dated February 2013. Rather, the purpose is to articulate those things SANBAG can and should focus on with regard to the freight and logistics enterprise in San Bernardino County. It primarily addresses the question: "what can SANBAG do, within the freight-related portion of its partnership with other stakeholders, to help San Bernardino County's citizens and businesses succeed?"

GOODS MOVEMENT IN SAN BERNARDINO COUNTY – AN OVERVIEW

Freight Flows Through San Bernardino County

The introductory section highlighted the importance of San Bernardino County as a gateway and of the relationship between the County's logistics sector and the Ports of Los Angeles and Long Beach. Approximately 40% of the nation's containerized freight flows through the ports, and 80% of that funnels through San Bernardino County by rail and truck. The County is home to some 200 million square feet of warehouse facilities, or approximately 25% of the regional total. Many of these are large high-cube facilities designed to meet demands for automation and adaptability to the dynamics of today's supply chains. Some of the most well-known players in wholesaling, retailing, and e-commerce are housed here, examples of which include: Amazon, Ashley Furniture, Best Buy, Coca-Cola, COSTCO, Dr. Pepper, Kohls, Mattel, Pep Boys, Pepsi, Stater Brothers, Target, and Walmart. Both UPS and FedEx run major operations out of Ontario International Airport. Figure 1 shows the extent of developed industrial/warehousing land use in the Valley and Victor Valley.

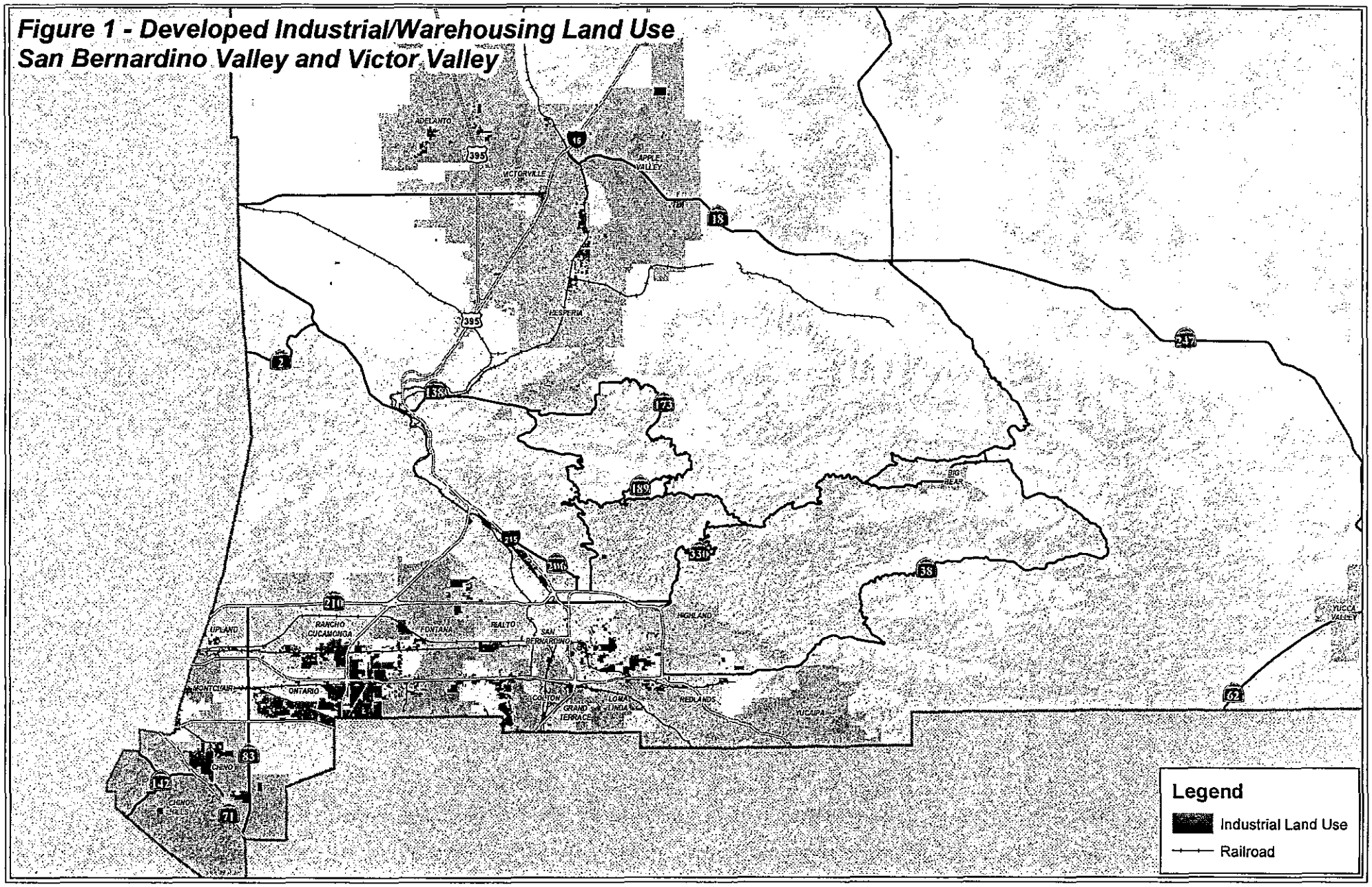


Figure 1 - Developed Industrial/Warehousing Land Use
San Bernardino Valley and Victor Valley

The Network

San Bernardino County is host to a truly world-class multimodal transportation network for passengers and freight. Two Class 1 railroads (Burlington Northern/Santa Fe and Union Pacific) carry freight to the rest of the U.S. through the Cajon and Banning passes, as previously discussed. There are 450 centerline miles of freeways in the County (I-10, I-15, I-40, SR-60, SR-210, and I-215), all of which carry substantial truck traffic. SR-60 carries the highest volumes, almost 35,000 trucks per day near Ontario Airport. The total daily east-west truck volume on the 10, 60, and 210 freeways is over 75,000 through the west Valley. Figure 2 shows a map of the highway and freight rail network in the Valley and Victor Valley.

The freeway system is supported by a high-capacity arterial system connecting the freeways to warehouse/logistics centers, trucking facilities, and airports. San Bernardino County has three airports with large capacity for cargo: LA/Ontario International Airport (ONT), San Bernardino International Airport (SBIA), and Southern California Logistics Airport (SCLA). A major BNSF intermodal facility, handling 600,000 container lifts per year, is located in San Bernardino, and a large UP switching yard is located in Colton. The fact that so many logistics firms have located in the Inland Empire attests to the mobility and access that the rail and highway systems provide.

Employment

The distribution and logistics sector employs 123,000 workers in San Bernardino County and is currently the fastest growing sector, representing approximately 20% of the County's employment. However, the economic recovery is lagging behind that of coastal areas, with unemployment still almost 10% as of the end of 2013.

The poverty rate in San Bernardino County has risen from about 12% in 1990 to 20% today. Logistics jobs are an important point of entry into the job market for blue collar workers and for eventual movement into the middle class. This is a reminder that a thriving economy, including a thriving logistics sector, is critical to the future of San Bernardino County.

Environment

San Bernardino County is covered by both the South Coast and Mojave Air Quality Management Districts (AQMDs). Figure 3 shows the coverage of the two districts. The South Coast AQMD is a federally designated "extreme non-attainment area." The South Coast AQMD portion of San Bernardino County suffers from the worst 24-hour PM 2.5 concentrations and worst 1-hour and 8-hour ozone concentrations in Southern California – between 130 and 180 percent of federal standards, with a significant portion of this impact stemming from goods movement activities.

Figure 2 - Freeways, Rail lines, and Intermodal facilities
San Bernardino County

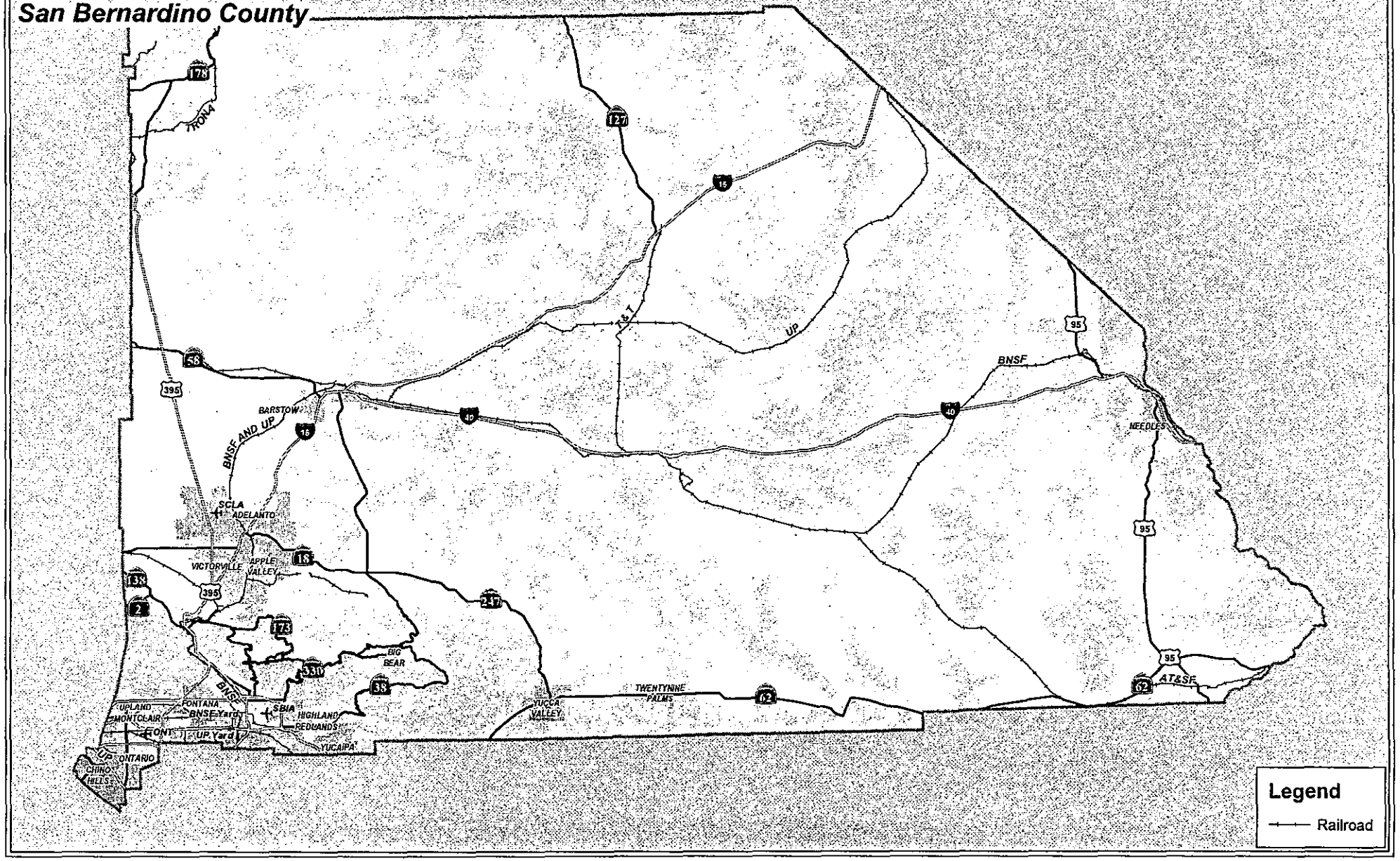
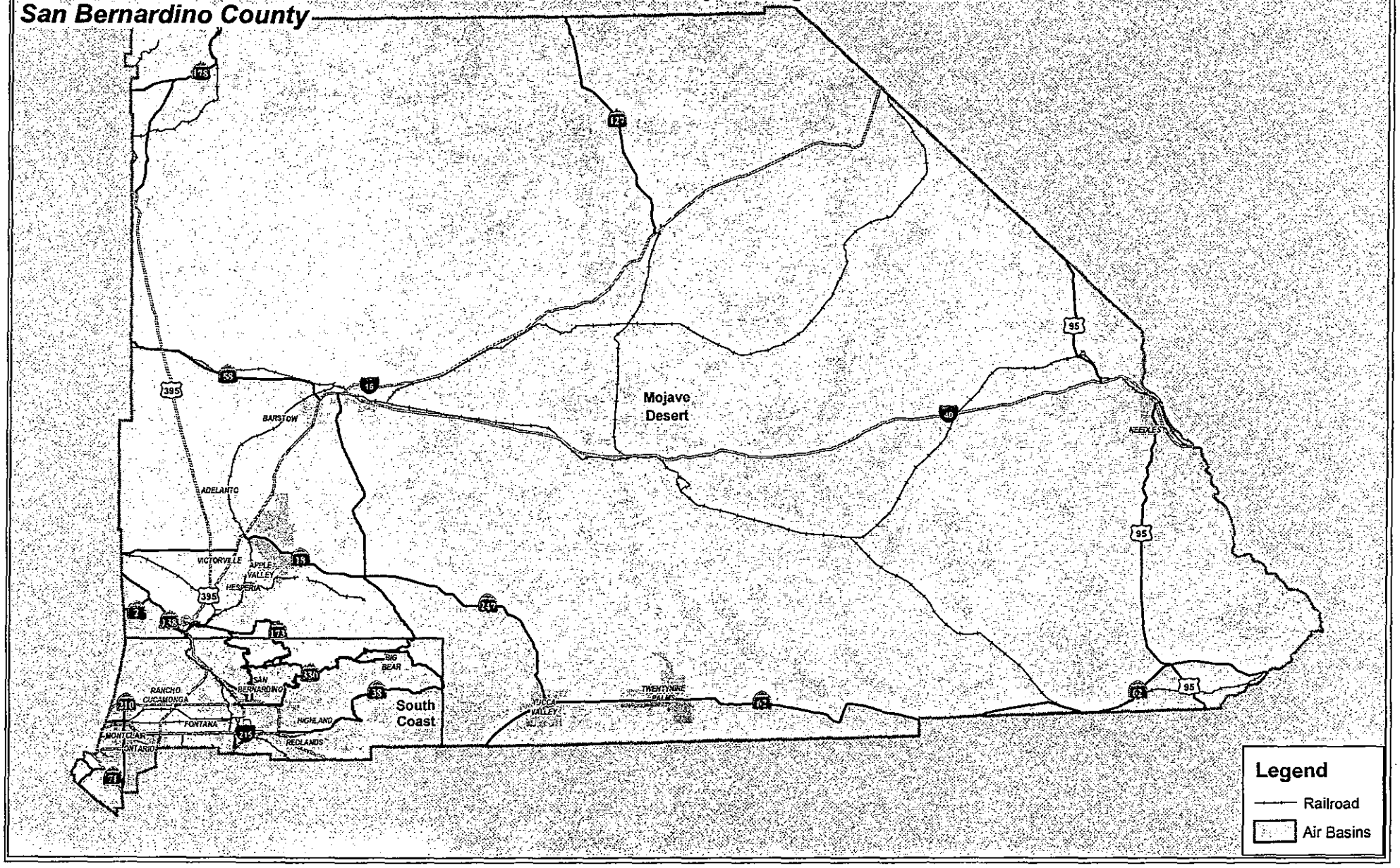
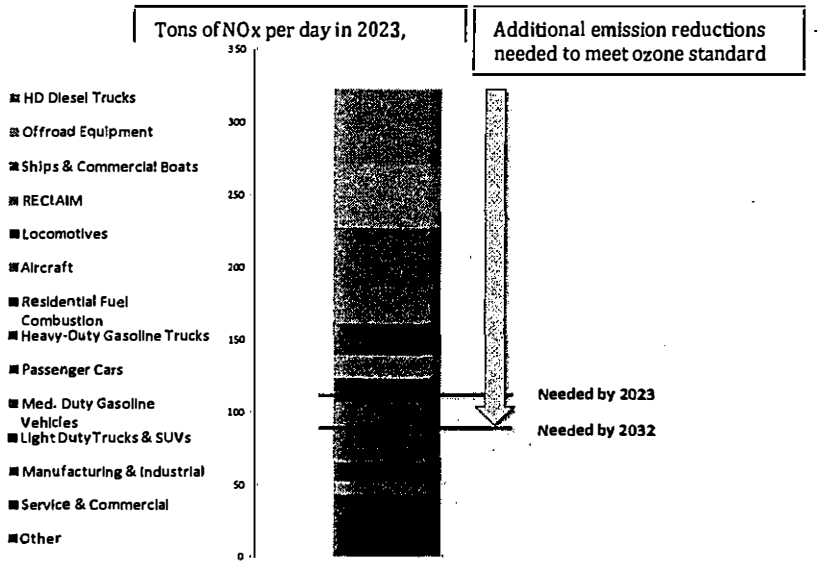


Figure 3 – Map of the South Coast and Mojave Air Quality Management Districts



Southern California will need to reduce NOx emissions by two-thirds by 2023 and three-quarters by 2032 to meet federal ozone standards. Projected emissions of NOx from three goods movement sources alone – ships, trains and heavy duty diesel trucks – will be above what is needed to achieve the federal 8-hour ozone standard by 2023, under existing regulations. See Figure 4.

Figure 4. NOx Emission Reductions Needed to Meet Federal Ozone Standards



Tremendous progress has been made on air quality over the last several decades. For example, maximum levels of ozone, one of the South Coast's worst smog problems, have been cut to less than one quarter of what they were in the 1950s, even though today the region has nearly three times as many people and four times as many vehicles. In the past decade, Stage I smog alerts have been eliminated, which previously occurred 100-120 times a year. The South Coast has not reached Stage II levels since the 1980s.

However, the freight sector (ships, intermodal facilities, trains, and trucks) will require further advances for the region to reach federal attainment goals for particulates and ozone. This will require a balanced approach to maintain regional and national competitiveness in manufacturing/logistics while at the same time cleaning up the freight sector from an air quality standpoint. San Bernardino County, although it has some of the worst air quality in the region, cannot afford to lose the jobs associated with the logistics industry while this transition occurs.

Conflicts between industrial/warehouse development and residential communities are of concern as well. Impacts include noise from trucks and trains, localized traffic congestion, and visual impacts, among others.

Freight-Related Investments

SANBAG and Caltrans, in partnership with local governments, have invested approximately $2.5 billion in the County's transportation network since 2000, significantly benefitting freight mobility. Noteworthy investments include:

Freeways:

- SR-210 from LA County line to I-215 ($714 million - new freeway completed in 2007, providing substantial traffic relief to Interstate 10 and SR-60)
- Widening of I-215 in San Bernardino, completed in early 2014 ($830 million)
- Devore Junction (I-15/I-215 interchange) - $323 million in construction initiated in 2013

I-10 Interchanges:

- Cherry, Citrus, Riverside, and Tippecanoe/Anderson Avenues ($250 million)

Rail/Highway Grade Separations:

- UP at Ramona Avenue, Hunts Lane, N. Milliken Avenue, S. Milliken Avenue, Vineyard Avenue ($255M)
- BNSF at State Street., Glen Helen Parkway, Palm Avenue, Laurel Avenue ($144M)
- Colton Crossing – Grade separation of the east-west UP and north-south BNSF lines that had existed as an at-grade crossing since the 1800s ($103M)

This represents almost $2.5 billion in investment in projects benefitting San Bernardino County's freight corridors since year 2000. The largest source of funds for the above projects (40%) has been from local Measure I sales tax revenue. Federal funds comprise 25% and state funds the remaining 35%. This speaks to the serious commitment SANBAG and its local and state partners have made to building and maintaining the highway network for both passenger car traffic and trucks.

INTERVIEWS WITH STAKEHOLDERS

In the late summer and fall of 2013 SANBAG staff conducted interviews with a cross-section of public and private entities with involvement in the freight and logistics industry and environmental community. The interviews covered a range of topics, with a slightly different focus based on the sector being interviewed. The overarching question asked of interviewees was: "What could or should SANBAG be doing to support the economic vitality of the County as it relates to the logistics sector, while also seeking to minimize the impacts the sector can have on the population in general?"

The sectors for which interviews were conducted include:

- Local economic development and planning directors
- State and local air quality agencies
- Railroads
- Trucking interests (including a sample of individual truck drivers)
- Environmental advocates
- Warehouse development interests

Economic development directors were asked about their strategy toward attracting and retaining logistics businesses and concerns they have about business retention. The railroads, trucking representatives, and logistics companies were asked about concerns and issues they have in running their businesses and remaining competitive. Regional and state air quality agencies and environmental advocates were queried with respect to what SANBAG could do to promote the attainment of air quality objectives and minimizing other freight-related impacts.

Additional insights were derived from freight, air quality, and health-related conferences and panels held in 2013, including: AQMD freight technology symposium (April), freight panel for Mobility 21 (October); Sustainable Goods Movement Symposium, Palm Desert (November); SCAG Economic Summit (December); California Economic Summit (November); and San Bernardino County's Live Well, Age Well Summit (November).

Some of the observations from these interviews and supplemental research included the following:

Infrastructure

- Economic development directors indicated that SANBAG should continue its investments in highway construction that benefit the freight industry. The importance of the logistics industry to the County's economy was heavily emphasized, although concern was expressed about the reduced number of jobs per unit of floor area as automation increases.
- Trucking interests supported the addition of highway lanes and improvement of interchanges, but had concerns about safety issues in construction zones. They stated that auto drivers are not sensitive to the limitations in truck maneuverability. They indicated that dedicated lanes for trucks could be beneficial, but were concerned about the costs. Congestion can be severe in Los Angeles, but trips from LA easterly to other states are not greatly affected by congestion. Pavement maintenance problems were noted on local truck routes.
- Economic development directors noted that information on SANBAG's prior and planned investments would be helpful as a supplement to local agency marketing material.
- Public agencies acknowledged that the trucks are hard on local roads.
- Trucking interests indicate that greater clarity and local education is needed regarding Surface Transportation Assistance Act (STAA) truck definition and routes. STAA trucks may travel up to 1.5 miles off the national network, but network maps have been described as being like a

giant jigsaw puzzle of where trucks may and may not travel. There is a need to develop well-defined and clear national, regional and local truck route maps. Enforcement of STAA truck routes is currently difficult for both industry and law enforcement.

Environment

- Air quality agencies restated that they are required to adopt plans that lead to attainment of air quality goals.
- The SCAQMD stated a recognition that the District needs to make the business case for the freight industry to embrace initiatives to clean up their fleets, which is one of the reasons AQMD is investing heavily in technology research.
- Trucking interests acknowledged that compliance with emission regulations is part of the cost of doing business and indicated that some companies do not do business in California because of those costs.
- Small trucking companies and owner/operators find that new regulations are coming on line faster than they can deal with them, and that retrofits of their trucks are just not affordable with the margins on which they operate.
- The environmental community stated that zero and near-zero emission technology is essential to address our air quality problem. Agencies should require trucks serving rail yards to have clean trucks. In addition, better buffers are needed between warehousing/trucking areas and residential communities. They believe agencies have been too pro-warehouse in the past, and that these developments are not necessarily the best use of scarce land resources.
- Some researchers have cited the diminishing returns of tighter regulations and question the benefit of further regulation compared to the harm it will likely cause to the economy. Air quality agencies have documented the benefits of improved air quality to the economy, in terms of lower health costs, fewer lost work days, and improved productivity. Other research has also been cited indicating that the environment is a relatively minor factor in health outcomes and that socio-economic conditions (e.g. income, education, poverty, and unemployment) are by far the most important contributors to an area's public health.

Economy

- Economic development directors expressed grave concerns that over-regulation of business, including logistics businesses, will continue to impact the San Bernardino County economy. San Bernardino County's high unemployment rate and slow recovery from the recession were cited.
- The need was cited for job growth in sectors that are easier to enter from an educational standpoint and that provide employment opportunities for migration to the middle class. Logistics is cited as one of those sectors.
- Trucking interests indicated that air quality regulations are driving small operators out of business. Large, multi-state corporations can usually absorb it with turnover in their truck fleets, but small operators cannot.

- Private warehouse developers cited the challenges of development in California and the relative ease of comparable development in other states.
- Private logistics operators expressed concerns that students coming out of schools today are not equipped with some of the basic skills to make them able to perform the jobs that are available. Private companies can train for their positions, but they cannot afford to do all the remedial work needed.
- The logistics industry has generally indicated that it is willing to pay for cost-effective infrastructure improvements that directly benefit their business.

AN EVALUATION OF SAN BERNARDINO COUNTY'S CURRENT AND FUTURE ROLE IN GOODS MOVEMENT

San Bernardino County has benefitted from its location advantages and the overall growth of the logistics sector. Although many opportunities remain, future success is not assured. The Great Recession of the late 2000s demonstrates how fragile the economy can be, as San Bernardino County still lags behind the pace of recovery of coastal counties. A critical review of assets, liabilities, and opportunities is needed to assess what actions SANBAG should take in the future in the areas of freight and logistics.

One useful way to structure this evaluation is a "SWOT analysis" with respect to freight – What **Strengths** does the County have, what are its **Weaknesses**, what **Opportunities** are likely to be available in the future, and what are the **Threats** to future success?

Below is a summary of the "SWOTs" derived from interviews, technical studies, conferences, and other data.

Strengths

- Location advantages as a gateway – San Bernardino County is both proximate to the ports and is on the way to and from the rest of America, as described in the introduction.
- Presence of distribution facilities for thousands of businesses, large and small, including most of the high-profile wholesalers and retailers in the U.S. Examples include: Amazon, Ashley Furniture, Best Buy, Coca-Cola, COSTCO, Dr. Pepper, Kohl's, Mattel, Pep Boys, Pepsi, Stater Brothers, Target, Walmart, There is a critical mass of activity here that sends a message to other prospective businesses that San Bernardino County is a great place to locate.
- World-class multimodal transportation network (two Class 1 railroads, extensive freeway network and high-capacity arterial system, three airports with large capacity for cargo, BNSF intermodal facility and major UP rail switching yard in Colton) – The fact that so many logistics firms have located in the Inland Empire speaks to the mobility and access that the rail and highway systems provide.
- Proactive local economic development agencies – Economic development departments are working hard to attract and retain quality businesses.

- A substantial labor force. A pool of labor is available for many of the jobs that the logistics sector needs to fill, though the educational system could be better preparing those potential workers.
- Excellent regional partners. SANBAG is working extensively with its 25 local jurisdictions, the private sector, SCAG, the air quality management districts (South Coast and Mojave), Metrolink, the environmental community, and other agencies on multiple fronts. The communications channels for partnerships don't need to be created – they already exist.
- Substantial funding for infrastructure through the County's half-cent sales tax (Measure I), state, and federal funding.
- A substantial supply of developable land that is more affordable than locations closer to the coast.

Weaknesses

- The K-12 educational system is not yet adequately equipping students for some of the jobs the County is capable of attracting. Although logistics employers can train new employees in the skills needed for specific jobs, there is a sense that many students come through the K-12 environment needing remediation in basic skills such as reading, writing, and math.
- Impacts of the logistics sector have not always been managed well. Lack of foresight in planning has resulted in trucks passing by or through neighborhoods, with spillover noise, pollution, and impacts on residential communities at the edges of warehousing districts. This makes it more difficult for other proposed projects to be approved.
- Difficulty competing with coastal communities for the more attractive jobs. The Inland Empire must compete largely on the basis of lower costs and its location advantages for logistics. It is more difficult to attract high-tech jobs.
- Land for logistics facility development, though still available, is becoming more scarce.
- The extent of industrial/warehouse/logistics development and the associated trucks, trains, and air quality problems sometimes casts a negative image of San Bernardino County in general.

Opportunities

- International trade is poised to expand further – despite the Panama Canal expansion and increased competition from other North American ports, forecasts show a near tripling of container volume through the ports in the next 25 years. Experts indicate that some of the lower value and less time-sensitive freight from Asia may divert to the expanded canal, but that transport across the country by land (rail or truck) still provides significant time and cost advantages coming through Southern California.
- The Inland transportation network is, so far, keeping pace with expansion of the logistics sector. The extensive network continues to be one of the County's major assets. The transportation system can continue to be used as a major marketing point for the county.

- Southern California is a stable and growing market for products and services that county businesses can provide. San Bernardino County can be a beneficiary from the goods that are manufactured here and shipped to both local and national markets as well as from freight that stops in the county, even momentarily, for value-added features with subsequent shipping by rail or truck through the gateways.
- If local control of Ontario International Airport is obtained, this area can become an even greater economic engine, particularly for the Valley subarea. Local entities will be in a better position to make business decisions that increase the potential for growth in passenger travel and the flow of goods through the Inland Empire.
- Over time, it can be expected that the cost advantages of production in eastern Asia will lessen, creating more opportunities for production and manufacturing in North America, including Southern California.

Threats

- State and regional regulation. California is near the bottom of the national list of states in terms of friendliness for business. There are a number of factors involved, but regulation is a major one, with both direct and indirect impacts on the cost and speed of doing business.
- Other states are eager to capture Southern California's logistics jobs. Although the Panama Canal expansion is not projected to substantially alter the economic advantages Southern California holds as the dominant port of entry and distribution center for most products from the Pacific Rim, other states will seize whatever additional advantages they can. Some diversion of business to Mexico must also be anticipated. Southern California cannot assume its inherent cost and time advantages will last forever.
- Although the region, including the logistics sector, has made enormous strides in cleaning up the air, achievement of National Ambient Air Quality Standards remains a daunting and expensive challenge. Overly aggressive regulatory timelines, though well-intentioned, could undermine the very economy that would enable the necessary air quality investments to occur.
- The supply of affordable land is not inexhaustible. Failure to plan well for the land we have could result in a backlash of public opinion against the further expansion of logistics.
- Trucks are hard on roadway infrastructure, and with declining revenue streams, funding is projected to fall far short of maintenance needs in the future. Sustainable sources of funding for both maintenance and capital projects are needed.
- Automation could lessen the job-creation benefits of portions of the logistics sector. Automation is vital to productivity and competition on the global stage. Though a threat to some of the traditional jobs, it brings with it also an opportunity for technology jobs. But the County must better position itself to be a player in the technology arena.
- Attaining the federal ozone standards is likely to require a complete transformation of our transportation and energy sectors. Based on a joint

visioning exercise by ARB, SCAQMD, and San Joaquin Valley Unified APCD, one path to attainment requires a nearly complete transformation of passenger vehicles to zero-emission technologies, approximately 80 percent of the truck fleet to zero-or near-zero technology, and nearly all locomotives operating in the South Coast Air Basin to be using some form of zero-emission technology. Such dramatic changes will inevitably require huge investment in and fundamental change to the regional transportation and energy infrastructure. It is questionable whether these transformational changes are physically and economically feasible within the timeframes defined by the federal government.

- San Bernardino County welcomes the improvements in air quality that would result from these investments, but is highly concerned that this will undermine the economic growth associated with the logistics industry, which the County desperately needs. The livelihood of truck owner-operators and other logistics-related businesses, particularly small businesses, is threatened unless there is a business-friendly approach, substantial financial assistance, and possible forgiveness in timelines at the federal level. Southern California should not be disadvantaged from an economic development perspective because of the uniquely difficult challenges in meeting air quality requirements here in our region.

In summary, San Bernardino County and its logistics-driven economy exist in a highly competitive environment. We live within a dynamic world economy with intense competition for the jobs and revenue that are derived from the flow of goods. All the environmental advances we seek cannot be achieved without a strong economy to finance them. SANBAG and its regional agency partners must pursue environmental objectives in ways that do not undermine the economic means to achieve them. At the same time, we must thoughtfully plan for continued expansion of logistics capacity in ways that insulate communities from their impacts. This will require collaboration across multiple disciplines and more comprehensive approaches than in the past.

THE STRATEGY

In light of this analysis, how then should SANBAG respond? In large part, SANBAG plays a support role in what is a private logistics enterprise. The following are proposed as priorities or initiatives that SANBAG could pursue in the context of the agency's role as transportation authority, county transportation commission, and council of governments.

1. **Infrastructure** - Continue to build the highway infrastructure needed to support efficient freight movement. An effective supply chain consists of many parts, one of which involves building and maintaining the infrastructure. Cost-effective transportation system upgrades improve productivity and competitiveness. Continued expansion is needed for freeway mainlines, freight-serving freeway interchanges, and rail/highway grade separations.
2. **Land Use Planning** - Encourage proper planning by local jurisdictions at the interfaces of residential areas with warehouse/distribution areas through wise land

use decisions, buffering, and effective truck routing. Improper planning leads to later problems for all concerned. The logistics sector needs to grow to keep up with demand, but it can still be a good neighbor as it grows.

3. **Promotion** - Promote the merits of San Bernardino County's world-class transportation system by providing information to economic development departments regarding SANBAG, Caltrans, and local jurisdiction investments in infrastructure.
4. **Economic Development and Air Quality** - Work with other regional agencies to structure economic development and air quality initiatives as a "win-win." Advances in air quality are important, but they can only be afforded when the economy is also strong. The region must be careful not to undermine the economic means to solve the air quality problem by trying to impose upon industry requirements they cannot afford. SANBAG should participate in regional conversations on how to strike a balance between maintaining jobs and cleaning the air. The air quality successes of the last several decades have taught us that air quality goals are best achieved through incentivizing adoption of advances in clean vehicles and fuels, not by regulating land use. The great strides in air quality improvement over the last several decades have been made at the same time that regional vehicle miles of travel (VMT) have more than doubled.
5. **Incentives/Grants for Air Quality Improvement** - Seek grants and provide information on opportunities for financial assistance to San Bernardino County trucking companies and truck owner/operators in maintaining compliance with air quality requirements.
6. **Anticipate Future Trends** - Technology is changing rapidly, and the ability to adapt to those changes will keep San Bernardino County competitive. For example, trends in automation of warehousing should be monitored to assess their impact on the economic value and local costs of permitted warehouse development. Partnerships with the private sector will become ever more important as the region seeks to keep pace with competition in the global economy.
7. **Education and Employment** - Through the Countywide Vision, improve employment pathways to the logistics industry. This will take guidance from the industries and the primary/secondary educational systems upon which they depend for their labor pool. There are a number of reasons why poverty rates have increased in San Bernardino County, but the logistics industry can be part of the solution as a relatively stable and growing source of jobs with pathways to the middle class.
8. **Truck Routes** - Work with State and local partners to provide greater clarity and local education regarding Surface Transportation Assistance Act (STAA) truck routes and clear national, regional and local truck route maps.
9. **Funding** - With regional, state, and federal partners, seek equitable ways to continue to fund freight-related infrastructure and its maintenance. The logistics industry has generally indicated that it is willing to pay for cost-effective infrastructure improvements that directly benefit their business.

10. **Airports** - Work with local jurisdiction partners to define policies that will lead to greater use of the three airports in San Bernardino County by freight-related businesses. Continue to support local control of Ontario International Airport.
11. **Project Readiness** - Position SANBAG for state and federal funding opportunities by developing as many freight-related projects as possible through the Project Approval and Environmental Documentation (PA&ED) stage. Include clearance under the National Environmental Policy Act (NEPA) where there are opportunities for substantial federal funds.
12. **Awareness** - Create and maintain greater awareness about goods movement issues affecting San Bernardino County among the SANBAG Board of Directors, state and federal elected and appointed officials, local agency technical staff, and the public.

NEXT STEPS

This working paper is a draft intended for review and discussion by SANBAG policy and technical committees and by interested stakeholders across the spectrum of freight-related issues. SANBAG staff will be receiving input and comments on the working paper through approximately April 2014. A revised draft will be submitted to SANBAG policy committees and the Board for approval in approximately June 2014. The SANBAG Freight Strategy will become a consideration in the Countywide Transportation Plan being developed for San Bernardino County and ultimately in the SCAG 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 10

Date: March 5, 2014

Subject: Congestion Management Program Cost Allocation

Recommendation:* The Board, acting as the San Bernardino County Congestion Management Agency:

1. Approve the 2012/2013 Congestion Management Program Cost Allocation.

2. Approve Mountain/Desert Subarea Jurisdiction Invoicing for Shares.

Background: Congestion Management Program (CMP), Task No. 0203 in the SANBAG Budget, accumulates expenses related to the general activities and updates of the countywide CMP. Examples of these activities include updates to the Development Mitigation Nexus Study (which applies to the Valley and Victor Valley), further development of SANBAG travel demand forecasting capabilities, and review of traffic studies as related to the CMP network.

Expenses related to the CMP for Fiscal Year 2012/2013 have been compiled and allocated between the Valley and Mountain/Desert subareas. Those expenses related to the Mountain/Desert subarea are further divided by formula and billed annually to the various jurisdictions on a per capita basis. This provides for the sharing of general and administrative expenses associated with the administration of this program.

The item includes three attachments. Attachment 1 provides an overview of the CMP and its role within San Bernardino County. Attachment 2 provides the

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Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC		CTA		SAFE		CMA	X

Check all that apply.

BRD1403a-tb

Fiscal Year 2012/2013 Cost Allocation Schedule of the costs to be reimbursed by the Mountain/Desert jurisdictions. Attachment 3 provides for comparison the Fiscal Year 2011/2012 Cost Allocation Schedule approved by the Board of Directors on April 11, 2013.

Financial Impact: This item will result in a reimbursement to two funding sources, General Fund-Congestion Management Plan (CMP) and MSI 1990-Valley Fund-Traffic Management Environmental Enhancement Fund (TMEE).

Reviewed By: This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on February 21, 2014.

Responsible Staff: Steve Smith, Director of Planning

BRD1403a-tb

Attachment 1

CONGESTION MANAGEMENT PROGRAM

Assembly Bills 471, 1791, and 3093, first implemented in 1990 by Proposition 111, require adoption and biennial updating of Congestion Management Programs (CMPs) for each county with an urbanized area of more than 50,000 population. In San Bernardino County, San Bernardino Associated Governments (SANBAG) was designated the Congestion Management Agency by the local governments, and is charged with developing and monitoring compliance with the program. Implementation of the program, and local compliance, are required to gain access to transportation funding through the Regional Transportation Improvement Program. The State controller is required to withhold local gas tax subventions from local jurisdictions which are not in conformance with the adopted CMP.

The CMP for San Bernardino County was developed by SANBAG through technical and policy committees with representation from all local jurisdictions, Caltrans, and the private sector. It was adopted by the Congestion Management Agency Board of Directors on November 4, 1992, and was updated in November 1993 and every odd-numbered year thereafter.

WHAT IS THE INTENT OF THE CMP?

The CMP is intended to strengthen the nexus between transportation and land use decisions, with consideration for air quality. It has resulted in more consistent analysis and a better understanding of regional or multi-jurisdictional transportation consequences of local actions.

HOW DOES IT ACCOMPLISH THIS?

The CMP requires definition of the regional multimodal transportation system, maintenance of level of service standards on regional roads, and implementation of measures to maximize the efficiency of the existing system. It also provides mechanisms to objectively identify and prioritize improvements to the regional system, and is the vehicle through which various state and federal transportation funds are accessed. The statutory CMP requirements are described below.

<u>REQUIRED CMP ELEMENTS</u>

1. **Establishment of Level of Service (LOS) Standards, as calculated by a uniform LOS methodology, for the system of highways and principal arterial roadways within the county.** Once designated, no roadway can be removed from the system. All new highways and principal arterials must be added to the system. The LOS standard must be LOS E or better, except on links or intersections which currently operate at LOS F. Deficiency plans must be completed and adopted for facilities which fail to meet the standard. Deficiency plans are described below.

2. **Standards for public transit service including frequency and routing, and for coordination among separate transit operators.**

3. **A trip reduction and travel demand element** that promotes carpools, vanpools, transit, bicycles, park-n-ride, jobs/housing balance, flextime, and parking management.

4. **A program to analyze the impacts of local land use decisions on the regional transportation system**, including an estimate of the costs to mitigate the identified impacts. This has been implemented through preparation of Traffic Impact Analyses. However, following the passage of Measure I 2010-2040, this requirement will be met in urban parts of the County through locally implemented development mitigation programs that are consistent with the SANBAG Development Mitigation Nexus Study.

5. **A capital improvements program (CIP) to maintain or improve the traffic level of service and transit performance standards, and mitigate the regional transportation impacts of further development.** The capital improvements program must conform to transportation-related vehicle emissions air quality mitigation measures. The actions identified within deficiency plans, traffic impact analyses, or other transportation master plans to mitigate the impacts of development and growth will serve as bases for the CIP.

MODELING REQUIREMENTS

SANBAG, with cooperation from SCAG, the cities, and the County, is required to develop a uniform data base on traffic impacts for use in transportation computer models or compatible analytical tools. The CMA must approve the consistency of local modeling efforts that are used to determine the impacts of development on the circulation system. Local modeling is to be compatible with CMP models, which in tum are to be consistent with regional models. The data base used in the County is to be consistent with the data base used by SCAG. The CMP model(s) for San Bernardino County are more locally detailed versions of the SCAG Regional model, and are maintained at SCAG's Inland Office.

MONITORING

SANBAG must monitor implementation of all elements of the CMP, and is required to make an annual determination of conformance with the CMP for each city and the County. Conformance criteria include:

1. Consistency with LOS and performance standards. Exceptions are segments or intersections for which deficiency plans for implementation of needed improvements have been adopted.

2. Adoption and implementation of a program to analyze the impacts of land use decisions by each local jurisdiction, including documentation of the costs associated with impact mitigation. Within the Valley and Victor Valley areas, their requirement is met by local implementation of development mitigation programs consistent with the SANBAG Development Mitigation Nexus Study. In non-urban areas, it is met by preparation of TIA Reports on qualifying projects.

In addition, traffic levels of service on the CMP roads are to be determined annually. Within San Bernardino County, the owner/operator of each facility has been responsible for monitoring the performance of the facility.

CONFORMANCE

If the Congestion Management Agency determines, following a public hearing, that a jurisdiction has not conformed to the requirements of the CMP, it will notify that city or the County in writing of the specific areas of nonconformance. If the city or County has not reached conformance within 90 days, the SANBAG Board is required to make a finding of nonconformance and submit the finding to the State Controller. The Controller then withholds apportionment of funds otherwise apportioned to the jurisdiction under Section 2105 of the Streets and Highways Code. If, within the 12-month period following receipt of the notice of nonconformance, the Controller is notified by the CMA that the local jurisdiction is again in conformance, the withheld monies will be provided to that jurisdiction. If the local jurisdiction continues to be out of conformance beyond the 12-month period, the apportionments withheld from that jurisdiction are to be returned to the CMA to be expended for capital projects of regional significance. Apportionments returned to the CMA cannot be expended for administration or planning purposes.

Attachment 2
2012-2013 CMP COST ALLOCATION SUMMARY
MOUNTAIN-DESERT SUBAREA

JURISDICTION	Regular Full-Time Employees 1093.20.0203.51010	Regular Part-Time Employees 1093.20.0203.51015	Fringe Allocation-General 1093.20.0203.51990	Indirect Allocation-General 1093.20.0203.58110	**CMP Total by Agency**
COLORADO RIVER SUBAREA					
Needles	$46.18	$0	$42.23	$58.35	**$146.76**
San Bernardino County	$20.39	$0	$18.65	$25.76	**$64.80**
MOUNTAINS SUBAREA					
Big Bear Lake	$48.05	$0	$43.94	$60.71	**$152.70**
San Bernardino County	$422.21	$0	$386.12	$533.44	**$1,341.77**
MORONGO BASIN SUBAREA					
Twentynine Palms	$245.23	$0	$224.27	$309.83	**$779.33**
Yucca Valley	$233.42	$0	$213.47	$294.91	**$741.80**
San Bernardino County	$233.42	$0	$213.47	$294.91	**$741.80**
NORTH DESERT SUBAREA					
Barstow	$217.81	$0	$199.19	$275.20	**$692.20**
San Bernardino County	$312.10	$0	$285.42	$394.32	**$991.85**
VICTOR VALLEY SUBAREA					
Adelanto	$294.16	$0	$269.02	$371.66	**$934.84**
Apple Valley	$662.20	$0	$605.59	$836.66	**$2,104.46**
Hesperia	$859.30	$0	$785.84	$1,085.68	**$2,730.81**
Victorville	$1,131.64	$0	$1,034.90	$1,429.77	**$3,596.31**
San Bernardino County	$658.63	$0	$602.33	$832.15	**$2,093.11**
GRAND TOTAL	**$5,384.76**	**$0.00**	**$4,924.43**	**$6,803.36**	**$17,112.56**

BRD1402a-tb

Attachment 3
CONGESTION MANAGEMENT PROGRAM COSTS 2011/2012
COST ALLOCATION

'URISDICTION	Regular Full-Time Employees 1093.20.0203.51010	Regular Part-Time Employees 1093.20.0203.51015	Fringe Allocation-General 1093.20.0203.51990	Indirect Allocation-General 1093.20.0203.58110	**CMP Total by Agency**
:OLORADO RIVER SUBAREA					
Needles	$70.30	$1.99	$68.88	$110.08	**$251.26**
San Bernardino County	$31.03	$0.88	$30.40	$48.59	**$110.89**
MOUNTAINS SUBAREA					
Big Bear Lake	$73.09	$2.07	$71.61	$114.45	**$261.22**
San Bernardino County	$642.27	$18.20	$629.25	$1,005.65	**$2,295.36**
MORONGO BASIN SUBAREA					
Twentynine Palms	$369.38	$10.47	$361.89	$578.37	**$1,320.11**
Yucca Valley	$355.07	$10.06	$347.87	$555.96	**$1,268.97**
San Bernardino County	$355.07	$10.06	$347.87	$555.96	**$1,268.97**
'ORTH DESERT SUBAREA					
Barstow	$330.68	$9.37	$323.98	$517.77	**$1,181.80**
San Bernardino County	$474.78	$13.45	$465.16	$743.40	**$1,696.79**
ICTOR VALLEY SUBAREA					
Adelanto	$446.28	$12.64	$437.23	$698.77	**$1,594.93**
Apple Valley	$1,006.06	$28.51	$985.67	$1,575.26	**$3,595.49**
Hesperia	$1,307.74	$37.05	$1,281.23	$2,047.62	**$4,673.63**
Victorville	$1,710.35	$48.46	$1,675.67	$2,678.01	**$6,112.49**
San Bernardino County	$1,001.92	$28.39	$981.61	$1,568.78	**$3,580.71**
RAND OTAL	**$8,174.03**	**$231.60**	**$8,008.33**	**$12,798.66**	**$29,212.61**

BRD1402a-tb

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 11

Date: March 5, 2014

Subject: Process for Review of the Measure I 2010-2040 Expenditure Plan in 2015

Recommendation:* 1. Receive information on the process for review of the Measure I 2010-2040 Expenditure Plan in 2015.

2. Consider and comment on a preliminary recommendation by the City/County Managers' Technical Advisory Committee (CCMTAC) that it is premature to entertain amendments to the Measure I 2010-2040 Expenditure Plan in 2015 because SANBAG is still in the initial years of a 30-year Measure, and experience with the Measure is limited. It is recommended that the Expenditure Plan be reviewed in the 2017-2018 timeframe, pending the outreach required by the Measure I Ordinance.

3. Authorize an outreach process by SANBAG staff based on the requirement in Section XIV of San Bernardino County Transportation Authority Ordinance No. 04-01 that the Measure I 2015 review process "shall consider recommendations from local governments, transportation agencies and interest groups, and the general public." Following input from this outreach, a determination would be made by the SANBAG Board regarding whether to pursue Expenditure Plan amendments in 2015.

4. Direct staff to proceed with analysis of interchange priorities for the Valley subarea consistent with the direction provided by the SANBAG Board on

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Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC		CTA	X	SAFE		CMA	

Check all that apply.

BRD1403a-ss

http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403a1-ss.pdf

November 3, 2010 and in conjunction with the interchange phasing analysis authorized by the Board on October 3, 2012.

Background: The purpose of this agenda item is to explain the process of considering amendments to the Measure I 2010-2040 Expenditure Plan, as required in 2015 by Section XIV of San Bernardino County Transportation Authority Ordinance No. 04-01 and to obtain initial input from the committee. Section XIV states:

> **SECTION XIV. EXPENDITURE PLAN AMENDMENTS.** The Expenditure Plan may only be amended by the following process:
> 1. Beginning in 2015, and at least every ten years thereafter, the Authority shall review and, where necessary, propose revision to the Expenditure Plan. Such review shall consider recommendations from local governments, transportation agencies and interest groups, and the general public.
> 2. The Authority shall notify the cities/towns and Board of Supervisors of the proposed revision and initiation of an amendment, reciting findings of necessity.
> 3. Actions of the city/town councils and Board of Supervisors to approve or to oppose the amendment shall be formally communicated to the Authority within 60 days of notice of initiation of amendment.
> 4. The boundaries of subareas shall be amended only by unanimous approval of all the jurisdictions in the subareas where an amendment is proposed to include or exclude territory.
> 5. Approval of the amendment by a majority of the cities/towns constituting a majority of the incorporated population provided, however, that any amendment of the Victor Valley Expenditure Plan (Schedule E) shall also require a two-thirds vote of the jurisdictions within the Victor Valley subarea.
> 6. Approval of the amendment by the Board of Supervisors.
> 7. Approval of the amendment by the Authority.

The complete Measure I Expenditure Plan is included as Attachment 1. The Transportation Expenditure Plan sets forth requirements for how Measure I revenue is to be allocated by subarea and program and how the revenue is to be expended. Modifications to this allocation and expenditure process are subject to the amendment procedures described above.

Overall Concept for Consideration of Amendments

The approval of Measure I 2010-2040 by the voters of San Bernardino County in 2004 set in motion subsequent activities to implement the Measure I Expenditure Plan. The inaugural version of the Development Mitigation Nexus Study was adopted by the SANBAG Board in October 2005. The Nexus Study documents the development mitigation commitments for Valley and Victor Valley jurisdictions necessary to match Measure I funds for the Valley Freeway Interchange Program, Valley Major Street Program, and Victor Valley Major Local Highways Program. The Measure I Strategic Plan was

adopted by the SANBAG Board in April 2009 and contains the policies by which Measure I expenditures are governed.

As evident from the steps described in Section XIV of the ordinance, amendment of the Expenditure Plan is not a trivial process. However, modifications might be made to the Measure I Strategic Plan or Nexus Study that could achieve certain objectives the Board desires to accomplish, and amendments to these documents are much easier than amendment of the Expenditure Plan.

Therefore, SANBAG staff proposes to consider potential modifications to the Measure I Expenditure Plan, Measure I Strategic Plan policies, and Nexus Study together in integrated fashion. The reason for this is to demonstrate what can be achieved without modification of the Expenditure Plan and what actions would require the Expenditure Plan to be changed. Measure I Strategic Plan policies and Nexus Study policies may be modified by the Board without the much more elaborate process required to amend the Measure I Expenditure Plan. Some "early action" changes to Measure I Strategic Plan policy and the Nexus Study could come out of this process.

An Ad Hoc committee of the City/County Managers Technical Advisory Committee has already made some recommendations for changes to the Nexus Study and the Strategic Plan. These will be taken through the SANBAG policy committees in the near future once they are developed in sufficient detail and reviewed by other technical advisory committees. In addition, after discussing the amendment process, the Ad Hoc Committee has made a preliminary recommendation to SANBAG staff that it is premature to entertain amendments to the Measure I 2010-2040 Expenditure Plan in 2015, given that SANBAG is still in the initial years of a 30-year Measure and experience with the Measure is limited. This recommendation was confirmed by the full City/County Manager Technical Advisory Committee at its meeting on January 30, 2014. However, "recommendations from local governments, transportation agencies and interest groups, and the general public" will still be solicited as required by Section XIV.1 of the Measure I Ordinance. Methods by which these recommendations could be solicited include e-mail notifications to stakeholder groups on SANBAG's extensive contact lists and posting of the comment opportunity on the SANBAG website.

Following this input, a determination would be made by the SANBAG Board regarding whether to pursue Expenditure Plan amendments in 2015. It should be noted that amendments to the Expenditure Plan may be considered at any time following 2015. The CCMTAC suggested that 2017-2018 would be a reasonable timeline for consideration of such amendments, rather than 2015.

Possible Schedule

The following is proposed as a working schedule to obtain input and make recommendations on the 2015 review of the Expenditure Plan required by the Measure I ordinance:

- Initial discussions with the Transportation Technical Advisory Committee (TTAC) and City/County Managers Ad Hoc Committee in December 2013 and January 2014
- Presentation to SANBAG Metro Valley Study Session and Mountain/Desert Policy Committee in February 2014, initiating discussions on the Expenditure Plan amendment process
- February through March 2014 - Solicit input from "local governments, transportation agencies, interest groups and the public," per the directive in the Measure I Ordinance. Input would likely be solicited through a structured e-mail request to a range of stakeholders. A public workshop could be held, if the SANBAG Board deems it to be appropriate.
- By the end of March 2014 – Prepare a Measure I/Nexus Study "Issues Paper" based on initial policy committee, TTAC, and City/County Manager TAC input on possible modifications to the Expenditure Plan, Measure I Policies, and Nexus Study.
- April/May, 2014 - Review Measure I/Nexus Study Issues Paper with TTAC and City/County Manager TAC. The Ad Hoc Committee will continue to provide advice throughout these review periods.
- May/June 2014 – Provide recommendations to SANBAG policy committees and Board regarding whether/when potential amendments to the Expenditure Plan should be evaluated and brought back to the SANBAG policy committees. This would be the "go/no-go decision" regarding whether to pursue one or more formal Expenditure Plan amendments. Include specific recommendations on changes to the Measure I Strategic Plan policies and Nexus Study, if applicable.
- Fall 2014 – If the SANBAG Board determines that one or more formal Expenditure Plan amendments should move forward, discuss specific approach with SANBAG policy committees. Define milestone schedule, prepare materials, and organize education/outreach program.
- Early 2015 – Make presentations to city/town councils and Board of Supervisors regarding amendments and the amendment approval process. Provide sample resolutions and support materials. Track progress on city council approvals.

Input Being Sought at this Time

SANBAG staff is seeking input from the Board regarding the following questions:

1. Does the approach and schedule outlined above seem reasonable?
2. Does the committee concur with recommendation No. 2 above?
3. If not, are there specific changes in the Expenditure Plan Board members would like to have considered as part of the 2015 review process?
4. In addition to e-mail and website notifications, are there any other stakeholder outreach methods the committee would want staff to consider?
5. What information is needed about Measure I implementation thus far to better inform decision makers as changes to the Expenditure Plan, Measure I policies, and Nexus Study are considered?
6. What other comments do Board members have about the amendment process?

Additional Notes on Valley Interchange Issues

Recommendation No. 4 references the need to re-evaluate interchange priorities in the Valley Freeway Interchange Program, per Measure I Strategic Plan Policy 40005/VFI-15. The policy states that:

"The prioritization list shall be considered for updates in conjunction with the reviews of the Expenditure Plan required in SECTION XIV. EXPENDITURE PLAN AMENDMENTS of the Measure I 2010-2040 ordinance. However, the SANBAG Board may request a re-evaluation of the prioritization list at any time."

In addition, staff is engaged in a Valley interchange phasing analysis as authorized by the Board on October 3, 2012. The intent of the phasing analysis is to identify constructible portions of interchanges, leaving construction of the ultimate design to a later date. The phasing analysis was initiated because revenues anticipated for the interchange program were not projected to be sufficient to construct all the interchanges in the Nexus Study list to their ultimate configuration. Building individual phases could be a way to maximize the public benefit of the funding projected to be available. The phasing analysis and options for prioritization will be considered in an integrated fashion.

It should also be noted that 30 out of the 38 Valley interchanges listed in the Nexus Study were originally listed in the Measure I Expenditure Plan. Although Paragraph D (Freeway Interchange Projects) of the San Bernardino Valley portion of the Measure I Expenditure Plan states that the 30 interchanges constitute the *"projects to be constructed with Freeway Interchange Projects funds,"* funding

projections show that funds will not be sufficient to construct even the original Expenditure Plan list of projects. That said, it is important to note the progress that has already been made. Seven of the Valley interchanges in the original Expenditure Plan list have either already been constructed or are under construction, and project development is underway for 7 more. This progress is a credit to jurisdictions that took the initiative to begin project development well prior to the initiation of Measure I 2010-2040.

The scope of work for the phasing analysis approved by the SANBAG Board on December 5, 2012 indicated that the top nine interchanges in the priority list would be exempt from examination of phasing options. However, it should be noted that, even for these highest priority interchanges, SANBAG staff is working with local jurisdictions to identify project scopes that address traffic needs while also minimizing cost to both Measure I and local funding shares. SANBAG is making an effort to work simultaneously on the cost management, phasing, and fund management fronts to obtain the greatest level of public benefit from the funds available for the interchange program. Current funding scenarios assume no additional state and federal funds, beyond what is currently committed, going to the Freeway Interchange Program because of other needs in the freeway and rail programs, as reflected in Strategic Plan policy. This will be discussed further in the update of the 10-Year Delivery Plan. It is conceivable that other state/federal funding opportunities could become available as they did for several of the interchanges recently constructed or in construction. Future extensions of Measure I could also be contemplated to fully complete the entire set of interchanges in the program.

The phasing analysis, combined with a re-evaluation of the priority list, will position SANBAG to make best use of Measure I dollars available to the Valley interchange program. The original priority list for Valley interchanges was based on relief of existing congestion and total interchange cost. In the re-evaluation, options will be considered to include future growth within interchange areas and alternate methods of considering cost. Options for the re-evaluation of interchange priorities could include: re-prioritizing complete interchanges based on modified criteria; prioritizing based on individual interchange phases; moving forward on a phased program while maintaining the current priority list, or some combination of the above. Staff is at the initial stage of developing options for reconsidering the priority list, and will provide information on the various options to technical and policy committees in 2014.

Financial Impact: This item has no financial impact on the SANBAG Fiscal Year 2013/2014 Budget.

BRD1403a-ss

Reviewed By: This item was reviewed and recommended for approval (18-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on February 13, 2014. This item was also reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on February 21, 2014. Information in this agenda item was presented to the Transportation Technical Advisory Committee on February 3, 2014, to the City/County Manager Technical Advisory Committee on January 30, 2014, and to the Measure I/Nexus Study Ad Hoc Committee of the CCMTAC on December 3, 2013, January 7, 2014, and January 21, 2014.

Responsible Staff: Steve Smith, Director of Planning

MEASURE "I"

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
ORDINANCE NO. 04-01

AN ORDINANCE PROVIDING FOR THE CONTINUATION OF A ONE-HALF OF ONE PERCENT RETAIL TRANSACTIONS AND USE TAX BY THE SAN BERNARDINO COUNTY TRANSPORATION AUTHORITY FOR LOCAL TRANSPORTATION PURPOSES AND THE TRANSPORTATION EXPENDITURE PLAN

PREAMBLE

This one-half of one percent retail transactions and use tax is statutorily dedicated for transportation planning, design, construction, operation and maintenance only in San Bernardino County and cannot be used for other governmental purposes or programs. There are specific safeguards in this Ordinance to ensure that funding from the Measure "I" one-half of one percent transactions and use tax is used in accordance with the specified voter-approved transportation project improvements and programs. These safeguards include:

- The specific projects and programs included in the Expenditure Plan will be funded by revenue raised by this transactions and use tax. The transportation Expenditure Plan can be changed only upon approval by a majority of all cities in the County representing a majority of the incorporated population and approval by the San Bernardino County Board of Supervisors.

- An Independent Taxpayer Oversight Committee is created to provide for citizen review to ensure that all Measure "I" funds are spent in accordance with provisions of the Expenditure Plan and Ordinance.

- Continuation of San Bernardino County's one-half of one percent transactions and use tax is for transportation programs only and is not intended to replace traditional revenues generated through locally-adopted development fees and assessment districts. Collection of the one-half of one percent transactions and use tax will start upon the expiration of the Existing Tax.

- The San Bernardino County Transportation Authority will continue to seek maximum funding for transportation improvements through State and federal programs. The Authority will not provide transactions and use tax revenue to any city or to the County unless all transportation revenues currently used by that agency are continued to be used for transportation purposes.

The San Bernardino County Transportation Authority ordains as follows:

SECTION I. SUMMARY. This Ordinance provides for the continued imposition of a retail transactions and use tax of one-half of one percent for local transportation purposes for a period of thirty (30) years, the authority to issue limited tax bonds secured by such taxes, the administration of the tax proceeds and a county transportation Expenditure Plan.

SECTION II. MANDATED TAXPAYER SAFEGUARDS.

A. Independent Taxpayer Oversight Committee. Beginning on April 1, 2010, an Independent Taxpayer Oversight Committee will be established as specified in Exhibit B of this Ordinance to provide citizen review and to ensure that all Measure "I" funds are spent in accordance with provisions of the Expenditure Plan and Ordinance. Exhibit B contains the specific terms and conditions for an Independent Taxpayer Oversight Committee and its review of periodic independent financial audits.

B. Administrative Costs. The Authority shall expend only that amount of funds generated from the tax that is necessary and reasonable to carry out its responsibilities for audit, administrative expenses, staff support, and contract services. In no case shall the funds expended for salaries and benefits exceed one percent (1%) of the annual net amount of revenue raised by the tax.

C. Maintenance of Effort. The Authority, by the enactment of this Ordinance, intends the additional funds provided government agencies by this measure to supplement existing local revenues being used for street and highway purposes. Transactions and use tax revenue shall not be used to replace existing road funding programs or to replace requirements for new development to provide for its own road needs. Under this Measure, funding priorities should be given to addressing current road needs, easing congestion, and improving roadway safety.

The government agencies shall maintain their existing commitment of transportation funds for street, highway and public transit purposes, and the Authority shall enforce this provision by appropriate actions, including fiscal audits of the local agencies.

SECTION III. DEFINITIONS. The following definitions shall apply in this Ordinance:

A. "The Expenditure Plan" means the San Bernardino County Transportation Authority Expenditure Plan (attached as Exhibit A and adopted as part of this Ordinance) including any future amendments thereto.

B. "County" means the County of San Bernardino.

C. "Authority" means the San Bernardino County Transportation Authority. The San Bernardino County Transportation Commission has been designated to serve as the Authority under the provisions of Public Utilities Code Section 180050.

D. "Existing Tax" means the one-half of one percent retail transactions and use tax adopted pursuant to Ordinance No. 89-01 and Ordinance No. 90-01.

SECTION IV. AUTHORITY. This Ordinance is enacted, pursuant to the provisions of Division 19 (commencing with Section 180000) of the Public Utilities Code, and Section 7252.16 of the Revenue and Taxation Code.

SECTION V. CONTINUED IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX.
Upon voter approval of Measure "I," the Authority shall continue to impose, in the incorporated and unincorporated territory of the County of San Bernardino, a transactions and use tax for transportation purposes (referred to as "the tax") at the rate of one-half of one percent (0.5%) for a period of thirty (30) years beginning April 1, 2010. There shall be no coincidental assessment of the current tax (which will expire on March 31, 2010) and the tax to be imposed pursuant to this Ordinance. The tax shall be imposed by the Authority in accordance with Section 180201 of the

Public Utilities Code and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. The provisions of Revenue and Taxation Code Sections 7261 and 7262 are incorporated herein by reference as though fully set forth herein. The tax shall be in addition to any other taxes authorized by law, including any existing or future state or local sales tax or transactions and use tax.

SECTION VI. PURPOSES. Revenues from the tax shall be used for transportation purposes only and may include, but are not limited to, the administration of this division, including legal actions related thereto and costs of the initial preparation and election, the construction, maintenance, improvements, and operation of local streets, roads, and highways, state highways and freeways, public transit systems including rail, and related purposes. These purposes include expenditures for planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. Expenditures also include, but are not limited to, debt service on bonds and expenses in connection with issuance of bonds.

SECTION VII. RETURN TO SOURCE. After deduction of required Board of Equalization fees and authorized administrative costs, revenues generated from each specified subarea within San Bernardino County as outlined in the Expenditure Plan will be expended on projects of direct benefit to that subarea. Revenues will be accounted for separately for each subarea and then allocated to specified project categories in each subarea. Decisions on how revenues are expended within the subareas will be made by the Authority Board of Directors, based upon recommendations of local representatives. Other than the projects identified in the Cajon Pass Expenditure Plan, revenues generated within a subarea shall be expended outside of that subarea only upon approval of two-thirds (2/3) of the jurisdictions within the affected subarea.

SECTION VIII. CONTRIBUTIONS FROM NEW DEVELOPMENT. No revenue generated from the tax shall be used to replace the fair share contributions required from new development. Each local jurisdiction identified in the Development Mitigation Program must adopt a development financing mechanism within 24 months of voter approval of this Measure "I" that would:

1. Require all future development to pay its fair share for needed transportation facilities as a result of the development, pursuant to California Government Code Section 66000 et seq. and as determined by the Congestion Management Agency.

2. Comply with the Land Use/Transportation Analysis and Deficiency Plan provisions of the Congestion Management Program pursuant to California Government Code Section 65089.

The Congestion Management Agency shall require fair share mitigation for regional transportation facilities through a Congestion Management Program update to be approved within 12 months of voter approval of this Measure "I."

SECTION IX. ADMINISTRATION OF PLANS. The Authority shall impose and collect the tax, and shall administer the Expenditure Plan consistent with the provisions and priorities of the Expenditure Plan and consistent with the authority cited herein.

SECTION X. BONDING AUTHORITY. Upon voter approval of Measure "I", the Authority shall have the power to sell or issue, from time to time, on or before the collection of taxes, bonds, or other evidence of indebtedness, including, but not limited to, capital appreciation bonds, in the aggregate principal amount at any one time outstanding of not to exceed the estimated proceeds of the tax, as determined by the Expenditure Plan, and to secure such indebtedness solely by

way of future collection of taxes, for capital outlay expenditures for the purposes set forth in Section V hereof, including the carrying out of transportation projects described in the Expenditure Plan.

SECTION XI. ANNUAL APPROPRIATIONS LIMIT. The annual appropriations limit has been established pursuant to Ordinance 89-01 pursuant to Section 4 of Article XIIIB of the California Constitution and Section 180202 of the Public Utilities Code. The appropriations limit has and shall be subject to adjustment as provided by law.

SECTION XII. EFFECTIVE AND OPERATIVE DATES. Subject to voter approval, this Ordinance shall become operative on the first day of the first calendar quarter commencing more than 110 days after adoption of this Ordinance. Prior to the operative date of this Ordinance, the Authority shall contract with the State Board of Equalization to perform all functions incidental to the administration and operation of this Ordinance.

SECTION XIII. ELECTION. The Authority requests the Board of Supervisors to call an election for voter approval of the attached proposition Measure "I" (Exhibit C), which election shall be held on November 2, 2004, and consolidated with other elections to be held on that same date, that the measure retains its designation as Measure "I," and that it appear first in order on the local San Bernardino County ballot before all other local measures. The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county. The sample ballot to be mailed to the voters shall be the full proposition as set forth in this Ordinance, and the voter information handbook shall include the entire Expenditure Plan. Approval of the attached proposition and the imposition of the tax shall require the affirmative vote of 2/3rds of the electors voting on the attached proposition at the election described in this section.

SECTION XIV. EXPENDITURE PLAN AMENDMENTS. The Expenditure Plan may only be amended by the following process:

1. Beginning in 2015, and at least every ten years thereafter, the Authority shall review and, where necessary, propose revision to the Expenditure Plan. Such review shall consider recommendations from local governments, transportation agencies and interest groups, and the general public.
2. The Authority shall notify the cities/towns and Board of Supervisors of the proposed revision and initiation of an amendment, reciting findings of necessity.
3. Actions of the city/town councils and Board of Supervisors to approve or to oppose the amendment shall be formally communicated to the Authority within 60 days of notice of initiation of amendment.
4. The boundaries of subareas shall be amended only by unanimous approval of all the jurisdictions in the subareas where an amendment is proposed to include or exclude territory.
5. Approval of the amendment by a majority of the cities/towns constituting a majority of the incorporated population provided, however, that any amendment of the Victor Valley Expenditure Plan (Schedule E) shall also require a two-thirds vote of the jurisdictions within the Victor Valley subarea.
6. Approval of the amendment by the Board of Supervisors.
7. Approval of the amendment by the Authority.

SECTION XV. SEVERABILITY. If any tax or provision of this Ordinance is for any reason held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining taxes or provisions, or the existing tax and the Authority declares that it would have passed each part of this Ordinance irrespective of the validity of any other part.

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SECTION XVI. THE EXISTING TAX. Nothing in the Ordinance is intended to modify, repeal, alter or increase the Existing Tax. The provisions of this Ordinance shall apply solely to the retail transactions and use tax adopted herein and not to the collection or administration of the Existing Tax.

APPROVED AND ADOPTED by the San Bernardino County Transportation Authority at its meeting on June 2, 2004 by the following vote:

AYES: Alexander, Burgnon, Dale, Hertzmann, Ulloa, Norton-Perry, Chastain, Nuaimi, Cortes, Lindley, McCallon, Christman, Eaton, Valentine, Ovitt, Gilbreath, Wilson, Bagley, Rothschild, Riddell, Cook, Biane, Hansberger, Postmus, Aguiar, Young

NOES: None

ABSENT: Nehmens, Valles, Pomierski

ABSTENTION: None

By: _____
William J. Alexander, Chairman
San Bernardino County Transportation Authority

Attested: _____
Vicki Watson
Clerk of the Board

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Exhibit A

Transportation Expenditure Plan

Revenue Estimates and Distribution. Allocation of revenue authorized by Ordinance No. 04-01 is established within this Expenditure Plan. Funds shall be allocated by percentage of the actual revenue received. An estimate of revenues and allocation among categories is reflected in Schedule A – Transportation Improvement Program. The estimated revenue is based upon 2004 value of money and is not binding or controlling.

Return to Source. After deduction of required Board of Equalization fees and authorized costs, revenues generated from each specified subarea within San Bernardino County will be expended on projects of direct benefit to that subarea. Revenues will be accounted for separately for each subarea and then allocated to specified project categories. Decisions on how revenues are expended within the subareas will be made by the Authority Board of Directors, based upon recommendation of local representatives.

Subarea Identification. The San Bernardino Valley Subarea will include the cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland and Yucaipa and unincorporated areas in the east and west portions of the San Bernardino valley urbanized area. The Mountain-Desert area will include the following subareas: (1) The North Desert Subarea, which includes the City of Barstow and surrounding unincorporated areas; (2) The Colorado River Subarea, which includes the City of Needles and the surrounding unincorporated areas of the East Desert; (3) The Morongo Basin Subarea, which includes the City of Twentynine Palms, Town of Yucca Valley, and surrounding unincorporated areas; (4) The Mountain Subarea, which includes the City of Big Bear Lake and surrounding unincorporated areas of the San Bernardino Mountains; and (5) the Victor Valley Subarea, which includes the Cities of Adelanto, Hesperia, and Victorville; the Town of Apple Valley; and surrounding unincorporated areas including Wrightwood.

Contribution from New Development. No revenue generated from the tax shall be used to replace the fair share contributions required from new development.

Requirement for Annual Financial and Compliance Audits of Measure "I" Funds. The San Bernardino County Transportation Authority and each agency receiving an allocation of Measure "I" revenue authorized in this Expenditure Plan shall undergo an annual financial audit performed in accordance with generally accepted auditing standards and government auditing standards issued by the Comptroller General of the United States. Compliance audits also shall be conducted to ensure that each agency is expending funds in accordance with the provisions and guidelines established for Measure "I" revenue.

Cajon Pass Expenditure Plan. Three percent of the revenue generated in the San Bernardino Valley Subarea and the Victor Valley Subarea will be reserved in advance of other allocations specified in this plan in an account for funding of the I-15/I-215 Interchange in Devore, I-15 widening through Cajon Pass, and truck lane development. Cajon Pass serves as the major transportation corridor connecting the two urbanized areas within San Bernardino County and is in need of the identified improvements. These improvements are critical components to intra-county travel for residents of both the Victor Valley and San Bernardino Valley. Projects to be constructed from the Cajon Pass Expenditure Plan are listed in Schedule C.

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San Bernardino Valley Subarea Expenditure Plan. In that area described as the Valley Subarea, project categories shall be established as specified below. The San Bernardino Valley Subarea Expenditure Plan is illustrated in Schedule D.

A. State and Federal Transportation Funds. A proportional share of projected state and federal transportation funds shall be reserved for use solely within the Valley subarea.

B. Revenue Estimates. Tax revenues generated by Ordinance No. 04-01 for the Valley subarea over a thirty year period are estimated to be **$4,520 million**. Approximately **$881 million** in state and federal funds and approximately **$777 million** in contributions from new development are projected for the area over this period, for an estimated total Valley area revenue of **$6,178 million** for transportation improvements. Revenue estimates are not binding or controlling.

C. Freeway Projects. **29%** of revenue collected in the San Bernardino Valley Subarea shall fund freeway projects within the San Bernardino Valley Subarea. Projects to be constructed with Freeway Projects funds are listed in Schedule D1. Cost estimates for such projects are not binding or controlling.

D. Freeway Interchange Projects. **11%** of revenue collected in the Valley Subarea shall fund Freeway Interchange Projects. Projects to be constructed with Freeway Interchange Projects funds are listed in Schedule D2. Equitable geographic distribution of projects shall be taken into account over the life of the program.

E. Major Street Projects. 20% Over the thirty-year life of Measure "I," the Major Street Projects category will accrue approximately 18% of revenue collected in the Valley. Upon initial collection of revenue, the Major Street Projects category will receive 20% of revenue collected in the Valley. Effective ten years following initial collection of revenue, the Major Street Projects allocation shall be reduced to no more 17% but to not less than 12% upon approval by the Authority Board of Directors and the Express Bus/Bus Rapid Transit Service allocation shall be increased by a like amount. Amendments beyond those authorized in this section shall require a formal amendment as provided in the Measure "I" Ordinance.

Major Street Projects are defined as congestion relief and safety improvements to major streets that connect communities, serve major destinations, and provide freeway access. The Major Street Projects portion of the San Bernardino Valley program shall be expended pursuant to a five-year project list to be annually adopted by the Authority after being made available for public review and comment. Funding priorities shall be given to improving roadway safety, relieving congestion, street improvements at rail crossings and shall take into account equitable geographic distribution over the life of the program.

F. Local Street Projects. **20%** of revenue collected in the Valley Subarea shall be distributed among local jurisdictions in the Valley Subarea for Local Street Projects. Allocations to local jurisdictions shall be on a per capita basis using the most recent State Department of Finance population estimates for January 1, with the County's portion based upon unincorporated population in the Valley Subarea. Estimates of unincorporated population within the Valley Subarea shall be determined by the County Planning Department, reconciled with the State Department of Finance population estimate for January 1 of each year.

Local Street Projects are defined as local street and road construction, repair, maintenance and other eligible local transportation priorities. Local Street Project funds can be used flexibly for any eligible transportation purpose determined to be a local priority, including local streets, major highways, state highway improvements, transit, and other improvements/programs to maximize use of transportation facilities. Expenditure of Local Street Project funds shall be based upon a Five Year Plan adopted annually by the governing body of each jurisdiction after being made

available for public review and comment. Local Street Project funds shall be disbursed to local jurisdictions upon receipt of the annually adopted Five Year Plan. The local adopted Five Year Plan shall be consistent with local, regional, and state transportation plans.

G. Metrolink/Rail Service. **8%** of revenue collected in the Valley Subarea shall fund Metrolink/Rail Service. Eligible expenditures of Metrolink/Rail Service funds include purchase of additional commuter rail passenger cars and locomotives for use on Metrolink lines serving San Bernardino County; construction of additional track capacity necessary to operate more passenger trains on Metrolink lines serving San Bernardino County; construction of additional parking spaces at Metrolink stations in San Bernardino County; and provision of funds to match State and Federal funds used to maintain the railroad track, signal systems, and road crossings for passenger rail service in San Bernardino County, construction and operation of a new passenger rail service between the cities of San Bernardino and Redlands, and construction and operation of an extension of the Gold Line to Montclair Transit Center for San Bernardino County passengers traveling to San Gabriel Valley cities, Pasadena, and Los Angeles. Projects to be funded by Metrolink/Rail Service funds are listed in Schedule D5.

H. Senior and Disabled Transit Service. **8%** of revenue collected in the Valley Subarea shall fund Senior and Disabled Transit Service. 6% of revenue collected in the Valley Subarea in this category shall be expended to reduce fares and enhance service for senior citizens and persons with disabilities. Eligible expenditures in the Senior and Disabled Transit Service category shall include: (1) The provision of funding to off-set a portion of future senior and disabled fare increases that would apply to fixed route, Community Link and complementary paratransit services. (2) The provision of local funds to help off-set operating and capital costs associated with special transit services provided by transit operators, cities and non-profit agencies for seniors and persons with disabilities. (3) At least 2% of the revenue collected in the Valley Subarea in this category will be directed to the creation of a Consolidated Transit Service Agency which will be responsible for the coordination of transit services provided to seniors and persons with disabilities.

I. Express Bus/Bus Rapid Transit Service. **2%** Over the thirty-year life of Measure "I," the Express Bus/Bus Rapid Transit Service category will accrue approximately 4% of revenue collected in the Valley. Upon initial collection of revenue, the Express Bus/Bus Rapid Transit Service category will receive 2% of revenue collected in the Valley. Effective ten years following initial collection of revenue, the Express Bus/Bus Rapid Transit Service category shall be increased to at least 5%, but no more than 10% upon approval by the Authority Board of Directors. The Major Street Projects category shall be reduced by a like amount. Amendments beyond those authorized in this section shall require a formal amendment as provided by the Measure "I" Ordinance.

Funds in this category shall be expended for the development, implementation and operation of express bus and bus rapid transit service, to be jointly developed by the Authority and transit service agencies serving the Valley Subarea. Eligible projects to be funded by Express Bus/Bus Rapid Transit Service funds shall include contributions to operating and capital costs associated with implementing high-speed, express-type bus service in high-density travel corridors.

J. Traffic Management Systems. **2%** of revenue collected in the Valley Subarea shall fund traffic management systems. Eligible projects under this category shall include signal synchronization, systems to improve traffic flow, commuter assistance programs, freeway service patrol, and projects which contribute to environmental enhancement associated with transportation facilities.

Mountain/Desert Expenditure Plan. In that area described as the Mountain/Desert Area, the following Expenditure Plan requirements shall apply. Schedules E, F, G, H, I illustrate estimated revenue and projects to be constructed in each Mountain/Desert subarea.

A. State and Federal Transportation Funds. A proportional share of projected state and federal transportation funds shall be reserved for use solely within the Mountain/Desert subareas.

B. Revenue **Estimates.** Tax revenues generated by Ordinance No. 04-01 for the Mountain/Desert region over a thirty year period are estimated to be **$1,250 million.** Approximately **$165 million** in state and federal funds and approximately **$369 million** in contributions from new development are projected for the area over this period, for an estimated total Mountain-Desert area revenue of **$1,784 million** for transportation improvements. Revenue estimates are not binding or controlling.

C. Local Street Projects. 70% of revenue collected within each subarea shall be apportioned for Local Street Projects within each subarea. **2%** of revenue collected within each subarea shall be reserved in a special account to be expended on Project Development and Traffic Management Systems. Eligible Project Development and Traffic Management Systems projects may include, at the discretion of local subarea representatives, costs associated with corridor studies and project study reports, projects to improve traffic flow and maximize use of transportation facilities, congestion management, commuter assistance programs, and projects which contribute to environmental enhancement associated with highway facilities. Expenditure of Project Development and Traffic Management Systems funds shall be approved by the Authority Board of Directors, based upon a recommendation of subarea representatives and the Mountain/Desert Committee. If, after five years of revenue collection and every five years thereafter, the local representatives and the Mountain/Desert Committee make a finding that Project Development and Traffic Management Systems funds are not required for improvements of benefit to the subarea, then revenue in the Project Management and Traffic Management Systems category may be returned to the general Local Street Projects category. Such return shall be allocated and expended based upon the formula and requirements established in the general Local Street Projects category.

After reservation of 2% collected in each subarea for Project Development and Traffic Management Systems, the remaining amount of funds in the general Local Street Projects category shall be allocated to local jurisdictions based upon population (50 percent) and tax generation (50 percent). Population calculations shall be based upon the most current State Department of Finance estimates for January 1 of each year. Estimates of unincorporated population within each subarea shall be determined by the County Planning Department, reconciled with the State Department of Finance population estimate. Tax generation calculations shall be based upon State Board of Equalization data. Schedules E, F, G, H, I reflect the estimate of revenue available for Local Street Projects in each Mountain/Desert subarea.

Projects in the general Local Street Projects category are defined as local street and road construction, repair, maintenance and other eligible local transportation priorities. Local Transportation Project funds may be used flexibly for any eligible transportation purpose determined to be a local priority, including local roads, major streets, state highway improvements, transit, including but not limited to, fare subsidies and service enhancements for seniors and persons with disabilities, and other improvements/programs to maximize use of transportation facilities. Expenditure of Local Transportation Project Funds shall be based upon the Five Year Plan adopted annually by resolution of the governing body of each jurisdiction after being made available for public review and comment. Local Street Project funds shall be disbursed to local jurisdictions upon receipt of the annually adopted Five Year Plan. The locally adopted Five Year Plans shall be consistent with other local, regional, and state transportation plans.

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D. Major Local Highway Projects. **25%** of revenue collected within each subarea shall be reserved in a special account to be expended on Major Local Highway Projects of benefit to the subarea. Major Local Highway Projects are defined as major streets and highways serving as primary routes of travel within the subarea, which may include State highways and freeways, where appropriate. Major Local Highway Projects funds can be utilized to leverage other state and federal funds for transportation projects and to perform advance planning/project reports. Expenditure of Major Local Highway Projects funds shall be approved by the Authority Board of Directors, based upon a recommendation of subarea representatives and the Mountain/Desert Committee. If, after five years of revenue collection and every five years thereafter, the local representatives and the Mountain/Desert Committee make a finding that Major Local Highway Projects funds are not required for improvements of benefit to the subarea, then revenue in the Major Local Highway Projects category may be returned to jurisdictions within the subarea. Such return shall be allocated and expended based upon the formula and requirements established in the general Local Street Projects category.

E. Senior and Disabled Transit Service. 5% of revenue collected within each subarea shall be reserved in an account for Senior and Disabled Transit Service. Senior and Disabled Transit is defined as contributions to transit operators for fare subsidies for senior citizens and persons with disabilities or enhancements to transit service provided to seniors and persons with disabilities. In the Victor Valley subarea, the percentage for Senior and Disabled Transit Service shall increase by .5% in 2015 with additional increases of .5% every five years thereafter to a maximum of 7.5%. Such increases shall automatically occur unless each local jurisdiction within the subarea makes a finding that such increase is not required to address unmet transit needs of senior and disabled transit users. In the North Desert, Colorado River, Morongo Basin, and Mountain Subareas, local representatives may provide additional funding beyond 5% upon a finding that such increase is required to address unmet transit needs of senior and disabled transit services. All increases above the 5% initial revenue collected for Senior and Disabled Transit Service shall come from the general Local Street Projects category of the subarea.

Expenditure of Senior and Disabled Transit Service funds shall be approved by the Authority Board of Directors, based upon recommendation of subarea representatives and the Mountain/Desert Committee.

F. Mountain/Desert Committee. The Mountain-Desert Committee of the Authority shall remain in effect and provide oversight to implementation of the Mountain/Desert Expenditure Plan.

Measure "I" Transportation Expenditure Plan Schedules

SCHEDULE A

Countywide Measure "I" Revenue and Distribution

Estimated Countywide Measure "I" Distribution	Amount
Cajon Pass Expenditure Plan (3% of San Bernardino Valley Subarea and Victor Valley Subarea Revenues - See Schedule C)	**$ 170 Million**
Total San Bernardino Valley Subarea Expenditure Plan (See Schedule D)	**$ 4,520 Million**
Total Mountain-Desert Expenditure Plan	**$ 1,250 Million**
Victor Valley Subarea (See Schedule E)	$ 852 Million
North Desert Subarea (See Schedule F)	$ 95 Million
Mountains Subarea (See Schedule G)	$ 119 Million
Morongo Basin Subarea (See Schedule H)	$ 125 Million
Colorado River Subarea (See Schedule I)	$ 59 Million

SCHEDULE B

Transportation Improvement Revenues

Total Countywide Transportation Revenues	Amount
Estimated Countywide Measure "I" Revenue	$ 6,120 Million
(Less 1% Administration and 2% Board of Equalization Collection Charge)	($ 180) Million
Countywide Measure "I" Revenue Available for Transportation Projects (See Schedule A)	$ 5,940 Million
Estimated State and Federal Revenues	$ 1,106 Million
Estimated Contributions from New Development	$ 1,146 Million
Total Estimate Revenue Available for Transportation Projects	**$ 8,192 Million**

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SCHEDULE C

Cajon Pass Expenditure Plan

Project Description	Amount
I-15 Widening and Improvement through Cajon Pass	*$ 170 Million*
Devore Interchange Widening and Improvements at I-15/I-215	*$ 40 Million*
I-15 Dedicated Truck Lane Development	*$ 20 Million*
Total Cajon Pass Projects Cost	*$ 230 Million*
Cajon Pass Measure "I" Revenue	**$ 170 Million**
State and Federal Revenues	$ 60 Million
Total Cajon Pass Projects Revenues	$ 230 Million

SCHEDULE D

San Bernardino Valley Subarea Expenditure Plan

Project Category	Measure "I" Percentage	Amount
Freeway Projects (See Schedule D1)	29%	$ 1,311 Million
Freeway Interchange Projects (See Schedule D2)	11%	$ 497 Million
Major Street Projects* (See Schedule D3)	20%	$ 814 Million
Local Street Projects (See Schedule D4)	20%	$ 904 Million
Metrolink/Rail Service (See Schedule D5)	8%	$ 362 Million
Express Bus/Bus Rapid Transit Service* (See Schedule D6)	2%	$ 180 Million
Senior and Disabled Transit Service	8%	$ 362 Million
Traffic Management Systems	2%	$ 90 Million
Total San Bernardino Valley Subarea Measure "I" Revenue	**100%**	**$4,520 Million**

* Percentage distribution adjusts to serve transportation needs. Amount shown is average over 30-year Measure.

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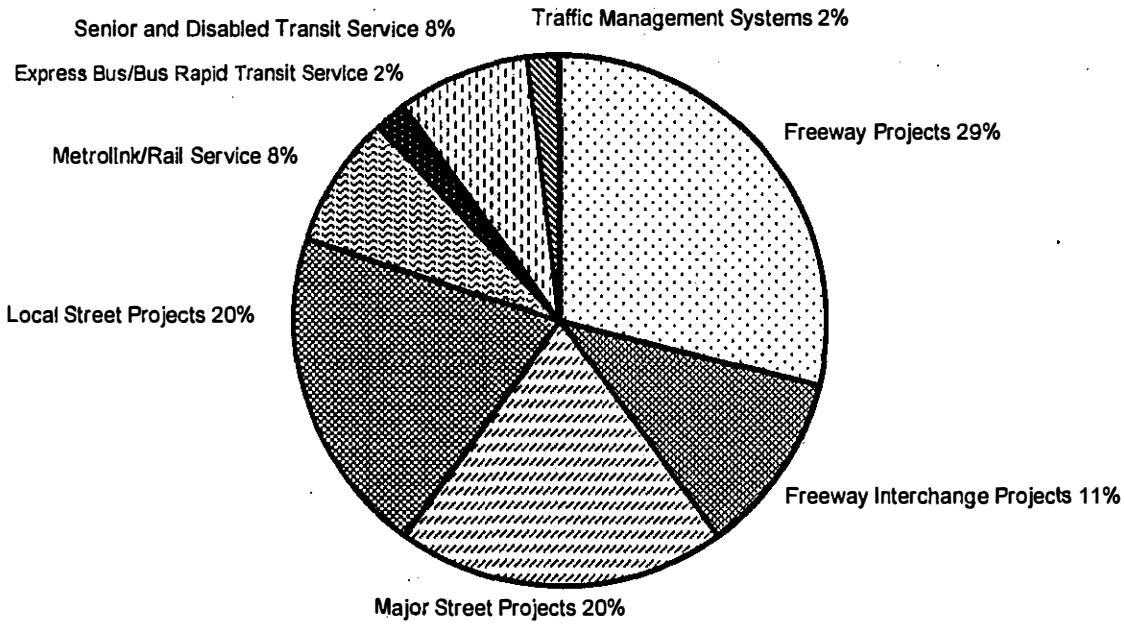
FIGURE D
San Bernardino Valley Subarea Expenditure Plan



SCHEDULE D1

San Bernardino Valley Expenditure Plan Freeway Projects Detail

Freeway Projects	Amount
I-10 Widening from I-15 to Riverside County Line	*$ 610 Million*
I-15 Widening from Riverside County Line to I-215	*$ 180 Million*
I-215 Widening from Riverside County Line to I-10	*$ 300 Million*
I-215 Widening from SR-30/210 to I-15	*$ 120 Million*
SR-30/210 Widening from I-215 to I-10	*$ 140 Million*
Carpool Lane Connectors	*$ 90 Million*
Total Freeway Projects Cost	*$ 1,440 Million*
Freeway Projects Measure "I" Revenue	**$ 1,311 Million**
State and Federal Revenues	$ 129 Million
Total Freeway Projects Revenues	$ 1,440 Million

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SCHEDULE D2

San Bernardino Valley Expenditure Plan Freeway Interchange Projects Detail

Freeway Interchange Projects	Amount
*Improvements **including but not limited to:***	
I-10 Interchanges at Monte Vista, Grove/Fourth St, Vineyard, Cherry, Citrus, Cedar, Riverside, Mt. Vernon, Tippecanoe, Mountain View, California, Alabama, Wabash, Live Oak Canyon, Wildwood Canyon	
I-15 Interchanges at 6th St/Arrow, Baseline, Duncan Canyon, Sierra	
SR-60 Interchanges at Ramona, Central, Mountain, Grove, Vineyard	
I-215 Interchanges at University Parkway and Palm	
SR-30/210 Interchanges at Waterman, Del Rosa, Highland, 5th St, and Baseline	
Freeway Interchange Projects Measure "I" Revenue	**$ 497 Million**
State and Federal Revenues	$ 32 Million
Contribution from New Development	$ 333 Million
Total Interchange Projects Revenues	$ 862 Million

SCHEDULE D3

San Bernardino Valley Expenditure Plan Major Street Projects Detail

Major Street Projects	Amount
*Improvements to major streets that connect communities, serve major destinations, and provide freeway access, **such as but not limited to:***	
Edison, Pine, Central, Mountain, Grove	
Foothill/Fifth, Baseline, Valley, Slover, Jurupa	
Tippecanoe, Anderson, University, Palm	
Lugonia, Barton, improvements to relieve traffic on Yucaipa Blvd	
Railroad Crossing Improvements, such as but not limited to Milliken and Hunts Ln	
Major Street Projects Measure "I" Revenue	**$ 814 Million**
State and Federal Revenues	$ 82 Million
Contribution from New Development	$ 444 Million
Total Major Street Projects Revenues	$ 1,340 Million

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SCHEDULE D4

San Bernardino Valley Expenditure Plan Local Street Projects Detail

Local Street Projects	Amount
Distribution to cities and County for street repair and improvements	
Local Street Projects Measure "I" Revenue	**$ 904 Million**
State and Federal Revenues	$ 187 Million
Total Local Street Projects Revenues	$ 1,091 Million

SCHEDULE D5

San Bernardino Valley Expenditure Plan Metrolink/Rail Service Detail

Metrolink/Rail Service	Amount
Contributions to the following projects:	
Metrolink	
Redlands Extension	
Gold Line Extension	
Metrolink/Rail Service Measure "I" Revenue	**$ 362 Million**
State and Federal Revenues	$ 330 Million
Total Metrolink/Rail Service Revenues	$ 692 Million

SCHEDULE D6

San Bernardino Valley Expenditure Plan Express Bus/Bus Rapid Transit Service Detail

Express Bus/Bus Rapid Transit Service	Amount
Express Bus/Bus Rapid Transit Service Measure "I" Revenue	**$ 180 Million**
State and Federal Revenues	$ 121 Million
Total Express Bus/Bus Rapid Transit Service Revenues	$ 301 Million

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SCHEDULE E

Victor Valley Subarea Expenditure Plan

Project Category	Measure "I" Percentage	Amount
Local Street Projects	70%	$ 596 Million
Major Local Highway Projects	25%	$ 213 Million
Senior and Disabled Transit Service	5%	$ 43 Million
Total Victor Valley Subarea Measure "I" Revenue	**100%**	**$852 Million**

Victor Valley Expenditure Plan Detail

Local Street Projects

Distribution to cities and County for street repair and improvements
New construction to relieve Bear Valley Rd, Ranchero Rd, new east/west roadways

Local Street Projects Measure "I" Revenue	**$ 596 Million**
State and Federal Revenues	$ 39 Million
Contribution from New Development, Major Streets	$ 281 Million
Total Local Street Projects Revenues	$ 916 Million

Major Local Highway Projects

*Contributions to Projects **including but not limited to:***

New Interchanges at I-15 and Ranchero, Eucalyptus, LaMesa/Nisqualli
High Desert Corridor
I-15 Widening through Victor Valley
SR-138 Widening and Improvements
US-395 Widening and Improvements

Major Local Highway Projects Measure "I" Revenue	**$ 213 Million**
State and Federal Revenues	$. 112 Million
Contribution from New Development, Freeway Interchanges	$ 88 Million
Total Major Local Highway Projects Revenues	$ 413 Million

Senior and Disabled Transit Service **$ 43 Million**

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SCHEDULE F

North Desert Subarea Expenditure Plan

Project Category	Measure "I" Percentage	Amount
Local Street Projects	70%	$ 66 Million
Major Local Highway Projects	25%	$ 24 Million
Senior and Disabled Transit Service	5%	$ 5 Million
Total North Desert Subarea Measure "I" Revenue	**100%**	**$ 95 Million**

North Desert Expenditure Plan Detail

Local Street Projects

Distribution to cities and County for street repair and improvements
Improvements ***including but not limited to*** *Lenwood Rd, Armory Rd, Rimrock Rd and Main St*

Local Street Projects Measure "I" Revenue	**$ 66 Million**
State and Federal Revenues	$ 2 Million
Total Local Street Projects Revenues	$ 68 Million

Major Local Highway Projects **$ 24 Million**

Contributions to Projects ***including but not limited to:***
SR-58 Widening and Improvements
US-395 Widening and Improvements
Lenwood Rd and Vista Rd Grade Separations in Barstow

Senior and Disabled Transit Service **$ 5 Million**

MIOrdinance-kal

SCHEDULE G

Mountains Subarea Expenditure Plan

Project Category	Measure "I" Percentage	Amount
Local Street Projects	70%	$ 83 Million
Major Local Highway Projects	25%	$ 30 Million
Senior and Disabled Transit Service	5%	$ 6 Million
Total Mountains Subarea Measure "I" Revenue	**100%**	**$119 Million**

Mountains Expenditure Plan Detail

Local Street Projects

Distribution to cities and County for street repair and improvements

Local Street Projects Measure "I" Revenue	**$ 83 Million**
State and Federal Revenues	$ 5 Million
Total Local Street Projects Revenues	$ 88 Million

Major Local Highway Projects **$ 30 Million**

Contributions to Projects ***including but not limited to:***

- *SR-18 & SR-38 Safety and Traffic Flow Improvements*
- *SR-330 Safety and Traffic Flow Improvements*
- *SR-138 Safety and Intersection Improvements*
- *SR-18 Safety and Intersection Improvements*
- *Realignment and Rehabilitation of Daley Canyon Rd and Kuffel Canyon Rd*

Senior and Disabled Transit Service (5%) **$ 6 Million**

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SCHEDULE H

Morongo Basin Subarea Expenditure Plan

Project Category	Measure "I" Percentage	Amount
Local Street Projects	70%	$ 88 Million
Major Local Highway Projects	25%	$ 31 Million
Senior and Disabled Transit Service	5%	$ 6 Million
Total Morongo Basin Subarea Measure "I" Revenue	**100%**	**$ 125 Million**

Morongo Basin Expenditure Plan Detail

Local Street Projects

Distribution to cities and County for street repair and improvements

Local Street Projects Measure "I" Revenue	**$ 88 Million**
State and Federal Revenues	$ 5 Million
Total Local Street Projects Revenues	$ 93 Million

Major Local Highway Projects — **$ 31 Million**

Contributions to Projects ***including but not limited to:***

SR-62 & SR-247 Widening and Safety Improvements

SR-62 Widening and Safety Improvements between the Morongo Basin and the Coachella Valley

Senior and Disabled Transit Service — **$ 6 Million**

MIOrdinance-kal

SCHEDULE I

Colorado River Subarea Expenditure Plan

Project Category	Measure "I" Percentage	Amount
Local Street Projects	70%	$ 41 Million
Major Local Highway Projects	25%	$ 15 Million
Senior and Disabled Transit Service	5%	$ 3 Million
Total Colorado River Subarea Measure "I" Revenue	**100%**	**$ 59 Million**

Colorado River Expenditure Plan Detail

Local Street Projects

Distribution to cities and County for street repair and improvements

Local Street Projects Measure "I" Revenue	**$ 41 Million**
State and Federal Revenues	$ 2 Million
Total Local Street Projects Revenues	$ 43 Million

Major Local Highway Projects — **$ 15 Million**

Contributions to Projects ***including but not limited to:***

Needles Highway Widening and Realignment from I-40 to the Nevada State Line

Reconstruction of J Street and Construction of new Bridge in Needles connecting I-40 to Arizona

Senior and Disabled Transit Service (5%) — **$ 3 Million**

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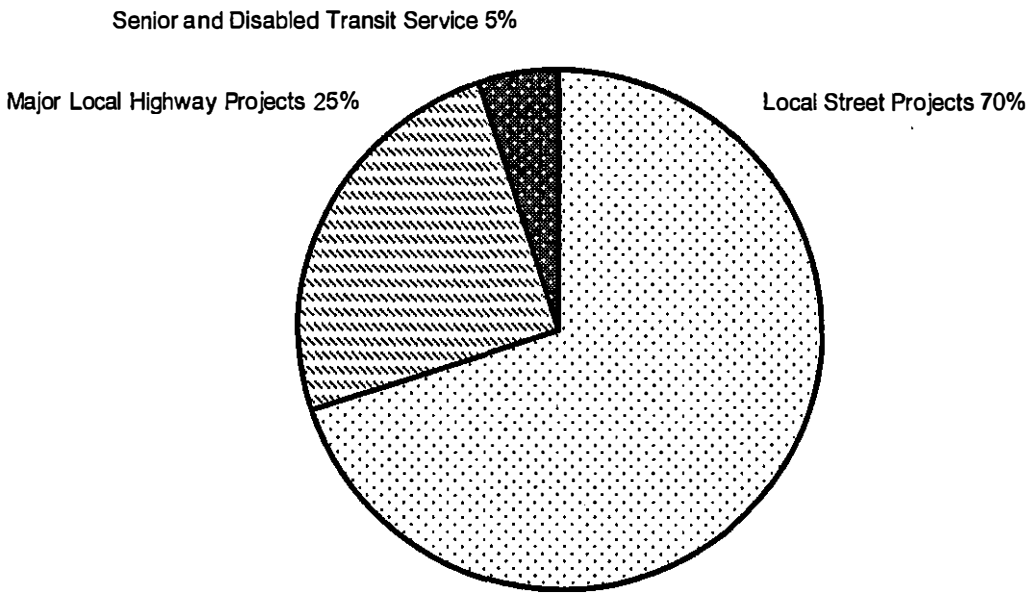
FIGURE J
Mountain/Desert Expenditure Plan



MIOrdinance-kal

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 12

Date: March 5, 2014

Subject: Letter received regarding Metro Gold Line Extension to Ontario Airport

Recommendation:* Approve draft response letter regarding the status of the Ontario Airport Access Study.

Background: At the February 5, 2013, Board of Directors meeting, the SANBAG Board of Directors (Board) received a letter from Assembly Member Chris Holden (D-Pasadena) regarding the proposed extension of the Metro Gold Line Foothill Extension from Azusa to Montclair and a possible extension to Ontario International Airport. This letter is included as Attachment A.

The Board has not yet taken a position on any particular alternative for a transit connection to the Ontario Airport as the Airport Access Study is still underway. The final analysis is scheduled to come forward later in 2014. Completion of the Airport Access Study will afford an opportunity for the Board to consider transit alternatives connecting to the Ontario International Airport meeting the mobility needs of the region within the funding levels available.

Staff has prepared a draft response letter included as Attachment B. This letter communicates the status of the Ontario Airport Access Study to Assembly Member Holden and the timing for any future SANBAG decisions in this regard.

Financial Impact: This item has no fiscal impact on the Fiscal Year 2013-2014 SANBAG Budget.

Reviewed By: This item was received by the Commuter Rail and Transit Committee on February 13, 2014.

Responsible Staff: Wendy Strack, Director of Legislative and Public Affairs

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE	X	CMA	X

Check all that apply.
BRD1403a-wvs
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403a1-wvs.pdf
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403a2-wvs.docx

ATTACHMENT A

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0041
(916) 319-2041
FAX (916) 319-2141

DISTRICT OFFICE
600 NORTH ROSEMEAD BLVD, #117
PASADENA, CA 91107
(626) 351-1917
FAX (626) 351-6176

Assembly
California Legislature

CHRIS HOLDEN
Assembly Majority Whip
ASSEMBLYMEMBER, FORTY-FIRST DISTRICT

COMMITTEES
APPROPRIATIONS
BUSINESS, PROFESSIONS AND CONSUMER PROTECTION
LABOR AND EMPLOYMENT
TRANSPORTATION

SELECT COMMITTEES
LEGISLATIVE ETHICS

BOARD MEMBER
SANTA MONICA MOUNTAINS CONSERVANCY BOARD

January 5, 2014

Mr. Bill Jahn, President
and SANBAG Board of Directors
1170 W. Third Street
San Bernardino, CA 92410-1715

Dear President Jahn and Board Members:

I am writing to emphasize my support for completion of the Metro Gold Line Foothill Extension-- first to Montclair, and then to Ontario Airport - as a top priority.

This year, the Metro Gold Line Foothill Extension Construction Authority is commencing advanced conceptual engineering for the Azusa to Montclair segment of the Foothill Extension. No construction funding is currently secured; however, this design phase will make this important next segment of the line "shovel ready" for a design-build procurement.

In addition, the Construction Authority is beginning an Alternatives Analysis for the Ontario Airport Extension. This required next phase of study will identify route and mode options available to connect the light rail line to Ontario Airport from the Montclair TransCenter and result in a recommended alternative to study further through the CEQA and NEPA process.

I believe that both projects provide critically-needed connections for San Bernardino and Los Angeles Counties. It would be a serious missed opportunity for SANBAG, and more importantly for the residents of San Bernardino County, if the line were to terminate in Los Angeles County.

The Construction Authority anticipates that the Gold Line from Azusa to Montclair will be ready for construction funding in 2016/2017, at the earliest. Additionally, the Ontario Airport Extension still has many more years of required study ahead. This is the time for SANBAG to continue to provide strong support for these two extensions, as we envision a transportation system that encourages interconnectivity for its citizens.

I would urge SANBAG's support for extending the line from Claremont to Montclair according to the Construction Authority's time line and to support the Authority's efforts studying the potential for connecting the line to Ontario Airport. Thank you for your consideration.

Sincerely,

Chris Holden
Member of the Assembly
41st District

BRD1403a1-wvs

ATTACHMENT B

Governments SANBAG Working Together

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TRANSPORTATION MEASURE I

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

March 5, 2014

The Honorable Chris Holden
California State Assembly
State Capitol, Room 5119
Sacramento, CA 95814

Dear Assembly Member Holden,

Thank you for your letter dated February 5, 2014, regarding a proposed extension of the Gold Line from Azusa to Montclair and a potential further extension to Ontario Airport. We appreciate your input as the San Bernardino Associated Governments (SANBAG) determines how best to allocate our limited funds available for transit projects.

Since your letter raised the proposal to extend the Gold Line to Ontario Airport, we wanted to update you on the Ontario Airport Access Study currently underway. SANBAG has embarked on this comprehensive study to determine the most convenient, reliable, efficient, and cost effective way to provide transit connections to the airport.

This study is currently evaluating over 30 alternatives, including the Gold Line, Metrolink, bus, and other rail connections to the airport. We anticipate that this study will be complete in Summer/Fall 2014 and will provide the SANBAG Board of Directors with a set of recommendations that meet the goals of the study, including ensuring that airport transit connections are competitive with auto travel, provide for maximized ridership, are cost effective, and meet the overall mobility needs for our region. The SANBAG Board of Directors has no position at this time on any particular connection to the airport.

At the conclusion of the study, we hope to be able to make it easier to travel to and from Ontario Airport and support the recovery of this major regional asset. Our goal continues to be the efficient utilization of limited tax dollars for the benefit of the residents of San Bernardino County and the Southern California region. This overarching principle will drive future considerations of a transit connection to the airport, particularly as we consider not only the costs of construction but also the costs of operating a connection. As you are well aware, operating costs remain one of the biggest challenges to implementing new service options.

Noting the lack of available funding, SANBAG continues to look for additional transit funding opportunities so that we can provide expanded mobility options for our residents. We look forward to partnering with you as we seek additional state and federal funds for these projects in the future. If you have any questions about the Ontario Airport Access Study, please don't

hesitate to contact our Executive Director, Ray Wolfe, or our Director of Legislative and Public Affairs, Wendy Strack, at (909) 884-8276.

Sincerely,

W.E. Jahn
President, Board of Directors

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 13

Date: March 5, 2014

Subject: State and Federal Legislative Update

Recommendation:* Receive State and Federal Update

Background: State Update

Delegation Members Appointed to Key Committees and Leadership Positions

Several Members of SANBAG's Legislative Delegation have been appointed to key state legislative committees or hold leadership positions within their respective caucuses.

Assembly Appropriations Committee – Tim Donnelly (R-Twin Peaks), Chris Holden (D-Pasadena)
Assembly Budget Committee – Brian Nestande (R-Palm Desert), Mike Morrell (R-Rancho Cucamonga), Freddie Rodriguez (D-Pomona)
Assembly Housing and Community Development Committee – Cheryl Brown (D-San Bernardino)
Assembly Jobs, Economic Development, and the Economy Committee – Steve Fox (D-Palmdale)
Assembly Revenue and Taxation Committee – Brian Nestande

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE	X	CMA	X

Check all that apply.

BRD1403b-wvs

Assembly Rules Committee – Cheryl Brown, Tim Donnelly, Curt Hagman (R-Chino Hills)
Assembly Transportation Committee – Chris Holden, Mike Morrell
Assembly Water, Parks and Wildlife Committee – Freddie Rodriguez

Senate Budget and Fiscal Review Committee – Norma Torres (D-Pomona)
Senate Environmental Quality Committee – Jean Fuller (R-Bakersfield)
Senate Governance and Finance Committee – Steve Knight (R-Antelope Valley), Carol Liu (D-La Canada Flintridge)
Senate Natural Resources and Water Committee – Jean Fuller
Senate Rules Committee – Jean Fuller, Steve Knight
Senate Transportation and Housing Committee – Carol Liu

Leadership Posts
Assembly Democratic Majority Whip – Chris Holden
Assembly Assistant Republican Floor Leader – Curt Hagman
Senate Republican Leader – Bob Huff (R-Diamond Bar)

Legislative Calendar

Below is a quick overview of the major legislative deadlines for the second half of the 2013-14 legislative session. New bills of interest will come forward for recommended positions following the February 21st bill introduction deadline.

January 31 – Two-Year bills must pass out of their house of origin
February 21 – Bill Introduction Deadline for new bills
May 9 – All new bills must pass out of policy committees in their first house
May 23 – All new bills must pass out of fiscal committees in their first house
May 30 – New bills must pass their house of origin
June 15 – State Budget Deadline
June 27 – Bills must pass out of policy committees in the second house
August 15 – Bills must pass out of fiscal committees in the second house
August 31 – Last day to pass bills
September 30 – Last day for the Governor to sign or veto bills

State Budget Update

In January, the Governor released his Fiscal Year (FY) 2014-15 State Budget proposal. He proposes to use the mainly one-time increases in revenues provided by an unusual increase in capital gains revenue, as well as Proposition 30 revenues from the quarter-cent sales tax and income tax on high earners, on one-time expenditures such as repaying deferred payments to schools, early repayment of internal loans, and the early repayment of specified bond debt. The

Governor proposed General Fund Expenditures of $106.8 million, with $108.7 million in revenues including a prior year balance of $4.2 million.

One-Time Investments
The Governor proposes to utilize the increase in funding projected for FY 2014-15 for mainly one-time expenditures. This includes the elimination of $6 billion in deferred payments to K-12 schools, fully repaying the Economic Recovery Bonds from 2004, providing for an early repayment of Transportation loans totaling almost $340 million and a portion of Cap and Trade loans totaling $100 million, as well as providing $815 million in one-time investments for infrastructure.

State Transportation Agency (CalSTA) Budget
The newly consolidated CalSTA budget totals $15.3 billion, $10.9 billion of which funds the California Department of Transportation (Caltrans). For Proposition 1B, the Governor's proposal allocates the remaining Public Transportation, Modernization, Improvement and Service Enhancement Account (PTMISEA) funds for transit and intercity rail projects totaling $953 million and $113 million in administrative savings for additional projects.

Cap and Trade
The draft update of the AB 32 (Chapter 488, Statutes of 2006) Scoping Plan states that the Cap and Trade program will achieve approximately 30% of the required greenhouse gas emission reductions under AB 32. The budget includes a proposal to allocate $850 million of the revenues towards a variety of projects in FY 2014-15. This includes the repayment of $100 million of the $500 million loan from last fiscal year and also includes consideration of the SB 535 (Chapter 830, Statutes of 2012) requirements to prioritize disadvantaged communities in the distribution of Cap and Trade funds.

The $850 million is proposed to be distributed as follows:

- $300 for Rail Modernization
  - $250 for High Speed Rail (HSR)
  - $50 million in competitive grants to urban, commuter, and intercity rail operators, administered by Caltrans for connectivity and integration of systems with HSR.
- $100 million to the Strategic Growth Council for transit, active transportation, affordable housing, land preservation, infill development, and other projects that encourage a reduction in vehicle miles traveled.
- $200 million to the Air Resources Board for low carbon freight and passenger transportation, including incentives for zero emission and hybrid cars, trucks, or buses, as well as advanced freight technology.

- $140 million for Energy Efficiency and Clean Energy projects, including weatherization, green state buildings, agricultural efficiency, and the Water Action Plan.
- $110 million to Natural Resources and Waste Diversion for wetlands preservation, fire prevention, and solid waste diversion.

California Five-Year Infrastructure Plan
The Governor also released the 2014 California Five-Year Infrastructure Plan (Plan) in conjunction with the release of the January budget proposal. While an annual five-year infrastructure plan is statutorily required, the 2014 Plan is the first since 2008 due to persistent budget shortfalls and program cuts.

The 5-year plan emphasizes the need to spend almost $65 billion in the coming years simply to maintain everything from the state's deteriorating local roads and highways to state parks and court buildings. It further establishes how the Governor intends to make new investments in infrastructure by spending on roads, rail, and water infrastructure with the same priority as investments in education and health care.

The Plan outlays the state's infrastructure needs as they relate to available revenues, affordability, and sustainable growth goals, particularly in the context of AB 32. It notes that recent trends in financing infrastructure, such as the reliance of general obligation and revenue bonds, mean that roughly half of the investment ends up paying interest costs rather than for purchasing materials and constructing projects. Annual expenditures on debt service have grown from $2.9 billion in FY 2000-01 to $7.1 billion in FY 2013-14. The Governor calls for targeted investments aimed at the state's core priorities and responsibilities, as well as a return to a pay-as-you-go approach to financing. The Plan also incorporates the cost of maintaining new capital investments and the deferred maintenance on previous capital projects.

Specific to transportation, approximately 94% of the overall plan is focused on the transportation system and it prioritizes maintenance and preservation of the existing highway system over new highway capacity. The Plan also assumes $25.6 billion in funding will be available for the HSR Project from various sources, including federal funds, Cap and Trade funds, and state bond funds.

Federal Update

The final Transportation, Housing and Urban Development appropriations legislation for federal fiscal year (FFY) 2014 contains the current year spending plan for these programs and also includes full funding for programs contained in

the transportation authorization bill, Moving Ahead for Progress in the 21st Century (MAP-21).

Department of Transportation
The bill includes $17.8 billion in discretionary appropriations and allows $53.5 billion in non-discretionary funding for the Department of Transportation.

- Nearly $41 billion for highway programs
- $9.7 billion for transit programs
  - $8.6 billion in transit formula grants
  - $2.1 billion for the New Starts program
  - Full funding for state and local Small Starts, and funding for all current Full Funding Grant Agreement projects
- $600 million for the Transportation Investments Generating Economic Recovery (TIGER) program
- $12.4 billion for the Federal Aviation Administration

As a result of the delayed actions on the current year budget, the President's proposed budget for FFY 2015 will probably not be released until March, one month later than usually anticipated. This then sets the next budget process in motion.

One of the key issues that will need to be addressed in the FFY 2015 bill for transportation will be anticipated funding levels either in advance of a reauthorization of MAP-21 or in event of an extension of MAP-21. The Highway Trust Fund is projected to be depleted during next fiscal year absent other funding solutions so either a temporary or permanent funding solution will need to be found.

Financial Impact: This item has no fiscal impact on the Fiscal Year 2013/2014 SANBAG Budget.

Reviewed By: This item was received by the General Policy Committee on February 12, 2014.

Responsible Staff: Wendy Strack, Director of Legislative and Public Affairs

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 14

Date: March 5, 2014

Subject: Amendment to the Lenwood Road Grade Separation Construction Cooperative Agreement

Recommendation:* That the Board, acting as the San Bernardino County Transportation Commission and the San Bernardino County Transportation Authority:

1. Approve Amendment No. 2 to Contract No. C11199, the Funding Agreement for the Right-of-Way and Construction Phases of the Lenwood Road Grade Separation Project with the City of Barstow and the County of San Bernardino as shown by Exhibit "A-2"; and

2. Approve an increase in Right-of-Way acquisition authorization from $1,900,000.00 to $3,075,355.00; and

3. Approve a budget amendment for Fiscal Year 2013/2014 increasing Measure I North Desert Major Local Highway fund in the amount of $1,175,355.00.

Background: **Recommendation 1:** In June 2011, the SANBAG Board acting as the San Bernardino County Transportation Authority and the San Bernardino County Transportation Commission (SANBAG) approved Cooperative Agreement No. C11199 with the City of Barstow and the County of San Bernardino for the Right-of-Way and Construction Phases of the Lenwood Road Grade Separation Project. The subject agreement defined the roles and responsibilities of the

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA	X	SAFE		CMA	

Check all that apply.
BRD1403a-bf
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/C11199-2.docx

signatory agencies in acquiring property for, and in constructing the Project. SANBAG is the lead in advertising, awarding, and administering construction of the Project.

In February 2012, SANBAG approved Construction Cooperative Agreement No. C11199 Amendment No. 1 to authorize the programming of $8,839,000 in Surface Transportation Program (STP) funds and the de-programming of $8,839,000 Measure I 2010-2040 North Desert subarea Major Local Highway Program funds for construction costs. With the same Amendment, SANBAG replaced $3,450,000 in Congestion Mitigation Air Quality (CMAQ) funds with STP funds.

In August 2013, SANBAG substituted $2,161,000 State Local Partnership Program (SLPP) funds for $2,161,000 in Trade Corridor Improvement (TCIF) funds. Both the City and the County were notified of this change as per the terms of Agreement No. C11199. At the August 8, 2013, California Transportation Commission (CTC) hearing, the CTC allocated $8,855,000 in TCIF funds for the Construction Phase ($6,694,000 original allocation by SANBAG in 2008 on a different project and the $2,161,000 of the August 2013 swap of funds). Subsequently CTC notified SANBAG of a financial allocation amendment reducing the construction allocation by $579,000, from $8,855,000 to $8,275,400. The deadline for awarding the Contract to meet with the requirements of the TCIF funds was the end of December 2013. The construction contract was awarded on December 4, 2013.

The current cost estimates for right-of-way and actual costs for construction contracts, along with the funding shares and types, for Lenwood Road Grade Separation Project are included in the figures shown in Exhibit "A-2" of Agreement No. C11199-02. This differs from the funding tables included in Agreements No. C11199 and C11199-01, as funding contributions and types have been revised as described above and actual contract costs have been obtained. The BNSF/City of Barstow Construction and Maintenance Agreement has been finalized which identifies the actual BNSF contribution of $1,035,761.00, $66,774.00 less then what had been estimated. Right-of-way costs have increased by $339,449.00 as the SCE utility relocation costs were higher than estimated; and the total construction cost has decreased by $918,390.00 due to favorable bid results. To address the increase in right-of-way, funding is being moved from the construction phase to the right-of-way phase, leaving a net project decrease of $578,941.00.

Recommendation 2: In November 2011, the SANBAG Board of Directors authorized Epic Land, as an agent of SANBAG, to make offers for the purchase of the thirty five (35) property rights, relocation assistance, and demolition in an

amount not to exceed $1,900,000. The acquisitions of all but five properties have been finalized, with the remaining properties in condemnation. Currently it is estimated that the acquisition costs will exceed the authorized amount, therefore staff is requesting an increase in authorization to $3,075,355. The revised total that includes the increase is within the funding limits of the Cooperative Agreement and Amendments.

Recommendation 3: It was not anticipated in the Fiscal Year 2013/2014 budget that 86% of the acquisitions would be completed this year. As such, staff is requesting to amend the current fiscal year budget to add $1,175,355.00 of Measure I North Desert Major Local Highway funds. The required funding required in future years will be reduced by a like amount.

Financial Impact: The current approved Fiscal Year 2013/2014 budget will be amended as part of this action. Lenwood Grade Separation Project, Task No. 0881, Fund 4330 MSI North Desert Fund-Major Local Highway increased $1,175,355.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Mountain/Desert Committee on February 21, 2014. SANBAG General Counsel has reviewed this item and the amendment.

Responsible Staff: Garry Cohoe, Director of Project Delivery

Governments SANBAG Working Together

CONTRACT SUMMARY SHEET

Contract No. C 11199 Amendment No. 2

By and Between

San Bernardino County Transportation Authority and San Bernardino County Transportation Commission and County of San Bernardino and City of Barstow

Contract Description Lenwood Grade Separation Right of Way and Construction

Board of Director's Meeting Date: 3/5/14
Overview of BOD Action: Approve Amendment 2 to C11199. The BNSF contribution, which is paid by the City of Barstow, has been reduced by $66,774.

Is this a Sole-Source procurement? ☐ Yes ☒ No

CONTRACT OVERVIEW

Original Contract Amount	$	1,021,465.00	**Original Contingency Amount**	$	0
Revised Contract Amount *Inclusive of prior amendments*	$	2,124,000.00	**Revised Contingency Amount** *Inclusive of prior amendments*	$	0
Current Amendment Amount	$	-66,774.00	**Contingency Amendment**	$	0
TOTAL CONTRACT VALUE	$	2,057,226.00	**TOTAL CONTINGENCY VALUE**	$	0
TOTAL BUDGET AUTHORITY *(contract value + contingency)*				$	2,057,226.00

Contract Start Date	Current Contract Expiration Date	Revised Contract Expiration Date
JUNE 1, 2011	June 30, 2015	December 31, 2016

Has the contract term been amended? ☐ No ☒ Yes - please explain.
Modified from original date 6/30/2015 in C11199.

FINANCIAL INFORMATION

☒ Budget authority for this contract currently exists in Task No. 0881.
☐ A Budget Amendment is required.
How are we funding current FY? MI 2010-2040 North Desert MLH

☒ Federal Funds ☒ State Funds ☒ Local Funds ☐ TDA Funds ☒ Measure I Funds

*Provide Brief Overview of the **Overall** Funding for the duration of the Contract:*
MI 2010-2040 North Desert MLH, City of Barstow, TCIF, STP
☐ Payable ☒ Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:
☐ Retention? If yes, indicate % _____.
☐ Disadvantaged Business Enterprise (DBE) Goal _____ %

Barbara Fortman Project Manager (Print Name)	Barbara Fortman Signature	1-17-14 Date
Gary Cohen Task Manager (Print Name)	Signature	1-31-14 Date
Andrea Zureck Dir. of Fund Admin. & Programming (Print Name)	Andrea Zureck Signature	2/11/14 Date
Jeffery Hill Contract Administrator (Print Name)	Signature	2/11/14 Date
W. Stawarski Chief Financial Officer (Print Name)	Signature	2/12/14 Date

Contract Summary Sheet 11/6/12

AMENDMENT NO. 2 TO

CONTRACT NO. C11199

BY AND BETWEEN

THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY AND SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION

AND

THE COUNTY OF SAN BERNARDINO

AND

THE CITY OF BARSTOW

LENWOOD ROAD/BNSF GRADE SEPARATION

This AMENDMENT No. 2 to Contract No. C11199 is effective on the Effective Date as defined herein, by and between the San Bernardino Associated Governments acting as the San Bernardino County Transportation Authority and also acting as the San Bernardino County Transportation Commission (hereafter called AUTHORITY) and the County of San Bernardino (hereafter called COUNTY) and the City of Barstow (hereafter called CITY), individually referred to as PARTY and collectively known as PARTIES.

RECITALS:

WHEREAS, AUTHORITY, CITY, and COUNTY entered into Contract No. 11199 on June 1, 2011 to set forth responsibilities and obligations of each phase as they pertain to participation and funding of the Project Right-of-Way Phase, including property acquisition, and Construction Phase of a rail-highway grade separation project on Lenwood Road at Burlington Northern & Santa Fe Railway ("BNSF"), located in the Barstow area (hereinafter referred to as "PROJECT"); and

WHEREAS, PARTIES, entered into Contract No. C11199 Amendment No. 1 on February 1, 2012, to replace Congestion Mitigation Air Quality (CMAQ) funds with Surface Transportation Program (STP) funds and to replace a portion of the Measure I Major Local Highway Program - North Desert funds with STP funds; and

WHEREAS, the Right-of-Way Phase is now estimated at $5,131,449; and

WHEREAS, construction bids have now been received for the PROJECT and based upon the construction award amount, the final Construction Phase cost is now estimated to be $21,375,610; and

WHEREAS, the final BNSF contribution is $1,035,761 and the total earmark contribution is $1,317,380 consisting of $1,079,880 in federal Demonstration and $237,500 in federal Section 125 funds resulting in a remaining balance of $19,022,469; and

WHEREAS, although it is estimated that PROJECT costs will not exceed the total contribution of the AUTHORITY and CITY to the Right-of-Way Phase and Construction Phase combined, the PARTIES agree to amend Contract No. C11199 to allow a portion of the funds originally programmed to the Construction Phase to be used for the Right-of-Way Phase.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, the PARTIES agree as follows:

1. The AGREEMENT is amended in the following particulars:

   a. Remove and replace Paragraph 1.1 of Section 1 (AUTHORITY AGREES TO) with:

      "1.1 To contribute towards the PROJECT Right-of-Way Phase and Construction Phase of the PROJECT cost an amount not to exceed $23,132,453 consisting of $8,275,400 in Proposition 1B Trade Corridor Funds, $12,339,053 in Federal Surface Transportation Program funds and $2,518,000 in Measure I Major Local Highway Program-North Desert funds as shown in Attachment A. The actual cost of a specific phase may ultimately vary from the estimates provide in Attachment A, however, under no circumstances is the total combined AUTHORITY contribution to exceed $23,132,453 without an amendment to this Agreement."

   b. Delete Paragraph 1.2 of Section 1 (AUTHORITY AGREES TO).

   c. Delete Paragraphs 2.1 and 2.2 of Section 2 (COMMISSION AGREES TO).

   d. Remove and replace Paragraph 3.7 of Section 3 (COUNTY AGREES TO) with:

      "3.7 With the recent annexation of the unincorporated COUNTY land into the CITY that occurred while the PROJECT was underway and thereby changing the jurisdictional share of costs from 50% COUNTY/50% CITY to 25% COUNTY/75% CITY, the COUNTY, in consideration of the AUTHORITY's contribution of $23,132,453 to the Right-of-Way Phase and Construction Phase of the PROJECT will not seek to adjust COUNTY's $2,500,000 contribution to the Design Phase of the PROJECT made in accordance with Contract No. C10142 (COUNTY Contract No. 10-17). Cost increases for the Right-of-Way Phase and Construction Phase will be handled in accordance with Section 5, Paragraph 5.3."

   e. Remove and replace Paragraph 4.2 of Section 4 (CITY AGREES TO) with:

      "4.2 To contribute towards the PROJECT Right-of-Way Phase and Construction Phase of the PROJECT $1,021,465 as shown in Attachment A as Local City funds, the actual amount contributed to a specific phase may vary from what is shown in Attachment A. Cost increases beyond the total combined CITY contribution for Right-of-Way and Construction will be handled in accordance with Section 5, Paragraph 5.3."

   f. Delete Paragraph 4.3 of Section 4 (CITY AGREES TO).

8. Replace Exhibit "A" attached to Contract No. C11199 with Exhibit "A-2" which is attached to this Amendment No. 2 and by this reference incorporated herein.

9. The Effective Date is the date that the AUTHORITY executes this Amendment No. 2.

10. Except as amended by this Amendment No. 2, all other provisions of Contract No. C11199 and Amendment No. 1 shall remain in full force and effect.

11. This Amendment No. 2 may be signed in counterparts, each of which shall constitute an original.

12. The Recitals are incorporated into the body of this Amendment No. 2 to Contract No. C11199.

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

IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 on the day and year below written, but effective as of the day and year first set forth identified herein.

SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION

By: _____
W. E. Jahn, President

Date: _____

COUNTY OF SAN BERNARDINO

By: _____
Janice Rutherford, Chair,
Board of Supervisors

Date: _____

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

By: _____
W. E. Jahn, President

Date: _____

APPROVED AS TO FORM AND PROCEDURE:

By: _____
Scott Runyon
County Counsel

Date: _____

APPROVED AS TO FORM:

By: _____
Eileen Monaghan Teichert
AUTHORITY/COMMISSION
General Counsel

Date: _____

CITY OF BARSTOW

By: _____
Julie Hackbarth-McIntyre,
Mayor

Date: _____

CONCURRENCE:

By: _____
Jeffery Hill
Contract Administrator

Date: _____

APPROVED AS TO FORM AND PROCEDURE:

By: _____
Teresa Highsmith
City Attorney

Date: _____

EXHIBIT "A-2"

FOR COUNTY OF SAN BERNARDINO/CITY OF BARSTOW/AUTHORITY/COMMISSION

FUNDING PLAN FOR THE LENWOOD ROAD GRADE SEPARATION PROJECT

IN THE BARSTOW AREA

FINAL CO-OP SHARES AFTER BID

PHASE	FUNDING									TOTAL COST
	State		Federal			SANBAG				
	TCIF	SLPP	DEMO	STP	Sec 125	MEASURE I*	LOCAL CITY	BNSF	COUNTY	
PA& & PS&E						$935,108	$973,900		$2,500,000	$4,409,008
ROW				$2,546,812		$2,028,235	$556,402			$5,131,449
CON	$8,275,400		$1,079,880	$9,792,241	$237,500	$489,765	$465,063	$1,035,761	$0	$21,375,610
TOTAL	**$8,275,400**	**$0**	**$1,079,880**	**$12,339,053**	**$237,500**	**$3,453,108**	**$1,995,365**	**$1,035,761**	**$2,500,000**	**$30,916,067**

Governments SANBAG Working Together

San Bernardino Associated Governments

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 15

Date: March 5, 2014

Subject: Review Financial Audits for Transit Operators

Recommendation:* Review and receive the following Operator financial reports for Fiscal Year 2011/2012: Barstow Area Transit (BAT).

Background: Public Utility Code 99245.2, Single Audit Act, and the U.S. Office of Management and Budget (OMB) require an annual audit be conducted of SANBAG and affiliated organizations: Barstow Area Transit (BAT), Mountain Area Regional Transit Authority (MARTA), Morongo Basin Transit Authority (MBTA), Needles Area Transit (NAT), Omnitrans, Valley Transportation Services (Vtrans) and Victor Valley Transit Authority (VVTA).

This item presents the results of Barstow Area Transit (BAT) financial audit for Fiscal Year 2011/2012, completed October 2013. The financial statements audits were completed by Vavrinek Trine and Day Co., LLC.

The financial statements for BAT includes an Independent Auditors' Report included as Attachment A. The full financial package report is included as supplemental material with the board packet. It includes the following reports:

1. Audit of Operators Basic Financial Statements
2. Statement on Auditing Standards 114 (SAS 114).

The financial statements for BAT include an Independent Auditors' Report with an unqualified opinion, meaning without material misstatements or omissions.

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA	X	SAFE		CMA	

Check all that apply.

BRD1403a-mmm
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403a1-mmm.pdf

Report/Letter	BAT
TDA/Prop 1B	X
Financial Statements	
SAS 114 Letter	X

The following is a summary of the audit reports along with any findings or recommendations for BAT:

- **TDA Report:** Unmodified opinion issued.
- **SAS 114 Letter:** Management corrected payroll accrual and salaries expense.

Effective Audit Fiscal Year 2011/2012, SANBAG procured Vavrinek Trine and Day Co., LLC as the new auditor for the transit operators. The previous auditor Miers & Miers provided audit services since 1992 (excluding Omnitrans). This change created challenges for the operators since it was a new process for them. Typically the audits are completed within 180 days after the end of the fiscal year. The transition to the new auditor required a 90 day extension. BAT was not able to meet this extension deadline.

Needles Area Transit is still in the process of completing their financial reports and will have FY2011/2012 audits combined with FY2012/2013. Once these reports are completed, SANBAG staff will present and report them to SANBAG Board.

Financial Impact: This item has no financial impact to the SANBAG Fiscal Year 2013/2014 budget.

Reviewed By: Barstow Area Transit has or is scheduled to take these financial reports to their board. This item has been reviewed by the Commuter Rail and Transit Committee on February 13, 2014 as well as the Mountain/Desert Policy Committee on February 21, 2014. The Finance department has reviewed and approved this item.

Responsible Staff: Mitch Alderman, Director of Transit and Rail Programs

CITY OF BARSTOW, CALIFORNIA

TRANSPORTATION DEVELOPMENT ACT FUNDS

Financial Statements

Year Ended June 30, 2012

CITY OF BARSTOW, CALIFORNIA

TRANSPORTATION DEVELOPMENT ACT FUNDS

Financial Statements

Year Ended June 30, 2012

TABLE OF CONTENTS

INDEPENDENT AUDITORS' REPORT 1

FINANCIAL STATEMENTS

Statement of Net Assets 3

Statement of Revenues, Expenses and Changes in Net Assets 4

Statement of Cash Flows 5

Notes to Financial Statements 6

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS* 12

Schedule of Findings and Responses 14

Vavrinek, Trine, Day & Co., LLP
Certified Public Accountants

VALUE THE DIFFERENCE

INDEPENDENT AUDITORS' REPORT

To the Board of Directors
San Bernardino Associated Governments
San Bernardino, California

We have audited the accompanying financial statements of the Transportation Development Act (TDA) Article 8 Fund (Fund) of the City of Barstow, California (City), as of and for the year ended June 30, 2012, as listed in the table of contents. These financial statements are the responsibility of the management of the City. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present the TDA Fund of the City only and do not purport to, and do not, present fairly the financial position of the City as of June 30, 2012, and the changes in financial position, or, where applicable, its cash flows, for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to previously present fairly, in all material respects, the financial position of the TDA Fund of the City as of June 30, 2012, and the changes in financial position and its cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued a report dated October 2, 2013 on our consideration of the City's internal control over financial reporting for the TDA Fund, and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

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Management has omitted the *Management's Discussion and Analysis* for the TDA Fund that accounting principles generally accepted in the United States of America requires to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting and for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Vavrinek, Trine, Day & Co., LLP

Rancho Cucamonga, California
October 2, 2013

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San Bernardino Associated Governments

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 16

Date: March 5, 2014

Subject: Review Financial Audits for Transit Operators

Recommendation:* Review and receive the following Operator financial reports for Fiscal Year 2012/2013 for:

- Mountain Area Regional Transit Authority (MARTA)
- Morongo Basin Transit Authority (MBTA)
- Valley Transportation Services (Vtrans)
- Victor Valley Transit Authority (VVTA)

Background: Public Utility Code 99245.2, Single Audit Act, and the U.S. Office of Management and Budget (OMB) require an annual audit be conducted of SANBAG and its affiliated organizations: Barstow Area Transit (BAT), Mountain Area Regional Transit Authority (MARTA), Morongo Basin Transit Authority (MBTA), Needles Area Transit (NAT), Omnitrans, Valley Transportation Services (Vtrans), and Victor Valley Transit Authority (VVTA).

This item presents the results of audits performed on MARTA, MBTA, Vtrans and VVTA. The audit of the financial statements for Fiscal Year 2012/2013 was completed by Vavrinek Trine and Day Co., LLC.

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA	X	SAFE		CMA	

Check all that apply.

BRD1403b-mmm
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403b1-mmm.pdf

The financial statements for the transit operators include an Independent Auditors' Report included as MARTA Attachment A, MBTA Attachment B, Vtrans Attachment C and VVTA Attachment D. Each transit operator received an unmodified opinion, meaning no material misstatements or omissions.

The full financial package report for each operator is included as supplemental material with the board packet. It includes a combination of the following reports:

1. Audit of Operators Basic Financial Statements and Annual Financial Report.
2. Single Audit Compliance Reports in accordance with Budget and Management (OMB) Circular A-133.
3. Statement on Auditing Standards 114 (SAS 114).
4. GAGAS (Generally Accepted Government Auditing Standards) Report.

The table below represents the financial reports applicable to each transit operator.

Report/Letter	MARTA	MBTA	Vtrans	VVTA
Basic Financial Report	X	X	X	X
Single Audit Report		X		
SAS 114 Letter	X	X	X	
GAGAS Report	X			

The following is a summary of the audit reports along with any findings or recommendations for each transit agency.

MARTA:

- **Basic Financial Report:** Unmodified opinion issued.
- **SAS 114 Letter:** No findings reported.
- **GAGAS Report:** No findings reported. The report describes scope of internal control testing and compliance.

MBTA:

- **Basic Financial Report:** Unmodified opinion issued.
- **SAS 114 Letter:** Depreciation expense was understated by $106,419 and was corrected by Management.
- **Management Letter:** MBTA to include controls to review the report on compensated absences to exclude terminated employees.

- **Single Audit:** Unmodified opinion issued. Finding is to include closing procedures to properly review formulas and balances related to depreciation expense to mitigate the risk of errors.

Vtrans:

- **Basic Financial Report:** Unmodified opinion issued.
- **SAS 114 Letter:** No findings reported.

VVTA:

- **Basic Financial Report:** Unmodified opinion issued.
- **SAS 114 Letter:** No findings reported.
- **Single Audit:** Anticipated to be issued prior to March 31, 2014.

Effective Audit Fiscal Year 2011/2012, SANBAG procured Vavrinek Trine and Day Co., LLC as the new auditor for the transit operators. The previous auditor Miers & Miers provided audit services since 1992 (excluding Omnitrans). This change created challenges for the operators during the first year of audits because of the new process. However, Fiscal Year 2012/2013 audits constituted the second year for Vavrinek Trine and Day Co., LLC and these audits were completed within 180 days of the end of the fiscal year.

The transition to the audit firm, Vavrinek, Trine, & Day was effective for audit (FY2011/2012). A 90 day extension was required for BAT, NAT, and Omnitrans. Barstow Area Transit, Needles Area Transit and Omnitrans are still in the process of completing their financial reports and should be completed by the end of January 2014. Once these reports are completed, SANBAG staff will present and report them to SANBAG Board.

Financial Impact: This item has no financial impact to the SANBAG Fiscal Year 2013/2014 budget.

Reviewed By: Each Operator has or is scheduled to take these financial reports to their respective board. This item has been reviewed by the Commuter Rail and Transit Committee on February 13, 2014 as well as the Mountain/Desert Policy Committee on February 21, 2014. The Finance department has reviewed and approved this item.

Responsible Staff: Mitch Alderman, Director of Transit and Rail Programs

MOUNTAIN AREA REGIONAL TRANSIT AUTHORITY

BASIC FINANCIAL STATEMENTS
WITH
INDEPENDENT AUDITORS' REPORT

FOR THE FISCAL YEAR ENDED
JUNE 30, 2013

BRD1403bA-mmm

Attachment A

MOUNTAIN AREA REGIONAL TRANSIT AUTHORITY

JUNE 30, 2013

TABLE OF CONTENTS

INDEPENDENT AUDITORS' REPORT 1

Basic Financial Statements:

Statement of Net Position 3

Statement of Revenues, Expenses and Changes in Net Position 4

Statement of Cash Flows 5

Notes to Financial Statements 6

Vavrinek, Trine, Day & Co., LLP
Certified Public Accountants

VALUE THE DIFFERENCE

INDEPENDENT AUDITORS' REPORT

To the Board of Directors
Mountain Area Regional Transit Authority
Big Bear Lake, California

Report on the Financial Statements

We have audited the accompanying financial statements of the Mountain Area Regional Transit Authority (MARTA) as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise MARTA's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of MARTA as of June 30, 2013, and the changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

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Emphasis of Matter

As described in Note 2 to the financial statements, MARTA adopted Statement of Governmental Accounting Standards Board (GASB) Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*, as of July 1, 2012. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Management has omitted management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of the financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 11, 2013, on our consideration of MARTA's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering MARTA's internal control over financial reporting and compliance.

Vavrinek, Trine, Day & Co., LLP

Rancho Cucamonga, California
December 11, 2013

MORONGO BASIN TRANSIT AUTHORITY
(A JOINT POWERS AUTHORITY)

ANNUAL FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED
JUNE 30, 2013

Attachment B

MORONGO BASIN TRANSIT AUTHORITY
(A JOINT POWERS AUTHORITY)

FOR THE FISCAL YEAR ENDED JUNE 30, 2012

TABLE OF CONTENTS

	Page
INDEPENDENT AUDITORS' REPORT	1
Basic Financial Statements:	
Statement of Net Position	3
Statement of Revenues, Expenses and Changes in Net Position	4
Statement of Cash Flows	5
Notes to Financial Statements	6

Vavrinek, Trine, Day & Co., LLP
Certified Public Accountants

VALUE THE DIFFERENCE

INDEPENDENT AUDITORS' REPORT

To the Board of Directors
Morongo Basin Transit Authority
Joshua Tree, California

Report on the Financial Statements

We have audited the accompanying financial statements of the Morongo Basin Transportation Authority (MBTA), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise MBTA's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

MBTA's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of MBTA as of June 30, 2013, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

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Emphasis of Matter

As described in Note 2 to the financial statements, MBTA adopted Governmental Accounting Standards Board (GASB) Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position,* effective July 1, 2012. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 12, 2013, on our consideration of MBTA's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the MBTA's internal control over financial reporting and compliance.

Vavrinek, Trine, Day & Co., LLP

Rancho Cucamonga, California
December 12, 2013

VALLEY TRANSPORTATION SERVICES
(A California Non-Profit Organization)

FINANCIAL STATEMENTS
WITH
INDEPENDENT AUDITORS' REPORT

FOR THE YEAR ENDED JUNE 30, 2013

Attachment C

VALLEY TRANSPORTATION SERVICES
(A California Nonprofit Organization)

JUNE 30, 2013

TABLE OF CONTENTS

INDEPENDENT AUDITORS' REPORT 1-2

Statement of Financial Position 3

Statement of Activities 4

Statement of Cash Flows 5

Statement of Functional Expenses 6

Notes to Financial Statements 7-11

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS* 12-13

Summary Schedule of Prior Year Finding 14

Vavrinek, Trine, Day & Co., LLP
Certified Public Accountants

VALUE THE DIFFERENCE

INDEPENDENT AUDITORS' REPORT

Board of Directors
Valley Transportation Services
Upland, California

Report on the Financial Statements

We have audited the accompanying financial statements of Valley Transportation Services (V-Trans), (a California nonprofit organization), which comprise the statement of financial position as of June 30, 2013, and the related statements of activities, cash flows and functional expenses for the year then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of V-Trans as of June 30, 2013, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

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Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued a report dated December 16, 2013, on our consideration of V-Trans' internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering V-Trans' internal control over financial reporting and compliance.

Vavrinek, Trine, Day & Co., LLP

Rancho Cucamonga, California
December 16, 2013

VICTOR VALLEY TRANSIT AUTHORITY (A JOINT POWERS AUTHORITY)

BASIC FINANCIAL STATEMENTS
WITH
INDEPENDENT AUDITORS' REPORT

FOR THE FISCAL YEAR ENDED
JUNE 30, 2013

Attachment D

VICTOR VALLEY TRANSIT AUTHORITY
(A JOINT POWERS AUTHORITY)

FOR THE FISCAL YEAR ENDED JUNE 30, 2013

TABLE OF CONTENTS

INDEPENDENT AUDITORS' REPORT 1

MANAGEMENT'S DISCUSSION AND ANALYSIS 3

BASIC FINANCIAL STATEMENTS

- Statement of Net Position 12
- Statement of Revenues, Expenses and Changes in Net Position 13
- Statement of Cash Flows 14
- Notes to Financial Statements 15

Vavrinek, Trine, Day & Co., LLP
Certified Public Accountants

VALUE THE DIFFERENCE

INDEPENDENT AUDITORS' REPORT

To the Board of Directors
Victor Valley Transit Authority
Hesperia, California

Report on the Financial Statements

We have audited the accompanying financial statements of the Victor Valley Transit Authority (Authority) as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

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Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Authority, as of June 30, 2013, and the changes in financial position, and, cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As described in Note 1 to the financial statements, the City adopted Statement of Governmental Accounting Standards Board (GASB) Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements,* and GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and net Position,* effective July 1, 2012. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 3-11 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 18, 2013, on our consideration of the Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Authority's internal control over financial reporting and compliance.

Vavrinek, Trine, Day & Co., LLP

Rancho Cucamonga, California
December 18, 2013

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San Bernardino Associated Governments

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 17

Date: March 5, 2014

Subject: Local Transportation Fund Apportionment

Recommendation:* That the Board, acting as the San Bernardino County Transportation Commission:

1. Maintain Fiscal Year 2013/2014 Local Transportation Fund apportionment of $81,265,071 as approved by the Board on March 6, 2013.
2. Maintain a Fund Reserve of $7,250,000 for unexpected financial need.
3. Approve a Local Transportation Fund Estimated Apportionment of $80,484,541 for Fiscal Year 2014/2015 as detailed in Attachment A and based on $74,920,020 in estimated receipts, $5,564,521 from the prior year audited unrestricted fund balance, and maintaining a $7,250,000 Fiscal Year Fund Reserve.

Background: Pursuant to Section 6620 of the California Code of Regulations (CCR), the San Bernardino County Auditor/Controller (Auditor) is to provide SANBAG, acting as the County Transportation Commission, with an estimate of Local Transportation Fund (LTF) revenue available for apportionment and allocation during the ensuing year (Fiscal Year (FY) 2014/2015) and if requested,

*

COG		CTC	X	CTA		SAFE		CMA	

Check all that apply.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

BRD1403b-cs

a revised or updated estimate of revenues for the current fiscal year (FY 2013/2014) prior to February 1st. Section 6644 of the CCR requires that SANBAG determine and advise all prospective claimants of the amount of all area apportionments for the next fiscal year by March 1st.

The total annual LTF apportionment is a function of three components.

1. Projected annual revenue
2. Prior audited, unallocated fund balance
3. Fund Reserve

Annually, SANBAG staff presents the County Auditor/Controller with an estimate of current year and subsequent year LTF receipts. The revenue component of the current FY 2013/2014 Apportionment is $70,675,240. Based upon actual FY 2013/2014 LTF revenue receipts received to date, the actual FY 2013/2014 LTF revenue is on target to be approximately $74,920,020, or 6% over the estimated revenue. Actual FY 2012/2013 LTF revenue was $74,483,319 which translates to an estimated annual increase of 0.59% between FY 2012/2013 actuals and the expected FY 2013/2014 revenue based on mid-year receipts.

Staff has some skepticism about further increases in sales tax receipts, as revenue growth trends for LTF have fluctuated in the recent past and is on target to be relatively flat between FY 2012/2013 and FY 2013/2014. As such staff is recommending that $74,920,020 be used for the FY 2014/2015 revenue estimate. Once the current FY 2013/2014 financial numbers are audited, any amount of unrestricted fund balance as a result of increased revenue would be included as part of the FY 2015/2016 Apportionment, as is the case in the proposed FY 2014/2015 Apportionment.

The second component of the annual apportionment is the prior year audited unrestricted fund balance. The audit for FY 2012/2013 was completed in January 2014 and shows that SANBAG has an unrestricted fund balance of $5,564,521. This amount represents the amount of revenue plus interest and refunds in excess of the $70,675,240 apportioned in FY 2013/2014.

Finally, the third component of the apportionment is the fund reserve. In the proposed FY 2014/2015 LTF Apportionment staff is recommending that a fund reserve of $7,250,000 be maintained for FY 2014/2015.

The total proposed FY 2014/2015 LTF Apportionment is included in Attachment A to this item. The three components of revenue are included at the

top of the table. The total apportionment is $80,484,541. If that total level of apportionment is approved, the individual amounts of apportionment that would be provided to eligible claimants are included in the three sections below. The first section pertains to administration and planning; the second section pertains to non-motorized transportation; and the third section pertains to the Valley and Mountain/Desert jurisdictions for transit use.

Pursuant to Sections 99233.1, of the California Public Utilities Code, (CPUC), the Commission and the Auditor shall allocate such sums as are necessary for the administrative responsibilities under the Transportation Development Act (TDA). The Auditor's staff is requesting an allocation of $32,000, an increase of $4,000 from the amount allocated in FY 2013/2014.

The estimated amount to be allocated to SANBAG for its expenses associated with TDA administration and fiscal and compliance audits of all claimants and the two funds (LTF and State Transit Assistance Funds (STAF)) is $950,000. This includes the cost of directly administering the full financial audits for all the transit operators. The $950,000 also will provide resources for SANBAG to obtain assistance in improving processes and procedures currently in effect in the TDA Program. SANBAG would like to increase efficiencies within the Program, which will entail automating the disbursement process, creating databases for fund tracking purposes and updating program manuals. In addition to the $950,000 set-aside in FY 2014/2015, SANBAG anticipates a FY 2013/2014 fund balance of $357,965 to be carried forward into FY 2014/2015 for eligible expenditures as described above.

Pursuant to Section 99233.2(b)(1) of the CPUC, up to 3% of the annual LTF revenues may be allocated to the Commission for its transportation planning and programming functions. The amount of LTF planning funds available to the Commission for FY 2014/2015 would be $2,247,601.

Further, pursuant to Section 99233.2(b)(2) of the CPUC and amended by AB1403 signed into law by the Governor in October 2009, SCAG is to be allocated up to three fourths of one percent (3/4%) of the annual LTF revenues allocated to the County Transportation Commissions. For FY 2014/2015, SCAG's allocation is $561,900.

Lastly, in accordance with Section 99233.3 of the CPUC (Article 3), 2% of the remaining balance following allocations for administration and planning is made available to counties and cities, through a competitive grant process, for facilities provided for the exclusive use of pedestrians and bicycles. The allocation for pedestrian and bicycle related projects for FY 2014/2015 is $1,533,861.

SANBAG conducts an Article 3 call for projects every two years. The next call for projects is scheduled for Fall 2015.

Financial Impact: The Commission is the designated agency responsible for the administration of the LTF for San Bernardino County. Adoption of the LTF apportionment will provide SANBAG, SCAG, transit agencies, and local jurisdictions with revenue estimates to use for FY 2014/2015 budgeting purposes. This item has no immediate financial impact on the FY 2013/2014 Budget. All staff activities associated with this item are consistent with Task No. 502.

Reviewed By: This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014.

Responsible Staff: Andrea Zureick, Director of Fund Administration and Programming

BRD1403b-cs

Attachment A
Proposed FY 2014/2015 LTF Apportionment

			APPORTIONMENT
Prior Year Audited Unrestricted Fund Balance			$ 5,564,521
Estimated Annual LTF Receipts			$ 74,920,020
Returned FY 2013/2014 Fund Reserve			$ 7,250,000
Proposed FY 2014/2015 Fund Reserve			$ (7,250,000)
Total Estimated Funds Available			**$ 80,484,541**
Auditor's Administrative Cost			$ 32,000
SANBAG's Administrative Cost			$ 950,000
County Transportation Commission Planning			$ 2,247,601
SCAG Planning			$ 561,900
Resulting Balance			$ 76,693,040
Article 3 (SB821) Program			$ 1,533,861
Balance Available for Apportionment			$ 75,159,179
Apportionment Area	**Population**	**Percentage**	**APPORTIONMENT**
Valley	1,507,317	72.60%	$ 54,563,467
Adelanto	31,289	1.51%	$ 1,132,633
Apple Valley	70,436	3.39%	$ 2,549,717
Barstow	23,168	1.12%	$ 838,660
Big Bear Lake	5,111	0.25%	$ 185,013
Hesperia	91,400	4.40%	$ 3,308,595
Needles	4,912	0.24%	$ 177,810
Twentynine Palms	26,084	1.26%	$ 944,216
Victorville	120,368	5.80%	$ 4,357,209
Yucca Valley	21,030	1.01%	$ 761,266
County - Unincorporated	175,159	8.44%	$ 6,340,592
Total	2,076,274	100.00%	$ 75,159,179

Population Source: DOF 1/1/13

SANBAG's Administrative Cost includes TDA Administration & Claimant Compliance Audits

SCAG Planning apportioned to Commission counties based on LTF Revenue Estimates

Estimated Annual LTF Receipts per SANBAG/County Auditor 1/2014

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 18

Date: March 5, 2014

Subject: Fund Allocation and Exchange on I-10 Tippecanoe Interchange Phase II and I-215 Projects

Recommendation:* That the Board, acting in its capacity as the San Bernardino County Transportation Commission:

1. Allocate the remaining balance of State Proposition 1B Trade Corridor Improvement Funds, estimated at $10,669,955, to the I-10 Tippecanoe Interchange Phase II Construction project, which shall be applied to the project as follows:
   a. First replace as much SANBAG Public Share contribution as possible, estimated at $1,422,500.
   b. Replace an estimated $4,000,000 of Projects of National and Regional Significance funds and an estimated $5,275,531 of High Priority Program Funds, originally designated for the Inland Empire Goods Movement Project and allow those funds to retain the "buy-down" status of the Projects of National and Regional Significance funds and High Priority Program funds.

2. Approve allocation of an estimated $4,000,000 of Projects of National and Regional Significance funds to the I-215 Landscaping project.

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA	X	SAFE		CMA	

Check all that apply.
BRD1403a-cs
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/C14131.doc

3. Approve replacing an estimated $1,500,000 of federal Surface Transportation Program funds and an estimated $3,415,531 of Measure I Valley Freeway Program funds for the I-215 Barton Road Interchange project with an estimated $4,915,531 of High Priority Program Funds and allocate the remaining amount of High Priority Program Funds, estimated at $360,000, to the I-215 Barton Road Interchange project for future cost increases.

4. Approve Trade Corridors Improvement Fund Baseline Agreement No. C14131 for the I-10 Tippecanoe Interchange Improvement Phase II project and authorize the Executive Director to execute C14131 when final Trade Corridors Improvement Funds programming amount is determined including modifications to the Project Programming Request form to reflect the final programming amounts and technical and administrative changes that may be necessary following California Transportation Commission staff review. Should any policy issues arise, the Executive Director will consult with Board Officers.

Background: The California Transportation Commission (CTC) adopted the initial State Proposition 1B Trade Corridor Improvement Fund (TCIF) program in April 2008, which resulted in approximately $211 million for SANBAG projects. In accordance with the TCIF Guidelines, all TCIF projects were to begin construction by December 2013, which required TCIF be allocated by the June 2013 CTC meeting. As the program progressed it became apparent that there was going to be TCIF savings identified as construction bids were received after the June 2013 allocation deadline. Subsequently, at the June 2013 CTC meeting, the CTC approved a proposal to utilize TCIF savings that become available as a result of project award savings or project failures. In order for a project to be considered for TCIF savings, the project must receive an allocation by June 2014 and begin construction by December 2014.

The construction bids have been received on all SANBAG TCIF projects and $9,352,741 in TCIF savings has been identified. There are also additional TCIF savings expected from the Colton Crossing project which is nearing completion. The TCIF savings from the Colton Crossing project are redistributed among the TCIF Southern California Regional Consensus Group. SANBAG's share of the Colton Crossing project savings is estimated at $1,317,214. The combined saving available to SANBAG for reprogramming is estimated at $10,669,955.

I-10 Tippecanoe Phase II Construction is the only eligible SANBAG project that can meet the new funding deadline requirement of allocation by June 2014. The I-10 Tippecanoe Phase II Construction project is ready for programming and allocation at the March 2014 CTC meeting. As such, staff is requesting that the TCIF savings, estimated at $10,669,955, be allocated to the I-10 Tippecanoe Interchange Phase II Construction project. Staff is also requesting that the

Executive Director be authorized to execute TCIF Baseline Agreement No. C14131 with the CTC, Inland Valley Development Agency, city of Loma Linda and city of San Bernardino, which details parameters of the TCIF programming when the TCIF programming amount is finalized.

Currently, the I-10 Tippecanoe Phase II Construction project is estimated at $21 million and has $18 million of federal "buy down" funds programmed on it resulting in a Developer Share contribution of $1.2 million and Public Share contribution of $1.6 million. Approximately $16.5 million of these federal funds are eligible for use on the I-215 Landscaping project and I-215 Barton Road Interchange project as part of the Inland Empire Goods Movement project.

In accordance with Measure I Strategic Plan Policy, TCIF counts as Public Share. However, since I-10 Tippecanoe Interchange Phase II Construction project is the only project that can meet the June 2014 allocation deadline and there are excess TCIF funds available beyond what is needed for the Public Share, staff is recommending that TCIF beyond what can maximized as Public Share be used as "buy down" funds and a like amount of federal "buy down" funds be reprogrammed on the I-215 Landscaping project and the I-215 Barton Road Interchange project.

Staff acknowledges that this is not consistent with other similar situations in the recent past, such as occurred with the allocation of excess Public Share funds to Duncan Canyon Interchange and Ranchero Road Interchange. In those cases, the cities will be reimbursing the Valley Freeway Interchange and Victor Valley Major Local Highway Programs, respectively, for the excess Public Share. However, designating all of the TCIF funds as Public Share funds on the I-10 Tippecanoe Phase II Construction project would adversely affect the local agencies that have already committed to developer funding shares based on the availability of the original federal "buy down" funds that staff is proposing to move. Additionally, freeing up of the Inland Empire Goods Movement Project funds is of great benefit to the Freeway Program. Because the I-215 North project is not eligible for Measure I 2010-2040 funds, and there aren't sufficient Measure I 1990 funds remaining, all of the landscaping costs will have to be funded with Federal formula funds, which would affect the federal funds programmed on other Freeway Program projects. Staff recommends that the Board allow an exception to policy in this case.

Financial Impact: This item does not impact the adopted SANBAG Fiscal Year 2013/2014 budget. Any fund changes to the I-10 Tippecanoe Interchange Phase II project, I-215 Landscaping project, and I-215 Barton Road project will be reflected in future budgets.

BRD1403a-cs

Reviewed By: This item was reviewed and recommended for approval (18-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on February 13, 2014. The programming of TCIF savings on the I-10 Tippecanoe Phase II Construction project and subsequent movement of the Inland Empire Goods Movement federal earmark funding to the I-215 Landscaping project and I-215 Barton Road Interchange project was discussed at the December 2, 2013, and February 3, 2014, Transportation Technical Advisory Committee.

Responsible Staff: Andrea Zureick, Director of Fund Administration and Programming

BRD1403a-cs

Governments SANBAG Working Together

CONTRACT SUMMARY SHEET

Contract No. C 14131 Amendment No. _____

By and Between

San Bernardino County Transportation Commission, Caltrans, California Transportation Commission, City of Loma Linda, City of San Bernardino and IVDA

Contract Description TCIF Baseline Agreement for I-10 Tippecanoe Interchange Improvement Project Phase II

Board of Director's Meeting Date: 3/5/2014

Overview of BOD Action: Approve Trade Corridor Improvement Fund Baseline Agreement R14131 for the I-10 Tippecanoe Interchange Improvement Phase II and authorize Executive Director to sign final agreement after Caltrans and CTC review.

Is this a Sole-Source procurement? ☐ Yes ☐ No

CONTRACT OVERVIEW

Original Contract Amount	$	0	**Original Contingency Amount**	$	
Revised Contract Amount *Inclusive of prior amendments*	$		**Revised Contingency Amount** *Inclusive of prior amendments*	$	
Current Amendment Amount	$		**Contingency Amendment**	$	
TOTAL CONTRACT VALUE	$	0	**TOTAL CONTINGENCY VALUE**	$	
TOTAL BUDGET AUTHORITY *(contract value + contingency)*				$	0

Contract Start Date	Current Contract Expiration Date	Revised Contract Expiration Date
3/5/2014	3/5/2019	

Has the contract term been amended? ☒ No ☐ Yes - please explain.

FINANCIAL INFORMATION

☒ Budget authority for this contract currently exists in Task No. 0842

☐ A Budget Amendment is required.

How are we funding current FY?

☒ Federal Funds ☒ State Funds ☒ Local Funds ☐ TDA Funds ☒ Measure I Funds

*Provide Brief Overview of the **Overall** Funding for the duration of the Contract:*

TCIF, Federal, Measure I and Local

☐ Payable ☐ Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:

☐ Retention? If yes, indicate % _____.

☐ Disadvantaged Business Enterprise (DBE) Goal _____ %

Barbara Fortman Project Manager (Print Name)	Barbara Fortman Signature	2.3.14 Date
Garry Cohoe Task Manager (Print Name)	Signature, for AZ	2-3-14 Date
Andrea Zureick Dir. of Fund Admin. & Programming (Print Name)	Signature	2-6-14 Date
Jeffery Hill Contract Administrator (Print Name)	Signature	2/6/14 Date
William Stawarski Chief Financial Officer (Print Name)	Signature	2/6/14 Date

Contract Summary Sheet 11/6/12

SANBAG Agreement No. C14131
TRADE CORRIDORS IMPROVEMENT FUND
PROJECT BASELINE AGREEMENT

1. PARTIES AND DATE

1.1 This Project Baseline Agreement (Agreement) for the I-10 Tippecanoe Interchange Improvement Phase II, effective on March 20, 2014, is made by and between the California Transportation Commission (Commission), the California Department of Transportation (Caltrans), and the San Bernardino County Transportation Commission (SANBAG), Inland Valley Development Agency (IVDA), City of Loma Linda and the City of San Bernardino (Project Sponsors), sometimes collectively referred to as the "Parties".

2. RECITAL

2.1 Whereas at its April 10, 2008, meeting the California Transportation Commission programmed the Trade Corridors Improvement Fund and included in this program of projects the I-10 Tippecanoe Interchange Improvement Phase II, the parties are entering into this Project Baseline Agreement to document the project cost, schedule, scope and benefits, as detailed on the Project Programming Request Form attached hereto as Exhibit A, the Draft Project Study Report or Equivalent attached hereto as Exhibit B, and the Project Benefits Form attached hereto as Exhibit C, as the baseline for project monitoring by the California Transportation Commission and its Project Delivery Council. The undersigned Project Sponsor certifies that the funding sources cited are committed and expected to be available; the estimated costs represent full project funding; and the scope and description of benefits is the best estimate possible.

3. GENERAL PROVISIONS

The Project Sponsor and Caltrans agree to abide by the following provisions:

3.1 To meet the requirements of Government Code Section 8879.23(c)(1), as added by Proposition 1B, and of Government Code Section 8879.50, as enacted through implementing legislation in 2007 (Senate Bill 88 and Assembly Bill 193).

3.2 To adhere to the provisions of the California Transportation Commission Resolution TCIP-P-0708-01, "Adoption of Program of Projects for the Trade Corridors Improvement Fund (TCIF)," dated April 10, 2008.

3.3 To adhere to the California Transportation Commission's Trade Corridors Improvement Fund Guidelines.

3.4 To adhere to the California Transportation Commission's Accountability Implementation Plan and Policies, and program and baseline amendment processes.

3.5 The Sponsoring Agency agrees to secure funds for any additional costs of the project. Any change to the funding commitments outline in this agreement requires an amendment.

3.6 To report to the California Transportation Commission on a quarterly basis on the progress made toward the implementation of the project, including scope, cost and schedule.

3.7 To report to the California Transportation Commission on the progress, on a quarterly basis, and outcomes, at the end of the environmental phase, of the environmental process with regard to air quality impacts due to emissions from diesel or other particulates and related mitigation strategies. Whereas the Bond Act mandates that the Commission shall allocate TCIF for trade infrastructure improvements in a manner that places emphasis on projects that improve trade corridor mobility while reducing emissions of diesel particulate and other pollutant emissions, the Department of Transportation, the Sponsoring Agency, and the Corridor Coalition understand and agree that the California Transportation Commission will only allocate TCIF to projects that can demonstrate compliance with applicable environmental requirements. If environmental clearance is conditioned to the implementation of mitigation measures, the sponsoring agency must commit, in writing, to the implementation of those mitigation measures.

3.8 To maintain and make available to the California Transportation Commission and/or its designated representative, all work related documents, including engineering and financial data, during the course of the project and retain those records for four years from the date of the final closeout of the project. Financial records will be maintained in accordance with Generally Accepted Accounting Principles.

3.9 The California Transportation Commission and/or its designated representative, has the right to audit the project records, including technical and financial data, of the Department of Transportation, the Sponsoring Agency, and any sub consultants at any time during the course of the project and for four years from the date of the final closeout of the project. Audits will be conducted in accordance with Generally Accepted Government Auditing Standards.

4. SPECIFIC PROVISIONS AND CONDITIONS

4.1 Project Schedule and Cost

See Project Programming Request Form, (Exhibit A.)

4.2 Project Scope

See Project Study Report/Project Study Report Equivalent

4.3 Project Scope

See Project Benefits Form

4.4 Other Project Specific Provisions and Conditions

Raymond Wolfe **DATE**
Executive Director
San Bernardino Associated Governments

Allen Parker, City Manager **DATE**
City of San Bernardino

AJ Wilson, Executive Director **DATE**
Inland Valley Development Agency

Rhodes Rigsby, Mayor **DATE**
City of Loma Linda

Malcolm Dougherty, Director **DATE**
California Department of Transportation

Andre Boutros **DATE**
Executive Director
California Transportation Commission

Approved as to Form by: **DATE**
Eileen Monaghan Teichert
SANBAG General Counsel

Concurrence:
Jeffery Hill
SANBAG Contract Administrator

Exhibit A

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

PROJECT PROGRAMMING REQUEST

DTP-0001 (Revised September 2013) *General Instructions*

☑ Amendment (Existing Project)						Date:	1/28/14
District	EA	Project ID	PPNO	MPO ID	TCRP No.		
08	44812	0800020467	0154D	44810			
County	Route/Corridor	PM Bk	PM Ahd	Project Sponsor/Lead Agency			
SBD	10	26.0	27.3	San Bernardino Associated Governments (SANBAG)			
				MPO	Element		
				SCAG	CO		
Project Manager/Contact	Phone	Email Address					
Barbara Fortman	(909)884-8276	bfortman@sanbag.ca.gov					

Project Title

Tippecanoe Ave Interchange Improvements Phase II

Location, Project Limits, Description, Scope of Work

In the City of San Bernardino West of Tippecanoe Avenue to East of Tippecanoe Avenue. Modification and realignment of westbound I-10 ramps and improve local streets.

☑ Includes ADA Improvements ☐ Includes Bike/Ped Improvements

Component	Implementing Agency
PA&ED	San Bernardino Associated Governments
PS&E	San Bernardino Associated Governments
Right of Way	Caltrans
Construction	San Bernardino Associated Governments

Purpose and Need

Development in the Cities of San Bernardino and Loma Linda has caused increased traffic congestion in the vicinity of the freeway interchange. The congestion is impacting the operation of the I-10 freeway. In addition, the congestion is increasing the response time for emergency vehicles accessing Loma Linda Hospital located south of the interchange. The proposed improvements will mitigate the existing congestion, relieve the impacts to the freeway, and provide capacity for future development in the area including San Bernardino International Airport.

Project Benefits

The project will improve operational deficiencies and increase capacity at the interchange

☑ Supports Sustainable Communities Strategy (SCS) Goals ☑ Reduces Greenhouse Gas Emissions

Project Milestones		Existing	Proposed
Project Study Report Approved			
Begin Environmental (PA&ED) Phase		12/19/05	
Circulate Draft Environmental Document	Document Type ND/FONSI	02/01/08	
Draft Project Report		01/30/08	
End Environmental Phase (PA&ED Milestone)		12/01/08	01/27/11
Begin Design (PS&E) Phase		12/03/08	12/03/08
End Design Phase (Ready to List for Advertisement Milestone)		01/10/11	01/28/14
Begin Right of Way Phase		05/05/09	01/27/11
End Right of Way Phase (Right of Way Certification Milestone)		12/13/10	01/27/14
Begin Construction Phase (Contract Award Milestone)		06/13/11	08/06/14
End Construction Phase (Construction Contract Acceptance Milestone)		12/17/12	02/01/17
Begin Closeout Phase		12/18/12	02/02/17
End Closeout Phase (Closeout Report)		03/17/14	08/01/17

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

PROJECT PROGRAMMING REQUEST

DTP-0001 (Revised September 2013)

Date: 1/28/14

District	County	Route	EA	Project ID	PPNO	TCRP No.
08	SBD, ,	10, ,	44812	0800020467	0154D	

Project Title: Tippecanoe Ave Interchange Improvements Phase II

Existing Total Project Cost ($1,000s)									Implementing Agency
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	
E&P (PA&ED)	2,427							2,427	San Bernardino Associated
PS&E	5,563							5,563	San Bernardino Associated
R/W SUP (CT)	3,000							3,000	Caltrans
CON SUP (CT)									San Bernardino Associated
R/W	31,588							31,588	Caltrans
CON	37,943							37,943	San Bernardino Associated
TOTAL	80,521							80,521	
Proposed Total Project Cost ($1,000s)									**Notes**
E&P (PA&ED)									
PS&E	5,189							5,189	
R/W SUP (CT)	535	2,500	500					3,535	
CON SUP (CT)									
R/W	30,640							30,640	
CON			20,727					20,727	
TOTAL	36,364	2,500	21,227					60,091	

Fund No. 1:	IIP - National Hwy System (NH)								Program Code
Existing Funding ($1,000s)									20.XX.025.700
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)									Caltrans
PS&E									
R/W SUP (CT)	3,000							3,000	
CON SUP (CT)									
R/W									
CON									
TOTAL	3,000							3,000	
Proposed Funding ($1,000s)									**Notes**
E&P (PA&ED)									
PS&E									
R/W SUP (CT)		2,500	500					3,000	
CON SUP (CT)									
R/W									
CON									
TOTAL		2,500	500					3,000	

Fund No. 2:	Demo - Demonstration - TEA21 (DEMOT21)								Program Code
Existing Funding ($1,000s)									20.30.010.680
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)	1,515							1,515	
PS&E	4,250							4,250	
R/W SUP (CT)									
CON SUP (CT)									
R/W	19,575							19,575	
CON	27,793							27,793	
TOTAL	53,133							53,133	
Proposed Funding ($1,000s)									**Notes**
E&P (PA&ED)									
PS&E	515							515	
R/W SUP (CT)									
CON SUP (CT)									
R/W	5,361							5,361	
CON									
TOTAL	5,876							5,876	

Fund No. 3:	SANBAG- MEASURE I								Program Code
Existing Funding ($1,000s)									LOCAL FUNDS
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)	912							912	San Bernardino Associated Gov
PS&E	1,313							1,313	
R/W SUP (CT)									
CON SUP (CT)									
R/W	12,013							12,013	
CON	10,150							10,150	
TOTAL	24,388							24,388	
Proposed Funding ($1,000s)									Notes
E&P (PA&ED)									$235k CT ROW SUPP +
PS&E	4,674							4,674	$300k Transystems ROW
R/W SUP (CT)	535							535	Supp
CON SUP (CT)									
R/W	1,396							1,396	
CON			156					156	
TOTAL	6,605		156					6,761	

Fund No. 4:	Trade Corridor Improvement Funds TCIF								Program Code
Existing Funding ($1,000s)									
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)									Caltrans
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding ($1,000s)									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON			10,535					10,535	
TOTAL			10,535					10,535	

Fund No. 5:	DEMO SAFETEA-LU								Program Code
Existing Funding ($1,000s)									
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding ($1,000s)									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W	5,517							5,517	
CON			7,370					7,370	
TOTAL	5,517		7,370					12,887	

Fund No. 6:	SEC 115								Program Code
	Existing Funding ($1,000s)								
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
	Proposed Funding ($1,000s)								Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W	2,999							2,999	
CON									
TOTAL	2,999							2,999	

Fund No. 7:	SEC 117								Program Code
	Existing Funding ($1,000s)								
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
	Proposed Funding ($1,000s)								Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W	4,914							4,914	
CON									
TOTAL	4,914							4,914	

Fund No. 8:	SEC 330								Program Code
	Existing Funding ($1,000s)								
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
	Proposed Funding ($1,000s)								Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W	1,490							1,490	
CON			1,490					1,490	
TOTAL	1,490		1,490					2,980	

Fund No. 9:	Federal IMD								Program Code
Existing Funding ($1,000s)									
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding ($1,000s)									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W	2,108							2,108	
CON									
TOTAL	2,108							2,108	

Fund No. 10:	Local Funds- City of San Bernardino								Program Code
Existing Funding ($1,000s)									
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding ($1,000s)									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W	2,285							2,285	
CON			392					392	
TOTAL	2,285		392					2,677	

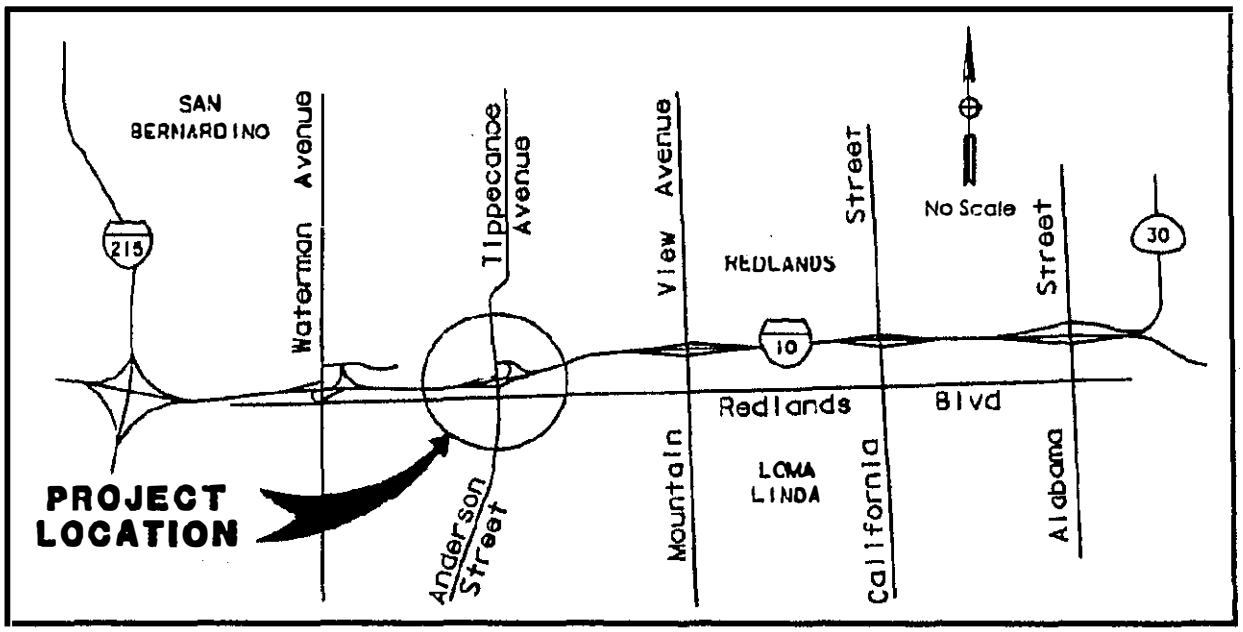
Fund No. 11:	Local Funds- IVDA								Program Code
Existing Funding ($1,000s)									
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding ($1,000s)									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W	2,285							2,285	
CON			392					392	
TOTAL	2,285		392					2,677	

Fund No. 12:	Local Funds- City of Loma Linda								Program Code
	Existing Funding ($1,000s)								
Component	Prior	12/13	13/14	14/15	15/16	16/17	17/18+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
	Proposed Funding ($1,000s)								Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W	2,285							2,285	
CON			392					392	
TOTAL	2,285		392					2,677	

Exhibit B
Approved Project Report (attached)

08-SBd-10, PM 25.3/27.3
I-10/Tippecanoe Avenue Interchange Improvements
08-250-448100
Project ID 0800000710
Program 010.680 / 400.146
December 2011

SUPPLEMENTAL PROJECT REPORT



On Route 10 in the Cities of Loma Linda and San Bernardino, County of San Bernardino
From 1.01 miles west of Tippecanoe Avenue to 1.02 miles east of Tippecanoe Avenue

I have reviewed the right of way information contained in this Supplemental Project Report and the R/W Data Sheet attached hereto, and have found the data to be complete, current, and accurate:

Basem Muallem
DEPUTY DISTRICT DIRECTOR, RIGHT OF WAY

APPROVAL RECOMMENDED:

Meardey Tim
PROJECT MANAGER

APPROVAL RECOMMENDED:

David Bricker
DEPUTY DISTRICT DIRECTOR, ENVIRONMENTAL PLANNING

APPROVAL RECOMMENDED:

Christy Connors
DEPUTY DISTRICT DIRECTOR, DESIGN

APPROVED: 2/14/12

Raymond W. Wolfe, PhD
DISTRICT DIRECTOR
DATE

This Supplemental Project Report has been prepared under the direction of the following registered civil engineer. The registered civil engineer attests to the technical information contained herein and the engineering data upon which recommendations, conclusions, and decisions are based.

MICHAEL C. HAN
REGISTERED CIVIL ENGINEER

12/12/11
DATE

REGISTERED PROFESSIONAL ENGINEER
Michael C. Han
No. 61893
Exp. 9/30/13
CIVIL
STATE OF CALIFORNIA

CONCURRENCE:

JON BUMPS
OFFICE CHIEF, DESIGN OVERSIGHT

12/15/11
DATE

Table of Contents

1 INTRODUCTION 1
2 RECOMMENDATION 1
3 BACKGROUND 1
4 NEED AND PURPOSE 1
5 ALTERNATIVES 1
5.1 Alternative 1 – Preferred Alternative 1
5.2 Nonstandard Mandatory and Advisory Design Features 2
5.3 Cost Estimates 2
5.4 Right-of-Way Data 3
6 CONSIDERATIONS REQUIRING DISCUSSION 3
6.1 Right-of-Way Issues 3
6.2 Environmental Issues 3
7 OTHER CONSIDERATIONS AS APPROPRIATE 4
7.1 Permits 4
7.2 Cooperative Agreements 4
7.3 Transportation Management Plan 4
7.4 Stage Construction 4
7.5 Federal Involvement 5
8 PROGRAMMING 5
8.1 Programming 5
8.2 Funding 6
8.3 Schedule 6
9 REVIEWS 6
10 PROJECT KEY PERSONNEL 7
11 ATTACHMENTS 8

List of Tables

Table 1: Project Funding 6
Table 2: Project Milestones 6

List of Attachments

Attachment A – Project Location Map
Attachment B – Project Cost Estimates
Attachment C – Right-of-Way Data Sheets
Attachment D – Transportation Management Plan Data Sheets
Attachment E – Stage Construction Index Sheets
Attachment F – Approved Project Report

1 INTRODUCTION

This Supplemental Project Report addresses project scope changes to the original Project Report approved on January 27, 2011.

San Bernardino Associated Governments (SANBAG), in cooperation with the California Department of Transportation (Caltrans), the City of Loma Linda, and the City of San Bernardino, is proposing to reconstruct the Interstate 10 (I-10)/Tippecanoe Avenue interchange. In order to accelerate the start of construction, SANBAG, with concurrence from Caltrans on April 7, 2011, proposed to split the project into two construction phases, Phase 1 and Phase 2. Phase 1 consists of improvements that can be constructed with no impacts to existing utilities and right-of-way, thereby allowing construction to be expedited. Phase 2 consists of the improvements that require utility relocations and right-of-way acquisitions. Construction of Phase 1 and Phase 2 will collectively meet the project objectives to reduce the weave between the Waterman Avenue eastbound (EB) on-ramp and the Tippecanoe Avenue EB off-ramp; improve merge/diverge operations; and reduce congestion at the ramp intersections, thereby providing adequate access to facilities served by the interchange, including the regional hospital, the airport, residences and business facilities.

The Phase 1 project limits on EB I-10 extend from 1,200 feet east of Waterman Avenue to Tippecanoe Avenue. The Phase 2 project limits on westbound (WB) I-10 extend from 1,500 feet west of Tippecanoe Avenue to 2,200 feet east of Tippecanoe Avenue. The Phase 2 project limits on Tippecanoe Avenue/Anderson Street extend from the Anderson Street/Court Street intersection at the south to the Tippecanoe Avenue/ Hospitality Lane-Coulston Street intersection at the north. In addition, Redlands Blvd. would be improved in Phase 2 approximately 400 feet west and 500 feet east of Anderson Street.

2 RECOMMENDATION

It is recommended that the Supplemental Project Report be approved to document acceptance of the original project being constructed in two phases, which was approved January 27, 2011 with Alternative 1 (preferred alternative) being selected to proceed to the final design phase.

3 BACKGROUND

There are no changes to this section from the Project Report approved on January 27, 2011.

4 NEED AND PURPOSE

There are no changes to this section from the Project Report approved on January 27, 2011.

5 ALTERNATIVES

5.1 Alternative 1 - Preferred Alternative

The preferred alternative, Alternative 1, will be constructed in two phases, Phase 1 and Phase 2, which consist of the following improvements:

Phase 1

- Widen EB I-10 mainline from the Waterman Avenue EB on-ramp to the Tippecanoe Avenue EB off-ramp.
- Widen the existing I-10 bridge structure over San Timoteo Creek. This would require extension of the pier wall within San Timoteo Creek.
- Widen the Tippecanoe Avenue EB off-ramp by providing an additional left-turn lane and right-turn lane at the ramp intersection.

Phase 2

- Reconfigure the WB off-ramp from a tight diamond to a partial cloverleaf configuration, increasing the intersection spacing by over 400 feet. The ramp intersection would align with the existing Harriman Place/Tippecanoe Avenue intersection.
- Add a Tippecanoe Avenue WB loop on-ramp. Addition of this ramp would allow for the removal of the existing left-turn lane for traffic heading NB on Tippecanoe Avenue to access WB I-10. This would provide the room needed to add double left-turn lanes for SB traffic on Tippecanoe Avenue onto the EB on-ramp and EB Redlands Blvd.
- Widen the existing I-10 bridge structure over Tippecanoe Avenue in the WB direction to accommodate the WB loop on-ramp.
- Widen Tippecanoe Avenue from I-10 to just north of Lee Street to provide lane taper length.
- Widen Anderson Street from I-10 to south of Court Street to accommodate additional turn lanes at the Anderson Street/EB ramps intersection and Anderson Street/Redlands Blvd. intersection.
- Widen Redlands Blvd. to accommodate a six-lane facility with dual left-turn lanes, striped medians, and sidewalks between approximately 450 feet west and 800 feet east of the intersection at Anderson Street.
- Modify and interconnect traffic signals at the intersection of Anderson Street and Redlands Blvd.; the intersection of Anderson Street and the EB on- and off-ramps; and the intersection of Tippecanoe Avenue and the WB on- and off-ramps/Harriman Place.
- Add a residential road, Conejo Drive, connecting East Coulston Street, East Lee Street, and East Laurelwood Drive.
- Eliminate the South Ferree Street connection to East Rosewood Drive by providing a cul-de-sac at East Laurelwood Drive and South Ferree Street.
- Relocate wet and dry utility facilities to accommodate street widening and realignment.
- Provide a Class II bicycle lane within the project limits, with the exception of (1) the NB direction of Anderson Street south of Redlands Blvd., and (2) the segment of Anderson Street between the EB ramps and Redlands Blvd., where 5 ft outside shoulders would be provided.

5.2 Nonstandard Mandatory and Advisory Design Features

Fact Sheets for nonstandard mandatory and advisory design exceptions under Alternative 1 have been reviewed and approved by Caltrans. There are no additional design exceptions as a result of splitting Alternative 1 into Phase 1 and Phase 2.

5.3 Cost Estimates

A detailed cost breakdown for Phase 1 and Phase 2 is included in Attachment B. The following table summarizes the cost for the construction, right-of-way, and support components:

	Phase 1	Phase 2
CONSTRUCTION COST		
Roadway	$13,811,000	$13,686,000
Structures	$1,300,000	$740,000
RIGHT-OF-WAY	$0	$32,143,000
Total Project Capital Outlay	$15,111,000	$46,569,000
SUPPORT COST		
PS&E	$2,124,000	$3,035,000
Right-of-Way	$0	$2,735,000
Construction Management	$1,967,000	$2,404,000
Total Project Cost	$19,202,000	$54,743,000

5.4 Right-of-Way Data

Right-of-Way Data Sheets have been prepared for both Phase 1 and Phase 2 and are included in Attachment C, which include cost estimates for right-of-way and utilities relocation.

6 CONSIDERATIONS REQUIRING DISCUSSION

6.1 Right-of-Way Issues

Right-of-Way Data Sheets have been prepared for both Phase 1 and Phase 2 and are included in Attachment C.

Phase 1 would not require any temporary or permanent right-of-way.

Phase 2 would require new permanent right-of-way in all four quadrants of the interchange. The proposed WB on- and off-ramps would require full and partial acquisitions of residences and businesses in the northeast quadrant. In the southwest and southeast quadrants, the major construction work involves widening of Redlands Blvd. and Anderson Street, requiring partial acquisitions. In the northwest quadrant, partial acquisitions would be required to reconstruct the northwest and southwest corners of the Harriman Place/Tippecanoe Avenue intersection. In general, the partial acquisitions consist of several feet of frontage area along major arterials. Temporary construction easements would also be required in all four quadrants to construct and widen local streets. Improvements to commercial driveways along Anderson Street and Redlands Blvd. would be required as a result of roadway widening.

6.2 Environmental Issues

Caltrans is the California Environmental Quality Act (CEQA) Lead Agency and the National Environmental Policy Act (NEPA) Lead Agency for this project. As owner-operator of the State Highway System (SHS), Caltrans is the CEQA Lead Agency for all improvement projects on the SHS. Effective July 1, 2007, Caltrans has been assigned environmental review and consultation responsibilities under NEPA pursuant to 23 U.S.C. 327. The environmental review, consultation, and any other action required in accordance with applicable Federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 U.S.C. 327.

Caltrans has determined for this project that the appropriate environmental documentation for CEQA compliance is an Initial Study (IS), and for NEPA compliance, an Environmental Assessment (EA). Caltrans has adopted a Mitigated Negative Declaration (MND) for the IS and a Finding of No Significant Impact (FONSI) for the EA on January 27, 2011.

Environmental Re-Validation Forms were completed and approved on November 29, 2011 for both Phase 1 and Phase 2, which concluded that the original environmental document remains valid and no further documentation is necessary.

7 OTHER CONSIDERATIONS AS APPROPRIATE

7.1 Permits

The following permits will be required for Phase 1:

- County of San Bernardino Flood Control District Encroachment Permit
- State Right of Way Encroachment Permit
- Section 401 RWQCB Certification
- Section 404 ACOE Nationwide Permit (NWP)
- CDFG Streambed Alteration Notification (agreement or letter of non-jurisdiction)
- General Construction Activity NPDES Permit (SWRCB)

The following permits will be required for Phase 2:

- State Right of Way Encroachment Permit
- General Construction Activity NPDES Permit (SWRCB)

Both phases are subject to the Caltrans Statewide NPDES Storm Water Permit and Waste Discharge Requirements (Order No. 99-06-DWQ, NPDES No. CAS000003 and CAS000002).

7.2 Cooperative Agreements

Cooperative Agreement Number 8-1229 A/4, which was amended on October 24, 2011, sets forth the terms and conditions for Caltrans and SANBAG, outlining responsibilities for the PA/ED phase of the project (EA 448100) and the PS&E phases for both Phase 1 (EA 448111) and Phase 2 (EA 448121). A separate agreement will be required for the construction phase of the project.

7.3 Transportation Management Plan

TMP Data Sheets (Attachment D) have been developed for both Phase 1 and Phase 2 to provide recommendations to minimize the traffic impacts of construction activities so as to provide the highest level of traffic circulation and access during the construction periods. Based on the TMP Data Sheets information, the impacts of the project to the freeway mainline, ramps, and local roads are estimated to be medium. Various elements, as well as the associated cost for each strategy, are outlined in the TMP Data Sheets.

7.4 Stage Construction

The **Phase 1** project will require two construction stages to construct the proposed improvements. Stage Construction Index Sheets are included in Attachment E.

Stage 1 construction involves widening the San Timoteo Creek structure along EB I-10, replacing the existing concrete lined trapezoidal channel with an underground RCB culvert between San

Timoteo Creek and Anderson Street, widening the EB I-10 mainline, and realigning the Tippecanoe Avenue EB off-ramp. Detours would be required for temporary closure of the Waterman Avenue EB on-ramps due to the bridge widening at San Timoteo Creek. Motorists can use Redlands Blvd. and Tippecanoe Avenue as detours to access EB I-10.

Stage 2 construction involves completing construction of the realigned EB off-ramp and concrete ramp terminus. In this stage, detours would be required for temporary closure of the I-10 EB off-ramp and construction of the off-ramp concrete termini. Motorists can use Waterman Avenue, Hospitality Lane, Mountain View Avenue, and Redlands Blvd. to bypass the construction site. Traffic impacts are anticipated to be minor as the closure of the EB off-ramp at Tippecanoe Avenue would be done overnight and during the weekend. Construction of the EB off-ramp concrete terminus would require a weekend closure.

The **Phase 2** project will require three construction stages to construct the proposed improvements.

Stage 1 construction involves widening the Tippecanoe Avenue Undercrossing structure along WB I-10, widening SB Anderson Street and Redlands Blvd. west of Anderson Street. During construction, driveway access to local businesses would be maintained. Pedestrian access can be maintained during construction by constructing the street widening improvements in halves. Bus stops may need to be relocated temporarily outside the construction area. Existing raised medians will be removed and reconstructed in their proposed locations.

Stage 2 construction is comprised of the realignment of Laurelwood Drive, constructing the new WB off-ramp at Tippecanoe Avenue, and widening Tippecanoe Avenue north of the Harriman Avenue intersection. No closure is anticipated as motorists would be able to continue utilizing the existing WB off-ramp while the new ramp is being constructed. Northbound Anderson Street and Redlands Blvd. east of Anderson Street would also be widened in this stage.

Stage 3 construction includes construction of the new WB loop on-ramp at Tippecanoe Avenue and widening of NB Tippecanoe Avenue north of I-10. The existing WB off-ramp would be removed in this stage after traffic has been shifted to the newly constructed WB off-ramp. No closures are anticipated for this stage of construction. Southbound Tippecanoe Avenue would be widened and existing medians would be removed and reconstructed in their proposed locations in this stage.

7.5 Federal Involvement

The Modified Access Report (MAR) was prepared to obtain FHWA approval on the modified access to WB I-10. FHWA provided the Engineering and Operational Acceptability Determination on October 15, 2009. No revisions to the approved MAR are required as a result of splitting the project into Phase 1 and Phase 2. The construction phase of the Phase 2 project is classified as a High Profile Project and is subject to oversight by FHWA.

8 PROGRAMMING

8.1 Programming

This project is programmed in the SCAG adopted 2011 FTIP. An amendment to update the funding amounts for Phase 1 and Phase 2 were submitted as part of the 2011 FTIP Amendment #18, which is expected to be approved by FHWA in December 2011. Funding sources per the 2011 FTIP

Amendment #18 are shown in Table 1.. SANBAG is committed to completing the PS&E (EA Phase Code 1) for both Phase 1 (EA 448111) and Phase 2 (EA 448121).

8.2 Funding

Table 1 shows the project funding amounts per the 2011 FTIP Amendment #18.

Table 1: Project Funding

Year	Fund	Phase 1			Phase 2		
		Engineering	R/W	Construction	Engineering	R/W	Construction
Prior	Federal				515	23,848	
Prior	State					2,500	
Prior	Measure I / Local	3,849			4,674	7,727	
2011/2012	Federal			15,549			12,902
2011/2012	Measure I / Local			3,052			4,904
	Subtotal	3,849		18,601	5,189	34,075	17,806
	Total	22,450			57,070		

Values are in 1,000's of dollars

8.3 Schedule

Table 2 lists the major project milestones for this project.

Table 2: Project Milestones

Milestone	Phase 1 Project		Phase 2 Project	
	Start	Completion	Start	Completion
Plans, Specifications & Estimates	June 2010	January 2012	June 2010	July 2012
Right-of-Way	N/A	N/A	June 2010	June 2013
Construction	July 2012	May 2013	September 2013	November 2014

9 REVIEWS

This Supplemental Project Report was reviewed by the following:

Reviewer	Title
Meardey Tim	Project Manager Caltrans District 8
Jon Bumps	Design Oversight Caltrans District 8
Quyen Sy	Design Oversight Caltrans District 8
Aaron Burton	Senior Environmental Planner Branch Chief, Environmental Studies B Caltrans District 8

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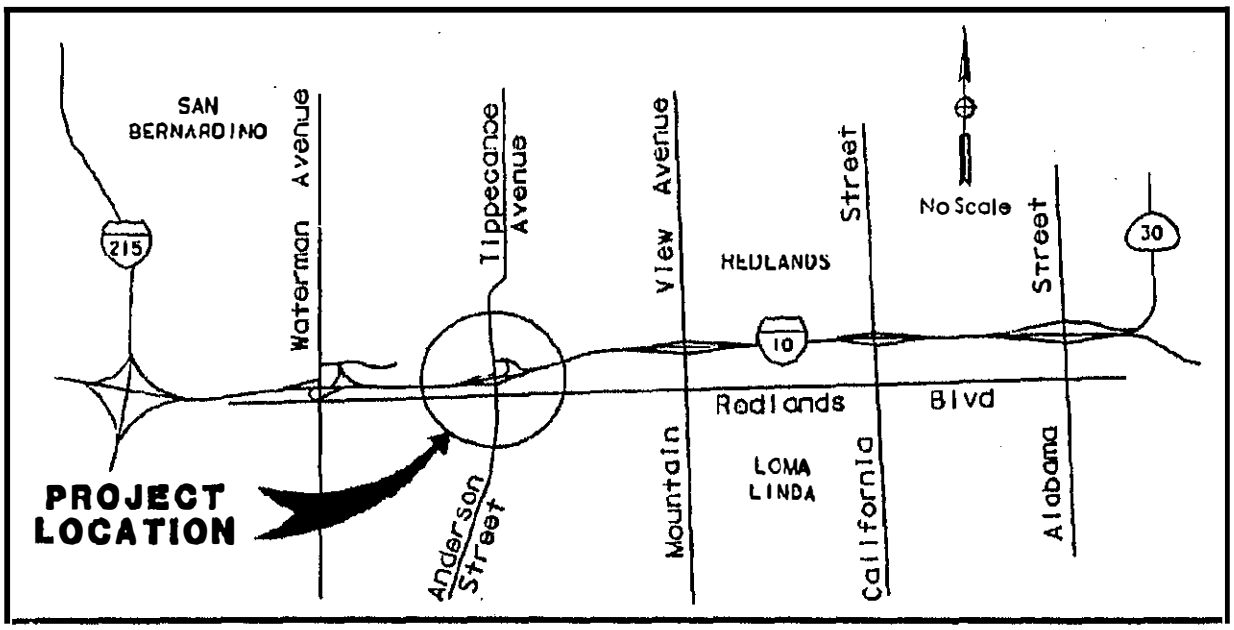
08-SBd-10, PM 25.3/27.3
I-10/Tippecanoe Avenue Interchange Improvements
08-250-448100
Project ID 0800000710
Program 010.680 / 400.146
January 2011

PROJECT REPORT



On Route 10 in the Cities of Loma Linda and San Bernardino, County of San Bernardino
From 1.01 miles west of Tippecanoe Avenue to 1.02 miles east of Tippecanoe Avenue

I have reviewed the right of way information contained in this Project Report and the R/W Data Sheet attached hereto, and have found the data to be complete, current, and accurate:

Basem Muallem
DEPUTY DISTRICT DIRECTOR, RIGHT OF WAY

APPROVAL RECOMMENDED:

Meaydey Tim
PROJECT MANAGER

APPROVAL RECOMMENDED:

David Bricker
DEPUTY DISTRICT DIRECTOR, ENVIRONMENTAL PLANNING

APPROVAL RECOMMENDED:

Christy Connors
GAM *DEPUTY DISTRICT DIRECTOR, DESIGN*

APPROVED: 1/27/11

Raymond W. Wolfe, PhD
DISTRICT DIRECTOR
DATE

This Project Report has been prepared under the direction of the following registered civil engineer. The registered civil engineer attests to the technical information contained herein and the engineering data upon which recommendations, conclusions, and decisions are based.

MICHAEL C. HAN
REGISTERED CIVIL ENGINEER

1/17/11
DATE

REGISTERED PROFESSIONAL ENGINEER
Michael C. Han
No. 61893
Exp. 9/30/11
CIVIL
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CONCURRENCE:

JON BUMPS
OFFICE CHIEF, DESIGN OVERSIGHT

1/20/11
DATE

Table of Contents

1 INTRODUCTION 1
2 RECOMMENDATION 1
3 BACKGROUND 2
3.1 Project History 2
3.2 Community Interaction 2
3.3 Existing Facility 2
4 NEED AND PURPOSE 4
4.1 Problem, Deficiencies, Justification 4
4.2 Regional & System Planning 4
4.3 Traffic Volumes and Operational Analysis 6
4.4 Accident Analysis 17
5 ALTERNATIVES 18
5.1 Viable Alternatives 18
5.2 Rejected Alternatives 27
6 CONSIDERATIONS REQUIRING DISCUSSION 32
6.1 Hazardous Waste 32
6.2 Value Analysis 34
6.3 Resource Conservation 34
6.4 Right-of-Way Issues 34
6.5 Environmental Issues 35
6.6 Air Quality Conformity 36
6.7 Title VI Considerations 36
6.8 Noise Abatement Decision Report 37
7 OTHER CONSIDERATIONS AS APPROPRIATE 39
7.1 Public Hearing Process 39
7.2 Route Matters 39
7.3 Permits 39
7.4 Cooperative Agreements 40
7.5 Other Agreements 40
7.6 Involvement with a Navigable Waterway 40
7.7 Transportation Management Plan 40
7.8 Stage Construction 40
7.9 Accommodation of Oversize Loads 41
7.10 Graffiti Control 41
7.11 Drainage 41
7.12 Federal Involvement 42
7.13 Life Cycle Cost Analysis for Pavements 42
8 PROGRAMMING 42
8.1 Programming 42
8.2 Funding 43
8.3 Schedule 43
9 REVIEWS 44
10 PROJECT KEY PERSONNEL 45
11 ATTACHMENTS 46

List of Tables

Table 1: Existing Year 2009 Mainline and Ramp Volumes 6
Table 2: Year 2015 Mainline and Ramp Volumes – No Build 7
Table 3: Year 2015 Mainline and Ramp Volumes – Alternative 1 8
Table 4: Year 2035 Mainline and Ramp Volumes – No Build 9
Table 5: Year 2035 Mainline and Ramp Volumes – Alternative 1 9
Table 6: Intersection Levels of Service – No Build 10
Table 7: Intersection Levels of Service – Alternative 1 11
Table 8: Queue Lengths (95th Percentile) – No Build 12
Table 9: Queue Lengths (95th Percentile) – Alternative 1 14
Table 10: TASAS-TSN Accident Rates 17
Table 11: Summary of Feasible Sound Barriers from Noise Study Report 37
Table 12: Summary of Abatement Key Information 38
Table 13: Recommended Sound Barriers 38
Table 14: Project Funding 43
Table 15: Project Milestones 43

List of Attachments

Attachment A – Project Location Map
Attachment B – Category Determination Request Letter
Attachment C – Approved PSR (Cover)
Attachment D – Geometric Drawings
Attachment E – Advance Planning Study (APS)
Attachment F – Right-of-Way Data Sheet
Attachment G – Existing Utility Plans
Attachment H – Landscaping Concepts
Attachment I – Storm Water Data Report (Cover)
Attachment J – Project Cost Estimate
Attachment K – Rejected Alternatives
Attachment L – Environmental Document (Cover and Title Sheet)
Attachment M – Transportation Management Plan Data Sheet
Attachment N – Stage Construction Index Sheets
Attachment O – Life Cycle Cost Analysis Forms

1 INTRODUCTION

San Bernardino Associated Governments (SANBAG), in cooperation with the California Department of Transportation (Caltrans), the City of Loma Linda, and the City of San Bernardino, is proposing to reconstruct the Interstate 10 (I-10)/Tippecanoe Avenue interchange. This Project Report (PR) is prepared to address the needs of the interchange improvements. The project objectives are to reduce congestion at the ramp intersections, thereby providing adequate access to facilities served by the interchange, including the regional hospital, airport, residences and business facilities; and to improve merge/diverge operations and reduce the weave between the Waterman Avenue eastbound on-ramp and the Tippecanoe Avenue eastbound off-ramp. The project limits extend from the Anderson Street/Court Street intersection at the south to the Tippecanoe Avenue/Hospitality Lane-Coulston Street intersection at the north. The project limits on I-10 extend from 1,390 feet east of Waterman Avenue to 2,170 feet east of Tippecanoe Avenue. In addition, Redlands Boulevard would be improved approximately 450 feet west and 800 feet east of Anderson Street. A Project Location Map is included in Attachment A. The project has been assigned as Project Development Processing Category 3 because it is a modification of an existing interchange and local access, and requires revisions to the existing freeway agreements for the cities of Loma Linda and San Bernardino. A signed Category Determination Letter is included as Attachment B. The cost for the preferred alternative, Alternative 1, is estimated at approximately $76,878,000, which includes $32,482,000 for construction, $33,442,000 for right of way acquisition and utility relocation, and $10,954,000 for Plans, Specifications, and Estimate (PS&E), Right-of-Way, and Construction Management support costs. The program codes are 010.680 and 400.146 since the project will be funded by Federal funds and local measure matching funds, respectively. The project is scheduled to begin construction in fiscal year 2012/13.

Several Build Alternatives have been studied over the past nine years, and only Alternative 1 was found to be viable. The No Build Alternative is also being evaluated. The preferred alternative, Alternative 1, includes the following improvements:

- Widen the existing I-10/Tippecanoe Avenue Undercrossing (Bridge No. 54-0598) on the north side to accommodate the new westbound (WB) loop on-ramp.
- Add an eastbound (EB) auxiliary lane on I-10 from the Waterman Avenue EB on-ramp to the Tippecanoe Avenue EB off-ramp.
- Widen the existing I-10 bridge over San Timoteo Creek (Bridge No. 54-0599) to accommodate the EB auxiliary lane, and structurally retrofit the existing bridge supports.
- Add a WB loop on-ramp and reconfigure the WB off-ramp.
- Widen Tippecanoe Avenue/Anderson Street and Redlands Boulevard.
- Modify traffic signals at intersections along Tippecanoe Avenue/Anderson Street.
- Add a residential road connecting East Coulston Street, East Lee Street, and East Laurelwood Drive.
- Eliminate the South Ferree Street connection to East Rosewood Drive by providing a cul-de-sac at East Laurelwood Drive and South Ferree Street.

2 RECOMMENDATION

This PR recommends that the project be approved using the preferred alternative, Alternative 1, and that the project proceed to the final design phase. The cities of Loma Linda and San Bernardino have been consulted with respect to the preferred alternative, their views have been considered, and the local agencies are in general accord with the proposed project. After completion of the

public circulation of the Draft Environmental Document (DED) and consideration of all public review comments, the Project Development Team selected Alternative 1 as the preferred alternative on December 1, 2009. The preferred alternative was selected because it will meet the project purpose and need by improving operational deficiencies, increasing capacity at the interchange, and improving access to local businesses, residences, and major facilities served by the interchange. The preferred alternative will also accommodate future widening on I-10 for HOV lanes in both directions.

3 BACKGROUND

3.1 Project History

A Project Study Report (Project Development Support) [PSR (PDS)] was initiated by SANBAG to mitigate existing and projected capacity and operational deficiencies at the I-10/Tippecanoe Avenue interchange and adjacent local roads resulting from the increasing traffic demand generated by the accelerated growth and development in the cities of Loma Linda and San Bernardino. The PSR (PDS) recommended upgrading the I-10/Tippecanoe Avenue interchange with the addition of new ramps and widening of existing ramps. The PSR (PDS) also recommended adding through and turn lanes and increasing the distance between ramp intersections along Tippecanoe Avenue and Anderson Street to reduce congestion. A total of four alternatives were investigated during the PSR (PDS) phase, including the No Build alternative. After approval of the PSR (PDS) in August 2002, the Project Approval and Environmental Document (PA/ED) phase of project development was initiated by SANBAG in 2004. The approved PSR (PDS) cover sheet is included as Attachment C.

3.2 Community Interaction

A Project Development Team (PDT) was identified to ensure collaborative communication among the stakeholders which includes representatives from Caltrans, City of San Bernardino, City of Loma Linda, and Loma Linda University Medical Center. The representatives have actively participated in the engineering and environmental studies leading up to the development of this PR. On March 18, 2008, council members from the cities of San Bernardino and Loma Linda and the County of San Bernardino agreed with the proposed project geometrics.

A Notice of Intent to Adopt a Mitigated Negative Declaration and Availability of Initial Study/Environmental Assessment, Notice of Public Hearing was published on October 21, 2009. The Draft Initial Study/Environmental Assessment (IS/EA) was circulated for a 30-day public review period. The public hearing was held at Victoria Elementary School in the City of San Bernardino on November 5, 2009. Public comments received during the review period have been incorporated into the final environmental document (FED). Adjacent property owners have approached the cities and SANBAG and have had discussions with them regarding the proposed project and its impacts to potential access and right of way. There has been no contact from special interest groups. The needs of pedestrians, bicyclists, and physically-challenged individuals have been considered and accommodated during development of the proposed geometrics.

3.3 Existing Facility

I-10 serves as a major east-west freeway that originates at the junction with State Routes 1 and 2 in the city of Santa Monica in Los Angeles County and extends easterly through the Los Angeles metropolitan area and terminates at the east coast in the state of Florida. East of the junction with State Route 60, I-10 has been identified in the 1998 Interregional Transportation Strategic Plan as a

High Emphasis Route included in the Arizona Gateway Route. I-10 is also included in the State Freeway and Expressway System with the Federal Functional classifications of Rural Principal Arterial and extension of a Rural Principal Arterial into an urban area. I-10 is designated in the National Highway System, Department of Defense Rural Interstates and Single Routing in Urban Areas, and the Strategic Highway Corridor Network.

I-10 is a major corridor for interstate and interregional movement of people and goods and is one of the major commuter routes between Los Angeles and the Inland Empire (San Bernardino and Riverside Counties). In addition, the I-10 corridor is the major link between the rural areas in eastern Riverside County to the urban centers in the western part of San Bernardino County. It also serves the recreational traffic from Los Angeles and western San Bernardino and Riverside Counties to the resorts in the Coachella Valley, the Salton Sea area, and recreational facilities along the Colorado River.

Through the cities of Loma Linda and San Bernardino, I-10 is an eight-lane facility with four mixed flow lanes in each direction separated by a median 35 feet in width with concrete barrier. An existing auxiliary lane is provided along WB I-10 between Tippecanoe Avenue and Waterman Avenue. The average daily traffic volume (ADT) through the project area based on 2007 Caltrans historic data is approximately 212,000 vehicles. The existing EB and WB exits at the Tippecanoe Avenue interchange are single-lane off-ramps that open up to two and three lanes, respectively, at their intersections with Tippecanoe Avenue / Anderson Street.

Tippecanoe Avenue is a major north-south four-lane roadway in the city of San Bernardino. Per the city of San Bernardino Roadway Functional Classification, Tippecanoe Avenue is classified as a major arterial. Tippecanoe Avenue turns into Anderson Street south of I-10. Within the project limits, there are four major intersections which are signalized: Redlands Boulevard, EB ramps, WB ramps, and Harriman Place-Laurelwood Drive. The existing I-10/Tippecanoe Avenue interchange is a compact diamond (Type L-1) interchange with single-lane entrance and exit ramps. The existing intersection spacings between the WB ramps, EB ramps, and Redlands Boulevard are approximately 330 feet and 200 feet, respectively.

Anderson Street is a major north-south four-lane roadway with a two-way center turn lane or left-turn pockets from the I-10 freeway to Barton Road in the city of Loma Linda. The city of Loma Linda has designated this route as a truck route. Per the city of Loma Linda's Roadway Functional Classification, Anderson Street is classified as a major arterial. The city of Loma Linda recently modified the raised median on Anderson Street between the EB ramps and Redlands Boulevard to provide two through lanes and a right-turn pocket on NB Anderson Street.

Existing Structures

There are two existing bridge structures within the project limits. The I-10/San Timoteo Creek structure (Bridge No. 54-0599), built in 1962 and widened in 1990, consists of two spans and is approximately 187 feet in length. The superstructure consists of a reinforced concrete box girder at the original bridge and cast-in-place/prestressed concrete box girder at the widened bridge supported on reinforced concrete cantilever abutments and pier wall. The I-10/Tippecanoe Avenue Undercrossing (Bridge No. 54-0598), built in 1962 and widened in 1990, consists of three spans and is approximately 162 feet in length. The superstructure consists of reinforced concrete box girder at the original bridge and cast-in-place/prestressed concrete box girder at the widened bridge supported on reinforced concrete end diaphragm abutments and pier walls. Closure walls are included at the end spans.

4 NEED AND PURPOSE

4.1 Problem, Deficiencies, Justification

The purpose of the I-10/Tippecanoe Avenue Interchange Improvement project is to improve operational deficiencies and increase capacity at the interchange due to rapidly increasing traffic demand generated by the substantial growth and development that has occurred, and will continue to occur, in the cities of Loma Linda and San Bernardino. It is also designed to provide adequate access to local businesses, residences, and major facilities served by the interchange (e.g., Loma Linda University Medical Center, Loma Linda University, the Jerry Pettis Veterans Administration Hospital, San Bernardino International Trade Center, and the San Bernardino International Airport).

The objectives of the project are to:

- Reduce congestion at the ramp intersections, thereby providing adequate access to facilities served by the interchange, including the regional hospital, airport, and residences and business facilities; and
- Improve merge/diverge operations and reduce the weave between the Waterman Avenue EB on-ramp and the Tippecanoe Avenue EB off-ramp.

The interchange currently consists of three closely spaced intersections. These intersections include the WB I-10 ramps/Tippecanoe Avenue intersection, the EB I-10 ramps/Tippecanoe Avenue intersection, and the Anderson Street/Redlands Boulevard intersection. Traffic queuing spillover at these closely spaced intersections results in deficient operations. Without improvements, they would operate at inadequate levels of service (LOS) in both the AM and PM peak hours in 2035: WB I-10 ramps/Tippecanoe Avenue (LOS E), EB I-10 ramps/Tippecanoe Avenue (LOS F), and Anderson Street/Redlands Boulevard (LOS F).

Ramp accident data indicates that the actual rate of accidents on the WB on-ramp at Tippecanoe Avenue exceeds the average rates for similar type facilities. The primary collision factor was failure to yield.

In the existing and 2035 conditions, the peak demand on I-10 in the vicinity of Tippecanoe Avenue is in the eastbound direction during the PM peak hour. Demand volumes are projected to increase 50 percent in 2035 when compared to the existing condition. Heavy weaving occurs between the eastbound on-ramp at Waterman Avenue and the eastbound off-ramp at Tippecanoe Avenue in both the AM and PM peak hours.

Unless improvements are implemented at the I-10/Tippecanoe Avenue interchange, traffic congestion is expected to worsen over time, resulting in increased commuter delays and frustration, higher travel costs, and increased air pollution. In addition, inadequate LOS at local intersections are expected to increase demand on adjacent interchanges and the local street network as motorists seek less congested alternate routes. The elevated levels of traffic congestion exacerbate emergency vehicle access problems to Loma Linda University Medical Center.

4.2 Regional & System Planning

4.2.1 Identify System

I-10 is designated in the National Highway System, Department of Defense Rural Interstates and

Single Routing in Urban Areas, and the Strategic Highway Corridor Network. I-10 is also included in the State Freeway and Expressway System with the Federal Functional classifications of Rural Principal Arterial and extension of a Rural Principal Arterial into an urban area. Through the cities of Loma Linda and San Bernardino, I-10 is an eight-lane facility with four mixed flow lanes in each direction with a divided median.

4.2.2 State Planning

The proposed project is consistent with the I-10 Route Concept Fact Sheet, dated March 2000. The I-10 Route Concept Fact Sheet shows I-10 as an ultimate 10-lane facility with four mixed flow lanes and one HOV lane in each direction. As part of the I-10/Tippecanoe Avenue interchange improvements, the proposed bridge widenings at San Timoteo Creek and Tippecanoe Avenue, the proposed retaining wall locations, and ramp alignments have been designed to accommodate the future HOV lanes.

4.2.3 Regional Planning

The I-10/Tippecanoe Avenue Interchange Improvements project is included in the Southern California Association of Governments (SCAG) adopted 2008 Regional Transportation Plan (RTP) and currently adopted 2011 Federal Transportation Improvement Program (FTIP) as *"I-10 Tippecanoe Reconfigure Interchange & Add Eastbound Off Ramp Auxiliary Ln From Waterman On-Ramp To Tippecanoe Off-Ramp, Widen Bridge (Non-capacity), & Local Rd Imp/Mod (HP1366)"*. This project is also identified in the SANBAG 2007 Congestion Management Plan.

The adopted RTP and FTIP include a High Occupancy Vehicle (HOV) project through the project area, which would add one HOV lane in each direction along I-10 from west of Haven Avenue (PM 8.16) to Ford Street (PM 33.13). This HOV project is currently in the PA/ED phase (EA 0C2500, RTP ID #4H01001, FTIP ID 0C2500) and is scheduled to be constructed by 2018. The proposed I-10/Tippecanoe Avenue interchange improvements are consistent with the improvements proposed by the HOV project.

4.2.4 Local Planning

This proposed interchange improvement is located within the cities of Loma Linda and San Bernardino in San Bernardino County. This project is consistent with the City of Loma Linda General Plan which shows Anderson Street as a four-lane roadway between I-10 and Barton Road, and Redlands Boulevard as a four-lane roadway through the city. The project is also consistent with the City of San Bernardino General Plan which shows Tippecanoe Avenue as a six-lane roadway north of I-10. Both cities have identified in their Circulation Plan that the I-10/Tippecanoe Avenue interchange will be improved and I-10 will be improved to an ultimate 10-lane facility with HOV lanes.

The City of Loma Linda Master Plan of Bikeways identifies Anderson Street south of Court Street as a Class II bicycle facility. The project proposes to extend Class II bicycle facilities along Tippecanoe Avenue/Anderson Street within the project limits with the exception of (1) the northbound direction of Anderson Street south of Redlands Boulevard, and (2) the segment of Anderson Street between the EB ramps and Redlands Boulevard. Consistent with the City of Loma Linda Circulation Plan, the proposed improvements facilitate pedestrian travel by providing ADA-compliant sidewalks, access ramps and crosswalks throughout the project limits

Over the past several years, the former Norton Air Force Base was converted into San Bernardino International Trade Center and the San Bernardino International Airport. The Inland Valley

Development Agency (IVDA) was established with the intent to redevelop the former Norton Air Force Base properties and an additional 14,000 acres (ac) within a 3 mile radius of the base, including the I-10/Tippecanoe Avenue interchange vicinity in the cities of San Bernardino and Loma Linda. The city of San Bernardino has approved the San Bernardino International Trade Center Specific Plan, which identifies redevelopment for this area. In addition, the City of San Bernardino General Plan identifies appropriate land uses (commercial and industrial) within that airport influence area. Finally, the city of San Bernardino has established the area around the interchange as a San Bernardino Enterprise Zone; this designation allows tax and other incentives for business development in order to redevelop economically depressed areas. Because the interchange provides access to regional educational, hospital, trade, and airport areas and is located in a regional redevelopment area, it is important that the interchange accommodate the transportation needs associated with existing and planned development.

4.2.5 Transit Operator Planning

Omnitrans is the major regional Public Transit Operator for San Bernardino County. The proposed project improvements accommodate bus facilities served by Omnitrans along routes that include Tippecanoe Avenue/Anderson Street. A meeting was held on June 18, 2009 to discuss design consistency with the project team for the E Street Corridor sbX Bus Rapid Transit Project, which will utilize Tippecanoe Avenue/Anderson Street as part of the sbX corridor.

4.3 Traffic Volumes and Operational Analysis

A Traffic Operation Analysis (March 2008) was performed by SANBAG to study the existing traffic conditions (Year 2004), forecast future traffic demand (Year 2035), and assess the impact on traffic conditions of the proposed improvements. A Supplemental Traffic Operations Analysis (August 2009) was prepared to analyze updated existing conditions in 2009 and opening year in 2015. Detailed methodologies and analysis results can be referenced in the traffic report and subsequent supplement.

4.3.1 Current and Forecasted Traffic

Table 1 shows the 2009 AM and PM peak hour traffic volumes for the freeway mainline between the adjacent interchanges and the ramp volumes of the I-10/Tippecanoe Avenue interchange. The traffic counts were recorded for passenger cars, 2-axle trucks, 3-axle trucks, and 4-axle trucks. The trucks were factored into Passenger Car Equivalents (PCEs) that convert traffic volumes to an equivalent number of passenger cars based on the type of truck. The conversion factors for 2-axle, 3-axle, and 4-axle trucks were 1.5, 2, and 3, respectively.

Table 1: Existing Year 2009 Mainline and Ramp Volumes

Location	AM Peak Hour (PCE per hour)	PM Peak Hour (PCE per hour)
Eastbound		
Waterman Avenue On-Ramp	345	369
Freeway from Waterman Avenue On-Ramp to Tippecanoe Avenue Off-Ramp	8,497	8,251
Tippecanoe Avenue Off-Ramp	1,073	870
Freeway from Tippecanoe Avenue Off-Ramp to Tippecanoe Avenue On-Ramp	7,424	7,381

Location	AM Peak Hour (PCE per hour)	PM Peak Hour (PCE per hour)
Tippecanoe Avenue On-Ramp	273	775
Freeway from Tippecanoe Avenue On-Ramp to Mountain View Avenue Off-Ramp	7,697	8,156
Westbound		
Freeway from Mountain View Avenue On-Ramp to Tippecanoe Avenue Off-Ramp	7,319	7,328
Tippecanoe Avenue Off-Ramp	1,005	739
Freeway from Tippecanoe Avenue Off-Ramp to Tippecanoe Avenue On-Ramp	6,314	6,589
Tippecanoe Avenue On-Ramp	689	1,080
Freeway from Tippecanoe Avenue On-Ramp to Waterman Avenue Off-Ramp	7,003	7,669
Waterman Avenue Off-Ramp	728	735

2009 freeway segment volumes were developed from linear interpolation between 2007 Caltrans Traffic Counts and 2035 traffic volumes
PCE = Passenger Car Equivalents

Tables 2 and 3 present the forecast volumes for the No Build and Alternative 1 conditions, respectively, in year 2015 (project opening year) based on the forecasts obtained from SCAG. Volumes for year 2015 were developed by interpolating between the 2009 and 2035 traffic volumes.

Table 2: Year 2015 Mainline and Ramp Volumes – No Build

Location	AM Peak Hour (PCE per hour)	PM Peak Hour (PCE per hour)
Eastbound		
Waterman Avenue On-Ramp	445	525
Freeway from Waterman Avenue On-Ramp to Tippecanoe Avenue Off-Ramp	9,026	9,591
Tippecanoe Avenue Off-Ramp	1,437	1,112
Freeway from Tippecanoe Avenue Off-Ramp to Tippecanoe Avenue On-Ramp	7,590	8,480
Tippecanoe Avenue On-Ramp	360	905
Freeway from Tippecanoe Avenue On-Ramp to Mountain View Avenue Off-Ramp	7,949	9,385
Westbound		
Freeway from Mountain View Avenue On-Ramp to Tippecanoe Avenue Off-Ramp	8,539	8,252
Tippecanoe Avenue Off-Ramp	1,108	821

Location	AM Peak Hour (PCE per hour)	PM Peak Hour (PCE per hour)
Freeway from Tippecanoe Avenue Off-Ramp to Tippecanoe Avenue On-Ramp	7,431	7,432
Tippecanoe Avenue On-Ramp	855	1,244
Freeway from Tippecanoe Avenue On-Ramp to Waterman Avenue Off-Ramp	8,286	8,676
Waterman Avenue Off-Ramp	836	865

2015 volumes were developed from linear interpolation between 2009 and 2035 traffic volumes
PCE = Passenger Car Equivalents

Table 3: Year 2015 Mainline and Ramp Volumes – Alternative 1

Location	AM Peak Hour (PCE per hour)	PM Peak Hour (PCE per hour)
Eastbound		
Waterman Avenue On-Ramp	445	525
Freeway from Waterman Avenue On-Ramp to Tippecanoe Avenue Off-Ramp	9,026	9,591
Tippecanoe Avenue Off-Ramp	1,437	1,112
Freeway from Tippecanoe Avenue Off-Ramp to Tippecanoe Avenue On-Ramp	7,590	8,480
Tippecanoe Avenue On-Ramp	360	905
Freeway from Tippecanoe Avenue On-Ramp to Mountain View Avenue Off-Ramp	7,949	9,385
Westbound		
Freeway from Mountain View Avenue On-Ramp to Tippecanoe Avenue Off-Ramp	8,539	8,252
Tippecanoe Avenue Off-Ramp	1,108	820
Freeway from Tippecanoe Avenue Off-Ramp to Tippecanoe Avenue Loop On-Ramp	7,431	7,432
Tippecanoe Avenue Loop On-Ramp	419	391
Freeway from Tippecanoe Avenue Loop On-Ramp to Tippecanoe Avenue On-Ramp	7,850	7,823
Tippecanoe Avenue On-Ramp	435	853
Freeway from Tippecanoe Avenue On-Ramp to Waterman Avenue Off-Ramp	8,285	8,676
Waterman Avenue Off-Ramp	836	865

2015 volumes were developed from linear interpolation between 2009 and 2035 traffic volumes
PCE = Passenger Car Equivalents

Tables 4 and 5 present the forecast volumes for the No Build and Alternative 1 conditions, respectively, in year 2035 based on the forecasts obtained from SCAG.

Table 4: Year 2035 Mainline and Ramp Volumes – No Build

Location	AM Peak Hour (PCE per hour)	PM Peak Hour (PCE per hour)
Eastbound		
Waterman Avenue On-Ramp	778	1046
Freeway from Waterman Avenue On-Ramp to Tippecanoe Avenue Off-Ramp	9,141	12,410
Tippecanoe Avenue Off-Ramp	2,650	1,917
Freeway from Tippecanoe Avenue Off-Ramp to Tippecanoe Avenue On-Ramp	6,491	10,493
Tippecanoe Avenue On-Ramp	648	1,340
Freeway from Tippecanoe Avenue On-Ramp to Mountain View Avenue Off-Ramp	7,139	11,833
Westbound		
Freeway from Mountain View Avenue On-Ramp to Tippecanoe Avenue Off-Ramp	10,952	9,682
Tippecanoe Avenue Off-Ramp	1,451	1,092
Freeway from Tippecanoe Avenue Off-Ramp to Tippecanoe Avenue On-Ramp	9,501	8,590
Tippecanoe Avenue On-Ramp	1,406	1,791
Freeway from Tippecanoe Avenue On-Ramp to Waterman Avenue Off-Ramp	10,907	10,381
Waterman Avenue Off-Ramp	1,194	1,296

PCE = Passenger Car Equivalents

Table 5: Year 2035 Mainline and Ramp Volumes – Alternative 1

Location	AM Peak Hour (PCE per hour)	PM Peak Hour (PCE per hour)
Eastbound		
Waterman Avenue On-Ramp	778	1046
Freeway from Waterman Avenue On-Ramp to Tippecanoe Avenue Off-Ramp	9,141	12,410
Tippecanoe Avenue Off-Ramp	2,650	1,917
Freeway from Tippecanoe Avenue Off-Ramp to Tippecanoe Avenue On-Ramp	6,491	10,493
Tippecanoe Avenue On-Ramp	648	1,340
Freeway from Tippecanoe Avenue On-Ramp to Mountain View Avenue Off-Ramp	7,139	11,833

Location	AM Peak Hour (PCE per hour)	PM Peak Hour (PCE per hour)
Westbound		
Freeway from Mountain View Avenue On-Ramp to Tippecanoe Avenue Off-Ramp	10,952	9,682
Tippecanoe Avenue Off-Ramp	1,451	1,092
Freeway from Tippecanoe Avenue Off-Ramp to Tippecanoe Avenue Loop On-Ramp	9,501	8,590
Tippecanoe Avenue Loop On-Ramp	769	722
Freeway from Tippecanoe Avenue Loop On-Ramp to Tippecanoe Avenue On-Ramp	10,270	9,312
Tippecanoe Avenue On-Ramp	637	1,069
Freeway from Tippecanoe Avenue On-Ramp to Waterman Avenue Off-Ramp	10,907	10,381
Waterman Avenue Off-Ramp	1,194	1,296

PCE = Passenger Car Equivalents

4.3.2 Intersection Level of Service Analysis

Table 6 shows the 2009, 2015, and 2035 volume-based LOS and average control delay in seconds per vehicle for the No Build condition resulting from Highway Capacity Manual (HCM) analyses at the intersections along Tippecanoe Avenue / Anderson Street and at the adjacent interchanges during the AM and PM peak hours.

Table 6: Intersection Levels of Service – No Build

Study Intersection	Existing (2009)				Opening Year (2015)				Future (2035)			
	AM		PM		AM		PM		AM		PM	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Tippecanoe Ave / Hospitality Ln-Coulston St	37.8	D	37.1	D	33.2	C	38.2	D	36.9	D	45.7	D
2. Tippecanoe Ave/ Laurelwood Dr-Harriman Pl	12.2	B	24.3	C	24.6	C	36.9	D	28.5	C	33.3	C
3. Tippecanoe Ave / WB Ramps	19.9	B	24.6	C	31.6	C	21.0	C	65.0	E	106.5	F
4. Tippecanoe Ave / EB Ramps	21.7	C	21.1	C	40.4	D	60.4	F	361.8	F	517.1	F
5. Anderson St / Redlands Blvd	23.1	C	30.6	C	29.1	C	50.3	D	199.0	F	367.6	F
6. Waterman Ave EB Off-Ramp / Redlands Blvd	20.8	C	24.2	C	20.8	C	25.2	C	21.7	C	32.3	C
7. Waterman Ave / Hospitality Ln	23.0	C	36.3	D	24.2	C	37.6	D	29.3	C	50.8	D
8. Waterman Ave / I-215 On-Ramp	10.5	B	22.5	C	11.3	B	28.4	D	18.4	C	127.0	F
9. Waterman Ave / EB Ramps	244.9	F	25.7	D	219.1	F	60.2	F	281.8	F	†	F
10. Waterman Ave/ Redlands Blvd	27.8	C	41.9	D	31.3	C	63.2	F	55.7	E	220.2	F
11. Carnegie Dr-Hospitality Ln / WB Ramps	14.7	B	14.8	B	14.9	B	15.5	B	16.3	B	20.4	C
12. Mountain View Ave / WB Ramps	24.9	C	20.5	C	29.8	C	25.1	C	206.9	F	160.4	F
13. Mountain View Ave / EB Ramps	20.8	C	18.1	B	26.2	C	20.6	B	166.3	F	132.1	F

† Delay is greater than can be calculated by HCM methodologies.

The Tippecanoe Avenue/EB ramps intersection would operate at an unacceptable level of service in 2015. Further, in 2035 both the EB ramps and WB ramps intersection and the Tippecanoe Avenue/ Redlands Boulevard intersection would operate at LOS E or F.

Table 7 shows the 2015 and 2035 volume-based LOS and average control delay in seconds per vehicle for the Alternative 1 condition.

Table 7: Intersection Levels of Service – Alternative 1

Study Intersection	Opening Year (2015)				Future (2035)			
	AM		PM		AM		PM	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Tippecanoe Ave / Hospitality Ln-Coulston St	23.4	C	35.9	D	34.3	C	41.3	D
2. Tippecanoe Ave/ Harriman Pl- WB Off-Ramp	20.0	B	26.5	C	29.7	C	34.9	C
3. Tippecanoe Ave / WB On-Ramp	N/A*		N/A*		N/A*		N/A*	
4. Tippecanoe Ave / EB Ramps	14.6	B	18.4	B	33.8	D	34.0	C
5. Anderson St / Redlands Blvd	21.7	C	29.1	C	31.0	C	45.9	D
6. Waterman Ave EB Off-Ramp / Redlands Blvd	20.8	C	25.2	C	21.7	C	32.3	C
7. Waterman Ave / Hospitality Ln	24.2	C	37.6	D	29.3	C	50.8	D
8. Waterman Ave/ I-215 On-Ramp	11.3	B	28.4	D	18.4	C	127.0	F
9. Waterman Ave / EB Ramps	219.1	F	60.2	F	281.8	F	†	F
10. Waterman Ave / Redlands Blvd	31.3	C	63.2	F	55.7	E	220.2	F
11. Carnegie Dr-Hospitality Ln / WB Ramps	14.9	B	15.5	B	16.3	B	20.4	C
12. Mountain View Ave / WB Ramps	29.8	C	25.1	C	206.9	F	160.4	F
13. Mountain View Ave/ EB Ramps	26.2	C	20.6	B	166.3	F	132.1	F

** There are no conflicting movements and the location is no longer a controlled intersection*
† Delay is greater than can be calculated by HCM methodologies.

Although LOS calculations indicate that intersections along Tippecanoe Avenue/Anderson Street currently operate at satisfactory LOS, field observations indicated that they operate at LOS F in the PM peak hour. SANBAG's estimate of average queue delay for the Tippecanoe Avenue/EB ramps intersection is 90 seconds per vehicle in the PM peak hour (LOS F) based on queue counts conducted in June 2008. Inefficiencies caused by queue spillover at closely spaced intersections inhibit throughput at upstream locations and make volume-based calculation of the LOS appear to be better than what actually exists. Therefore, a queuing analysis was conducted as part of the Supplemental Traffic Operations Analysis to further analyze the 2009, 2015 No Build, and 2015 Alternative 1 conditions. The queuing analysis results are summarized in Table 8 and Table 9 for the No Build and Alternative 1 conditions, respectively. The results indicate that the available storage lengths proposed in Alternative 1 accommodate the 95th percentile queue lengths in 2015 at all intersections within the project limits of improvement.

Table 8: Queue Lengths (95th Percentile) – No Build

Study Intersection	Available Storage (feet per lane)	Existing (2009) (feet per lane)		Opening Year (2015) (feet per lane)	
		AM	PM	AM	PM
1. Tippecanoe Ave / Hospitality Ln-Coulston St					
Eastbound Left Turn	210	47	249	84	294
Eastbound Through	950	56	256	85	307
Eastbound Right Turn	590	30	80	52	155
Westbound Left Turn	100	81	92	89	156
Westbound Through	1240	60	66	104	110
Northbound Left Turn	250	188	153	228	196
Northbound Through	810	176	142	235	271
Southbound Left Turn	110	35	66	49	90
Southbound Through	670	110	307	191	391
2. Tippecanoe Ave / Laurelwood Dr-Harriman Pl					
Eastbound Left Turn	250	32	207	75	268
Eastbound Through	925	8	32	10	42
Eastbound Right Turn	200	15	101	28	163
Westbound Left Turn	100	31	32	42	43
Westbound Through	1225	10	21	13	26
Northbound Left Turn	200	43	283	144	403
Northbound Through	539	82	217	305	310
Southbound Left Turn	200	4	19	6	27
Southbound Through	810	106	237	191	397
3. Tippecanoe Ave / WB Ramps					
Westbound Left Turn	150	211	154	332	274
Westbound Right Turn	150	169	85	272	161
Northbound Left Turn	260	18	112	235	190
Northbound Through	341	185	172	186	3
Southbound Right Turn	520	228	320	196	185
Southbound Through	539	72	189	114	135
4. Tippecanoe Ave / EB Ramps					
Eastbound Left Turn	991	422	374	786	589
Eastbound Right Turn	991	367	254	704	611
Northbound Through	300	103	112	407	276
Southbound Left Turn	261	16	40	173	625
Southbound Through	341	256	40	248	91
5. Anderson St / Redlands Blvd					
Eastbound Left Turn	150	47	166	123	253
Eastbound Through	5190	116	283	165	420
Westbound Left Turn	300	81	142	168	222
Westbound Through	2560	145	217	167	394
Northbound Left Turn	150	188	69	35	61
Northbound Through	440	129	148	265	323
Southbound Left Turn	210	35	183	91	324
Southbound Through	300	333	301	246	353

Study Intersection	Available Storage (feet per lane)	Existing (2009) (feet per lane)		Opening Year (2015) (feet per lane)	
		AM	PM	AM	PM
6. Waterman Ave EB Off-Ramp / Redlands Blvd					
Eastbound Through	585	136	216	136	227
Westbound Left Turn	172	65	81	59	76
Westbound Through	755	92	148	91	149
Northbound Right Turn	220	0	0	0	0
Southbound Left Turn	305	**323**	**325**	**330**	**342**
Southbound Through	1009	211	339	351	359
Southbound Right Turn	100	95	198	242	**172**
7. Waterman Ave / Hospitality Ln					
Eastbound Left Turn	150	115	**177**	139	**226**
Eastbound Through	960	123	415	114	350
Eastbound Right Turn	170	62	**277**	89	**353**
Westbound Left Turn	220	114	217	119	208
Westbound Through	1074	190	219	198	207
Northbound Left Turn	188	124	133	154	171
Northbound Through	1009	252	235	267	339
Northbound Right Turn	290	24	88	23	97
Southbound Left Turn	130	90	**236**	108	**237**
Southbound Through	960	106	259	138	282
Southbound Right Turn	226	47	86	78	101
8. Waterman Ave / I-215 On-Ramp					
Northbound Left Turn	300	30	113	34	142
9. Waterman Avenue/I-10 EB Ramps					
Westbound Right Turn	700	**1446**	210	**1272**	369
10. Waterman Ave / Redlands Blvd					
Eastbound Left Turn	408	132	170	140	220
Eastbound Through	755	156	250	180	334
Westbound Left Turn	125	**171**	**276**	**202**	**377**
Westbound Through	5190	69	141	71	259
Northbound Left Turn	165	91	142	79	126
Northbound Through	465	315	426	365	**496**
Northbound Right Turn	85	65	59	71	68
Southbound Left Turn	175	128	**289**	117	**307**
Southbound Through	1009	171	289	177	301

Study Intersection	Available Storage (feet per lane)	Existing (2009) (feet per lane)		Opening Year (2015) (feet per lane)	
		AM	PM	AM	PM
11. Carnegie Dr-Hospitality Ln / WB Ramps					
Eastbound Left Turn	100	185	80	193	86
Eastbound Through	1074	129	192	96	214
Eastbound Right Turn	250	39	102	40	125
Westbound Left Turn	296	28	99	29	109
Westbound Through	530	50	111	30	123
Northbound Left Turn	600	147	122	162	150
Northbound Through	1530	98	52	44	61
Northbound Right Turn	203	15	19	16	21
Southbound Left Turn	122	12	34	14	39
Southbound Through	640	20	124	7	152
Southbound Right Turn	122	14	20	15	22
12. Mountain View Ave / WB Ramps					
Westbound Left Turn	1470	277	173	433	262
Westbound Right Turn	70	65	40	116	96
Northbound Left Turn	100	190	72	212	129
Northbound Through	240	171	64	208	128
Southbound Through	420	124	170	237	262
13. Mountain View Ave / EB Ramps					
Eastbound Left Turn	1620	116	117	144	127
Eastbound Right Turn	132	291	65	460	75
Northbound Through	410	237	243	308	353
Southbound Left Turn	100	82	78	138	108
Southbound Through	240	61	61	24	64

Table 9: Queue Lengths (95th Percentile) – Alternative 1

Study Intersection	Available Storage (feet per lane)	Opening Year (2015) (feet per lane)	
		AM	PM
1. Tippecanoe Ave / Hospitality Ln-Coulston St			
Eastbound Left Turn	210	76	266
Eastbound Through	950	77	276
Eastbound Right Turn	590	47	101
Westbound Left Turn	100	101	170
Westbound Through	1240	89	85
Northbound Left Turn	250	111	164
Northbound Through	810	118	157
Southbound Left Turn	110	50	98
Southbound Through	670	180	335

Study Intersection	Available Storage (feet per lane)	Opening Year (2015) (feet per lane)	
		AM	PM
2. Tippecanoe Ave / Harriman Pl-WB Ramps			
Eastbound Left Turn	260	71	251
Eastbound Right Turn	500	57	139
Westbound Left Turn	330	197	105
Westbound Through	1225	136	317
Westbound Right Turn	330	132	135
Northbound Left Turn	220	77	202
Northbound Through	539	120	19
Northbound Right Turn	500	42	3
Southbound Through	810	60	97
Southbound Right Turn	500	1	1
3. Tippecanoe Ave / EB Ramps			
Eastbound Left Turn	500	260	216
Eastbound Right Turn	500	176	142
Northbound Through	300	84	143
Northbound Right Turn	100	1	8
Southbound Left Turn	261	72	193
Southbound Through	550	175	77
4. Anderson St / Redlands Blvd			
Eastbound Left Turn	300	44	82
Eastbound Through	5190	90	248
Eastbound Right Turn	300	80	36
Westbound Left Turn	225	62	88
Westbound Through	2560	111	185
Westbound Right Turn	340	67	105
Northbound Left Turn	240	39	47
Northbound Through	440	182	213
Northbound Right Turn	400	22	27
Southbound Left Turn	220	118	164
Southbound Through	300	176	220
Southbound Right Turn	200	12	47
5. Waterman Ave EB Off-Ramp / Redlands Blvd			
Eastbound Through	585	136	227
Westbound Left Turn	172	59	76
Westbound Through	755	91	149
Northbound Right Turn	220	0	0
Southbound Left Turn	305	330	342
Southbound Through	1009	351	359
Southbound Right Turn	100	242	172

Study Intersection	Available Storage (feet per lane)	Opening Year (2015) (feet per lane)	
		AM	PM
6. Waterman Ave / Hospitality Ln			
Eastbound Left Turn	150	139	**226**
Eastbound Through	960	114	350
Eastbound Right Turn	170	89	**353**
Westbound Left Turn	220	119	208
Westbound Through	1074	198	207
Northbound Left Turn	188	154	171
Northbound Through	1009	267	339
Northbound Right Turn	290	23	97
Southbound Left Turn	130	108	**237**
Southbound Through	960	138	282
Southbound Right Turn	226	78	101
7. Waterman Ave / I-215 On-Ramp			
Northbound Left Turn	300	34	**142**
8. Waterman Ave / I-10 EB Ramps			
Westbound Right Turn	700	**1272**	369
9. Waterman Ave / Redlands Blvd			
Eastbound Left Turn	408	140	220
Eastbound Through	755	180	334
Westbound Left Turn	125	202	**377**
Westbound Through	5190	71	259
Northbound Left Turn	165	79	126
Northbound Through	465	365	**496**
Northbound Right Turn	85	71	68
Southbound Left Turn	175	192	307
Southbound Through	1009	177	301
10. Carnegie Dr-Hospitality Ln / WB Ramps			
Eastbound Left Turn	100	193	86
Eastbound Through	1074	96	214
Eastbound Right Turn	250	0	125
Westbound Left Turn	296	15	109
Westbound Through	530	30	123
Northbound Left Turn	600	81	160
Northbound Through	1530	44	61
Northbound Right Turn	203	0	21
Southbound Left Turn	122	3	39
Southbound Through	640	7	152
Southbound Right Turn	122	0	22

Study Intersection	Available Storage (feet per lane)	Opening Year (2015) (feet per lane)	
		AM	PM
11. Mountain View Ave / WB Ramps			
Westbound Left Turn	1470	433	262
Westbound Right Turn	70	116	96
Northbound Left Turn	100	212	129
Northbound Through	240	208	128
Southbound Through	420	237	262
12. Mountain View Ave / EB Ramps			
Eastbound Left Turn	1620	144	127
Eastbound Right Turn	132	460	75
Northbound Through	410	308	353
Southbound Left Turn	100	138	108
Southbound Through	240	24	64

4.4 Accident Analysis

Traffic Accident Surveillance and Analysis System (TASAS)-Transportation System Network (TSN) data were provided by Caltrans District 8, which includes accidents that occurred during the three-year period from July 1, 2005 to June 30, 2008 on I-10 from PM 24.8 to 27.5 and the Tippecanoe Avenue interchange ramps.

Table 10: TASAS-TSN Accident Rates

Location	Actual			Average		
	Fatal	F+I	Total	Fatal	F+I	Total
Eastbound						
Mainline (PM 24.8 to 27.5)	0.003	0.38	1.13	0.005	0.34	1.10
Tippecanoe Avenue EB Off-Ramp (PM 26.03)	0.000	0.23	1.10	0.005	0.61	1.50
Tippecanoe Avenue EB On-Ramp (PM 26.53)	0.000	0.17	0.69	0.002	0.32	0.80
Westbound						
Mainline (PM 24.8 to 27.5)	0.006	0.32	0.77	0.005	0.34	1.10
Tippecanoe Avenue WB On-Ramp (PM 26.02)	0.000	0.80	1.86	0.002	0.32	0.80
Tippecanoe Avenue WB Off-Ramp (PM 26.51)	0.000	0.21	1.23	0.005	0.61	1.50

F+I = Fatal+Injury
Accident rates for mainline expressed as: number of accidents/million vehicle miles
Accident rates for ramps expressed as: number of accidents/million vehicles

As shown in Table 10, the accident data indicates that accidents occurred at a lower rate than the statewide average for similar facilities on the EB ramps, WB off-ramp, and the WB mainline, while accidents occurred at a higher rate on the EB mainline and the WB on-ramp. In particular, the accident rate is more than twice the statewide average rate on the WB on-ramp. Analysis of the TASAS-TSN data for the WB on-ramp shows that most of the accidents were broadside collisions, and failure to yield was the primary collision factor for most accidents. The majority of accidents on the WB on-ramp occurred near the ramp terminus, where the SB and northbound (NB) Tippecanoe Avenue turning movements onto the on-ramp may conflict. It is anticipated that the project would reduce the accident rate on the existing WB on-ramp since a new WB loop on-ramp would be constructed for NB Tippecanoe Avenue vehicles, which would eliminate the conflict at the existing WB on-ramp. It is also anticipated that the proposed project would reduce the accident rate on the EB mainline as a result of the proposed addition of an EB auxiliary lane between Waterman Avenue and Tippecanoe Avenue.

5 ALTERNATIVES

5.1 Viable Alternatives

5.1.1 No Build Alternative

The "No Build" Alternative proposes to maintain the existing configuration. This alternative would not accommodate the anticipated growth in the area or alleviate traffic congestion. The interchange is currently operating at an unacceptable LOS and traffic congestion would continue to worsen through the design year 2035.

5.1.2 Alternative 1 – Preferred Alternative

The preferred alternative, Alternative 1, proposes to modify the existing tight diamond configuration to a partial cloverleaf interchange for the north half of the interchange. Alternative 1 includes the following improvements:

- Add an EB auxiliary lane on I-10 from the Waterman Avenue EB on-ramp to the Tippecanoe Avenue EB off-ramp.
- Widen the existing I-10 bridge structure over San Timoteo Creek to accommodate the EB auxiliary lane. This would require retrofits to the bridge abutments and extension of the pier wall within San Timoteo Creek.
- Widen the Tippecanoe Avenue EB off-ramp by providing an additional left-turn lane and right-turn lane at the ramp intersection.
- Reconfigure the WB off-ramp from a tight diamond to a partial cloverleaf configuration, increasing the intersection spacing over 400 feet. The ramp intersection would align with the existing Harriman Place/Tippecanoe Avenue intersection.
- Add a Tippecanoe Avenue WB loop on-ramp. Addition of this ramp would allow for the removal of the existing left-turn lane for traffic heading northbound on Tippecanoe Avenue to access WB I-10. This would provide the room needed to add double left-turn lanes for southbound traffic on Tippecanoe Avenue onto the EB on-ramp and eastbound Redlands Boulevard.
- Widen the existing I-10 bridge structure over Tippecanoe Avenue in the WB direction to accommodate the WB loop on-ramp.
- Widen Tippecanoe Avenue from I-10 to just north of East Lee Street to provide lane taper length.

- Widen Anderson Street from I-10 to south of Court Street to accommodate additional turn lanes at the Anderson Street/EB ramps intersection and Anderson Street/Redlands Boulevard intersection.
- Widen Redlands Boulevard to accommodate a six-lane facility with dual left-turn lanes, striped medians, and sidewalks between approximately 450 feet west and 800 feet east of the intersection at Anderson Street.
- Modify and interconnect traffic signals at the intersection of Anderson Street and Redlands Boulevard; the intersection of Anderson Street and the EB on- and off-ramps; and the intersection of Tippecanoe Avenue and the WB on- and off-ramps/Harriman Place.
- Add a residential road connecting East Coulston Street, East Lee Street, and East Laurelwood Drive.
- Eliminate the South Ferree Street connection to East Rosewood Drive by providing a cul-de-sac at East Laurelwood Drive and South Ferree Street.
- Relocate wet and dry utility facilities to accommodate street widening and realignment.
- Provide a Class II bicycle lane within the project limits, with the exception of (1) the northbound direction of Anderson Street south of Redlands Boulevard, and (2) the segment of Anderson Street between the eastbound ramps and Redlands Boulevard, where 5 ft outside shoulders would be provided.

A rigid pavement section of 1.25' Jointed Plain Concrete Pavement (JPCP) over 0.10' Hot Mixed Asphalt (HMA) Bond Breaker over 0.50' Lean Concrete Base (LCB) over 0.70' Aggregate Subbase (AS) is proposed for the eastbound I-10 mainline widening and portions of the westbound I-10 mainline along ramp gore areas. A flexible pavement section of 0.20' Rubberized Hot Mixed Asphalt (RHMA) over 0.80' HMA over 0.50' Aggregate Base (AB) is proposed for the I-10 ramps and Tippecanoe Avenue. The pavement sections will be reviewed and finalized during the PS&E phase of the project.

Geometric drawings including Typical Cross Sections, Layouts, and Profiles are included in Attachment D. The Advance Planning Studies (APS) for the I-10/Tippecanoe Avenue Undercrossing and the I-10/San Timoteo Creek structure are included as Attachment E.

5.1.2.1 Nonstandard Mandatory and Advisory Design Features

Exceptions to advisory and mandatory design standards are required for this project. Fact Sheets for the following nonstandard mandatory and advisory design exceptions have been reviewed and approved by Caltrans:

Mandatory Design Exceptions

Design Exception Feature #1 - Stopping Sight Distance: Index 201.1 of the Highway Design Manual (HDM) states that Table 201.1 shows the standards for stopping sight distance related to design speed, and these shall be the minimum values used in design.

Nonstandard stopping sight distance is present on the mainline from Sta. 223+17.79 to Sta. 234+67.79. Based on the 80 mph design speed for the freeway, the standard stopping sight distance is 930 feet. However, the existing vertical crest curve on the freeway at this location provides a stopping sight distance of only 583 feet.

Design Exception Feature #2 - Superelevation Rates: Index 202.2 of the HDM states that maximum superelevation rates for various highway conditions are shown on Table 202.2. Based on

an e_{max} selected by the designer for one of the conditions, superelevation rates from Table 202.2 shall be used within the given range of curve radii. If less than standard superelevation rates are approved, Figure 202.2 shall be used to determine superelevation based on the curve radius and maximum comfortable speed.

Nonstandard superelevation rate is proposed at Tippecanoe Avenue WB off-ramp, "R-3" Line, from Sta. 30+28.93 to Sta. 32+15.49. Based on the curve radius of 335 feet, the standard superelevation rate is 12%. However, the proposed superelevation rate for this curve is 10%.

Design Exception Feature #3 - Corner Sight Distance: Index 405.1(2)(b) of the HDM states that at signalized intersections the values for corner sight distances given in Table 405.1A should be applied whenever possible. Where restrictive conditions exist, similar to those listed in Index 405.1(2)(a), the minimum value for corner sight distance at both signalized and unsignalized intersections shall be equal to the stopping sight distance as given in Table 201.1, measured as previously described.

Due to the proposed retaining wall, the driver from the inside left turn lane on the EB off-ramp at Tippecanoe Avenue, "R-1" Line, with a setback distance of 10 feet from the major road edge of shoulder, is allowed a sight line to approaching southbound vehicles on Tippecanoe Avenue with a Stopping Sight Distance of about 127 feet, while the inside right turn lane provides a Stopping Sight Distance of about 177 feet. This is less than the standard stopping sight distance of 360 feet based on a design speed of 45 mph.

Design Exception Feature #4 - Lane Width: Index 405.2(2)(a) of the HDM states that the lane width for both single and double left-turn lanes on State highways shall be 12 feet.

Nonstandard left-turn lane widths are proposed at the following locations along southbound Tippecanoe Avenue and Anderson Street:

Description	Station Limits		Standard Width (feet)	Proposed Width (feet)
	From	To		
Inside Southbound Left-Turn Lane to EB On-Ramp	"T" 228+25	"T" 231+50	12	11
Both Southbound Left-Turn Lanes to Redlands Blvd	"T" 224+04	"T" 225+70	12	11

Design Exception Feature #5 - Location and Design of Ramp Intersections on the Crossroads: Index 504.3(3) of the HDM states that for new construction or major reconstruction of interchanges, the minimum distance (curb return to curb return) between ramp intersections and local road intersections shall be 400 feet.

The distance between the Tippecanoe Avenue/EB ramps intersection and the Anderson Street/Redlands Boulevard intersection is about 166 feet and 167 feet (curb return to curb return) for NB and SB directions, respectively.

The distance between the Tippecanoe Avenue/WB ramps intersection and the Tippecanoe Avenue/East Lee Street intersection is about 238 feet (curb return to curb return).

Design Exception Feature #6 - Cross Slope: Index 301.2(a) of the HDM states that the standard cross slope to be used for new construction on the traveled way for all types of surfaces shall be 2%.

The proposed cross-slope of the EB mainline widening in the tangent section between Waterman Avenue and Tippecanoe Avenue is 3% in order to improve drainage flow off the traveled way.

Advisory Design Exceptions

Design Exception Feature #1 - Superelevation Transition: Index 202.5(1) of the HDM states that a superelevation transition should be designed in accordance with the diagram and tabular data shown in Figure 202.5A to satisfy the requirements of safety, comfort, and pleasing appearance.

Nonstandard superelevation transitions are proposed at the following locations:

Description	Station Limits		Standard Runoff Length (feet)	Proposed Runoff Length (feet)
	From	To		
WB Off-Ramp	"R-3" 29+50.92	"R-3" 31+20.00	240.00	169.08
WB Loop On-Ramp	"R-4" 39+40.00	"R-4" 41+44.05	300.00	204.05

Design Exception Feature #2 - Superelevation Runoff: Index 202.5(2) of the HDM states that two-thirds of the superelevation runoff should be on the tangent and one-third within the curve.

Nonstandard superelevation runoffs are proposed at the following locations:

Description	Station Limits		Standard Runoff Length (feet)	Proposed Runoff Length (feet)
	From	To		
WB Off-Ramp	"R-3" 29+50.92	"R-3" 31+20.00	160.00 - 80.00	78.01 - 91.07
WB Loop On-Ramp	"R-4" 39+40.00	"R-4" 41+44.05	136.00 - 68.00	65.00 - 139.05

Design Exception Feature #3 - Vertical Curves: Index 204.4 of the HDM states that for algebraic grade differences of 2 percent and greater, and design speeds equal to or greater than 40 miles per hour, the minimum length of vertical curve in feet should be equal to 10V, where V = design speed.

Nonstandard minimum vertical curve lengths are proposed at the following locations:

Description	Station Limits		Standard VC Length (feet)	Proposed VC Length (feet)
	From	To		
I-10	"A" 214+64.78	"A" 218+64.78	800	400
I-10	"A" 237+44.50	"A" 241+44.50	800	400

Design Exception Feature #4 - Side Slope Standards: Index 304.1 of the HDM states that slopes should be designed as flat as is reasonable. For new construction, widening, or where slopes are otherwise being modified, embankment (fill) slopes should be 4:1 or flatter.

The proposed WB loop on-ramp does not provide the standard Side Slope Rate 4:1 or flatter starting at the ramp merge with the WB mainline to the areas adjacent to the Tippecanoe Avenue Undercrossing. The ramp side slope rates from station "A" 218+00 to station "A" 230+00 will be approximately 2:1.

Design Exception Feature #5 - Angle of Intersection: Index 403.3 of the HDM states that a right angle intersection provides the most favorable conditions for intersecting and turning traffic movements. When a right angle cannot be provided due to physical constraints, the interior angle should be designed as close to 90 degrees as is practical, but should not be less than 75 degrees. Mitigation should be considered for the affected intersection design features.

The existing EB on-ramp does not provide the standard intersection angle. The existing intersection angle between EB on-ramp alignment and Tippecanoe Avenue alignment is about 70 degrees.

Design Exception Feature #6 - Distance Between Successive On-Ramps: Index 504.3(9) of the HDM states that the minimum distance between two successive on-ramps to a freeway lane should be the distance needed to provide the standard on-ramp acceleration taper shown on Figure 504.2A. This distance should be about 1,000 feet unless the upstream ramp adds an auxiliary lane in which case the downstream ramp should merge with the auxiliary lane in a standard 50:1 (longitudinal to lateral) convergence.

A nonstandard distance, 840 feet, would exist between the proposed WB loop on-ramp, "R-4" Line, and the existing WB on-ramp. After the ultimate widening of the mainline is implemented, the merge point for the WB loop-on ramp, "R-4" Line, would move further to the east thus providing the standard 1,000 feet distance between the successive on-ramps.

Design Exception Feature #7 - Weaving Sections: Index 504.7 of the HDM states that weaving sections in urban areas should be designed for LOS C or D. Weaving sections in rural areas should be designed for LOS B or C.

The proposed project does not provide the Level of Service (LOS) C or D, as required by the HDM, during Year 2035 PM peak period for the weaving section between Waterman Avenue EB on-ramp and Tippecanoe Avenue EB off-ramp. Traffic analysis shows LOS E during this period.

Design Exception Feature #8 - Access Control: Index 504.8 of the HDM states that for new construction or major reconstruction, access rights should be acquired on the opposite side of the local road from ramp terminals to preclude the construction of future driveways or local roads within the ramp intersection.

Access rights cannot be acquired on the opposite side of the WB off-ramp and WB loop on-ramp at Tippecanoe Avenue. The ramps begin and end at the Harriman Place/Tippecanoe Avenue intersection.

Index 504.8 of the HDM states that for new construction, access control should extend 100 feet beyond the end of the curb return or ramp radius in urban areas and 300 feet in rural areas, or as far as necessary to ensure that entry onto the facility does not impair operational characteristics.

At the southeast quadrant of the existing EB on-ramp terminus, the overall length of access control is 169.65 feet. However, at 88 feet away from the curb return a break for the driveway entrance to Baker's Burgers is maintained. The 100 foot access control was obtained at the other three quadrants of the ramp terminus.

Design Exception Feature #9 - Superelevation of Compound Curves: Index 202.6 of the Highway Design Manual (HDM) states that Superelevation of compound curves should follow the procedure as shown in Figure 206.6. Where feasible, the criteria in Index 202.5 should apply.

A nonstandard superelevation transition is proposed for the compound horizontal curve on the westbound loop on-ramp ("R-4" Line).

5.1.2.2 Interim Features
There are no proposed interim improvements within the project limits.

5.1.2.3 High Occupancy Vehicle (HOV) Lanes
An HOV preferential lane would be included as part of Alternative 1 on the proposed WB loop on-ramp.

5.1.2.4 Ramp Metering
Ramp metering is currently provided on the existing I-10 WB and EB on-ramps. The proposed WB loop on-ramp in Alternative 1 would provide the necessary geometry to accommodate ramp metering with an HOV bypass lane.

5.1.2.5 California Highway Patrol (CHP) Enforcement Areas
A CHP enforcement area is proposed on the WB loop on-ramp in conformance with Caltrans Highway Design Manual.

5.1.2.6 Park and Ride Facilities
There is no existing Park and Ride Facility located within the project limits, and none are proposed as part of Alternative 1. The Omnitrans E Street Corridor sbX Bus Rapid Transit Project includes a new Park and Ride facility at the west side of Anderson Street north of San Timoteo Creek.

5.1.2.7 Utilities
Preliminary utility verification research and mapping have been completed. Facilities owned by the following utility companies have been identified within the project limits, including overhead and underground lines:

- Southern California Edison Transmission and Distribution
- The Gas Company
- Verizon
- Time Warner Cable
- Sprint
- Golden State for Time Warner Telecommunication
- City of Loma Linda

- City of San Bernardino Water and Sewer
- The Gage Canal Company
- Loma Linda University Medical Center

Formal notices will be provided to affected utility owners indicating the need to pothole, protect, and/or relocate their utility facilities to accommodate the proposed project. The affected utility owners will then enter into a Utility Agreement concerning the work to be performed on the affected utility facility.

This project will environmentally clear all utility relocation work needed to construct the proposed improvements.

A utility information sheet for Alternative 1 has been prepared and included with the Right-of-Way Data Sheet in Attachment F. Preliminary mapping of existing utilities is included in Attachment G.

5.1.2.8 Railroad Involvement

There is no railroad involvement on this project.

5.1.2.9 Highway Planting

The proposed interchange improvements would require the removal of existing vegetation and the installation of new highway planting and irrigation facilities for erosion control and beautification. Proposed highway planting would be developed based on the I-10 Corridor Master Planting Plan and would comply with the Caltrans Plant Setback and Spacing Guide. Highway planting would consist of installing new planting, irrigation systems, maintenance vehicle pullouts, maintenance access drives, and special paving in gore points and raised medians. Planting designs would use context sensitive solutions to achieve the goals of the I-10 Corridor Planting Master Plan. Exhibits illustrating the project landscaping concept are included in Attachment H. Highway planting would take into consideration proposed treatment BMPs in order to provide a consistent and cohesive design. Plant materials and seed mixes would be suitable for the existing soils, climatic conditions, and be tolerant of poor air quality. Drought tolerant plants and seed mixes would be used to promote water conservation and early plant establishment. It is anticipated that proposed seed mixes would comply with Executive Order 13112 to prevent, to the extent practicable, the introduction of invasive species.

Landscape improvements outside of Caltrans right-of-way would be designed per City of San Bernardino and City of Loma Linda standards and would represent the existing streetscape planting themes.

The proposed project improvements include the installation of a fully automated irrigation system. The irrigation system would include the installation of water meters, irrigation controllers, flow sensors, gate valves, crossovers, piping, and electrical wiring. Automatic irrigation controllers capable of communicating to an off-site computer base station would be used to provide irrigation water management after the three-year plant establishment period. There are no existing or proposed recycled water supply lines near the project site. The design of the irrigation system would allow recycled water to be used when it becomes available in the future. Costs for highway planting and irrigation have been included in the project cost estimate.

5.1.2.10 Erosion Control

Erosion control would be implemented during and after construction where required to protect the transportation facility, and to meet water quality discharge requirements set forth by the Santa Ana Regional Water Quality Control Board. An Erosion Control Plan, and applicable specifications, would be incorporated as part of the PS&E package. Costs for erosion control have been included in the project cost estimate.

Slopes would be planted to minimize erosion. Potential erosion control measures during construction could include timing of grading to avoid the windy and rainy seasons; use of sandbags and/or hay bales in graded areas; silt fences; temporary drainage facilities; containment and settling ponds; and prompt seeding or re-vegetation of graded areas. Permanent vegetative erosion control would be applied to all finished slopes. Seed mixes for temporary erosion control areas would be composed of ornamental native and non-native wildflower and grass species to control erosion and enhance the freeway edge until the ultimate highway configuration is constructed. The use of low fuel seed mixes would reduce the propensity for wildfires.

Potential construction site BMPs include temporary fiber rolls, street sweeping, drainage inlet protection, concrete washout bins, and others listed in the Storm Water Data Report (SWDR). Storm water runoff within the project boundaries does not drain to any 303(d) listed water bodies. Therefore, there are no targeted design constituents and the treatment strategy is aimed at general pollutant removal. Potential permanent treatment BMPs include biofiltration swales along the south side of I-10 along the EB auxiliary lane and north of I-10 between the WB off-ramp and loop on-ramp. In addition, potential treatment BMPs to be constructed within the proposed WB loop-ramp include a biofiltration swale, media filter, or an extended detention basin.

A Storm Water Pollution Prevention Plan (SWPPP) will be required prior to grading any part of this project. The SWDR cover sheet is included as Attachment I.

5.1.2.11 Noise Barrier

A Noise Study Report (NSR) (LSA Associates, Inc., May 2009) was prepared for the project. The NSR evaluated impacts of the proposed project on noise sensitive receivers in the project vicinity and developed noise abatement measures. Approximate lengths, heights, reasonable allowance per benefited residence, and total reasonable allowance were developed for sound barriers that were determined to be feasible.

A Noise Abatement Decision Report (NADR) was prepared for this project to compile information from the NSR, other relevant environmental studies, and design considerations. The NADR includes construction cost estimates which are compared to reasonable allowances to identify which sound barriers are reasonable from a cost perspective. A preliminary noise abatement decision was made based on the reasonableness determination of the feasible sound barriers and nonacoustical feasibility issues, which were included in the DED for public circulation and review. A summary of the noise abatement decision is included in Section 6.8. The final decision of the noise abatement will be made upon completion of the project design and the public involvement processes.

5.1.2.12 Non-Motorized and Pedestrian Features

Anderson Street south of Court Street is identified as a Class II bicycle facility in the city of Loma Linda Master Plan of Bikeways. Class II bicycle facilities are proposed along Tippecanoe Avenue/Anderson Street within the project limits with the exception of (1) the northbound direction of Anderson Street south of Redlands Boulevard, and (2) the segment of Anderson Street

between the EB ramps and Redlands Boulevard. Traffic signal modifications along Tippecanoe Avenue/Anderson Street may include automatic detection systems for bicycles. Street lighting along Tippecanoe Avenue, Anderson Street and Redlands Boulevard will be provided to improve pedestrian and bicycle visibility and safety.

The project would remove existing sidewalk along the west side and reconstruct sidewalk along the east side of Tippecanoe Avenue/Anderson Street between Redlands Boulevard and Harriman Place. All access ramps and crosswalks impacted by the proposed improvements would be reconstructed in compliance with ADA accessibility guidelines. Crosswalk marking removal associated with the removal of the westerly sidewalk will require 30 days notice to the public prior to removal and will comply with California Vehicle Code 21950.5.

During construction, continuous access for pedestrians, individuals with disabilities, and bicyclists will be maintained and will be included in the development of stage construction and traffic handling plans during PS&E.

5.1.2.13 Needed Roadway Rehabilitation and Upgrading

The condition of the existing pavement was evaluated by reviewing the latest available Caltrans Pavement Condition Survey Inventory from 2007. Review of the survey results for existing rigid pavements where widening is proposed on this project indicate that only 1% of Lane 3 slabs and 4% of Lane 4 slabs exhibit 1st Stage slab cracking. No slabs exhibited 3rd Stage slab cracking. 1% of Lane 4 slabs exhibited corner slab cracking. Based on these results and field verification conducted in March 2009, rehabilitation of existing mainline pavement is not required as part of the interchange improvements.

The EB off-ramp and the WB off-ramp would be removed and reconstructed as part of the proposed interchange improvements. The existing EB on-ramp and WB on-ramp, which would not be impacted by the interchange improvements, have recently been rehabilitated by Caltrans. Additional rehabilitation to these ramps would not be required.

5.1.2.14 Cost Estimates

A detailed cost breakdown for the preferred alternative, Alternative 1, is included in Attachment J. The following table summarizes the cost for the construction and support components:

CONSTRUCTION COST*	
Roadway	$28,513,000
Structures	$3,969,000
RIGHT-OF-WAY*	$33,442,000
Total Project Capital Outlay	**$65,924,000**
SUPPORT COST	
PS&E	$3,848,000
Right-of-Way	$2,735,000
Construction Management	$4,371,000
Total Project Cost	**$76,878,000**

** Construction and Right-of-Way costs include 2% escalation for two years*

5.1.2.15 Right-of-Way Data

A Right-of-Way Data Sheet has been prepared for the preferred alternative, Alternative 1, and is included in Attachment F, which includes a cost estimate for right-of-way and utilities relocation.

5.1.2.16 Effects of Projects Funded by Others on State Highway

This project will be funded by Federal and local measure matching funds. As presented in the Supplemental Traffic Operations Analysis, freeway segments within the project limits operate at LOS E or better during the existing (2009) AM and PM peak hours. For the 2035 No Build and Alternative 1 conditions, all freeway segments would operate at LOS F during at least one of the peak hours. The impact is not caused by nor aggravated by the proposed project, and the volumes, density, and LOS are the same in both conditions. As an interchange project, the proposed improvements are not intended to improve traffic operations on the freeway mainline. However, the project would improve EB mainline operations between Waterman Avenue and Tippecanoe Avenue by adding an auxiliary lane, which would eliminate the Waterman Avenue EB on-ramp merge and the Tippecanoe Avenue EB off-ramp diverge, and add a weaving segment between these ramps. The proposed EB weaving segment is expected to operate at a better LOS than the existing EB ramp merge/diverge areas.

5.2 Rejected Alternatives

The following alternatives were determined to be non-viable after being evaluated in the PSR (PDS), Value Analysis (VA) study (May 13, 2003), and the post-VA study conducted by Caltrans in 2004-2005.

5.2.1 PSR (PDS) Alternative 2

This PSR (PDS) alternative proposed realigning the EB off-ramp to a hook ramp which intersected a realigned Redlands Boulevard. With this configuration there would be a signalized intersection at the hook ramps, realigned Redlands Boulevard, and proposed Evans Street. The WB ramps would be realigned to have the on- and off-ramps intersect at Tippecanoe Avenue and Laurelwood Drive on the north side of the freeway.

With this alternative, the EB weaving distance between the Waterman Avenue on-ramp and the Tippecanoe Avenue off-ramp is reduced from over 1,970 feet in the existing condition to 1,630 feet. Even with the addition of an auxiliary lane, the weaving analysis shows a LOS of borderline E/F for the AM peak hour in 2035 and LOS E in the PM peak hour in 2035. Although the mainline is already operating at LOS F, this hook ramp option would increase the congestion due to the reduced weaving length and cause the mainline to operate at LOS F for a longer period of time.

There are other design issues associated with this alternative that would likely require design exceptions. These include the reduced spacing of the EB interchanges to less than 3,280 feet, the nonstandard weave length, and interchange spacing being 1,640 feet away from Tippecanoe Avenue. In addition, there would be only a 164-foot tangent section on the EB hook off-ramp. Because of the negative impacts to the freeway operations and design exceptions, this alternative was considered non-viable.

5.2.2 PSR (PDS) Alternative 4

This PSR (PDS) alternative proposed an offset urban interchange. With this configuration there would be a four-way intersection where the EB and WB on- and off-ramps intersect at a common point on Tippecanoe Avenue, north of I-10. The EB on- and off-ramps would cross under the mainline to the north side of the freeway and connect at a single point, which would require

tunneling below grade. The mainline would also require realignment slightly to the north in order to allow for stage construction. The bridge would need to be replaced to accommodate the geometrics of the single point intersection and provide adequate sight distance.

An intersection analysis completed in 2002 using the Comprehensive Analysis Program for a Single Signalized Intersection (CAPSSI) revealed the need for a triple SB left-turn to the EB on-ramp based on year 2025 traffic forecasts. There were 1,001 PCEs with a 0.95 peak hour factor making the SB left-turn require three left-turn lanes to achieve a LOS D for that intersection leg and to provide a LOS D for the intersection. In addition, this SB triple left-turn created a queue of eight vehicles per lane, which exceeded the available storage length. The distance between the SB left-turn stop limit line at the EB on- and off-ramps and the NB left stop line at Laurelwood Drive would be only 334 feet. The SB queue of eight vehicles per lane requires approximately 300 feet of storage length. This would not leave sufficient room geometrically to accommodate the reversing lane pocket delineation and any storage for the NB left-turns at Laurelwood Drive.

On the mainline, the EB on-ramp auxiliary lane to Mountain View Avenue is reduced to 1,811 feet degrading the existing weave conditions on EB I-10 between Tippecanoe Avenue and Mountain View Avenue.

Other issues associated with this alternative included the need to provide pump stations to address drainage issues associated with the EB on- and off-ramps going below the mainline in tunnels. The profile of the traveled way would be as much as 20 feet below original ground. Additional easements would be required to accommodate the drainage system. Because of geometrics, groundwater levels, the fault zone, and the traffic operations issues with the triple left-turn and mainline weaving degradation, this alternative was considered to be non-viable.

5.2.3 Value Analysis Alternative 1

This alternative would construct a conventional urban interchange that would have a single point intersection under a realigned mainline. Each ramp would split traffic with left-turns approaching to a common signal and right-turns in separate split lanes for a merge/diverge with Tippecanoe Avenue. The right-turn lanes would not necessarily be signalized.

Due to the close proximity of the freeway to Redlands Boulevard, less than 656 feet, there is insufficient distance for the EB off-ramp traffic to access the Tippecanoe Avenue SB left-turn pocket to Redlands Boulevard. This would result in traffic backing up on the ramps, and possibly the mainline, due to an inability to access an allowable space to merge into the turn pocket.

Realignment of the mainline would be required to geometrically fit in all the required turn pockets and turning movements at this single point intersection. This realignment of the mainline would present significant staging challenges and impact freeway operations during construction. There would also be potentially severe impacts to commercial right-of-way on the north side of the mainline as the mainline would have to be realigned to the north to accommodate the geometrics required.

This alternative was considered not viable for the following reasons: inadequate geometrics for accessing required turning movements; the staging challenges; impacts to mainline operations; high costs associated with potentially severe right-of-way impacts; and complete bridge reconstruction and realignment of approximately 6,600 feet of mainline, which would still result in inadequate distance to access the required movements along Tippecanoe Avenue.

5.2.4 Value Analysis Alternative 2

This alternative proposed extending Evans Street north from Redlands Boulevard across the I-10 mainline up to Laurelwood Drive/Harriman Place. This alternative was developed to serve as a parallel north-south corridor to Tippecanoe Avenue to relieve some of the traffic on Tippecanoe Avenue. A new bridge over the I-10 mainline would be required and a new bridge over Redlands Boulevard would also be required as the distance between I-10 and Redlands Boulevard is not sufficient to achieve the required clearance. A new connector from Evans Street back to Redlands Boulevard would also be required in addition to either retaining walls or a large embankment for Evans Street south of Redlands Boulevard. Large retaining walls would also be required along Evans Street on the north side of I-10 to minimize the right-of-way impacts for the new Evans Street, since the alignment would go through developed property north of the freeway.

An analysis of the 2025 traffic model, the latest model available at the time of the analysis in 2004, indicated a reduction of traffic on Tippecanoe Avenue between 0 and 13 percent, depending on the location and direction. The reduction in traffic on Tippecanoe Avenue/Anderson Street from an added Evans Street overcrossing by itself was not sufficient to bring the LOS on the existing ramp intersections to an acceptable level without additional mitigation being required on the Tippecanoe Avenue/Anderson Street corridor. The construction of only a new overcrossing at Evans Street would still leave four signalized intersections in close proximity to each other, which creates a queuing problem through the corridor along with unacceptable LOS at these intersections. The tight spacing of the existing intersections would create back-ups onto the ramp and potentially the mainline.

The construction cost for the new Evans Street overcrossing would be significant and there would be significant right-of-way impacts as well, particularly on the north side of the freeway. Because of the relatively small improvement to the traffic operations on Tippecanoe Avenue/Anderson Street, the substandard geometric conditions, an unacceptable level of service and queuing, and the significant cost and impact to construct a new overcrossing, this alternative concept was considered non-viable.

5.2.5 Post VA Alternative 1 - Base Condition

This alternative would keep the EB and WB ramp locations the same as the existing condition. The ramps would be widened at the intersections with Tippecanoe Avenue/Anderson Street and Tippecanoe Avenue/ Anderson Street would be widened in each direction from Redlands Boulevard to north of Laurelwood Drive. To accommodate the widening, the I-10 bridge would need to be replaced to allow the through lanes and left-turn lanes in each direction to geometrically fit.

An analysis of the traffic operations of this alternative showed several issues. Due to leaving the existing condition of three closely spaced intersections, there is still a significant queuing problem with this alternative, as well as operational issues. In the PM peak hour, the Progression Analysis and Signal System Evaluation Routine (PASSER) analysis on the corridor showed that all four intersections, though having a marginally acceptable LOS, have a volume per capacity (v/c) ratio that ranged from 0.96 to 1.01. Typically any v/c over 0.95 indicates the intersection is not able to clear the traffic within the cycle length. The queuing is also unacceptable since there is such a short distance between the intersections. For the PM peak hour, the SB left-turn queue at the EB ramp intersection is almost 14 though the storage length available is only 263 feet, sufficient for about

seven to eight vehicles. At the WB ramp intersection, the NB left-turn queue is over 11 vehicles with the same storage length for seven to eight vehicles.

To mitigate the oversaturation of the intersections and the queuing, an additional through lane in each direction through the corridor would be required. This would require an even larger new bridge at Tippecanoe Avenue to accommodate 10 lanes, three through lanes in each direction and two left-turn lanes in each direction. This would be geometrically problematic as Tippecanoe Avenue/Anderson Street would then need to be further widened beyond the ramp intersections to allow for a transition to these 10 lanes. This would also require even more right-of-way, cost, and other impacts to address. The additional widening would not resolve the queuing issues between the closely spaced intersections. Because of the closely spaced intersections, extensive right-of-way needs, and bridge replacement requirements, this alternative was considered non-viable.

5.2.6 Post VA Alternative 2 - Alternatives 2a, 2b and 2c

These alternatives looked at various permutations of the EB on- and off-ramps. The WB on-and off-ramps would be the same as in viable Alternative 1 which consists of realigning the on- and off-ramps to loop ramps which converged at a single point at Laurelwood Drive. Alternatives 2a, 2b and 2c all have a hook ramp for the EB off-ramp onto Redlands Boulevard about 656 feet west of Tippecanoe Avenue. Alternative 2a has an EB on-ramp immediately adjacent to the EB off-ramp. Alternative 2b replaces the EB hook on-ramp with a loop ramp in the southeast quadrant of the interchange (east of Tippecanoe Avenue between I-10 and Redlands Boulevard). Alternative 2c has all the features of 2b and adds an additional EB loop on-ramp from SB Tippecanoe Avenue in the southwest quadrant of the interchange.

These alternatives create several traffic operations deficiencies. The EB hook off-ramp is located closer to the Waterman Avenue EB on-ramp than either the existing condition or viable Alternative 1. As a result, weaving operations are degraded from the existing condition and even if an auxiliary lane was added, the weaving operations would be inferior to viable Alternative 1. In addition to the degraded weave, which applies to Alternatives 2a, 2b and 2c, there are queuing problems with Alternative 2a. The EB queue for the NB left-turn at Redlands Boulevard was 20 vehicles in the AM peak hour from the PASSER analysis. This would exceed the allowable storage of 295 feet, which can accommodate only about eight vehicles. This would create the potential for traffic backing up onto the mainline from the ramp.

To alleviate the EB queue problem in Alternative 2a, Alternatives 2b and 2c were developed. Alternative 2b added a loop off-ramp for the EB traffic to go north on Tippecanoe Avenue. This movement can only be accommodated geometrically with the WB on- and off-ramps relocated to Laurelwood Drive as in viable Alternative 1 since the loop ramp merge on Tippecanoe Avenue would not allow access to the existing WB on-ramp. The addition of the EB to NB loop ramp would require the existing EB on-ramp from Tippecanoe Avenue to be relocated. A hook ramp on-ramp located adjacent to the new EB hook off-ramp was proposed; however, this creates merging traffic weaving with the diverging traffic for the EB off-ramp loop in the southeast quadrant. Another variant alternative, 2c, was developed to also improve the traffic operations. This alternative added an additional loop ramp for SB Tippecanoe Avenue traffic for EB I-10 traffic. This would eliminate the need for the EB hook on-ramp; however, it still creates the weaving conflict between the loop on-ramp traffic conflicting with the EB loop off-ramp. The NB Anderson Street traffic to EB I-10 would need to use an on-ramp moved from the existing location to south of the new loop ramp, which would be immediately north of the Redlands Boulevard/Anderson Street intersection. This would create severe difficulties for NB traffic accessing the ramp just beyond a signalized

intersection with no storage between that ramp and Redlands Boulevard. It would also create difficulties for WB Redlands Boulevard traffic turning north on Anderson Street trying to utilize the EB on-ramp. This traffic would need to effectively make a 180 degree turn to access this ramp.

Alternatives 2b and 2c would both require the relocation of the WB ramps similar to viable Alternative 1 to accommodate the loop ramp in the southeast quadrant of Anderson Street/Redlands Boulevard. As a result, these two alternatives would have more significant additional impacts than viable Alternative 1 and would have traffic operational deficiencies that viable Alternative 1 does not have. Because of the degradation of the EB weaving between Waterman Avenue and Tippecanoe Avenue, the queuing problems with Alternative 2a for the Redlands Boulevard EB left-turn and the problematic location of the EB on-ramp with Alternatives 2b and 2c, Alternatives 2a, 2b and 2c were considered non-viable.

5.2.7 Post VA Alternative 3 – Split Diamond Alternative

This alternative would connect Tippecanoe Avenue with a northerly extension of Evans Street (across I-10) via east-west frontage roads. The WB off-ramp and the EB on-ramp would connect to this frontage road at Tippecanoe Avenue. The EB off-ramp and WB on-ramp would connect to the frontage road at Evans Street. The extension of Evans Street to the north would require a new overcrossing bridge over I-10 and would go through existing businesses north of I-10. The extension over I-10 would also require Evans Street to be raised over Redlands Boulevard as there is inadequate distance between Redlands Boulevard and I-10 to attain the required mainline clearance. This would entail a new bridge for Evans Street over Redlands Boulevard with a new connector between Evans Street and Redlands Boulevard.

One main problem with this alternative is the WB weaving distance. The weave from the WB on-ramp from Evans Street to the Carnegie Lane/Hospitality Lane off-ramp is reduced from over 1,968 feet to 995 feet. This new weave operates at a LOS F in the year 2035 PM peak hour. In the EB direction, the weave length is also reduced from over 1,968 feet to less than 1,640 feet. This would result in a LOS of borderline E/F in the 2035 PM peak hour. The only other option that could be studied for the EB on- and off-ramps would be to grade separate the ramps; however, due to the tight spacing with Redlands Boulevard and the relatively short distance between Waterman Avenue and Evans Street this solution is problematic.

This alternative would also require design exceptions including the reduced spacing of interchanges, to less than 3,280 feet and the 995 foot auxiliary lane for weaving. Because of the inadequate WB weaving distance, the extensive right-of-way impacts to build the frontage road and the Evans Street extension, and the restriction of future expansion of I-10 with the construction of tight frontage roads, this alternative was determined to be non-viable.

5.2.8 Post VA Alternative 4 – Southeast Quadrant

This alternative would reconstruct the EB on- and off-ramps. These ramps would be reconfigured as hook ramps which converge at a location on Redlands Boulevard about 985 feet east of Anderson Street/Tippecanoe Avenue. The west ramps would remain at their existing location. The location of the new hook ramps would run through several large car dealerships on the north side of Redlands Boulevard in the City of Loma Linda.

A Synchro analysis of this alternative was performed which indicated that the queues for the EB off-ramp would likely back up onto the mainline in the AM peak hour. The queue for the Redlands Boulevard WB right-turn to Tippecanoe Avenue NB is over 1,970 feet. The LOS for the Redlands

Boulevard/Anderson Street intersection in the AM peak hour would be F. The long queue and the low LOS would cause traffic on Redlands Boulevard to back up beyond the new hook ramp intersection. EB off-ramp traffic would then back up on the ramps since Redlands Boulevard would be blocked for the exiting traffic.

Since the EB on- and off-ramps would be moved further to the east from the existing condition, the weaving operations between the EB on-ramp for Tippecanoe Avenue and the Mountain View Avenue EB off-ramp would be degraded. The existing EB weaving distance between the two interchanges is 2,238 feet and it would be reduced to 1,827 feet. If the hook ramps were moved further to the east to try to accommodate the large queue between Anderson Street and the EB off-ramp along Redlands Boulevard, the weaving distance would be further degraded from the existing condition.

Because the mainline operations would be degraded due to the potential queuing at the EB off-ramp and the weaving distance would be degraded from the existing and viable Alternative 1 and the severe right-of-way impacts for ramp realignments affecting two large car dealerships, this alternative was considered non-viable.

6 CONSIDERATIONS REQUIRING DISCUSSION

6.1 Hazardous Waste

An aerially-deposited lead (ADL) study was completed by EMI, Inc. in April 2009 for proposed excavation or soil disturbance areas within Caltrans right-of-way. Based on the sampling, testing, and analysis performed by EMI, Inc. the soils within the project were classified as either Soil Type Y2 (California hazardous waste) or Soil Type X (non-hazardous). Recommendations for the reuse of both types of soils during construction were made based on the California Department of Toxic Substance Control (DTSC) Variance. No additional costs for the reuse of lead-contaminated soils during construction are anticipated.

An asbestos study was conducted by Sigma Engineering, Inc. on the I-10/Tippecanoe Avenue Undercrossing (Bridge No. 54-098) and the I-10/San Timoteo Creek structure (Bridge No. 54-099) and results of the study are provided in a separate report. The study, approved by Caltrans in April 2009, indicated that none of the materials sampled contained asbestos concentrations above the method detection limit, resulting in no asbestos-containing construction materials (ACCM) identification during the survey.

An Initial Site Assessment (ISA) was prepared by EMI, Inc. in June 2009. The primary purpose of the ISA is to identify any potentially hazardous substances or petroleum products within the subject site based on the governmental records search, visual site survey and aerial photograph review. It includes a review of known and suspected releases from the site or adjoining properties into the on-site soil, groundwater, or surface water. The study includes releases of hazardous substances or petroleum products even under conditions in compliance with current laws. The ISA was conducted in accordance with Appendix DD of the Caltrans Project Development Procedures Manual, "Preparation Guidelines for Initial Site Assessment (ISA) Checklist for Hazardous Waste."

The ISA recommends the following additional studies during subsequent phases of the project to identify the presence of any additional hazardous wastes:

- A lead study should be conducted adjacent to all residential and commercial structures (all painted structures) to be removed within the subject site. The study should be conducted by

trained and/or licensed professionals in accordance with Caltrans guidelines. It should include the collection and analyses of soil immediately adjacent to the painted structure. The field and analytical data obtained during this study should be used to provide a review of the sampling locations, summary of analytical results, extent of lead-impacted soil (if identified) and recommendations for the handling, stockpiling, reuse, and/or off-site transportation and disposal of lead-impacted soil (as needed).

- Due to the possible presence of elevated lead concentrations within the striping paint along I-10 and associated roadways, it is recommended that the paint be sampled and tested for lead by trained and/or licensed professionals. Representative samples of striping paint should be collected along both sides of the highway and associated roadways. The field and analytical data obtained during this study should be used to provide a review of the sampling locations and descriptions, summary of the analytical results, and recommendations for striping paint removal, containment, and off-site transportation and disposal (as appropriate).

- An asbestos survey should be conducted at all of the building structures to be removed within the construction area that are older than 1979 (asbestos in construction materials was generally phased out in the early to mid-1970s). Asbestos surveys must be overseen by a California Certified Asbestos Consultant. The results of these surveys should provide a description of the asbestos-containing materials, their locations, estimated quantity, and recommendations for removal, containment, and off-site transportation and disposal.

- Building structures older than 1979 within the planned construction areas should be assessed for the possible presence of lead-based paint. Lead use in commercial paint was prohibited in 1978. This study must be conducted by trained and/or licensed professionals. The results of this study should provide a description of the lead-based paint locations, estimated quantity, and recommendations for removal, containment, and off-site transportation and disposal. While assessing building structures within the planned construction area, it is recommended that a trained and licensed environmental professional also assess for the possible presence of Polychlorinated Biphenyls (PCB) and mercury within and adjacent to buildings. Pole-mounted transformers were located along the northern sides of Rosewood Drive, Laurelwood Drive, and Lee Street. Pad-mounted transformers were located adjacent to an abandoned restaurant (Wendy's) and Denny's Restaurant. Other PCB sources (such as light ballasts) are suspected within the commercial and residential structures. Suspected mercury sources within the structures in the planned construction areas include thermostats and florescent bulbs. The results of this study should provide a description of the PCB and mercury source locations, estimated quantity, and recommendations for removal, containment, and off-site transportation and disposal.

- There is a potential that gasoline-impacted soil could be encountered during excavation activities near or at the Thrifty Oil property (1945 S. Tippecanoe Avenue) and the former Union 76 service station (24891 Redlands Boulevard). Due to this potential, it is recommended that a health, safety, and emergency contingency plan be established prior to excavation activities. This plan should establish health and safety guidelines and requirements for personnel involved in the possible removal of impacted soil. This plan, to be developed by an experienced environmental professional, must provide safe handling procedures or any encountered gasoline-impacted soil. The plan should include, but not be limited to, a description of the anticipated contaminant locations and depths, anticipated volumes to be generated during excavation activities, safe handling procedures, and appropriate soil disposal methods. Reports detailing the horizontal and vertical extent of

impacted soil at these locations can be obtained from: http://geotracker.swrcb.ca.gov. This plan should be approved by Caltrans prior to use.

- Soil excavations conducted on-site be monitored (by the construction contractor) for visible soil staining, odor, and the possible presence of unknown hazardous-material sources, such as buried 55-gallon drums and underground tanks. If hazardous materials contamination and/or sources are suspected or identified, an environmental professional should evaluate the course of action required.

There are no feasible project alternatives that will avoid potentially hazardous waste sites.

6.2 Value Analysis

A VA study was completed on May 13, 2003 to comply with the Federal Value Engineering (VE) Mandate and to explore alternatives that will enhance the project performance. The VA proposed nine more alternatives or variations, of which two were considered promising for further study. Subsequent to this, Caltrans conducted internal studies and an internal VA on the project in 2004 and 2005. This resulted in a separation of the interchange project and the adjacent Evans Street corridor into separate projects. Four additional alternatives were proposed for further study on the interchange. As part of this alternatives analysis, two of the three build alternatives from the PSR (PDS) were found to be non-viable. The third alternative from the PSR (PDS) was revised to eliminate the connectivity to the Evans Street corridor to make it a stand-alone project. All the proposed alternatives were evaluated in a traffic study that was submitted, in September 2006, and subsequently approved by Caltrans. The conclusion from the study was that two of the three PSR (PDS) build alternatives, the two VA alternatives, and the four Caltrans proposed alternatives all had features which resulted in the alternatives not being viable because of various geometric issues, degraded freeway performance, right-of-way impacts, and costs. Exhibits showing the rejected alternatives are included in Attachment K. The only recommended viable alternative was one of the build alternatives in the PSR (PDS) with the eliminated connectivity to Evans Street, referred to as Alternative 1 in this report.

6.3 Resource Conservation

The existing asphalt concrete and the Portland Cement Concrete pavement to be removed would be crushed to aggregate base material and incorporated into the new pavement structural section of the proposed project. The proposed project intends to maximize the use of the existing hardware items as well. This can be achieved by relocating any usable existing signs, lighting and traffic signal poles. The signs identified for removal would be available for recycling.

6.4 Right-of-Way Issues

A Right-of-Way Data Sheet has been prepared and included in Attachment F for the improvements proposed in the preferred alternative, Alternative 1, which would require new permanent right-of-way in all four quadrants of the interchange. The proposed WB on- and off-ramps would require full and partial acquisitions of residences and businesses in the northeast quadrant. In the southwest and southeast quadrants, the major construction work involves widening of Redlands Boulevard and Anderson Street, requiring partial acquisitions. In the northwest quadrant, partial acquisitions would be required to reconstruct the NW and SW corners of the Harriman Place/Tippecanoe Avenue intersection. In general, the partial acquisitions consist of several feet of frontage area along major arterials.

Temporary construction easements would also be required in all four quadrants to construct and widen local streets, construct ramps, retaining walls and potential sound walls, and widen the I-10 structure over San Timoteo Creek. Improvements to commercial driveways along Anderson Street and Redlands Boulevard would be required as a result of roadway widening.

A Final Relocation Impact Report (FRIR) has been prepared to address potential problems that may be caused by the displacement of existing land uses and their owners/occupants by the proposed project. The FRIR identifies the relocation of residential and commercial uses and occupants associated with the proposed project; the replacement housing for those to be displaced by the proposed project; and any relocation issues. A full discussion of the FRIR is included in the FED. It is anticipated that adequate relocation opportunities within the cities of Loma Linda, San Bernardino, and Redlands could exist for all residents and businesses that would potentially be displaced as a result of the proposed project. The Caltrans Relocation Assistance Program (RAP) will be implemented as part of the property acquisition process for the project. The RAP is based on the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended) and Title 49 Code of Federal Regulations (CFR) Part 24. The RAP provides appropriate procedures to ensure adequate and appropriate relocation of all displaced persons regardless of the cost and availability of housing.

6.5 Environmental Issues

Caltrans is the California Environmental Quality Act (CEQA) Lead Agency and the National Environmental Policy Act (NEPA) Lead Agency for this project. As owner-operator of the State Highway System (SHS), Caltrans is the CEQA Lead Agency for all improvement projects on the SHS. Effective July 1, 2007, Caltrans has been assigned environmental review and consultation responsibilities under NEPA pursuant to 23 U.S.C. 327. The environmental review, consultation, and any other action required in accordance with applicable Federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 U.S.C. 327.

Caltrans has determined for this project that the appropriate environmental documentation for CEQA compliance is an Initial Study (IS), and for NEPA compliance, an Environmental Assessment (EA). Caltrans has adopted a Mitigated Negative Declaration (MND) for the IS and a Finding of No Significant Impact (FONSI) for the EA.

The IS/EA was prepared in accordance with Caltrans' environmental procedures, as well as State and federal environmental regulations. A copy of the cover page and title sheet of the Initial Study with Mitigated Negative Declaration / Environmental Assessment is included in Attachment L.

Various environmental technical studies were completed in support of the IS/EA. These studies include:

- Air Quality Assessment Report
- Archaeological Survey Report (ASR)
- Community Impact Assessment (CIA)
- Historic Property Survey Report (HPSR)
- Historical Resources Evaluation Report (HRER)
- Initial Site Assessment (ISA)
- Natural Environmental Study (Minimal Impacts) (NES MI)
- Noise Study Report (NSR)
- Noise Abatement Decision Report (NADR)

- Paleontological Identification Report and Paleontological Evaluation Report (PIR/PER)
- Final Relocation Impact Report (FRIR)
- Summary of Floodplain Encroachment
- Visual Impact Assessment (VIA)
- Water Quality Assessment Report (WQAR)
- Traffic Analysis

Copies of these reports are on file and available at SANBAG and the cities of Loma Linda and San Bernardino offices.

6.6 Air Quality Conformity

The project is included in the 2008 Regional Transportation Plan (RTP), which was found to be conforming by the FHWA/Federal Transit Administration (FTA) on June 5, 2008. The project is also in the adopted 2011 FTIP, which was approved by FHWA on December 14, 2010. The proposed project will also comply with all South Coast Air Quality Management District (SCAQMD) requirements.

The project-level Particulate Matter (PM) hot-spot analysis was presented to SCAG's Transportation Conformity Working Group (TCWG) for discussion and review on November 28, 2006. This project was approved and concurred on by Interagency Consultation at the TCWG meeting as a project not having adverse impacts on air quality and meeting the requirements of the Clean Air Act (CAA) and 40 CFR 93.116.

The results of the air quality analysis indicate that the proposed project will not cause any violations or exceedances of the State and national ambient air quality standards (CAAQS or NAAQS) due to the following:

- The project is consistent with the design concept and scope of the project as listed in the following documents: (1) SCAG 2008 RTP, (2) SCAG 2011 FTIP, (3) the mobility goals of the Regional Congestion Management Plan, and (4) Caltrans Route Concept Fact Sheet for I-10 (March 2000).
- The proposed project has undergone air quality conformity analysis for the basin.
- Based on CO, PM_{10}, and $PM_{2.5}$ assessments, the project will not cause or contribute to localized violations of any federal air quality standard.
- The future NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions levels within the SCAG region, which includes the proposed project, are projected to be less than the applicable SIP emissions budget.

6.7 Title VI Considerations

Implementation of Alternative 1 would not result in any disproportionately high or adverse impacts on minority of low-income neighborhoods or communities. Caltrans and FHWA policies demonstrate a commitment to Title VI of the Civil Right Act, which provides that no person in the United States shall, on the grounds of race, color, national origin, sex, disability, or age be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The proposed project improvements include reconstruction of access ramps at all intersections within the project limits and accommodation of bus facilities along Tippecanoe Avenue/Anderson Street.

6.8 Noise Abatement Decision Report

A NADR (LSA Associates, Inc., July 2009) was prepared as a separate document for the project. This section represents the NADR which:

- Is an evaluation of the reasonableness and feasibility of incorporating noise abatement measures into this project;
- Constitutes the preliminary decision on noise abatement measures to be incorporated into the DED; and
- Is required for Caltrans to meet Title 23, Code of Federal Regulation, Part 772 of the Federal Highway Administration standards.

The NADR does not present the final decision regarding noise abatement; rather, it presents key information on abatement to be considered throughout the environmental review process, based on the best available information at the time the DED is published. If a project is subject to federal review, but does not have a circulated ED, the NADR section documents the final noise abatement decision.

The NADR does not address noise barriers or other noise-reducing treatments required as mitigation for significant adverse environmental effects identified under the California Environmental Quality Act (CEQA).

The NSR for this project was prepared by LSA Associates, Inc. in May, 2009 and approved by Caltrans Environmental Oversight on May 11, 2009. Table 11 summarizes the findings of the NSR.

Table 11: Summary of Feasible Sound Barriers from Noise Study Report

Sound Barrier No.	Location	Approx. Length (feet)	Height (feet)	Acoustically Feasible	Number of Benefited Residences[1]	Reasonable Allowance per Residence	Total Reasonable Allowance
1	Edge of Mainline Shoulder	2,413	8	Yes	2	$50,000	$100,000
		2,413	10	Yes	9	$52,000	$468,000
		2,413	12	Yes	11	$52,000	$572,000
		2,413	14	Yes	22	$52,000	$1,144,000
2	Property Line	708	8	Yes	4	$50,000	$200,000
		708	10	Yes	9	$52,000	$468,000
		708	12	Yes	9	$52,000	$468,000
		708	14	Yes	9	$52,000	$468,000
		708	16	Yes	9	$52,000	$468,000
3	Property Line	709	6	Yes	9	$52,000	$468,000
		709	8	Yes	12	$54,000	$648,000
		709	10	Yes	12	$54,000	$648,000
		709	12	Yes	14	$54,000	$756,000
		709	14	Yes	14	$56,000	$784,000
		709	16	Yes	14	$56,000	$784,000

Sound Barrier No.	Location	Approx. Length (feet)	Height (feet)	Acoustically Feasible	Number of Benefited Residences[1]	Reasonable Allowance per Residence	Total Reasonable Allowance
5	Right-of-Way Line	295	12	Yes	1	$50,000	$50,000
		295	14	Yes	1	$50,000	$50,000
		295	16	Yes	1	$50,000	$50,000

Source: LSA Associates, Inc., Noise Study Report, May 2009.
[1] Number of residences that are attenuated by 5 dBA or more by the modeled barrier.
dBA = A-weighted decibels

A summary of key information used in making the preliminary noise abatement decision is shown in Table 12.

Table 12: Summary of Abatement Key Information

Sound Barrier No.	Height (feet)	Acoustically Feasible	Number of Benefited Residences[1]	Total Reasonable Allowance	Estimated Construction Cost[2]	Reason-able	Break LOS[3]
1	8	Yes	2	$100,000	$1,521,000	No	No
	10	Yes	9	$468,000	$1,764,431	No	No
	12	Yes	11	$572,000	$2,173,300	No	No
	14	Yes	22	$1,144,000	$2,250,861	No	No
2	8	Yes	4	$200,000	$260,017	No	No
	10	Yes	9	$468,000	$309,187	Yes	No
	12	Yes	9	$468,000	$363,467	Yes	No
	14	Yes	9	$468,000	$417,747	Yes	Yes
	16	Yes	9	$468,000	$481,467	No	Yes
3	6	Yes	9	$468,000	$213,604	Yes	No
	8	Yes	12	$648,000	$260,382	Yes	Yes
	10	Yes	12	$648,000	$309,621	Yes	Yes
	12	Yes	14	$756,000	$363,978	Yes	Yes
	14	Yes	14	$784,000	$418,334	Yes	Yes
	16	Yes	14	$784,000	$482,144	Yes	Yes
5	12	Yes	1	$50,000	$152,378	No	Yes
	14	Yes	1	$50,000	$174,994	No	Yes
	16	Yes	1	$50,000	$201,544	No	Yes

Source: LSA Associates, Inc., Noise Abatement Decision Report, July 2009.
[1] Number of residences that are attenuated by 5 dBA or more by the modeled barrier.
[2] Sound barrier construction costs were provided by RMC, Inc. (July 2009).
[3] This column indicates whether the sound barrier is high enough to break the line of sight (LOS) between the receiver and truck exhaust stacks per Highway Design Manual Chapter 1100.

Based on the above key information, other non-acoustical factors, and the Noise Abatement Focus Meeting held on April 28, 2009, the recommended sound barrier (SB) heights for SB Nos. 2 and 3 are shown in Table 13.

Table 13: Recommended Sound Barriers

Sound Barrier No.	Height (feet)
2	14
3	8

The recommended sound barrier heights were determined based on the minimum sound barrier height that breaks the line of sight between the receiver and a truck exhaust stack and the lowest sound barrier construction cost. The Caltrans *Traffic Noise Analysis Noise Protocol* specifies that sound barriers should be high enough to block the noise from a truck exhaust stack. In addition, the recommended sound barrier height of 14 feet for SB No. 2 would provide the maximum number of benefited residences. A sound barrier height of 8 feet was recommended for SB No. 3 to prevent stagnant air created by higher barriers and to reduce a feeling of confinement in the outdoor active use areas, which are relatively shallow. The preliminary noise abatement decision presented in the NADR was included in the DED, which was circulated for public review. The approximate locations of the recommended sound barriers are shown in Attachment D.

The preliminary noise abatement decision presented in the NADR is based on preliminary project alignments and profiles, which may be subject to change. As such, the physical characteristics of noise abatement described herein also may be subject to change. If pertinent parameters change substantially during the final project design, the preliminary noise abatement decision may be changed or eliminated from the final project design. The final decision of the noise abatement will be made upon completion of the project design and the public involvement processes.

7 OTHER CONSIDERATIONS AS APPROPRIATE

7.1 Public Hearing Process

A Notice of Intent to Adopt a Mitigated Negative Declaration and Availability of Initial Study/ Environmental Assessment, Notice of Public Hearing was published on October 21, 2009. The Draft IS/EA was circulated for a 30-day public review period. The public hearing was held at Victoria Elementary School in the City of San Bernardino on November 5, 2009. Public comments received during the review period and at the public hearing have been incorporated into the FED.

7.2 Route Matters

The project proposes to modify access to I-10 by realigning the WB off-ramp and constructing a new WB loop on-ramp with the ramp termini relocated north along Tippecanoe Avenue. These modifications require a Modified Access Report (MAR), which has been prepared as a separate document. In addition, two modified freeway agreements will be required for the city of Loma Linda and city of San Bernardino.

The I-10 Route Concept Fact Sheet, dated March 2000, identifies future widening to include two HOV lanes, one in each direction. The proposed improvements for this project, including the widening of the I-10/Tippecanoe Avenue Undercrossing and the I-10/San Timoteo Creek structure, are designed to accommodate the HOV lanes and are consistent with the Route Concept Fact Sheet.

7.3 Permits

The following permits will be required for this project:

- County of San Bernardino Flood Control District Encroachment Permit
- State Right of Way Encroachment Permit
- Section 401 RWQCB Certification
- Section 404 ACOE Nationwide Permit (NWP)
- CDFG Streambed Alteration Notification (agreement or letter of non-jurisdiction)
- General Construction Activity NPDES Permit (SWRCB)

This project is subject to the Caltrans Statewide NPDES Storm Water Permit and Waste Discharge Requirements (Order No. 99-06-DWQ, NPDES No. CAS000003 and CAS000002).

7.4 Cooperative Agreements

Cooperative Agreement Number 8-1229, which was amended on January 7, 2009, sets forth the terms and conditions for Caltrans and SANBAG, outlining responsibilities for the PA/ED phase of the project. Separate agreements will be required for the right-of-way, PS&E, and construction phases of the project.

7.5 Other Agreements

Maintenance agreements and any other necessary agreements will be developed as required by the project. Maintenance Agreements with the City of San Bernardino and with the City of Loma Linda for traffic signals, street lighting, pavement rehabilitation and landscaping will likely be required. Freeway Agreements with both cities will be modified to document the revised traffic circulation features of the interchange, revisions to local street connections to the freeway, and modifications to local streets required to maintain traffic circulation in relation to the freeway.

7.6 Involvement with a Navigable Waterway

There are no navigable rivers within the proposed project limits.

7.7 Transportation Management Plan

A Transportation Management Plan (TMP) is required for this project. The objective of a TMP is to minimize project-related traffic delay and maximize safety for the motorists during construction without compromising the quality of work being performed.

A TMP Data Sheet (Attachment M) has been developed to provide recommendations to minimize the traffic impacts of construction activities so as to provide the highest level of traffic circulation and access during the construction period. Based on the TMP Data Sheet information, the impacts of the project to the freeway mainline and local roads are estimated to be medium while the impacts to the freeway ramps are estimated to be high. Various elements, as well as the associated cost for each strategy, are outlined in the TMP Data Sheet.

7.8 Stage Construction

Construction of the proposed improvements is scheduled to begin in October 2012 and end in March 2014. The proposed construction sequencing is intended to provide immediate congestion relief to the I-10 EB off-ramp to Anderson Street and the Anderson Street/Redlands Boulevard intersection by increasing the capacity of these facilities. Five major construction stages are anticipated to construct the proposed project improvements. Stage Construction Index Sheets are included in Attachment N.

Stage 1 construction involves widening the Tippecanoe Avenue Undercrossing along WB I-10 and the San Timoteo Creek structure along EB I-10, replacing the existing concrete lined trapezoidal channel with an underground RCB culvert between San Timoteo Creek and Anderson Street, adding an auxiliary lane along the EB I-10 mainline, and realigning the Tippecanoe Avenue EB off-ramp. In this stage, detours may be required for realignment of the I-10 EB off-ramp and construction of the off-ramp concrete termini. Motorists can use Waterman Avenue, Hospitality Lane, and Redlands Boulevard to bypass the construction sites. Traffic impacts are anticipated to be minor as the closure of Tippecanoe Avenue and EB off-ramp at Tippecanoe Avenue would be done overnight and

during the weekend. Construction of the EB off-ramp concrete terminus would require a weekend closure.

Stage 2 construction focuses on widening Anderson Street and Redlands Boulevard. During construction, driveway access to local businesses and residents would be maintained. Pedestrian access can be maintained during construction by constructing the street widening improvements in halves. Bus stops may need to be relocated temporarily outside the construction area. After the streets are widened, existing medians can be removed and paved/reconstructed in their proposed locations.

Stage 3 construction is comprised of the realignment of Laurelwood Drive, constructing the new WB off-ramp at Tippecanoe Avenue, and widening Tippecanoe Avenue north of the intersection. No closure is anticipated as motorists would be able to continue utilizing the existing WB off-ramp while the new ramp is being constructed.

Stage 4 construction activities include construction of the new WB loop on-ramp at Tippecanoe Avenue and widening the remainder of Tippecanoe Avenue. The existing WB off-ramp would be removed in this stage after traffic has been shifted to the newly constructed WB off-ramp. No closures are anticipated for this stage of construction.

Stage 5 construction completes the improvements along Tippecanoe Avenue. After Tippecanoe Avenue is widened, existing medians can be removed and reconstructed in their proposed locations.

7.9 Accommodation of Oversize Loads

There are no existing or proposed vehicle height restrictions along I-10 through the project limits, including during construction.

7.10 Graffiti Control

A graffiti-prone area is defined as an urban area in the San Bernardino County. Since this project lies within a graffiti-prone area, the final design will include details to prevent access to bridges, signs, and walls. In addition, the abutments, retaining walls, and other vertical surfaces, will be constructed using a fractured-rib finish, or other similar finish treatments, for the prevention of graffiti.

7.11 Drainage

The general drainage patterns within the project vicinity are from southeast to northwest. Regional drainage facilities include San Timoteo Creek which crosses the project site near the western project limit. San Timoteo Creek discharges to the Santa Ana River which runs east to west about 0.75 mile north of the project site. Existing drainage systems within the project limits generally drain to the San Timoteo Creek. Onsite runoff is collected by drainage systems in the median and on the shoulders which connect to existing cross culverts that discharge to earthen channels or concrete lined trapezoidal channels which parallel the mainline. South of I-10, the existing concrete lined trapezoidal channel crosses under Anderson Street in a double reinforced concrete box (RCB) culvert.

Drainage system improvements are proposed to collect and convey the design flow from the project site while maintaining existing flow patterns and incorporating existing drainage systems as much as possible. As a result of the EB mainline widening and EB ramp improvements, the existing

concrete lined trapezoidal channel south of I-10 would be replaced with a double 6'x4' RCB culvert between San Timoteo Creek and Anderson Street. Existing drainage facilities that outlet into the concrete lined trapezoidal channel would be extended to tie in directly to the proposed double RCB. A biofiltration swale is also proposed above the downstream end of the proposed double RCB culvert that would treat storm runoff from the EB off-ramp. Portions of the storm runoff from the mainline and WB on and off-ramps would be drained with inlets into closed drainage systems and routed into proposed biofiltration swales located in the WB ramps infield areas. New storm drain connections would also be proposed at the ramp curb returns on Tippecanoe Avenue and Anderson Street to tie into the existing local drainage systems.

7.12 Federal Involvement

Per the current Joint Stewardship and Oversight Agreement (Agreement) between Caltrans and FHWA, dated September 2007, this project is considered to be a High Profile Project. A High Profile Project Responsibilities List has been signed and agreed upon for this project on May 21, 2008. However, should any future situation or circumstance arise that will potentially declassify the project as a High Profile Project, Caltrans shall notify FHWA and reassess this project using the High Profile Project selection outlined in the Agreement.

The MAR was prepared to obtain FHWA approval on the modified access to I-10. FHWA provided the Engineering and Operational Acceptability Determination on October 15, 2009. Final approval of the MAR will be contingent upon completion of the planning and environmental process.

7.13 Life Cycle Cost Analysis for Pavements

A Life Cycle Cost Analysis (LCCA) for pavements was performed for both freeway mainline and ramp improvements. The LCCA evaluates alternative pavement sections and identifies the lowest total cost alternative. The total cost of each pavement alternative accounts for initial construction, future maintenance and rehabilitation, and user costs (travel time and vehicle use) over the design life of a pavement alternative. The alternatives evaluated in the LCCA were developed and recommended in the approved Preliminary Materials Report (November 2010). Based on the results of the LCCA, the following pavement sections were selected: a rigid pavement section of 1.25' Jointed Plain Concrete Pavement (JPCP) over 0.10' Hot Mixed Asphalt (HMA) Bond Breaker over 0.50' Lean Concrete Base (LCB) over 0.70' Aggregate Subbase (AS) for the eastbound I-10 mainline widening and portions of the westbound I-10 mainline along ramp gore areas; a flexible pavement section of 0.10' Open Graded Friction Course (OGFC) over 0.20' Rubberized Hot Mixed Asphalt (RHMA) over 0.80' HMA over 0.50' Aggregate Base (AB) for the I-10 ramps. The LCCA Forms are included as Attachment O.

8 PROGRAMMING

8.1 Programming

This project is programmed in the SCAG adopted 2011 FTIP. An amendment to update the funding amounts was submitted as part of the 2011 FTIP Amendment #1, which was approved by FHWA on December 30, 2010. Funding sources per the 2011 FTIP Amendment #1 are shown in Table 14.

SANBAG is committed to completing the PA/ED (EA Phase Code 0), and the PS&E (EA Phase Code 1).

8.2 Funding

The funding for the PA/ED is from Federal Demonstration funding with Measure I match. The PA/ED is anticipated to be complete in Winter 2010. It is anticipated that SANBAG will manage the PA/ED and PS&E with Caltrans providing oversight for this project. Table 14 shows the project funding amounts per the 2011 FTIP Amendment #1.

Table 14: Project Funding

Year	Fund	Engineering	R/W	Construction
Prior	Federal	515	25,054	
Prior	State		2,500	
Prior	Measure I / Local	6,948	6,146	825
2011/2012	Federal			26,961
2011/2012	Measure I / Local			9,821
	Subtotal	7,463	33,700	37,607
	Total	78,770		

Values are in 1,000's of dollars

8.3 Schedule

Table 15 lists the major project milestones for this project.

Table 15: Project Milestones

Phase	Start	Completion
Project Report and Environmental Document	July 2004	December 2010
Plans, Specifications & Estimates	June 2010	October 2012
Right-of-Way	June 2010	July 2012
Construction	October 2012	March 2014

9 REVIEWS

This PR was reviewed by the following agencies:

Reviewer	Title	Date
Aaron Burton	Senior Environmental Planner Branch Chief, Environmental Studies B Caltrans District 8	10/14/09
Luis Betancourt	Design Coordinator Caltrans Headquarters	10/6/09
Tay Dam	Senior Transportation Engineer FHWA	10/7/09
Syed Raza	Deputy District Director Traffic Operations Caltrans District 8	10/6/09
Jon Bumps	Design Oversight Caltrans District 8	10/6/09
Quyen Sy	Design Oversight Caltrans District 8	10/6/09

10 PROJECT KEY PERSONNEL

Garry Cohoe ..... (909) 884-8276
Director of Freeway Construction
SANBAG

Scott Neff ..... (909) 884-8276
Project Manager
SANBAG

Jamal Salman ..... (714) 662-3020
Consultant Project Manager
RMC, Inc.

Michael Han ..... (714) 662-3020
Consultant Project Engineer
RMC, Inc.

Meardey Tim ..... (909) 383-6480
Project Manager
Program and Project Management
Caltrans District 8

Jon Bumps ..... (909) 383-4952
Design Oversight
Caltrans District 8

Quyen Sy ..... (909) 383-4992
Design Oversight
Caltrans District 8

Luis Betancourt ..... (916) 651-6551
Design Coordinator
Caltrans Headquarters

Aaron Burton ..... (909) 388-1804
Senior Environmental Planner
Branch Chief, Environmental Studies B
Caltrans District 8

Betty Bobosik ..... (909) 383-4696
Right of Way Local Programs
Office of Right-of-Way
Caltrans District 8

Lisa Williams ..... (949) 553-0666
Environmental Consultant Project Manager
LSA Associates, Inc.

Exhibit C
Project Benefit Form

Project Title: I-10 Tippecanoe Interchange Improvement Project

Project Category: Highway Interchange Improvement

Project Type: Modified Interchange (I)

Outputs: Phase 1- Widen eastbound I-10 mainline from Waterman Ave. eastbound on-ramp to Tippecanoe Ave eastbound off-ramps Phase II- Reconfigure the westbound off-ramp to a partial cloverleaf configuration and adding a westbound loop at Tippecanoe on-ramp.

Outcomes:

Safety: Modification to the westbound I-10 ramps including realignment of the existing off-ramp and new loop on ramp from northbound Tippecanoe Avenue, and modification of the existing on ramp from southbound Tippecanoe will improve the merge/diverge operations and reduce weaving conflicts at the I-10 westbound ramps resulting in improved traffic operations and level of service. Phase II of the project will also improve safety by reducing weaving conflicts to the westbound on-ramp.

Velocity: The project is project to reduce Tippecanoe Ave. on ramp AM and PM peak from 1406 to 769 and 1791 to 722 respectively.

Throughput: The project will improve LOS through the design year of 2035

Reliability: The I-10 Tippecanoe Interchange Improvement Project Phase I & II will improve mainline operations by relieving the backup on the existing off-ramp. Relieve traffic congestion and reduce traffic delays during peak operating hours at the adjacent interchange. Relieve traffic congestion and reduce traffic delays during peak operating hours on existing arterial and collector roads adjacent to I-10. Provide vehicular access to existing nearby residential, commercial, and industrial areas.

Congestion reduction: The I-10 Tippecanoe Interchange Improvement Project Phase I & II is projected to reduce Daily Vehicle Hours of Delay by 14,571 hrs and Daily Peak Hour Person-Minutes by 268,060 min.

Emission reduction: Southern California Association of Governments' (SCAG) regional transportation demand model was run to determine performance and emission benefits of the project. SCAG's state-of-the-art transportation model was validated through an interagency modeling task force using up-to-date census and origin and destination survey data. The transportation demand model is used by SCAG and other agencies for transportation and environmental analyses for the Regional Transportation Plan, Regional Transportation Improvement Program, conformity, and other planning activities. The model output yields speeds, hours of delay, volumes and other performance data, and is used as an input to the Air Resources Board EMFAC model to determine emissions for various pollutants. Model runs were performed with and without the project. The results of these model runs show a positive regional air quality benefit from the project.

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 19

Date: March 5, 2014

Subject: Fiscal Year 2014/2015 State Transit Assistance Fund – Population Share Apportionment

Recommendation:* That the Board, acting as the San Bernardino County Transportation Commission:

1. Approve a State Transit Assistance Fund - Population Apportionment for Fiscal Year 2014/2015 of $7,406,093 to be apportioned to the Valley and $2,795,529 to be apportioned to the Mountain/Desert Areas, for a total of $10,201,622, based on 2013 California Department of Finance Population Data.

Background: Pursuant to the California Public Utilities Code (CPUC) Section 99312, SANBAG receives State Transit Assistance (STA) funds, which are derived from the statewide sales tax on diesel fuel, from the State Controller's Office annually. This funding is allocated as follows: 1) 50% for PUC 99313 STA-Population based on the ratio of the population of the area under its jurisdiction to the total population of the state and 2) 50% for PUC 99314 STA–Operator, which is specific moneys for operators and allocated based on the ratio of the total region's prior year transit operator passenger fare and local support revenues, as well as member agencies, to the total revenue of all operators in the state and member agencies. The amount of STA-Operator funds available to each transit operator on an annual basis is determined by the State and SANBAG functions as a pass-through agency for this portion of STA.

*

COG		CTC	X	CTA		SAFE		CMA	

Check all that apply.

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

BRD1403c-cs

There is a three step process for obtaining STA funds: (1) apportionment, (2) allocation, and (3) disbursement or payment of the funds. This item pertains to step one in the process. The apportionment step is the process to determine the amount of STA-Population funds available to an area. The second step of the process, allocation, is done after approval of the fiscal year budget. The specific amounts being allocated is coordinated with each operator and presented to the Board for final approval. The third step in the process, disbursement, is handled throughout the fiscal year and does not require any Board action. In the past, the amount of STA-Population funds available to SANBAG has been apportioned 75% Valley and 25% Mountain/Desert with the amount available to each transit operator determined on an as-needed basis. Though it has not been SANBAG's practice to request Board approval of STA-Population fund apportionments, the actual STA allocations to the operators have been approved by the Board since Fiscal Year 2012/2013.

In the Triennial Performance Audit of SANBAG for Fiscal Year 2009-2011 a recommendation was made that the apportionment procedures for STA-Population funds be formalized. In an effort to formalize the procedures for apportionment of STA-Population funds, staff is proposing that STA-Population funds be apportioned to the Valley and Mountain/Desert areas based on population of these larger subareas to the population of the county as a whole. For Fiscal Year 2014/2015 this would result in the Valley receiving 72.6% and the Mountain/Desert receiving 27.4% of the total STA-Population apportionment available to SANBAG. Following a preliminary analysis, staff discovered that any further use of the population-based formula within the Mountain/Desert subarea would result in adverse impacts to Needles. Staff is recommending that further distribution of these funds be studied as part of SANBAG's larger effort to improve processes and procedures currently in effect in the STA Program.

The State Controller provided SANBAG the Fiscal Year 2014/2015 preliminary STA estimate on January 31, 2014. Staff's recommended apportionment value for the Fiscal Year 2014/2015 is $10,201,622, which is consistent with the January 31st estimate. Based on staff's recommended population distribution formula and Fiscal Year 2014/2015 apportionment value, the apportionments to the Valley and Mountain/Desert areas are $7,406,093 and $2,795,529 respectively.

BRD1403c-cs

			APPORTIONMENT
Total Estimated Funds Available for Apportionment			**$ 10,201,622**
Apportionment Area	**Population**	**Percentage**	**APPORTIONMENT**
Valley	1,507,317	72.60%	$ 7,406,093
Mountain/Desert	568,957	27.40%	$ 2,795,529
Total	2,076,274	100.00%	$ 10,201,622
Population Source: DOF 1/1/13			

Financial Impact: The Commission is the designated agency responsible for the administration of the STA-Population for San Bernardino County. Adoption of the STA-Population apportionment will provide SANBAG and the transit operators with revenue estimates to use for Fiscal Year 2014/2015 budgeting purposes. This item has no immediate financial impact on the Fiscal Year 2013/2014 Budget.

Reviewed By: This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014.

Responsible Staff: Andrea Zureick, Director of Fund Administration and Programming

BRD1403c-cs

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 20

Date: March 5, 2014

Subject: Ten-Year Delivery Plan – 2014 Update

Recommendation:* That the Board, acting as the San Bernardino County Transportation Authority, approve the 2014 Update to the Measure I 2010-2040 Ten-Year Delivery Plan.

Background: In December 2013 and February 2014, the SANBAG Board received updates regarding the plamed 2014 Update to the Measure I 2010-2040 Ten-Year Delivery Plan (Delivery Plan). The Delivery Plan is developed within the policy framework established by the voter-approved Measure I Expenditure Plan and the Measure I 2010-2040 Strategic Plan. The first Delivery Plan was adopted by the SANBAG Board in January 2012, and provides a transparent list of projects that will be developed during the ten-year period and defines the current assumptions related to scope, schedule, and budget. Additionally, it enables SANBAG to meet the requirements of bond rating agencies for the future sale of bonds and provides the basis for the preparation of SANBAG's amual budget for capital projects.

The Delivery Plan is intended to be a living document that is updated at least every two years to capture revisions to projects and assumptions, actual revenue received, and actions taken by the SANBAG Board. Staff has incorporated project changes since the adoption of the Delivery Plan in 2012 into the 2014 Update to the Delivery Plan. Additionally, staff has worked extensively with Montague DeRose and Associates, LLC to develop a bonding strategy that will accelerate project delivery in accordance with Board-defined priorities.

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC		CTA	X	SAFE		CMA	

Check all that apply.

BRD1403b-az
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403b1-az.pdf

While the 2012 Delivery Plan had an extensive project identification process, this update is chiefly focused on the projects that were identified in the 2012 Delivery Plan or those that have been defined as priorities since adoption of that plan. The 2014 Delivery Plan analysis determined that many of the critical projects that will bring congestion relief and improved mobility and safety can be delivered over the next ten years of the Measure under current delivery assumptions and without changes to current SANBAG policy. Major policy decisions made by the Board since adoption of the 2012 Delivery Plan that are included in the 2014 Delivery Plan are as follows:

- The 2012 Delivery Plan included two delivery scenarios for the Valley Freeway Program: 1) HOV lanes on I-10 or 2) express lanes on both I-10 and I-15. Per Board approval in December 2013 to continue studying express lane alternatives on I-10 and I-15, the Delivery Plan will continue to include both scenarios until a preferred alternative is selected or an alternative is removed.

- The Strategic Plan and 2012 Delivery Plan assumed that the Valley Freeway Interchange Program would be delivered on a pay as you go basis. At the request of the Major Projects Committee in April 2012, staff began analyzing opportunities for expediting delivery of this program. In October 2012 the Board authorized staff to develop agreements for the highest ranked interchanges, a loan program to allow jurisdictions to borrow against their Local Street and Major Street Program funds for the developer share of project costs, and a scope of work for analyzing phasing options for the Interchange Program. The Delivery Plan now includes the top ten highest priority interchanges and assumes bonding to in 2014 and in future years to complete the public share for these projects.

Although the revenue growth rate is being scaled back from the 2012 Delivery Plan assumptions of 4.8% per year to 4.5% per year with even slower growth in the near term, the revenue forecast with bonding through 2022 appears adequate to complete the projects currently under development. Revenue, project, and bonding details are contained within the final draft 2014 Delivery Plan that is attached under separate cover. Approval of the 2014 Update to the Ten-Year Delivery Plan will provide necessary background for the anticipated March 2014 bond issuance.

Financial Impact: This item does not impact the adopted SANBAG budget; however, once adopted the Ten-Year Delivery Plan will serve as the guide for funding of SANBAG programs and capital projects and issuance of bonds.

BRD1403b-az

Reviewed By: This item was reviewed and unanimously recommended for approval by the General Policy Committee on February 12, 2014. The proposed 2014 Update to the Ten-Year Delivery Plan was presented to the Transportation Technical Advisory Committee on February 3, 2014 and March 3, 2014.

Responsible Staff: Andrea Zureick, Director of Fund Administration and Programming

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 21

Date: March 5, 2014

Subject: Amendment to Construction Funding Agreement for Yucca Loma Bridge

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

1. Approve additional allocation of $192,951.81 in Measure I Victor Valley Subarea - Major Local Highway Program funds to the Town of Apple Valley for the Yucca Loma Bridge Project.

2. Approve Amendment No. 1 to Funding Agreement C12227 with the Town of Apple Valley to increase the commitment from $14,071,401.73 to $15,992,951.81 for the Yucca Loma Bridge Project, with $9,585,951.81 funded by Measure I Victor Valley Subarea – Major Local Highway Program funds and $6,407,000 funded by State Local Partnership Program funds previously allocated.

Background: **This is an amended agreement.** On September 25, 2009, the Mountain/Desert Policy Committee approved the Yucca Loma Bridge project as eligible for an allocation of Victor Valley Major Local Highway (MLH) Program funds as they became available. On April 4, 2012, the SANBAG Board approved an allocation of $15.8 million in Victor Valley MLH funds and approved Construction Funding Agreement C12227. On October 3, 2012, the SANBAG Board approved the substitution of $6,407,000 in State-Local Partnership Program (SLPP) funds for the Yucca Loma Bridge project.

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC		CTA	X	SAFE		CMA	

Check all that apply.
BRD1403a-ep
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/C12227-1.doc

The Town of Apple Valley released a Request for Bids for the Yucca Loma Bridge/Yates Road Construction Project with bid opening on October 10, 2013. The contract was awarded on November 12, 2013, to Security Paving in the amount of $37,265,833.50 plus a 10% contingency, for a total of $40,992,416.85.

For the Yucca Loma Bridge portion of the awarded contract, adding together the proposed costs for construction, contingency, construction management, constructability review, and construction support costs, the total for the project is $35,539,892.91. Per the Nexus Study, the public share of the project is 45%, or $15,992,951.81. The Town of Apple Valley's share is 55% of the project, or $19,546,941.10.

This Amendment to the Construction Funding Agreement C12227 will cover the additional costs needed to complete the construction of the project. Per the terms of Section III of the Agreement, the parties acknowledge that final construction costs may increase and will be divided according to the Nexus Study shares.

Financial Impact: This item does not impact the adopted SANBAG Budget.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on February 21, 2014. SANBAG General Council has reviewed this item and the amended agreement as to form.

Responsible Staff: Andrea Zureick, Director of Fund Administration and Programming

BRD1403a-ep

Governments SANBAG Working Together

CONTRACT SUMMARY SHEET

Contract No. C 12227 Amendment No. 1

By and Between

Town of Apple Valley and San Bernardino County Transportation Authority

Contract Description Construction Funding Agreement for Yucca Loma Bridge

Board of Director's Meeting Date: 3/5/14
Overview of BOD Action: Approval of Funding Allocation and Funding Agreement

Is this a Sole-Source procurement? ☒ Yes ☐ No

CONTRACT OVERVIEW					
Original Contract Amount	$	14,071,401.73	**Original Contingency Amount**	$	
Revised Contract Amount *Inclusive of prior amendments*	$		**Revised Contingency Amount** *Inclusive of prior amendments*	$	
Current Amendment Amount	$	-4,485,449.92	**Contingency Amendment**	$	
TOTAL CONTRACT VALUE	$	9,585,951.81	**TOTAL CONTINGENCY VALUE**	$	
TOTAL BUDGET AUTHORITY *(contract value + contingency)*				$	9,585,951.81

Contract Start Date	Current Contract Expiration Date	Revised Contract Expiration Date
4/4/2012	12/31/15	12/31/16

Has the contract term been amended? ☐ No ☒ Yes - please explain.
Construction was delayed and additional time is needed to complete project.

FINANCIAL INFORMATION

☒ Budget authority for this contract currently exists in Task No. 0516.
☐ A Budget Amendment is required.
How are we funding current FY? $3,195,317 in Victor Valley Subarea Bond Funds #6310

☐ Federal Funds | ☐ State Funds | ☐ Local Funds | ☐ TDA Funds | ☒ Measure I Funds

*Provide Brief Overview of the **Overall** Funding for the duration of the Contract:*
$9,585,951.81 Victor Valley MLH Bond Funds ($6,407,000 SLPP to fully fund Authority commitments does not go through SANBAG budget)
☒ Payable ☐ Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:
☐ Retention? If yes, indicate % _____.
☐ Disadvantaged Business Enterprise (DBE) Goal _____ %

Ellen Pollema Project Manager (Print Name)	Ellen Pollema Signature	2/13/14 Date
Andrew Lorek Task Manager (Print Name)	Signature	2/13/14 Date
Andrew Lorek Dir. of Fund Admin. & Programming (Print Name)	Signature	2/13/14 Date
Jeffery Hill Contract Administrator (Print Name)	Signature	2/13/14 Date
William Stawarski Chief Financial Officer (Print Name)	Signature	2/18/14 Date

Contract Summary Sheet 11/6/12

CONSTRUCTION FUNDING AGREEMENT C12227-1

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

TOWN OF APPLE VALLEY

FOR

CONSTRUCTION PHASE OF THE YUCCA LOMA BRIDGE, A MOJAVE RIVER BRIDGE CROSSING FROM TERMINUS OF YUCCA LOMA ROAD TO YATES ROAD, TOWN OF APPLE VALLEY

THIS AMENDMENT NO. 1 to the Cooperative Agreement No. C12227 ("Agreement") is made and entered into by and between the TOWN OF APPLE VALLEY (hereinafter referred to as "TOWN ") and the SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY, a public entity, referred to herein as "AUTHORITY." AUTHORITY and TOWN are each a "Party" and collectively "Parties.

RECITALS

A. WHEREAS, the Parties entered into Agreement on April 4, 2012, to construct a new bridge over the Mojave River at the terminus of Yucca Loma Road in the Town of Apple Valley ("PROJECT") as described in this Amendment No. 1 Attachment A; and

B. WHEREAS, the PROJECT is identified in the Victor Valley Subarea Major Local Highway Program Project List and the SANBAG Nexus Study and the PROJECT will be carried out in accordance with the policies of the Measure I 2010-2040 Strategic Plan ("Strategic Plan"), including the use of Development Impact Fees by TOWN to pay its share of PROJECT costs. The PROJECT CONSTRUCTION WORK costs were estimated to be $31,269,781.62 as identified in Attachment B of the Agreement; and

C. WHEREAS, the Agreement identifies the TOWN as the lead agency for this PROJECT, to undertake and lead the advertisement, award, administration and construction management of PROJECT CONSTRUCTION WORK; and

D. WHEREAS, the TOWN has awarded contracts for PROJECT for construction, contingency, construction management, constructability review, and construction support costs as noted in this Amendment No. 1 Attachment B totaling $35,539,892.91; and

E. WHEREAS, in accordance with the Strategic Plan, the AUTHORITY is to be responsible for 45% of the total eligible PROJECT CONSTRUCTION WORK expenses incurred by TOWN, for an amount not to exceed $14,071,401.73, as shown in Attachment B of the Agreement; and

F. WHEREAS, AUTHORITY authorized a maximum contribution of $15,800,000 for reimbursement of eligible expenses; and

G. WHEREAS, it was anticipated that a future amendment(s) to this Agreement would be necessary to reconcile any outstanding payments and each Party's overall contribution for all phases of the work.

H. NOW, THEREFORE, the Parties desire to increase the overall PROJECT funding requirements from $31,269,781.62 to $35,539,892.91 and to increase the AUTHORITY share from a maximum of $15,800,000 to $15,992,951.81 as shown in this Amendment No. 1 Attachment B.

AGREEMENT

In consideration of the mutual promises herein and the above Recitals that are incorporated into this Amendment No. 1, the Parties agree as follows:

1. The Agreement is amended in the following particulars:

   a. Paragraph 1 of Section I (AUTHORITY RESPONSIBILITIES) is deleted and replaced with the following:

      "In accordance with the Strategic Plan, to be responsible for 45% of the total estimated CONSTRUCTION costs, for an amount not to exceed $15,992,951.81 as shown in Attachment B, which is attached hereto and by this reference made part of this Agreement."

   b. Paragraph 2 of Section II (TOWN RESPONSIBILITIES) is deleted and replaced with the following:

      "In accordance with the Strategic Plan, to be responsible for 55% share of the estimated CONSTRUCTION costs in an amount not to exceed $19,546,541.10 as shown in Attachment B, attached hereto and made part of this Agreement. TOWN will use funds in its discretion for its local share in accordance with the provisions of Measure I. In accordance with the Strategic Plan, TOWN is able to use alternative funds, provided that TOWN reimburses those funds from development impact fees as development occurs."

c. Paragraph 2 of Section III (IT IS MUTUALLY AGREED) is deleted and replaced with the following:

"The total CONSTRUCTION costs have been determined to be $35,539,892.91 as identified in Attachment B."

d. Paragraph 9 of Section III (IT IS MUTUALLY AGREED) is deleted and replaced with the following:

"This Agreement shall continue in full force and effect through December 31, 2016."

e. Paragraph 21 of Section III (IT IS MUTUALLY AGREED) is deleted and replaced with the following:

"If to AUTHORITY: Andrea Zureick
Director of Programming and Fund Administration
San Bernardino Associated Governments
1170 West 3rd Street, Second Floor
San Bernardino, CA 92410-1715
(909) 884-8276

If to TOWN: Frank Robinson, Town Manager
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307
(760) 240-7000"

f. Attachment A to Cooperative Agreement C12227 is deleted and replaced with Attachment A (Project Description) that is attached to and incorporated into this Amendment No. 1.

g. Attachment B to Cooperative Agreement C12227 is deleted and replaced with Attachment B (Construction Funding Plan) that is attached to and incorporated into this Amendment No. 1.

2. All other terms and conditions of Cooperative Agreement C12227 shall remain in full force and effect.

3. This Amendment No. 1 is incorporated into and made a part of Construction Funding Agreement C12227.

4. This Amendment No. 1 shall be effective on the date executed by AUTHORITY.

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

In witness whereof, the Parties have executed this Amendment No. 1 by their authorized signatories below.

SAN BERNARDINO TOWN TRANSPORTATION AUTHORITY

By: _____
W. E. Jahn
President, Board of Directors

Date: _____

APPROVED AS TO FORM

By: _____
Eileen Monaghan Teichert
AUTHORITY General Counsel

Date: _____

CONCURRENCE:

By: _____
Jeffery Hill
Contract Administrator

Date: _____

TOWN OF APPLE VALLEY

By: _____
Art Bishop
Mayor

Date: _____

APPROVED AS TO FORM AND PROCEDURE:

By: _____
John Brown
TOWN Counsel

Attachment A

Project Description

Yucca Loma Bridge, a Mojave River Bridge Crossing
from the Terminus of Yucca Loma Road to Yates Road
in the Town of Apple Valley

The project is located primarily in the Mojave River between the terminus of Yucca Loma Road near Kasanka Trail in the Town of Apple Valley and the terminus of Yates Road in the County of San Bernardino. The project will construct a 13-span, approximately 1600 ft. long by 100 ft. wide bridge, approach roadways to the east at Yucca Loma Road and to the west at Yates Road, the construction of a new regional storm water outfall and interim drainage facilities, and bridge lighting. The bridge will be a cast-in-place, prestressed, post-tension concrete box girder, supported on reinforced concrete column bents and seat type abutments and founded on large diameter cast-in-drilled hole deep pile foundations.

The construction is expected to commence December 2013 and end in December 2015.

Attachment B

Construction Funding Plan

(Amendment No. 1 to Cooperative Agreement C12227)

Yucca Loma Bridge, a Mojave River Bridge Crossing
from the Terminus of Yucca Loma Road to Yates Road
in the Town of Apple Valley

	Total Construction Costs*	Town of Apple Valley	Town Share	**San Bernardino County Transportation Authority****	Public Share
Security Paving Bid (includes 10% contingency)	$32,229,380.31	$17,726,159.17	55%	**$14,503,221.14**	45%
Proposed Construction Mgt. Costs (Parsons)	$ 2,756,947.00	$ 1,516,320.85		**$ 1,240,626.15**	
Proposed Constructability Review Costs (Parsons)	$ 62,704.00	$ 34,487.20		**$ 28,216.80**	
Proposed Construction & Bidding Support Costs (Dokken)	$ 490,861.60	$ 269,973.88		**$ 220,887.72**	
CONSTRUCTION SHARES BY AGENCY	$35,539,892.91	$19,546,941.10	55%	**$15,992,951.81**	45%
Funding Agreement C12227				**$14,071,401.73**	
Funding Agreement C12227-1 ***(includes amount allocated in C12227)***				**$15,992,951.81**	

* The Yucca Loma Bridge and Yates Road projects were combined together into one construction project. This Agreement covers only the Yucca Loma Bridge portion of the project and the proposed construction costs reflect only that project's portion of the Security Paving Bid plus the additional costs for work performed by Parsons and Dokken.

** AUTHORITY's Share can be from sources under control of AUTHORITY including, but not limited to, Measure I Major Local Highway Program (MLHP), State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or State/Local Partnership Program (SLPP) funds without necessitating an amendment of this AGREEMENT.

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San Bernardino Associated Governments

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 22

Date: March 5, 2014

Subject: Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) Funding for SANBAG and the City of Barstow

Recommendation:* That the Board, acting as the San Bernardino Transportation Commission:

1. Approve the amendment to the Expenditure Plan for the City of Barstow, Barstow Area Transit, for the remaining Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account funds as identified in Attachment A.

2. Approve the amendment to the Expenditure Plan for the San Bernardino Associated Governments for the remaining Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account funds as identified in Attachment B.

3. Approve Memorandum of Understanding No. C14133 with the City of Barstow defining the roles and responsibilities for the administration of

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA		SAFE		CMA	

Check all that apply.

BRD1403a-vj
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403a1-vj.xls
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403a2-vj.xlsx
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/C14133.docx

Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account Funds previously allocated to them.

Background: On February 3, 2010, the SANBAG Board approved an allocation to the transit operators from the Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) in the amount of $70,286,423. The allocations provided capital funds to SANBAG and all of the transit operators throughout the county which includes Barstow Area Transit.

AB 1072 and PTMISEA Guidelines require that operators submit to Caltrans a PTMISEA Program Expenditure Plan which contains a list of all projects the operator intends to fund with its share of PTMISEA for the life of the bond, including the amount for each project and the year in which the funds will be requested. An amendment to the Expenditure Plan reallocates any unspent dollars to the projects that the operators currently need; it does not increase or decrease the amount of the original allocation approved in February 2010.

Approval of this item will amend the current Expenditure Plan for Barstow Area Transit and SANBAG. Amendments to the expenditure plan for Barstow Area Transit include increasing the allocation on a bus stop reconstruction project and removing the allocation for replacement vehicles and the design of the Central Transfer Station. Amendments to the expenditure plan for SANBAG include increasing the allocation in order to cover the cost of vehicles for the Redlands Passenger Rail Project and decreasing the allocation for project construction.

Under the California Public Utilities Code Section 99314, only certain agencies are eligible to apply for PTMISEA funds. Since the City of Barstow is not eligible, SANBAG, acting as the Regional Transportation Planning Agency (RTPA), must serve as the contributing project sponsor and the direct recipient for the allocation previously approved for Barstow Area Transit.

There are certain administrative and fiscal responsibilities associated with receiving PTMISEA Population Funds. Under the adopted guidelines for the PTMISEA grant program, the recipient of these funds is required to submit progress reports, fiscal and compliance audits and a close-out report once the project is complete. The purpose of the attached Memorandum of Understanding (MOU) is to identify the roles and responsibilities of SANBAG and the City of Barstow with respect to the receipt of the PTMISEA Funds.

Financial Impact: This item is consistent with the adopted SANBAG Fiscal Year 2013/2014 Budget. The PTMISEA grant does not require matching funds.

BRD1403b-vj

Reviewed By: This item was reviewed and unanimously recommended for approval by the Commuter Rail and Transit Committee on February 13, 2014. SANBAG General Counsel has reviewed the MOU as to form.

Responsible Staff: Andrea Zureick, Director of Fund Administration and Programming

BRD1403b-vj

ATTACHMENT A

Caltrans

Effective: 10/09

Public Transportation Modernization, Improvement, & Service Enhancement Program (PTMISEA)
PTMISEA Program Expenditure Plan Worksheet

Sponsor Agency: Barstow Area Transit
City/County: San Bernardino/San Bernardino
Sponsor Contact: Oliver Chi
Email: ochi@barstowca.org
Phone: (760) 577-4510
Total PTMISEA Appropriation: $ 2,232,701 (This is the total amount of PTMISEA funding that was listed in the October30, 2009 letter from the California State Controller, John Chiang.)

		PTMISEA Funds by FY										Other Fund Sources			Total Estimated
Project Name	Project Description	Prior	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	Total	Federal	State	Local	Project Cost
Population Allocation	GC 8879.55(a)(2) - Funds from SANBAG														
A. City of Barstow	Barstow Area Transit														
1. Bus Stop Modernization	Bus Stop Reconstruction (24 Total Locations) - Rimrock Road (14 locations).						$2,232,701				$2,232,701			$240,690	$2,473,391
											$0				$0
											$0				$0
											$0				$0

ATTACHMENT B

Caltrans

Effective: 10/09

Public Transportation Modernization, Improvement, & Service Enhancement Program (PTMISEA)
PTMISEA Program Expenditure Plan Worksheet

Sponsor Agency: Southern California Regional Rail Authority
City/County: Los Angeles/San Bernardino
Sponsor Contact: Joanna Capelle
Email: capellej@scrra.net
Phone: 213247-8049
Total PTMISEA Appropriation: 6799128 + 28142875 (This is the total amount of PTMISEA funding that was listed in the October 30, 2009 letter from the California State Controller, John Chiang.)

Project Name	Project Description	PTMISEA Funds by FY										Other Fund Sources			Total Estimated Project Cost
		Prior	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	Total	Federal	State	Local	
Operator Allocation	GC 8879.55(a)(3)														
1. Positive Train Control (PTC)	PTC is a predictive collision avoidance technology designed to stop a train before a train movement that may result in an accident can occur. The Rail Safety Improvement Act of 2008 mandates the installation of PTC on passenger rail systems by 12/31/2015.		$874,339	$608,100	$608,100	$589,302					$2,679,841	$73,614,650	$81,621,734	$25,605,587	$183,521,812
2. Safety Retrofits on Rail Cars	Push back couplers, frangible tables and re-seating			$144,000	$144,000	$144,000					$432,000				$432,000
3. SB Line Sealed Corridor - SB County	Installation of fencing, barriers and other Safety Improvements			$1,843,644	$1,843,643						$3,687,287				$3,687,287
Population Allocation	GC 8879.55(a)(2) - Funds from SANBAG										$0				$0
1. Positive Train Control (PTC)	(see above)	$5,500,000				$18,798					$18,798				$18,798
2. Safety Retrofits on Rail Cars	(see above)	$3,309,525					$458,073	$458,073	$458,073	$458,073	$1,832,292				$1,832,292
3. SB Line Extension	Extends SB Line to San Bernardino Transit Station (Rialto & E)			$1,000,000	$5,419,844						$6,419,844	$5,000,000		$30,000,000	$41,419,844
4. Redlands Line Construction	Reconstruct 9 miles, grade crossings, signal system & 8 stations							$544,939			$544,939	$110,000,000		$105,000,000	$215,544,939
5. Redlands Rail Equipment	Acquire Redlands Rail vehicles							$15,827,000			$15,827,000	$2,500,000	$6,000,000	$16,500,000	$40,827,000
6. Rialto Metrolink Parking	Acquire property and construct additional surface parking			$1,500,000							$1,500,000	$3,200,000		$800,000	$5,500,000
7. Double Tracking Projects	Lilac to Rancho, 3 miles & 9 x-ings; Central to Archibald, 5.5 miles & 12 x-ings				$2,000,000						$2,000,000				$2,000,000
											$0				$0
											$0				$0
											$0				$0
											$0				$0

Total Number of Projects:		PTMISEA Funds by FY										Other Fund Sources			Total Estimated Project Cost
		Prior	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	Total	Federal	State	Local	
6	Totals:	$8,809,525	$874,339	$5,095,744	$10,015,587	$752,100	$458,073	$16,830,012	$458,073	$458,073	$34,942,001	$194,314,650	$87,621,734	$177,905,587	$494,783,972

Description:
Each project sponsor shall complete the above table listing each project to be funded with PTMISEA funds. These projects should represent the sponsor's entire share of PTMISEA funds for the life of the Bond.
The total amount in the blue highlighted cell (below) should equal the project sponsor's total PTMISEA appropriation (above).

Shaded areas are pre calculated. Please do not change the formulas.

Sponsor Agency Signature: _____ Date: _____

Caltrans Signature: _____ Date: _____

Governments SANBAG Working Together

CONTRACT SUMMARY SHEET

Contract No. C 14133 Amendment No. _____

By and Between

San Bernardino County Transportation Commission and City of Barstow

Contract Description The MOU defines the roles and responsibilities in applying for and administering PTMISEA grant funds. SANBAG is serving as a pass through agency for the City of Barstow.

Board of Director's Meeting Date: 4/5/2014
Overview of BOD Action: To approve the MOU between SANBAG and City of Barstow.

Is this a Sole-Source procurement? ☐ **Yes** ☒ **No**

CONTRACT OVERVIEW

Original Contract Amount	$	2,232,701	**Original Contingency Amount**	$	0
Revised Contract Amount *Inclusive of prior amendments*	$	0	**Revised Contingency Amount** *Inclusive of prior amendments*	$	0
Current Amendment Amount	$	0	**Contingency Amendment**	$	0
TOTAL CONTRACT VALUE	$	2,232,701	**TOTAL CONTINGENCY VALUE**	$	0
TOTAL BUDGET AUTHORITY *(contract value + contingency)*				$	2,232,701

Contract Start Date	**Current Contract Expiration Date**	**Revised Contract Expiration Date**
3/5/2014	3/4/2017	

Has the contract term been amended? ☒ No ☐ Yes - please explain.

FINANCIAL INFORMATION

☐ Budget authority for this contract currently exists In Task No. _____. N/A
☐ A Budget Amendment is required. N/A
How are we funding current FY? Staff does not expect to receive the funding in the current fiscal year, 2013/2014.

☐ Federal Funds ☒ State Funds ☐ Local Funds ☐ TDA Funds ☐ Measure I Funds

*Provide Brief Overview of the **Overall** Funding for the duration of the Contract:*
SANBAG is serving as a pass through agency for the City of Barstow. The City is not eligible to receive the funding without SANBAG concurrence and participation.
☒ Payable ☐ Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:
☐ Retention? If yes, indicate % _____. N/A
☐ Disadvantaged Business Enterprise (DBE) Goal _____ % N/A

Vanessa Jezik		1-28-14
Project Manager (Print Name)	Signature	Date
Mitch Alderman	M. W. Alderman	2/6/14
Task Manager (Print Name)	Signature	Date
Andrea Zureick	Andrea Zureick	1/29/14
Dir. of Fund Admin. & Programming (Print Name)	Signature	Date

Contract Summary Sheet 11/6/12

Jeffery Hill		2/5/13
Contract Administrator (Print Name)	Signature	Date
W STAWARSKI		2/6/14
Chief Financial Officer (Print Name)	Signature	Date

SANBAG AGREEMENT C14133

MEMORANDUM OF UNDERSTANDING

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION

AND

CITY OF BARSTOW

This Memorandum of Understanding (MOU) is entered into by and between the San Bernardino County Transportation Commission ("SANBAG") and The City of Barstow ("CITY") for the purpose of defining the roles and responsibilities of the two parties with respect to the receipt of Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account ("PTMISEA") funds allocated to SANBAG pursuant to Government Code section 8879.55(a)(2), hereinafter referred to as "PTMISEA Population Funds".

RECITALS

WHEREAS, CITY is a public entity operating Barstow Area Transit; and

WHEREAS, SANBAG, acting as the Regional Transportation Planning Agency ("RTPA"), desires to work as a partner with CITY in ensuring the execution and completion of CITY's projects funded by PTMISEA Population funds and included in the most recent SANBAG Board-approved PTMISEA Expenditure Plan for CITY; and

WHEREAS, SANBAG, must serve as a direct recipient for PTMISEA Population funds that are allocated to CITY by SANBAG due to the ineligibility of CITY to receive PTMISEA funds under State of California Public Utilities Code Section 99314; and

WHEREAS, SANBAG acting as the RTPA is the recipient of PTMISEA Population funds and has identified the projects included in CITY's PTMISEA Expenditure Plan eligible for funding as approved by the SANBAG Board on_____, 2014; and

WHEREAS, C09025, a Memorandum of Understanding between SANBAG and CITY regarding the administration of PTMISEA Population Funds, is specific to a vehicle procurement project that has been completed; and

WHEREAS, C14133, a Memorandum of Understanding between SANBAG and CITY, addresses the roles and responsibilities for the administration of the remaining PTMISEA grant program funds allocated to CITY by SANBAG; and

WHEREAS, the parties understand that the PTMISEA Population Funds applied for by SANBAG, on the behalf of CITY, will be sent directly to SANBAG; and

WHEREAS, the parties acknowledge that certain administrative and financial functions will be necessary in order for the PTMISEA Population Funds allocated to SANBAG to be used for capital projects to be completed by CITY.

NOW, THEREFORE, it is mutually understood and agreed by SANBAG and CITY as follows:

ARTICLE I. RESPONSIBILITIES OF SANBAG AND CITY

A. CITY shall assist SANBAG in determining eligible capital projects and the amount of PTMISEA Population Funds allocated to SANBAG required for each eligible City of Barstow project and PTMISEA application.

B. CITY shall prepare and submit an invoice to SANBAG for the PTMISEA Population Funds upon project completion.

C. CITY shall prepare, with assistance from SANBAG, all required grant progress reports and close out reports, in accordance with the PTMISEA guidelines developed by Caltrans. SANBAG will submit the progress reports and close out reports to Caltrans, on the behalf of CITY. Progress reports are to be submitted to Caltrans on a semi-annual basis. A Project Close-out Report is to be submitted at project completion.

D. CITY shall, after receipt of any portion of the PTMISEA Population Funds made available from SANBAG and through the completion of the project, include any required fiscal and compliance audit requirements in the annual independent audit of Barstow Area Transit.

E. CITY will prepare, with assistance from SANBAG, the application and documents required to apply for PTMISEA Population Funds. SANBAG will submit the application and required documents to Caltrans, on the behalf of CITY, in accordance with the schedule developed by Caltrans for the PTMISEA Population Funds for mutually agreed upon eligible projects.

F. SANBAG shall include the receipt and disbursement of the PTMISEA Population Funds made available to Barstow Area Transit in its annual independent fiscal and compliance audit.

G. CITY is responsible for ensuring the project is completed as described in the Allocation Request, or Corrective Action Plan approved by Caltrans if applicable, and ensuring compliance with all requirements included in the Certifications and Assurances document as described in Attachment A, included herein and made a part of this agreement.

ARTICLE II. GENERAL PROVISIONS

A. Term of MOU: This MOU shall be effective upon execution by SANBAG. The MOU shall remain in effect until terminated by mutual written consent of both parties.

B. The State of California Budget Act of 2013 re-appropriated the remaining PTMISEA Population Fund balances from the Fiscal Year 2007-2008 through to the Fiscal Year 2010-2011 appropriations to be available for allocation until June 30, 2014 and for encumbrance or liquidation until June 30, 2018. It has been the State of California's practice to extend the

encumbrance or liquidation date one year with each budget act. However, there is no guarantee that the extension will continue to occur. The project for which the State of California allocated PTMISEA Population Funds shall commence within six months of the allocation. If the project fails to move forward within six months the State of California will require a Corrective Action Plan in accordance with the PTMISEA Guidelines. If the project continues to experience delays the State of California may request that the PTMISEA Population Funds be reallocated to a different project.

C. Legal Authority: SANBAG and CITY warrant that they are duly authorized to execute this MOU on behalf of said parties and that, by so executing the MOU, the parties hereto are formally bound to the provisions of this MOU.

D. Assignment: Neither this MOU, nor any of the parties' rights, obligations, duties or authority under this MOU may be assigned in whole or in part by either party without the proper written consent of the other party in its sole and absolute discretion. Any such attempt of assignment shall be deemed void and of no force and effect. Consent to any assignment shall not be deemed consent to any subsequent assignment.

E. Governing Law: The laws of the State of California and applicable local and federal laws, regulations and guidelines shall govern this agreement.

F. Withdrawal and Termination: Any party may withdraw from this MOU upon thirty (30) days written notice to each party, providing that the notice of withdrawal sets for the effective date of the withdrawal and the reason for the withdrawal.

G. Notices: Any notices, requests, or demands made between the parties pursuant to this MOU are to be directed as follows:

The City of Barstow
220 East Mountain Avenue
Barstow, CA 92311
Attn: Oliver Chi
City Manager
(760) 255-5101

San Bernardino Associated Governments
1170 W Third Street, 2nd Floor
San Bernardino, CA 92410
Attn: Mitch Alderman
Director of Transit and Rail Programs
(909) 884-8276

H. Severability: If any term, provision, covenant, or condition of this MOU is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this MOU shall not be affected thereby, and each term, provision, covenant or condition of this MOU shall be valid and enforceable to the fullest extent permitted by law.

I. Counterparts of MOU: This MOU may be executed and delivered in any number of counterparts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile signatures will be permitted.

J. Force Majeure: Either party shall be excused from performing its obligations under this MOU during the time and to the extent that it is prevented from performing by an unforeseeable cause beyond its control, including but not limited to: any incidence of fire, flood, acts of God,

commandeering of material, products, plants or facilities by the federal, state or local government, national fuel shortage or a material act or omission by the other party, when satisfactory evidence of such cause is presented to the other party and provided further that such nonperformance is unforeseeable beyond the control and is not due to the fault of negligence of the party not performing.

K. The Recitals are incorporated into and made a part of this MOU.

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

In Witness Thereof, the Parties have executed this Memorandum of Understanding effective on the date executed by SANBAG.

SANBAG

W.E. Jahn
Board President

Approved as to Form:

Eileen Monaghan Teichert
SANBAG General Counsel

CITY OF BARSTOW

Oliver Chi
Assistant City Manager

Approved as to Form:

City Attorney
City of Barstow

DISCUSSION ITEMS

Governments SANBAG Working Together

San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715
Phone: (909) 884-8276 Fax: (909) 885-4407 Web: www.sanbag.ca.gov

TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 24

Date: March 5, 2014

Subject: Hearings to Consider Resolutions of Necessity to Acquire Property Needed for the San Bernardino Transit Center Project

Recommendations:* 1. Conduct public hearings to consider condemnation of real property required for the San Bernardino Transit Center Project (Project) in the City of San Bernardino; and

2. By at least a two-thirds majority vote of the entire Commission (i.e. at least 20 affirmative votes), adopt Resolutions of Necessity Nos. 14-016 through 14-018, and authorize and direct legal counsel to prepare, commence, and prosecute proceedings in eminent domain for the purpose of acquiring necessary right-of-way and real property interests for the Project from the following property owners:

Commission Parcel #	APN #	Property Owner	Purpose of Acquisition**
SBTC-01	0134-371-01	LINUS C. AMARIKWA, an individual	PE for street purposes, TCE, and TAE
SBTC-02	0134-371-10	CANYON DEVELOPER, LLC, a California limited liability company	PE for street purposes, TCE, and TAE

Approved
San Bernardino County Transportation Commission

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA		SAFE		CMA	

Check all that apply.
BRD1403c-maa
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/ContractsWorkInProcess%20Files%20%202014/Res%20No%2014-016.pdf
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/ContractsWorkInProcess%20Files%20%202014/Res%20No%2014-017.pdf
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/ContractsWorkInProcess%20Files%20%202014/Res%20No%2014-018.pdf

SBTC-03	0134-341-26	CALIFORNIA COMMUNITY COLLABORATIVE, INC., a California corporation	PE for street purposes, TCE, and TAE

**PE denotes permanent easement; TCE denotes temporary construction easement; TAE denotes temporary access easement.

3. Delegate authority to the Executive Director or his designee to negotiated, approve, and execute all documents for the acquisition of the referenced rights-of-way and real property described in Recommendation 2.

Background: The Project is a critical component of the region's overall development and expansion of mass transit services throughout San Bernardino County and Southern California generally. Specifically, the Project is the last step to complete the Downtown San Bernardino Passenger Rail Project, a one mile extension of the Southern California Regional Rail Authority (a.k.a. Metrolink). The Project will serve as a transfer point for bus routes serving the downtown San Bernardino area, consolidating over 20 bus routes into a single-modal facility supporting local bus, commuter rail, and light rail. Specifically, it will be the transfer point for the sbX Bus Rapid Transit System with connections to the Downtown San Bernardino Passenger Rail Project, and it will be the terminus for the planned Redlands Passenger Rail Project. The Project will also include construction of a 180-plus space parking lot south of the new platforms as well as a lighted pedestrian pathway that connects the new platforms to the San Manuel Stadium where baseball fans can watch the Inland Empire 66ers.

The Commission is the lead agency for the design, right-of-way, and construction phases of the Project. A Final Environmental Impact Report was prepared in August 2012, in connection with the Downtown San Bernardino Passenger Rail Project, and the Project received its federal environmental clearance in the form of a Finding of No Significant Impact (FONSI) in October 2012. The Project is scheduled to begin construction in the summer of 2014 and the construction contract has been awarded. As such, the commencement date under the contract is critical. If the Commission cannot secure possession of all the necessary properties in a timely manner, it may be forced to delay construction, increasing costs and exposing the Commission to liability for delay claims from the contractor. In short, the Commission must secure possession of the properties needed for the Project, and given California law regarding the time it takes to secure an order for prejudgment possession, adopting Resolutions of Necessity to allow the condemnation process to commence has become a critical path item.

The Commission has approved appraisals and authorized offers for properties required for the Project. The Commission's right-of-way agents, HDR

Engineering, Inc., have presented offers to each property owner and have made good faith efforts to negotiate voluntary acquisitions of those properties. While the Commission and HDR will continue to negotiate with the property owners even after the Commission commences eminent domain actions, it may not be possible to acquire all all properties through a negotiated sale.

The Commission is authorized to acquire property by eminent domain pursuant to California Public Utilities Code section 130220.5. On February 5, 2014, the Commission scheduled a public hearing for March 5, 2014, for the Commission to consider adopting Resolutions of Necessity regarding the properties referenced in this agenda item.

The adoption of the attached Resolutions of Necessity by the Commission allows the eminent domain process to proceed, which results in obtaining property rights needed for the Project. In order to adopt the Resolutions of Necessity, the Commission must make five findings discussed below for each of the properties. The issue of just compensation (i.e., the value of the properties) is not addressed by these findings and is not to be considered at the hearings. The five necessary findings are:

1. The public interest and necessity require the Project.

   The Project is regionally significant and will serve to improve mobility throughout San Bernardino County and the entire Southern California region. Over 14,000 riders per day are transported between San Bernardino and Los Angeles Union Station on Metrolink's San Bernardino line. With the development and connectivity between commuter rail, local bus and rapid bus, the improvements to mobility throughout Southern California will be greatly enhanced. The Project will have a substantial impact on air quality improvements through the reduction in vehicle miles traveled, and will help alleviate increased roadway congestion and declines in transportation system performance due to San Bernardino's continued population growth.

   More specifically, the Project will be a major transit hub in San Bernardino County, consolidating over 20 bus routes into a single multi-modal facility supporting local bus, commuter rail, and light rail. It will provide connections to the new Downtown Passenger Rail Project, be the transfer point for the sbX bus rapid transit system, and the terminus for the planned Redlands Passenger Rail Project, a nine mile rail service connecting the cities of Loma Linda, Redlands and San Bernardino.

2. The Project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

In 2001, the Southern California Association of Governments (SCAG) initiated a visioning process, known as the Compass Blueprint Program, resulting in a regional strategy to accommodate projected growth in southern California. The program seeks to accommodate growth through the development of demonstration projects that capitalize on the collaboration of regional planning agencies and local communities. As part of this visioning program, the Commission completed the Redlands Rail Feasibility Study and the Redlands Passenger Rail Station Area Plans. Those studies explored the feasibility of establishing passenger rail service between the City of San Bernardino and the City of Redlands, while identifying transportation alternatives, potential station locations, and multi-modal transit development opportunities. The City of San Bernardino also held meetings in 2006 and 2007 to support transit improvements along the rail corridor. Since 2001, the vision for the Project has been modified to its current concept after a number of public information and outreach meetings, along with studies and reports to identify a locally preferred alternative.

An Environmental Assessment (EA)/Draft Environmental Impact Report (DEIR) was prepared for the Project, in connection with the Downtown San Bernardino Passenger Rail Project, and circulated for a 45-day public review period from June 5, 2012, through July 19, 2012. A Final Environmental Impact Report was prepared in August 2012, and the Project received its federal environmental clearance in the form of a Finding of No Significant Impact (FONSI) in October 2012. During the environmental review process, several design alternatives were considered. The conclusion of that environmental review was that the Project was the best choice among available options.

During the design phase, Project planners and engineers considered multiple alternatives. Commission staff and HDR have had numerous communications with impacted property and business 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. The Commission has gone to great lengths to minimize impacts where possible, including limited the length of temporary construction easements, limiting the size and number of property acquisitions, and agreeing to special provisions, such as ensuring reasonable access during construction. The final design and route selected for the Project should cause the least environmental and public impact.

Despite these measures, the Project will result in private injury. However, there is no need to relocate any commercial property owners or tenants, and no residential properties are being acquired for this Project. None of the

project alternatives considered during the environmental review process would provide for greater public good with less private injury.

3. The properties sought to be acquired are necessary for the Project.

   The acquisitions from the subject properties are needed to allow for the construction, maintenance, and operation of the Project. The permanent roadway easements will allow for Rialto Avenue to be modified in order to accommodate the construction of the Transit Center facility. The temporary access and construction easements provide access to the properties for construction of the Project. The Project will impact three property owners. The interests required from each property owner include a permanent easement, a temporary construction easement, and a temporary access easement. The acquisitions are more specifically described in each of the proposed Resolutions of Necessity and their accompanying exhibits, which are included with this Item.

4. Offers required by Section 7267.2 of the Government Code have been made to the owner or owners of record.

   All of the subject properties were appraised by independent, certified real estate appraisers. Those appraisals were reviewed and approved by an independent review appraiser. Based upon those appraisals and reviews, the Commission established the amount of just compensation to be paid for the taking of the subject properties. After determining the owners of the subject properties by reviewing County assessor's records and title reports, the Commission's right-of-way agents made offers to each of the owners for the full amount of the approved appraisals, in accordance with Government Code section 7267.2.

5. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the properties have been complied with.

   The Commission has complied with all conditions and requirements to exercise the power of eminent domain.

Financial Impact: This item is consistent with the Fiscal Year 2013/2014 Budget, Task No. 311.

Reviewed By: This item has not been reviewed by any policy committee. The Commission's General Counsel and the Commission's Right-of-Way Counsel, Nossaman LLP, have approved this item as to form. This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff: Mitch Alderman, Director of Transit & Rail Programs

BRD1403c-maa

Governments SANBAG Working Together

San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
Phone: (909) 884-8276 Fax: (909) 885-4407
Web: www.sanbag.ca.gov

TRANSPORTATION MEASURE I

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

February 13, 2014

NOTICE OF HEARING ON PROPOSED RESOLUTION OF NECESSITY

(California Code of Civil Procedure 1245.235)

SAN BERNARDINO TRANSIT CENTER PROJECT

TO ALL OWNERS OF RECORD AND PERSONS INTERESTED IN THE PROPERTY HEREINAFTER DESCRIBED:

PLEASE TAKE NOTICE that on March 5, 2014, at 9:30 am (or as soon thereafter as the Commission can hear said matter), the San Bernardino County Transportation Commission (the "Commission"), will hold a meeting at the Santa Fe Depot - SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, CA 92410, at which time said Commission will consider adopting a Resolution of Necessity for the taking by eminent domain of the property designated as Commission Parcel SBTC-01 ("Property"), which represents interests in portions of the property located at 108 N. "E" Street, bearing San Bernardino County Assessor's Parcel Number 0134-371-01, as described more specifically in the proposed Resolution of Necessity, a copy of which is attached to this Notice as Exhibit "1" and incorporated herein.

It is the recommendation of the Commission staff that the Commission adopt the Resolution of Necessity in connection with the San Bernardino Transit Center Project ("Project").

Each person/party who owns the Property, or an interest therein, is entitled to appear and to be heard at said meeting of the Commission with respect to the following matters:

(a) Whether the public interest and necessity require the Project;

(b) Whether the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) Whether the Property is necessary for the Project; and

(d) Whether an acquisition offer has been made in compliance with Government Code Section 7267.2.

If you wish to appear and be heard by the Commission with respect to said proposed resolution of necessity, you must file a written request to appear and be heard within 15 days after the date of this notice. Failure to file a written request to appear and be heard within 15 days after the date of this notice may result in a waiver of the right to appear and be heard. The written request to appear and be heard should be filed with:

VICKI WATSON
Clerk of the Commission
San Bernardino County Transportation Commission
Santa Fe Depot - SANBAG, 2nd Floor
1170 W. 3rd Street
San Bernardino, CA 92410

EXHIBIT "1"

PROPOSED RESOLUTION OF NECESSITY

Resolution No. 14-016

RESOLUTION NO. 14-016

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE SAN BERNARDINO TRANSIT CENTER PROJECT

The San Bernardino County Transportation Commission (the "Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the San Bernardino Transit Center Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBTC-01, which represents interests in portions of the property located at 108 N. "E" Street, San Bernardino, California, which bears San Bernardino County Assessor's Parcel Number 0134-371-01, and which is described more specifically below and in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street and/or road purposes and appurtenances, and uses associated therewith, as well as incidental thereto.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement and right-of-way, over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than two (2) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representatives provide the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) two (2) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive access easement over,

on, under, in, across, along, and through the areas described in Exhibit D attached hereto, for the sole purpose of ingress and egress of said Property ("TAE"). The TAE shall be valid for a period of not more than two (2) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TAE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TAE, (b) two (2) months from the commencement date of the TAE, or (c) December 31, 2015.

WHEREAS the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members, the Commission found and determined each of the following:

(a) The public interest and necessity require the Project;

(b) The Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury;

(c) The Property is necessary for the Project; and

(d) The offer required by section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
San Bernardino County Transportation Commission

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

Resolution No. 14-016

EXHIBIT A

LEGAL DESCRIPTION AND PLAT MAP
(LARGER PARCEL)

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

All that certain piece or parcel of land situate, lying and being in the City of San Bernardino, County of San Bernardino, State of California, described as follows:

Being a portion of the property firstly described in the deed from Pacific Improvement Company to Southern Pacific Railroad Company dated January 6, 1898 and recorded January 18, 1898, In Book 253, Page 265 of Deeds, Records of said County, and also a portion of the property described in the deed from Mitchell Allen to Southern Pacific Railroad Company dated February 6, 1902 and recorded February 10, 1902 In Book 315, Page 44 of Deeds, Records of said County, more particularly described as follows:

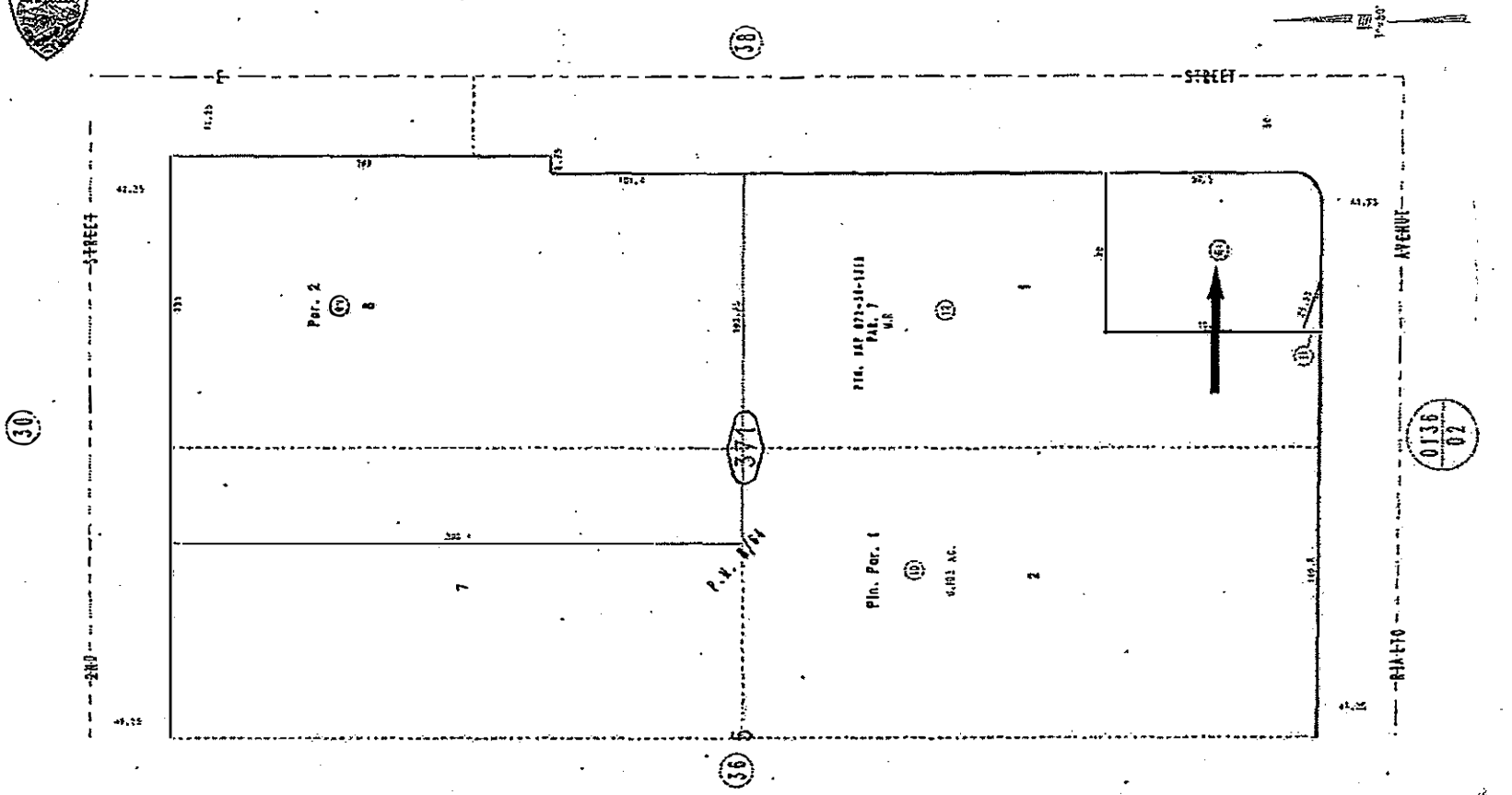
Beginning at the Southeast corner of Lot 1 Block 5 of the City of San Bernardino as per Map thereof recorded in Book 7 of Maps, Page 1, Records of said County;
Thence North 112.5 feet;
Thence West 90 feet;
Thence South 103 feet;
Thence Southeasterly in a direct line, 29.95 feet to a point in the Southerly line of said Lot 1, distant West thereon 62 feet from the point of beginning;
Thence East, 62 feet to the point of beginning.

Assessor's Parcel Number: **0134-371-01**

THIS MAP IS FOR THE PURPOSE OF AD VALOREM TAXATION ONLY.

Ptn. City of San Bernardino
M.B. 7/1

City of San Bernardino 0134 – 37
Tax Rate Area
7067



December 2004

Pln. Parcel Map No. 1530, P.M. 8/54

Assessor's Map
Book 0134 Page 37
San Bernardino County

EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT "A"

APN 0134-371-01

ROADWAY EASEMENT

That portion of the property firstly described in the deed from Pacific Improvement Company to Southern Pacific Railroad Company dated January 6, 1898 and recorded January 18, 1898, in Book 253, Page 265 of Deeds, in the Office of the County Recorder of San Bernardino County, and also a portion of the property described in the deed from Mitchell Allen to Southern Pacific Railroad Company dated February 6, 1902 and recorded February 10, 1902 in Book 315, Page 44 of Deeds, in the Office of said County Recorder, in the City of San Bernardino, County of San Bernardino, State of California, more particularly described as follows:

Commencing at the centerline intersection of Rialto Avenue (82.50 feet wide) and "E" Street (100.00 feet wide), as said intersection is shown and established by ties in Book 182, Page 027 of Corner Records, filed in the Office of the County Surveyor of said County, said centerline intersection bearing South 00°20'29" East 684.89 feet (North 00°08'00" East 684.94 feet per Parcel Map no. 1030, in Book 8 of Parcel Maps, Page 64, recorded in the Office of said County Recorder) from a brass disc in well per San Bernardino City Field Book 134-34T, said disc marking the centerline intersection of said "E" Street and 2nd Street;

Thence along the centerline of said "E" Street North 00°20'29" West 41.25 feet to the intersection with the easterly extension of the north right-of-way line of said Rialto Avenue;

Thence leaving said centerline and along said easterly extension South 89°45'05" West 65.02 feet to the **True Point of Beginning**, said point being on said north right-of-way line and the southwest terminus of a 15.00 foot radius curve concave Northwesterly;

Thence along said north right-of-way line South 89°45'05" West 5.01 feet to the beginning of a non-tangent 20.00 foot radius curve concave Northwesterly, a radial bearing to said beginning bears South 00°14'55" East;

Thence leaving said north right-of-way line and Northeasterly along the arc of said curve through a central angle of 90°05'34" a distance of 31.45 feet to the west right-of-way line of said "E" Street (100.00 feet wide) as described in deed recorded March 27, 1969, in Book 7204, Page 343 of Deeds;

Thence along said west right-of-way line South 00°20'29" East 5.01 feet to the beginning of a tangent 15.00 foot radius curve concave Northwesterly;

Thence Southwesterly along the arc of said curve through a central angle of 90°05'34" a distance of 23.59 feet to the **True Point of Beginning**;

3943_APN 0134-371-01 Roadway Esmt.doc 7/30/2013

Containing 38 square feet, more or less.

The Basis of Bearings for this survey is the California Coordinate System of 1983 (NAD 83) Zone 5, NSRS-2007 adjustment.

This real property description has been prepared by me, or under my direction in conformance with the Professional Land Surveyor's Act.

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. L7696
Exp. 12/31/14
STATE OF CALIFORNIA

7/31/13

B. SCOTT EDKINS DATE
LS 7696
EXPIRATION DATE 12/31/14

3943_APN 0134-371-01 Roadway Esmt.doc 7/30/2013

EXHIBIT "B"

APN 0134-371-01
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (NAD 83) ZONE 5, NSRS-2007 ADJUSTMENT.

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	90°05'34"	15.00'	23.59'

LEGEND

P.O.C. *INDICATES POINT OF COMMENCEMENT*

T.P.O.B. *INDICATES TRUE POINT OF BEGINNING*

● *INDICATES FOUND MONUMENT AS NOTED*

INDICATES ROADWAY EASEMENT GRANTED TO CITY OF SAN BERNARDINO HEREIN AREA – 38 SQ. FT.

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. LS7696
Exp. 12/31/14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 1 OF 2

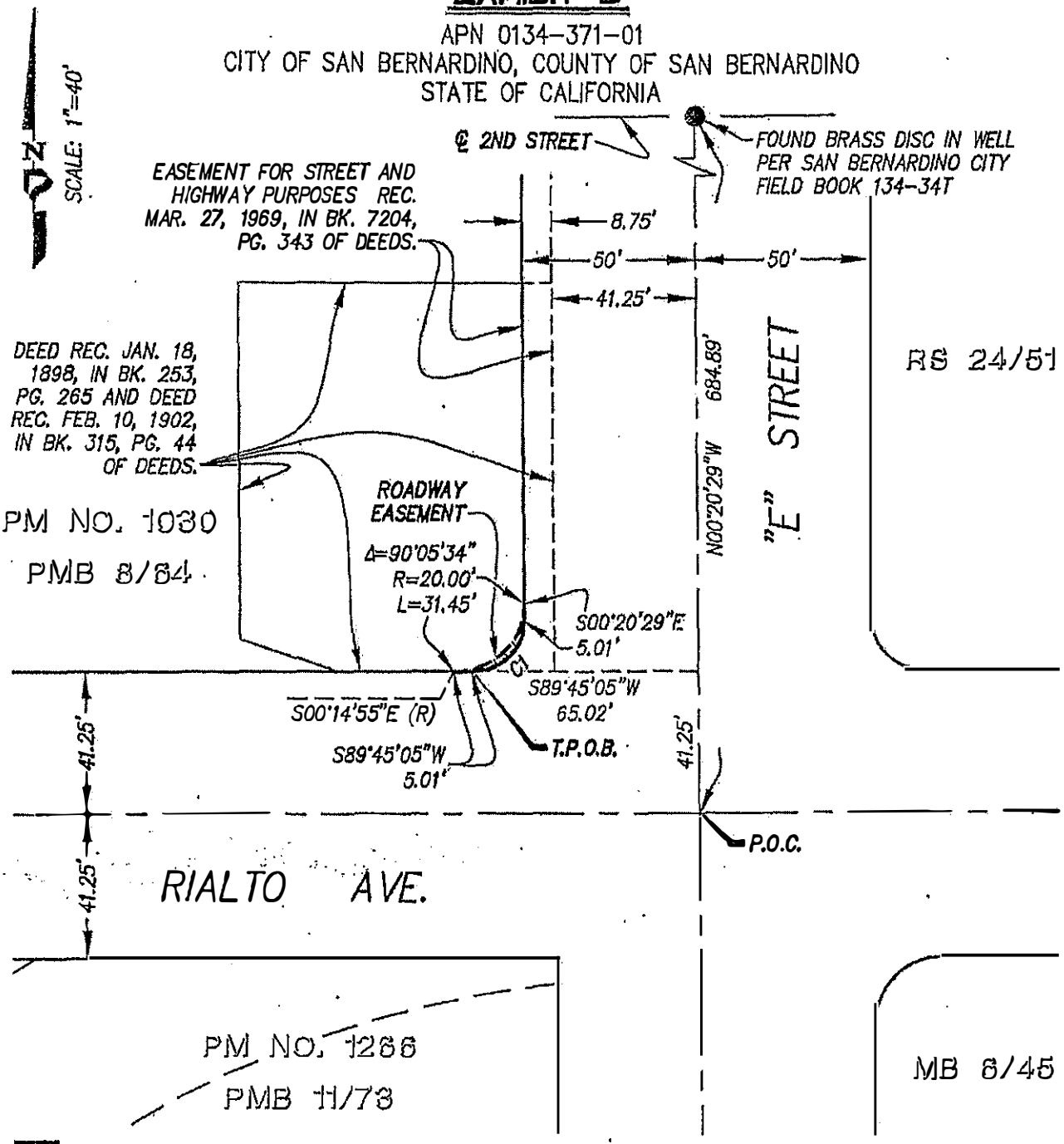
B. SCOTT EDKINS PLS 7696 — DATE 7/31/13

ROADWAY EASEMENT

DRAWN: CSH	CHKD: PEG	R/W
DATE: 07/31/13	DATE: 07/31/13	ACQ. NO.

EXHIBIT "B"

APN 0134-371-01
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 2 OF 2

ROADWAY EASEMENT

B. Scott Edkins 7/31/14		DRAWN: CSH	CHKD: PEG	R/W
B. SCOTT EDKINS, PLS 7696	DATE	DATE:07/31/13	DATE: 07/31/13	ACQ. NO.

EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT "A"

APN 0134-371-01

TEMPORARY CONSTRUCTION EASEMENT

That portion of the property firstly described in the deed from Pacific Improvement Company to Southern Pacific Railroad Company dated January 6, 1898 and recorded January 18, 1898, in Book 253, Page 265 of Deeds, in the Office of the County Recorder of San Bernardino County, and also a portion of the property described in the deed from Mitchell Allen to Southern Pacific Railroad Company dated February 6, 1902 and recorded February 10, 1902 in Book 315, Page 44 of Deeds, in the Office of said County Recorder, in the City of San Bernardino, County of San Bernardino, State of California, more particularly described as follows:

Commencing at the centerline intersection of Rialto Avenue (82.50 feet wide) and "E" Street (100.00 feet wide), as said intersection is shown and established by ties in Book 182, Page 027 of Corner Records, filed in the Office of the County Surveyor of said County,, said centerline intersection bearing South 00°20'29" East 684.89 feet (North 00°08'00" East 684.94 feet per Parcel Map no. 1030, in Book 8 of Parcel Maps, Page 64, recorded in the Office of said County Recorder) from a brass disc in well per San Bernardino City Field Book 134-34T, said disc marking the centerline intersection of said "E" Street and 2nd Street;

Thence along the centerline of said "E" Street North 00°20'29" West 41.25 feet to the intersection with the easterly extension of the north right-of-way line of said Rialto Avenue;

Thence leaving said centerline and along said easterly extension South 89°45'05" West 65.02 feet to a point on said north right-of-way line and the southwest terminus of a 15.00 foot radius curve concave Northwesterly;

Thence along said north right-of-way line South 89°45'05" West 5.01 feet to the **True Point of Beginning;**

Thence continuing along said north right-of-way line South 89°45'05" West 14.99 feet;

Thence leaving said north right-of-way line North 00°14'55" West 10.00 feet;

Thence North 89°45'05" East 15.01 feet;

Thence North 63°05'37" East 22.36 feet to the west right-of-way line of said "E" Street (100.00 feet wide) as described in deed recorded March 27, 1969, in Book 7204, Page 343 of Deeds, also being the beginning of a non-tangent 20.00 foot radius curve concave Northwesterly, a radial bearing to said beginning bears North 89°39'31" East;

Thence Southwesterly along said west right-of-way line and the arc of said curve through a central angle of 90°05'34" a distance of 31.45 feet to the **True Point of Beginning;**

Containing 364 square feet, more or less.

The Basis of Bearings for this survey is the California Coordinate System of 1983 (NAD 83) Zone 5, NSRS-2007 adjustment.

This real property description has been prepared by me, or under my direction in conformance with the Professional Land Surveyor's Act.

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. L7696
Exp. 12/31/14
STATE OF CALIFORNIA

B. Scott Edkins 7/31/13

B. SCOTT EDKINS DATE
LS 7696
EXPIRATION DATE 12/31/14

3943_APN 0134-371-01 TCE.doc 7/30/2013

EXHIBIT "B"

APN 0134-371-01
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (NAD 83) ZONE 5, NSRS-2007 ADJUSTMENT.

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	90°05'34"	20.00'	31.45'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°14'55"W	10.00'
L2	N89°45'05"E	15.01'

LEGEND

P.O.C. *INDICATES POINT OF COMMENCEMENT*

T.P.O.B. *INDICATES TRUE POINT OF BEGINNING*

● *INDICATES FOUND MONUMENT AS NOTED*

INDICATES TEMPORARY CONSTRUCTION EASEMENT GRANTED HEREIN AREA - 364 SQUARE FEET

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. LS7696
Exp. 12/31/14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 1 OF 2

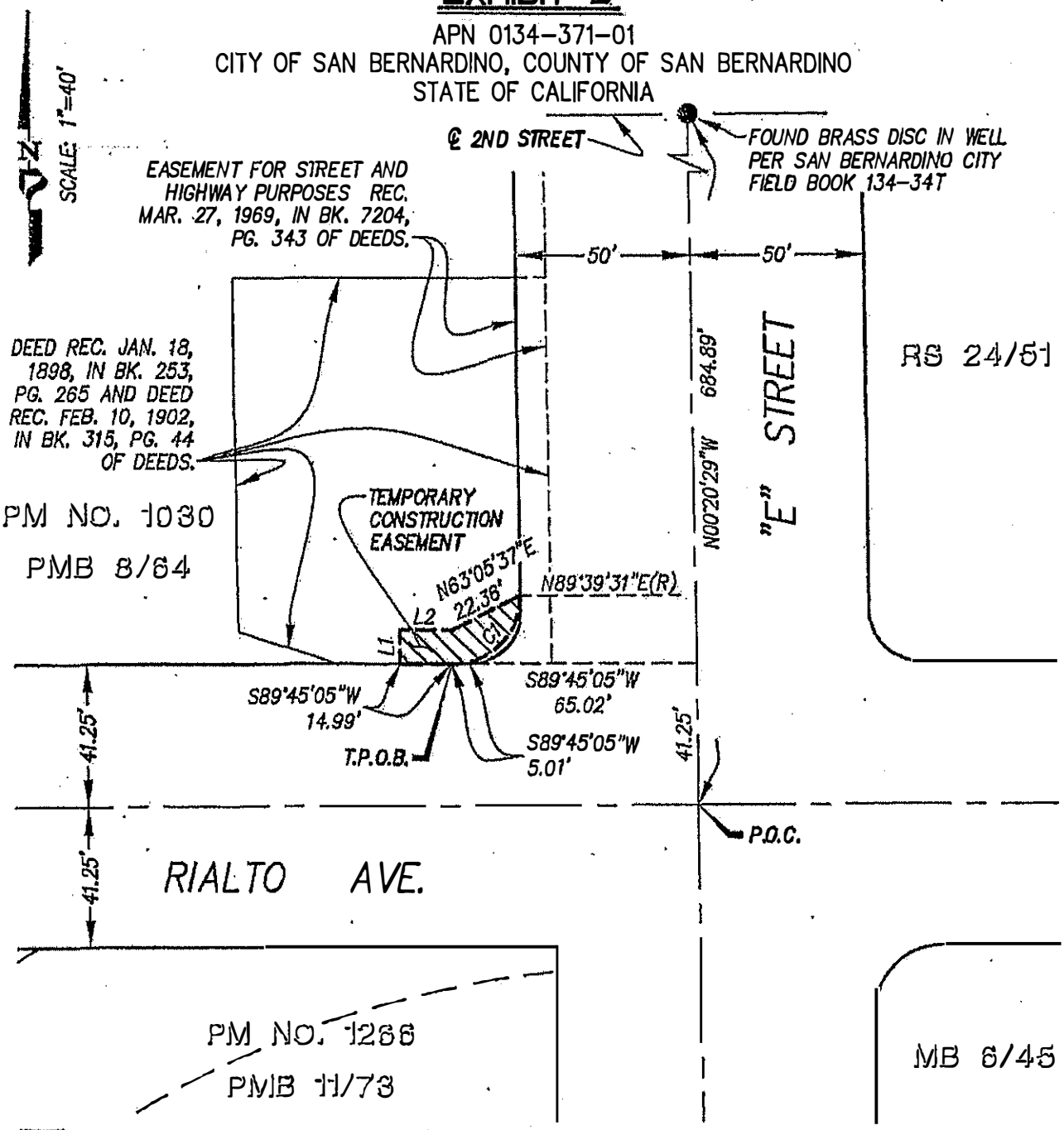
B. SCOTT EDKINS PLS 7696 — 7/31/13 DATE

TEMP. CONSTRUCTION EASEMENT

DRAWN: CSH	CHKD: PEG	R/W
DATE: 07/31/13	DATE: 07/31/13	ACQ. NO.

EXHIBIT "B"

APN 0134-371-01
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 2 OF 2

B. Scott Edkins B. SCOTT EDKINS PLS 7696	7/31/13 DATE	TEMP. CONSTRUCTION EASEMENT		
		DRAWN: CSH DATE: 07/31/13	CHKD: PEG DATE: 07/31/13	R/W ACQ. NO.

EXHIBIT D

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY ACCESS EASEMENT)

EXHIBIT "A"

APN 0134-371-01

TEMPORARY ACCESS EASEMENT

That portion of the property firstly described in the deed from Pacific Improvement Company to Southern Pacific Railroad Company dated January 6, 1898 and recorded January 18, 1898, in Book 253, Page 265 of Deeds, in the Office of the County Recorder of San Bernardino County, and also a portion of the property described in the deed from Mitchell Allen to Southern Pacific Railroad Company dated February 6, 1902 and recorded February 10, 1902 in Book 315, Page 44 of Deeds, in the Office of said County Recorder, in the City of San Bernardino, County of San Bernardino, State of California, more particularly described as follows:

Commencing at the centerline intersection of Rialto Avenue (82.50 feet wide) and "E" Street (100.00 feet wide), as said intersection is shown and established by ties in Book 182, Page 027 of Corner Records, filed in the Office of the County Surveyor of said County, said centerline intersection bearing South 00°20'29" East 684.89 feet (North 00°08'00" East 684.94 feet per Parcel Map no. 1030, in Book 8 of Parcel Maps, Page 64, recorded in the Office of said County Recorder) from a brass disc in well per San Bernardino City Field Book 134-34T, said disc marking the centerline intersection of said "E" Street and 2nd Street;

Thence along the centerline of said "E" Street North 00°20'29" West 41.25 feet to the intersection with the easterly extension of the north right-of-way line of said Rialto Avenue;

Thence leaving said centerline and along said easterly extension South 89°45'05" West 65.02 feet to a point on the west right-of-way line of said "E" Street as described in deed recorded March 27, 1969, in Book 7204, Page 343 of Deeds and the southwest terminus of a 15.00 foot radius curve concave Northwesterly, a radial bearing to said point bears South 00°14'55" East;

Thence Northeasterly along said west right-of-way line and the arc of said curve through a central angle of 90°05'34" a distance of 23.59 feet;

Thence North 00°20'29" West 5.01 feet to the **True Point of Beginning**;

Thence leaving said west right-of-way line South 63°05'37" West 22.36 feet;

Thence North 00°20'29" West 70.68 feet;

Thence North 89°39'31" East 20.00 feet to said west right-of-way line;

Thence along said west right-of-way line South 00°20'29" East 60.68 feet to the **True Point of Beginning.**

Containing 1314 square feet.

3943_APN 0134-371-01 Temp Access Esmt.doc 8/1/2013

The Basis of Bearings for this survey is the California Coordinate System of 1983 (NAD 83) Zone 5, NSRS-2007 adjustment.

This real property description has been prepared by me, or under my direction in conformance with the Professional Land Surveyor's Act.

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. L7696
Exp. 12/31/14
STATE OF CALIFORNIA

B. SCOTT EDKINS — DATE 8/1/13
LS 7696
EXPIRATION DATE 12/31/14

3943_APN 0134-371-01 Temp Access Esmt.doc 8/1/2013

EXHIBIT "B"

APN 0134-371-01
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (NAD 83) ZONE 5, NSRS-2007 ADJUSTMENT.

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	90°05'34"	15.00'	23.59'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S63°05'37"W	22.36'

LEGEND

P.O.C. *INDICATES POINT OF COMMENCEMENT*

T.P.O.B. *INDICATES TRUE POINT OF BEGINNING*

● *INDICATES FOUND MONUMENT AS NOTED*

INDICATES TEMPORARY ACCESS EASEMENT GRANTED HEREIN
AREA – 1314 SQUARE FEET

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. LS7696
Exp. 12/31/14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 1 OF 2

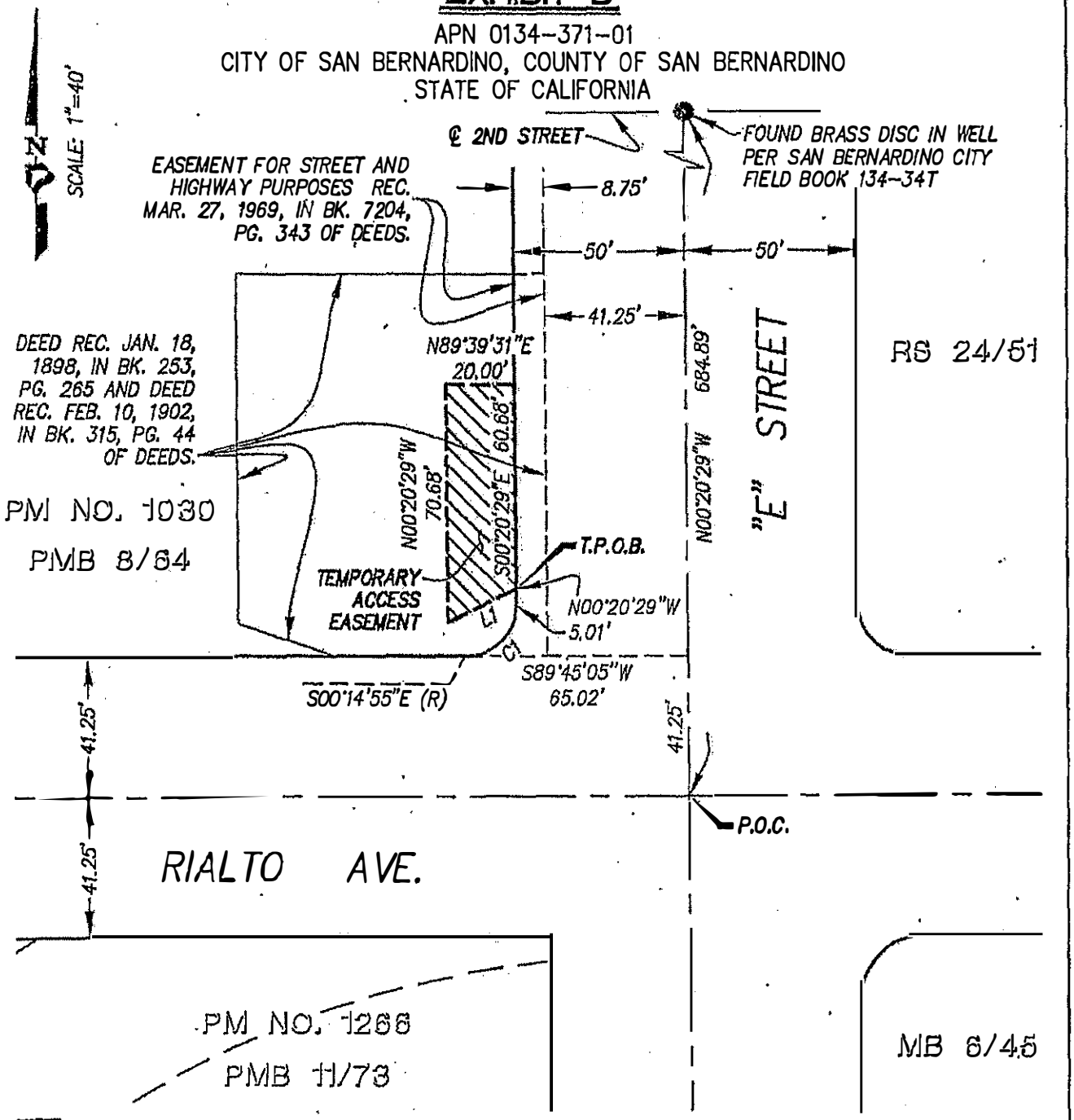
TEMPORARY ACCESS EASEMENT

B. SCOTT EDKINS PLS 7696 — DATE 8/1/13

DRAWN: CSH	CHKD: PEG	R/W ACQ. NO.
DATE: 08/01/13	DATE: 08/01/13	

EXHIBIT "B"

APN 0134-371-01
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0348 Fax

SHEET 2 OF 2

B. Scott Edkins	8/1/13	TEMPORARY ACCESS EASEMENT	
B. SCOTT EDKINS PLS 7696	DATE	DRAWN: CSH DATE: 08/01/13	CHKD: PEG DATE: 08/01/13
		R/W ACQ. NO.	

Governments SANBAG Working Together

San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
Phone: (909) 884-8276 Fax: (909) 885-4407
Web: www.sanbag.ca.gov

TRANSPORTATION MEASURE I

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

February 13, 2014

NOTICE OF HEARING ON PROPOSED RESOLUTION OF NECESSITY

(California Code of Civil Procedure 1245.235)

SAN BERNARDINO TRANSIT CENTER PROJECT

TO ALL OWNERS OF RECORD AND PERSONS INTERESTED IN THE PROPERTY HEREINAFTER DESCRIBED:

PLEASE TAKE NOTICE that on March 5, 2014, at 9:30 am (or as soon thereafter as the Commission can hear said matter), the San Bernardino County Transportation Commission (the "Commission"), will hold a meeting at the Santa Fe Depot - SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, CA 92410, at which time said Commission will consider adopting a Resolution of Necessity for the taking by eminent domain of the property designated as Commission Parcel SBTC-02 ("Property"), which represents interests in portions of the property located at 555 W. 2nd Street, bearing San Bernardino County Assessor's Parcel Number 0134-371-10, as described more specifically in the proposed Resolution of Necessity, a copy of which is attached to this Notice as Exhibit "1" and incorporated herein.

It is the recommendation of the Commission staff that the Commission adopt the Resolution of Necessity in connection with the San Bernardino Transit Center Project ("Project").

Each person/party who owns the Property, or an interest therein, is entitled to appear and to be heard at said meeting of the Commission with respect to the following matters:

(a) Whether the public interest and necessity require the Project;

(b) Whether the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) Whether the Property is necessary for the Project; and

(d) Whether an acquisition offer has been made in compliance with Government Code Section 7267.2.

If you wish to appear and be heard by the Commission with respect to said proposed resolution of necessity, you must file a written request to appear and be heard within 15 days after the date of this notice. Failure to file a written request to appear and be heard within 15 days after the date of this notice may result in a waiver of the right to appear and be heard. The written request to appear and be heard should be filed with:

VICKI WATSON
Clerk of the Commission
San Bernardino County Transportation Commission
Santa Fe Depot - SANBAG, 2nd Floor
1170 W. 3rd Street
San Bernardino, CA 92410

EXHIBIT "1"

PROPOSED RESOLUTION OF NECESSITY

Resolution No. 14-017

RESOLUTION NO. 14-017

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE SAN BERNARDINO TRANSIT CENTER PROJECT

The San Bernardino County Transportation Commission (the "Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the San Bernardino Transit Center Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBTC-02, which represents interests in portions of the property located at 555 W. 2nd Street, San Bernardino, California, which bears San Bernardino County Assessor's Parcel Number 0134-371-10, and which is described more specifically below and in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street and/or road purposes and appurtenances, and uses associated therewith, as well as incidental thereto.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement and right-of-way, over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than two (2) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representatives provide the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) two (2) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive access easement over,

on, under, in, across, along, and through the areas described in Exhibit D attached hereto, for the sole purpose of ingress and egress of said Property ("TAE"). The TAE shall be valid for a period of not more than two (2) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TAE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TAE, (b) two (2) months from the commencement date of the TAE, or (c) December 31, 2015.

WHEREAS the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members, the Commission found and determined each of the following:

(a) The public interest and necessity require the Project;

(b) The Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury;

(c) The Property is necessary for the Project; and

(d) The offer required by section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
San Bernardino County Transportation Commission

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

EXHIBIT A

LEGAL DESCRIPTION AND PLAT MAP
(LARGER PARCEL)

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

Parcel 1 of Parcel Map No. 1030, in the City of San Bernardino, County of San Bernardino, State of California, as per Plat recorded in Book 8 of Parcel Maps, Page 64, Records of said County.

Excepting therefrom the following described Parcel:

Beginning at the Southeast corner of said Parcel 1, said point being on the Northerly right of way line of Rialto Avenue, 82.50 feet wide;
Thence along said Northerly line North 89° 45′ 40″ West, 28.00 feet;
Thence North 0° 08′ 00″ East parallel to the centerline of "E" Street 9.50 feet;
Thence South 71° 02′ 00″ East, 29.58 feet to the point of beginning, said point being North 89° 45′ 40″ West, 52.00 feet from the Southeast corner of Lot 1 in Block 5, of the City of San Bernardino, County of San Bernardino, State of California, as shown on a Map recorded in Book 7 of Maps, Page 1, in the office of the County Recorder of said County.

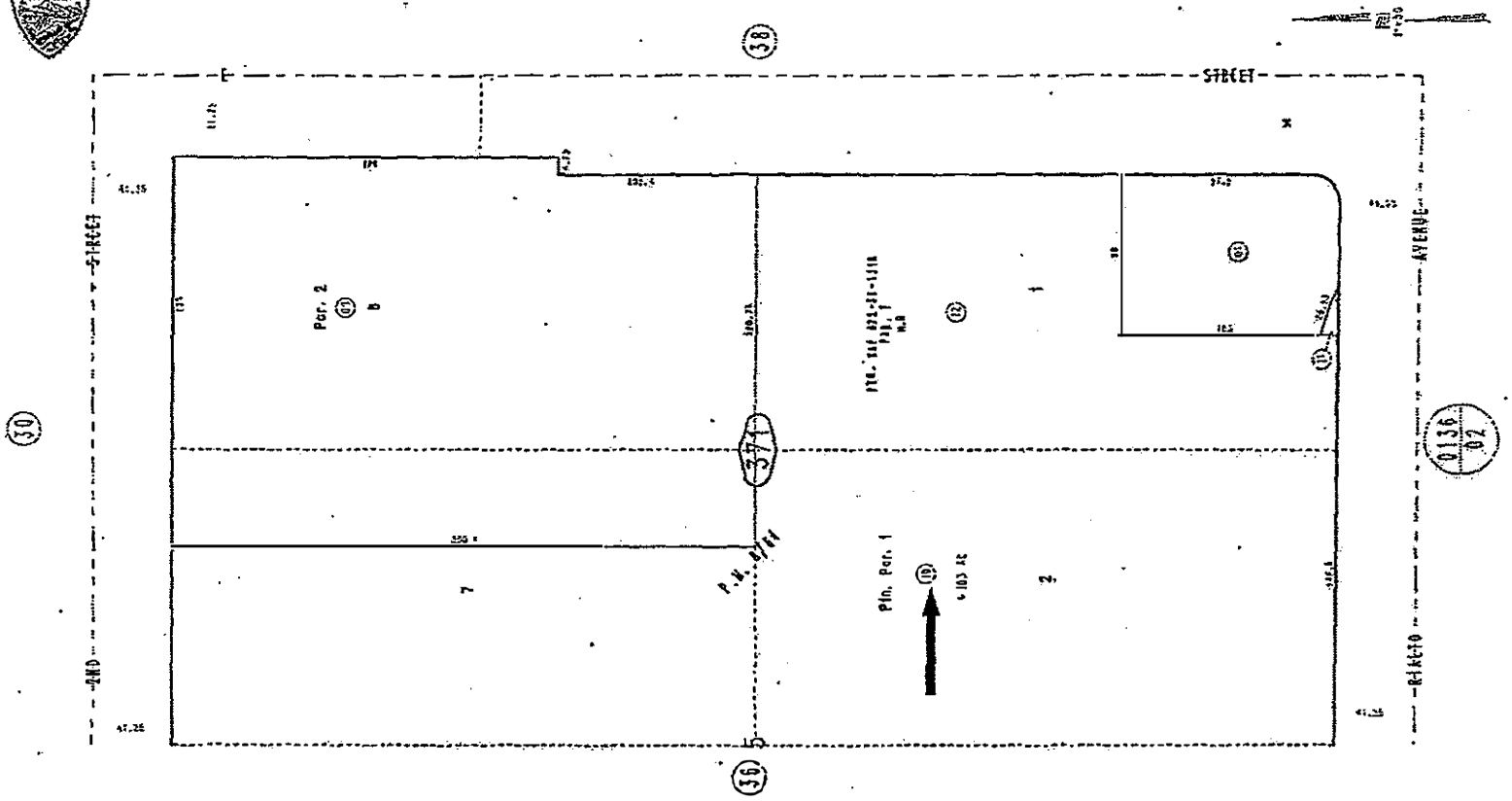
Also excepting therefrom that portion of said property lying below a depth of 500 feet measured vertically from the contour of the surface thereof; provided, however, that said grantor, its successors and assigns, shall not have the right for any and all purposes to enter upon, into or through the surface or the portion of said property lying above 500 feet, measured vertically from the contour of the surface of said property, as contained in the deed from Southern Pacific Transportation Company, recorded October 31, 1972 In Book 8051, Page 262 of Official Records.

Assessor's Parcel Number: **0134-371-10**

THIS MAP IS FOR THE PURPOSE OF AD VALOREM TAXATION ONLY.

Pin. City of San Bernardino
M.B. 7/1

City of San Bernardino 0134 – 37
Tax Rate Area
7067



December 2004

Pin. Parcel Map No. 1038, P.M. 8/44

Assessor's Map
Book 0134 Page 37
San Bernardino County

EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT "A"

APN 0134-371-10

ROADWAY EASEMENT

That portion of Parcel 1 of Parcel Map no. 1030, in the City of San Bernardino, County of San Bernardino, State of California, in Book 8 of Parcel Maps, Page 64, recorded in the Office of said County Recorder, more particularly described as follows:

Commencing at the centerline intersection of Rialto Avenue (82.50 feet wide) and "F" Street (82.50 feet wide), as said intersection is shown and established by ties in San Bernardino City Field Book 134-24T, filed in the Office of the County Surveyor of said County, marked by a PK Nail and Flash, said centerline intersection bearing South 00°18'43" East 680.59 feet (North 00°10'00" East 680.59 feet per said Map) from a spike and washer with disc stamped "LS 5411" per Book 266, Page 062 of Corner Records, filed in the Office of said County Surveyor, said disc marking the centerline intersection of said "F" Street and 2nd Street;

Thence along the centerline of said "F" Street North 00°18'43" West 56.19 feet (56.18 feet per said Map);

Thence leaving said centerline at right angles thereto North 89°41'17" East 41.25 feet to the **True Point of Beginning**, said point being on the east right-of-way line of said "F" Street and the northwest terminus of a 15.00 foot radius curve concave Northeasterly;

Thence along said east right-of-way line North 00°18'43" West 11.73 feet;

Thence leaving said east right-of-way line South 38°04'35" East 33.82 feet to the north right-of-way line of said Rialto Avenue (82.50 feet wide);

Thence along said north right-of-way line South 89°45'05" West 5.73 feet to a tangent 15.00 foot radius curve concave Northeasterly;

Thence Northwesterly along the arc of said curve through a central angle of 89°56'12" a distance of 23.55 feet to the **True Point of Beginning**;

Containing 228 square feet, more or less.

3943_APN 0134-371-10 Roadway Esmt.doc 7/30/2013

The Basis of Bearings for this survey is the California Coordinate System of 1983 (NAD 83) Zone 5, NSRS-2007 adjustment.

This real property description has been prepared by me, or under my direction in conformance with the Professional Land Surveyor's Act.

7/31/13

B. SCOTT EDKINS DATE
LS 7696
EXPIRATION DATE 12/31/14

3943_APN 0134-371-10 Roadway Esmt.doc 7/30/2013

EXHIBIT "B"

APN 0134-371-10
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (NAD 83) ZONE 5, NSRS-2007 ADJUSTMENT.

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	89°56'12"	15.00'	23.55'

LEGEND

P.O.C. *INDICATES POINT OF COMMENCEMENT*

T.P.O.B. *INDICATES TRUE POINT OF BEGINNING*

● *INDICATES FOUND MONUMENT AS NOTED*

▽▽▽ *INDICATES ROADWAY EASEMENT GRANTED TO CITY OF SAN BERNARDINO HEREIN AREA – 228 SQUARE FEET*

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. LS7696
Exp. 12/31/14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 1 OF 2

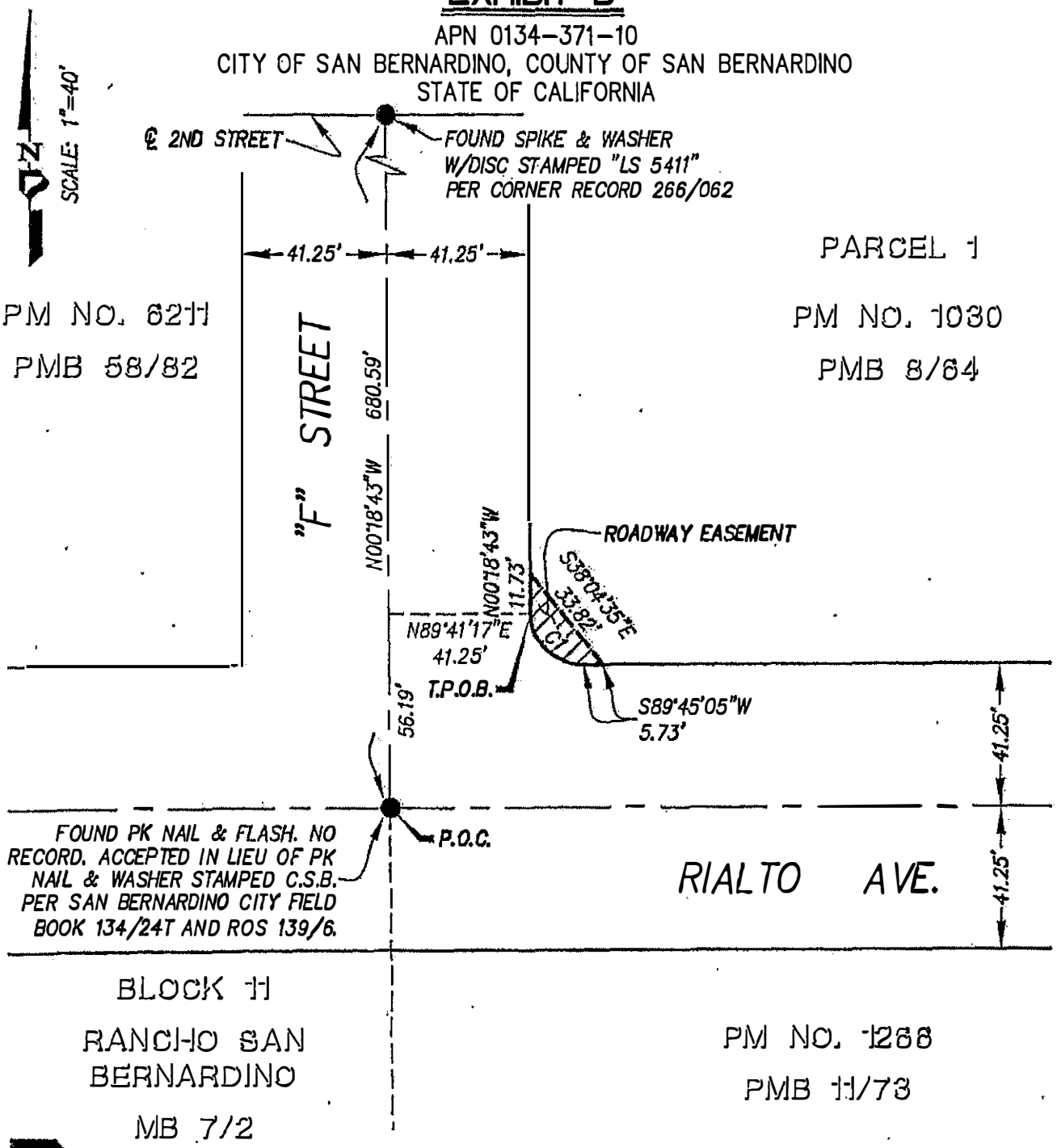
B. SCOTT EDKINS PLS 7696	DATE	DRAWN: CSH	CHKD: PEG
		DATE: 07/31/13	DATE: 07/31/13

ROADWAY EASEMENT

R/W ACQ. NO. _____

EXHIBIT "B"

APN 0134-371-10
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 2 OF 2

B. SCOTT EDKINS PLS 7696	7/31/13 DATE	ROADWAY EASEMENT		
		DRAWN: CSH	CHKD: PEG	R/W ACQ. NO.
		DATE: 07/31/13	DATE: 07/31/13	

EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT "A"

APN 0134-371-10

TEMPORARY CONSTRUCTION EASEMENT

That portion of Parcel 1 of Parcel Map no. 1030, in the City of San Bernardino, County of San Bernardino, State of California, in Book 8 of Parcel Maps, Page 64, recorded in the Office of said County Recorder, more particularly described as follows:

Commencing at the centerline intersection of Rialto Avenue (82.50 feet wide) and "F" Street (82.50 feet wide), as said intersection is shown and established by ties in San Bernardino City Field Book 134-24T, filed in the Office of the County Surveyor of said County, marked by a PK Nail and Flash, said centerline intersection bearing South 00°18'43" East 680.59 feet (North 00°10'00" East 680.59 feet per said Map) from a spike and washer with disc stamped "LS 5411" per Book 266, Page 062 of Corner Records, filed in the Office of said County Surveyor, said disc marking the centerline intersection of said "F" Street and 2nd Street;

Thence along the centerline of said "F" Street North 00°18'43" West 56.19 feet (56.18 feet per said Map);

Thence leaving said centerline at right angles thereto North 89°41'17" East 41.25 feet to a point on the east right-of-way line of said "F" Street and the northwest terminus of a 15.00 foot radius curve concave Northeasterly;

Thence along said east right-of-way line North 00°18'43" West 11.73 feet to the **True Point of Beginning**;

Thence continuing along said east right-of-way line North 00°18'43" West 6.32 feet;

Thence leaving said east right-of-way line North 89°41'17" East 9.02 feet;

Thence South 38°04'35" East 16.46 feet;

Thence North 89°45'05" East 30.47 feet;

Thence South 00°00'00" East 10.04 feet;

Thence North 89°45'05" East 33.09 feet;

Thence South 00°14'55" East 10.00 feet to the north right-of-way line of said Rialto Avenue (82.50 feet wide);

Thence along said north right-of-way line South 89°45'05" West 61.89 feet;

Thence leaving said north right-of-way line North 38°04'35" West 33.82 feet to the **True Point of Beginning**;

Containing 1230 square feet, more or less.

3943_APN 0134-371-10 TCE.doc 7/30/2013

The Basis of Bearings for this survey is the California Coordinate System of 1983 (NAD 83) Zone 5, NSRS-2007 adjustment.

This real property description has been prepared by me, or under my direction in conformance with the Professional Land Surveyor's Act.

7/31/13

B. SCOTT EDKINS
LS 7696
EXPIRATION DATE 12/31/14

DATE

3943_APN 0134-371-10 TCE.doc 7/30/2013

EXHIBIT "B"

APN 0134-371-10
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (NAD 83) ZONE 5, NSRS-2007 ADJUSTMENT.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°18'43"W	11.73'
L2	N00°18'43"W	6.32'
L3	S00°00'00"E	10.04'

LEGEND

P.O.C. *INDICATES POINT OF COMMENCEMENT*

T.P.O.B. *INDICATES TRUE POINT OF BEGINNING*

● *INDICATES FOUND MONUMENT AS NOTED*

▨ *INDICATES TEMPORARY CONSTRUCTION EASEMENT GRANTED HEREIN AREA - 1230 SQUARE FEET*

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. LS7698
Exp. 12/31/14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 1 OF 2

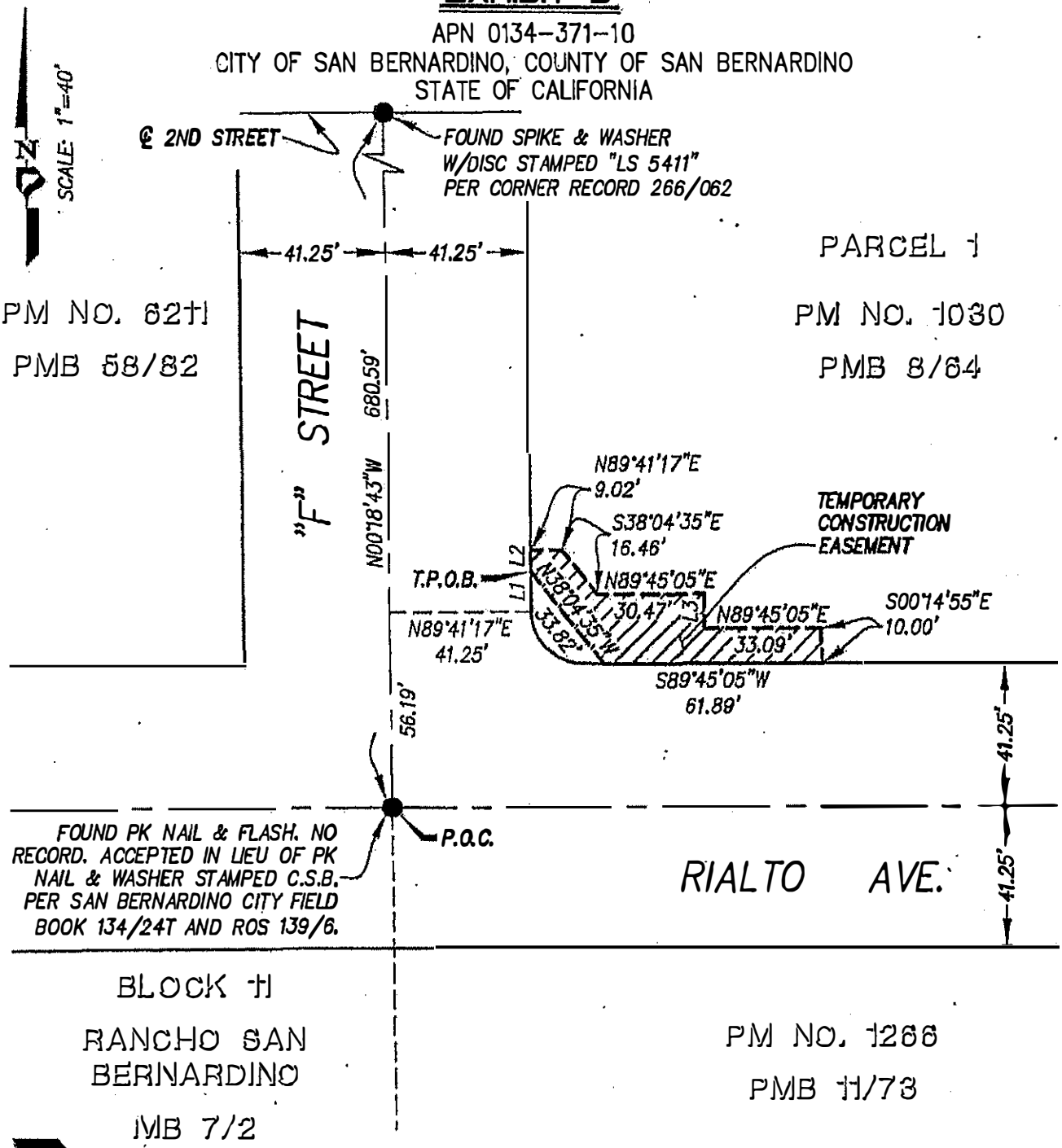
B. Scott Edkins 7/31/13
B. SCOTT EDKINS PLS 7698 DATE

TEMP. CONSTRUCTION EASEMENT

DRAWN: CSH	CHKD: PEG	R/W ACQ. NO.
DATE: 07/31/13	DATE: 07/31/13	

EXHIBIT "B"

APN 0134-371-10
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 2 OF 2

B. SCOTT EDKINS PLS 7698	7/31/13 DATE	DRAWN: CSH DATE:07/31/13	CHKD: PEG DATE:07/31/13	TEMP. CONSTRUCTION EASEMENT R/W ACQ. NO.

EXHIBIT D

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY ACCESS EASEMENT)

EXHIBIT "A"

APN 0134-371-10

TEMPORARY ACCESS EASEMENT

That portion of Parcel 1 of Parcel Map no. 1030, in the City of San Bernardino, County of San Bernardino, State of California, in Book 8 of Parcel Maps, Page 64, recorded in the Office of said County Recorder, more particularly described as follows:

Commencing at the centerline intersection of Rialto Avenue (82.50 feet wide) and "F" Street (82.50 feet wide), as said intersection is shown and established by ties in San Bernardino City Field Book 134-24T, filed in the Office of the County Surveyor of said County, marked by a PK Nail and Flash, said centerline intersection bearing South 00°18'43" East 680.59 feet (North 00°10'00" East 680.59 feet per said Map) from a spike and washer with disc stamped "LS 5411" per Book 266, Page 062 of Corner Records, filed in the Office of said County Surveyor, said disc marking the centerline intersection of said "F" Street and 2nd Street;

Thence along the centerline of said "F" Street North 00°18'43" West 56.19 feet (56.18 feet per said Map);

Thence leaving said centerline at right angles thereto North 89°41'17" East 41.25 feet to a point on the east right-of-way line of said "F" Street and the northwest terminus of a 15.00 foot radius curve concave Northeasterly;

Thence along said east right-of-way line North 00°18'43" West 18.04 feet to the **True Point of Beginning**;

Thence continuing along said east right-of-way line North 00°18'43" West 56.49 feet;

Thence leaving said east right-of-way line North 89°41'17" East 20.00 feet;

Thence South 00°18'43" East 58.50 feet;

Thence North 90°00'00" East 29.63 feet;

Thence South 00°00'00" West 10.87 feet;

Thence South 89°45'05" West 30.47 feet;

Thence North 38°04'35" West 16.46 feet;

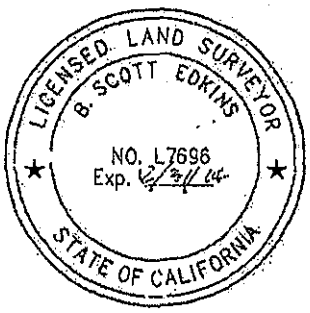
Thence South 89°41'17" West 9.02 feet to the **True Point of Beginning**;

Containing 1531 square feet, more or less.

3943_APN 0134-371-10 Temp Access Esmt.doc 8/1/2013

The Basis of Bearings for this survey is the California Coordinate System of 1983 (NAD 83) Zone 5, NSRS-2007 adjustment.

This real property description has been prepared by me, or under my direction in conformance with the Professional Land Surveyor's Act.



B. SCOTT EDKINS
LS 7696
EXPIRATION DATE 12/31/14

8/1/13
DATE

3943_APN 0134-371-10 Temp Access Esmt.doc 8/1/2013

EXHIBIT "B"

APN 0134-371-10
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (NAD 83) ZONE 5, NSRS-2007 ADJUSTMENT.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°18'43"W	18.04'
L2	N38°04'35"W	16.46'
L3	S89°41'17"W	9.02'

LEGEND

P.O.C. *INDICATES POINT OF COMMENCEMENT*

T.P.O.B. *INDICATES TRUE POINT OF BEGINNING*

● *INDICATES FOUND MONUMENT AS NOTED*

INDICATES TEMPORARY ACCESS EASEMENT GRANTED HEREIN
AREA – 1531 SQUARE FEET

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. LS7696
Exp. 12/31/14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 900
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 1 OF 2

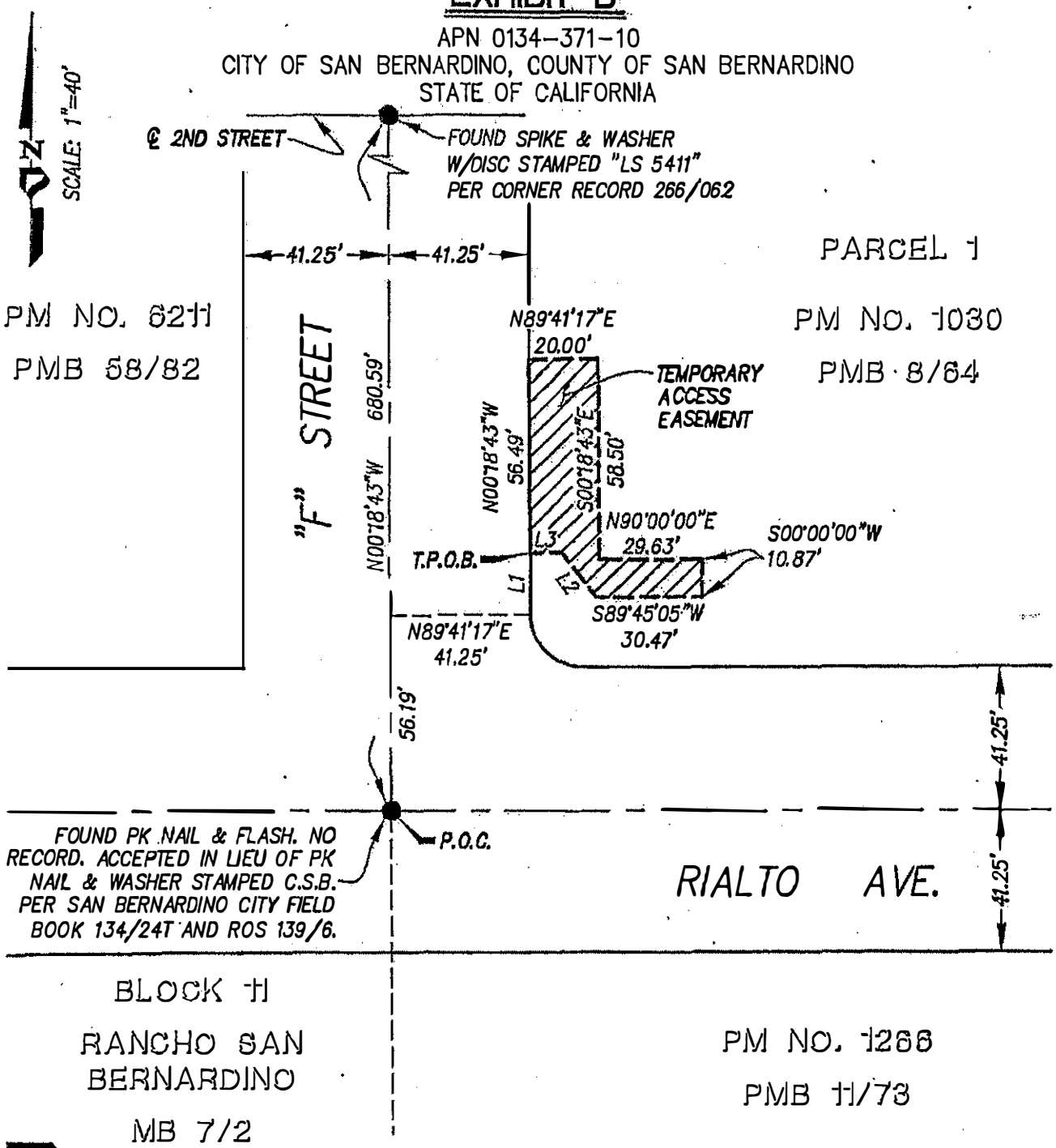
B. Scott Edkins 8/1/13
B. SCOTT EDKINS PLS 7696 DATE

TEMPORARY ACCESS EASEMENT

DRAWN: CSH	CHKD: PEG	R/W
DATE: 08/01/13	DATE: 08/01/13	ACQ. NO.

EXHIBIT "B"

APN 0134-371-10
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 2 OF 2

TEMPORARY ACCESS EASEMENT

B. Scott Edkins 8/1/13
B. SCOTT EDKINS PLS 7696 DATE

DRAWN: CSH	CHKD: PEG	R/W ACQ. NO.
DATE: 08/01/13	DATE: 08/01/13	

Governments SANBAG Working Together

San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
Phone: (909) 884-8276 Fax: (909) 885-4407
Web: www.sanbag.ca.gov

TRANSPORTATION MEASURE I

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

February 13, 2014

NOTICE OF HEARING ON PROPOSED RESOLUTION OF NECESSITY

(California Code of Civil Procedure 1245.235)

SAN BERNARDINO TRANSIT CENTER PROJECT

TO ALL OWNERS OF RECORD AND PERSONS INTERESTED IN THE PROPERTY HEREINAFTER DESCRIBED:

PLEASE TAKE NOTICE that on March 5, 2014, at 9:30 am (or as soon thereafter as the Commission can hear said matter), the San Bernardino County Transportation Commission (the "Commission"), will hold a meeting at the Santa Fe Depot - SANBAG Lobby 1st Floor, 1170 W. 3rd Street, San Bernardino, CA 92410, at which time said Commission will consider adopting a Resolution of Necessity for the taking by eminent domain of the property designated as Commission Parcel SBTC-03 ("Property"), which represents interests in portions of the property located at 655 W. 2nd Street, bearing San Bernardino County Assessor's Parcel Number 0134-341-26, as described more specifically in the proposed Resolution of Necessity, a copy of which is attached to this Notice as Exhibit "1" and incorporated herein.

It is the recommendation of the Commission staff that the Commission adopt the Resolution of Necessity in connection with the San Bernardino Transit Center Project ("Project").

Each person/party who owns the Property, or an interest therein, is entitled to appear and to be heard at said meeting of the Commission with respect to the following matters:

(a) Whether the public interest and necessity require the Project;

(b) Whether the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) Whether the Property is necessary for the Project; and

(d) Whether an acquisition offer has been made in compliance with Government Code Section 7267.2.

If you wish to appear and be heard by the Commission with respect to said proposed resolution of necessity, you must file a written request to appear and be heard within 15 days after the date of this notice. Failure to file a written request to appear and be heard within 15 days after the date of this notice may result in a waiver of the right to appear and be heard. The written request to appear and be heard should be filed with:

VICKI WATSON
Clerk of the Commission
San Bernardino County Transportation Commission
Santa Fe Depot - SANBAG, 2nd Floor
1170 W. 3rd Street
San Bernardino, CA 92410

EXHIBIT "1"

PROPOSED RESOLUTION OF NECESSITY

Resolution No. 14-018

RESOLUTION NO. 14-018

RESOLUTION OF NECESSITY TO EXERCISE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY FOR THE SAN BERNARDINO TRANSIT CENTER PROJECT

The San Bernardino County Transportation Commission (the "Commission") hereby finds, determines, and resolves as follows:

WHEREAS public safety, welfare, convenience, interest and necessity require the acquisition by the Commission of the property hereinafter described for public use, to wit: Acquisition of property in the City of San Bernardino for the San Bernardino Transit Center Project ("Project").

WHEREAS the Commission was created pursuant to California Public Utilities Code sections 130050 and 130054.

WHEREAS the property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Commission to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Public Utilities Code section 130220.5, and California Code of Civil Procedure sections 1240.010-1273.050.

WHEREAS the property to be acquired has been designated as Commission Parcel SBTC-03, which represents interests in portions of the property located at 655 W. 2nd Street, San Bernardino, California, which bears San Bernardino County Assessor's Parcel Number 0134-341-26, and which is described more specifically below and in the exhibits attached hereto, which are incorporated herein by this reference ("Property"). The legal description for the larger parcel of which the Property is a part is attached hereto as Exhibit A.

WHEREAS the Property consists of a permanent easement over, on, under, in, across, along, and through the area described in Exhibit B attached hereto for public street and/or road purposes and appurtenances, and uses associated therewith, as well as incidental thereto.

WHEREAS the Property also consists of a temporary, non-exclusive construction easement and right-of-way, over, on, under, in, across, along, and through the areas described in Exhibit C attached hereto, for the purpose of all necessary and convenient activities associated with the Project ("TCE"). The TCE shall be valid for a period of not more than two (2) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representatives provide the owner with written notice of its intent to commence construction utilizing the TCE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TCE, (b) two (2) months from the commencement date of the TCE, or (c) December 31, 2015. At the expiration of the TCE, the Commission or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction.

WHEREAS the Property also consists of a temporary, non-exclusive access easement over,

on, under, in, across, along, and through the areas described in Exhibit D attached hereto, for the sole purpose of ingress and egress of said Property ("TAE"). The TAE shall be valid for a period of not more than two (2) months. It shall commence seven (7) days from the date upon which the Commission or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TAE, and it shall terminate on the earliest of (a) the date upon which the Commission notifies the applicable owner that it no longer needs the TAE, (b) two (2) months from the commencement date of the TAE, or (c) December 31, 2015.

WHEREAS the Commission found and determined that:

(a) The acquisition of the Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Environmental Impact Report ("EIR") for this Project; and

(c) The Commission has reviewed and considered the EIR, prior to and as part of the process of determining whether to acquire the Property.

WHEREAS, in accordance with Code of Civil Procedure section 1245.230, by a vote of 2/3 or more of its members, the Commission found and determined each of the following:

(a) The public interest and necessity require the Project;

(b) The Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury;

(c) The Property is necessary for the Project; and

(d) The offer required by section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

WHEREAS pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property 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 is already devoted.

WHEREAS notice of intention to adopt this resolution was given to the person whose property is to be acquired by eminent domain in accordance with section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Commission on the matters contained herein.

THEREFORE, BE IT RESOLVED that the Commission is hereby authorized to acquire in the Commission's name the Property by donation, purchase, or by condemnation in accordance with the provisions of the Constitution of the State of California and the Code of Civil Procedure relating to eminent domain.

BE IT FURTHER RESOLVED that legal counsel is hereby authorized and directed to take all steps necessary to commence and prosecute to completion legal proceedings, in a court of competent jurisdiction, to acquire the Property by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and, in so doing, Counsel is authorized to deposit the amount of probable compensation with the State Treasurer. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the Commission, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.

Approved
San Bernardino County Transportation Commission

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

Resolution No. 14-018

EXHIBIT A

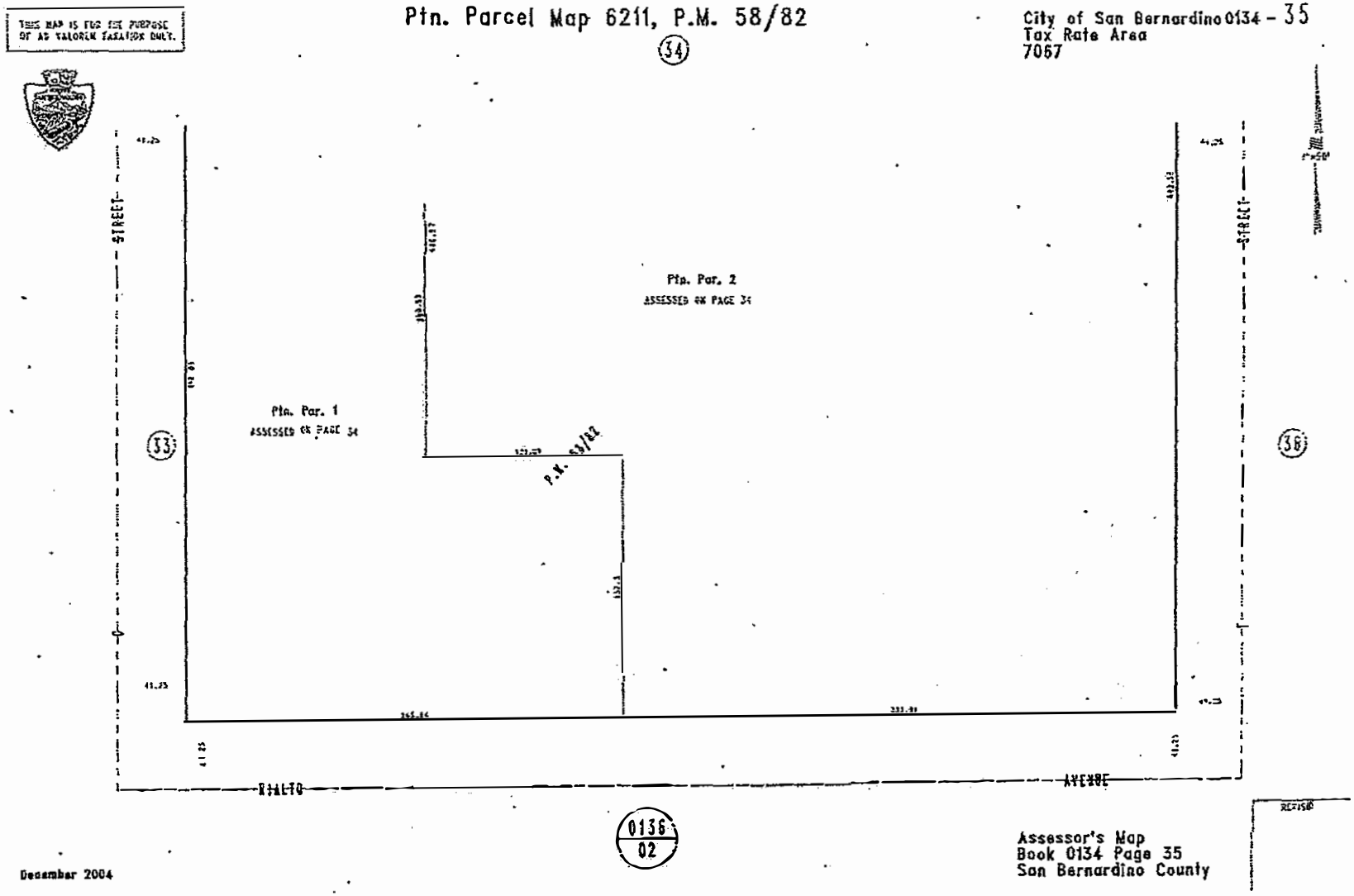
LEGAL DESCRIPTION AND PLAT MAP
(LARGER PARCEL)

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

Parcel 2 of Parcel Map No. 6211, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 58 of Parcel Maps, Page 82, Records of said County.

Assessor's Parcel Number: **0134-341-26**



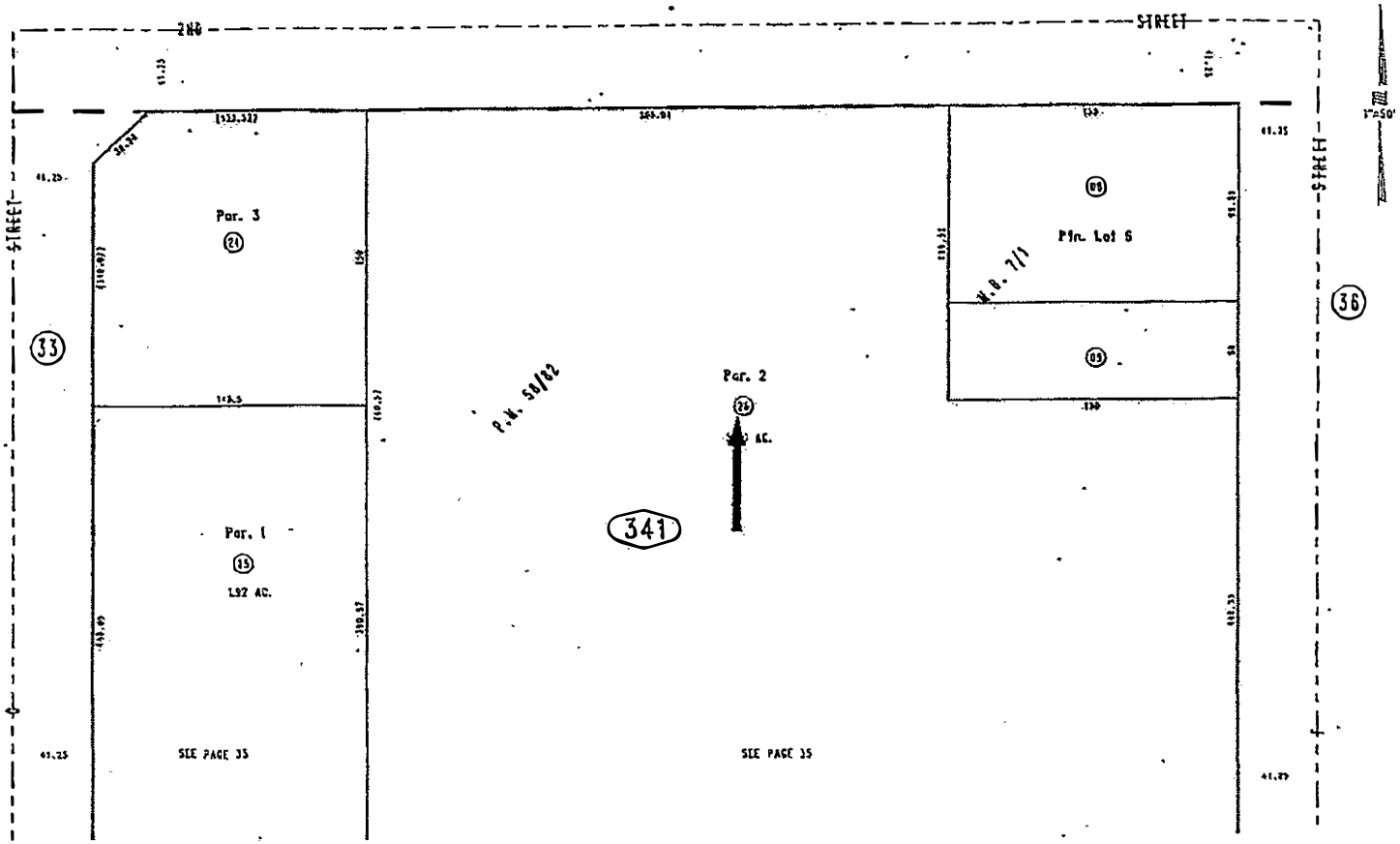
December 2004

Assessor's Map
Book 0134 Page 35
San Bernardino County

THIS MAP IS FOR THE PURPOSE OF AD VALOREM TAXATION ONLY.

Ptn. City of San Bernardino, M.B. 7/1

City of San Bernardino 0134 – 34
Tax Rate Area
7067



REVISED 06/15/11 KA

December 2004

Parcel Map No. 6211, P.M. 56/82

35

Ptn. N.E.1/4, Sec. 9
T.1S., R.4W.

Assessor's Map
Book 0134 Page 34
San Bernardino County

EXHIBIT B

LEGAL DESCRIPTION AND PLAT MAP
(PERMANENT EASEMENT)

EXHIBIT "A"

APN 0134-341-26

ROADWAY EASEMENT

That portion of Parcel 2 of Parcel Map no. 6211, in the City of San Bernardino, County of San Bernardino, State of California, in Book 58 of Parcel Maps, Page 82, recorded in the Office of said County Recorder, more particularly described as follows:

Commencing at the centerline intersection of Rialto Avenue (82.50 feet wide) and "F" Street (82.50 feet wide), as said intersection is shown and established by ties in San Bernardino City Field Book 134-24T, filed in the Office of the County Surveyor of said County, marked by a PK Nail and Flash, said centerline intersection bearing South 00°18'43" East 680.59 feet (North 00°10'00" East 680.59 feet per said Map) from a spike and washer with disc stamped "LS 5411" per Book 266, Page 062 of Corner Records, filed in the Office of said County Surveyor, said disc marking the centerline intersection of said "F" Street and 2nd Street;

Thence along the centerline of said "F" Street North 00°18'43" West 41.25 feet to the intersection with the easterly extension of the north right-of-way line of said Rialto Avenue;

Thence leaving said centerline and alorig said easterly extension South 89°31'54" West 41.25 feet to the **True Point of Beginning**, said point being the southeast corner of said Parcel 2 and a point on said north right-of-way line;

Thence along said north right-of-way line South 89°31'54" West 20.69 feet;

Thence leaving said north right-of-way line North 37°23'16" East 33.83 feet to the west right-of-way line of said "F" Street (82.50 feet wide);

Thence along said west right-of-way line South 00°18'43" East 26.71 feet to the **True Point of Beginning**;

Containing 276 square feet, more or less.

The Basis of Bearings for this survey is the California Coordinate System of 1983 (NAD 83) Zone 5, NSRS-2007 adjustment.

This real property description has been prepared by me, or under my direction in conformance with the Professional Land Surveyor's Act.

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. L7696
Exp. 12/31/14
STATE OF CALIFORNIA

7/31/13

B. SCOTT EDKINS
LS 7696
EXPIRATION DATE 12/31/14

DATE

3943_APN 0134-341-26 Roadway Esmt.doc 7/30/2013

EXHIBIT "B"

APN 0134-341-26
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (NAD 83) ZONE 5, NSRS-2007 ADJUSTMENT.

LEGEND

P.O.C. *INDICATES POINT OF COMMENCEMENT*

T.P.O.B. *INDICATES TRUE POINT OF BEGINNING*

● *INDICATES FOUND MONUMENT AS NOTED*

INDICATES ROADWAY EASEMENT GRANTED TO CITY OF SAN BERNARDINO HEREIN AREA – 276 SQUARE FEET

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. LS7696
Exp.
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

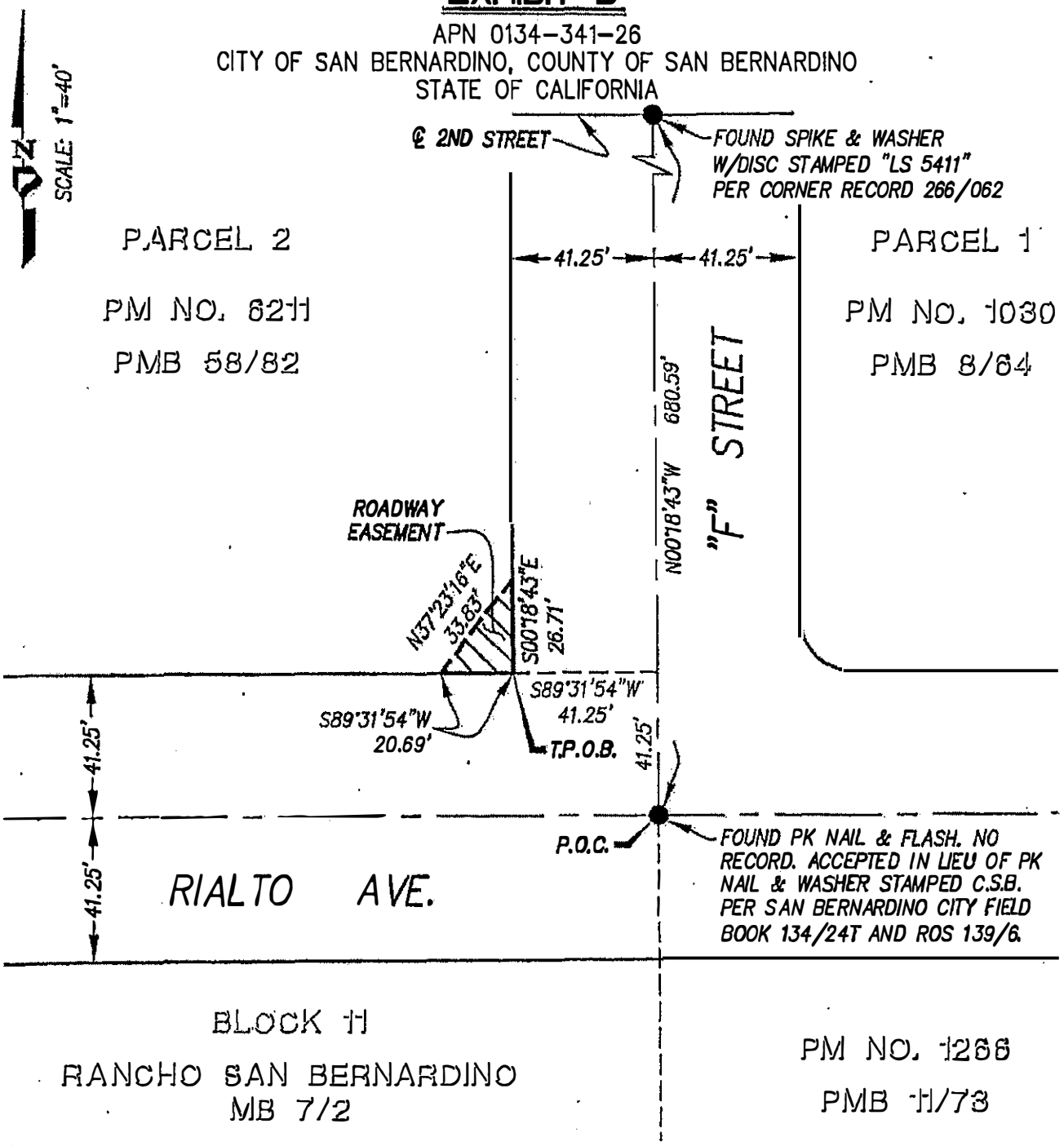
701 B Street, Suite 800
San Diego, CA 92101
619.238.6471 Tel
619.234.0349 Fax

SHEET 1 OF 2

B. Scott Edkins	7/31/13	ROADWAY EASEMENT		
B. SCOTT EDKINS PLS 7696	DATE	DRAWN: CSH	CHKD: PEG	R/W ACQ. NO.
		DATE: 07/31/13	DATE: 07/31/13	

EXHIBIT "B"

APN 0134-341-26
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.0471 Tel
619.234.0349 Fax

SHEET 2 OF 2

B. Scott Edkins	7/31/13	ROADWAY EASEMENT		
B. SCOTT EDKINS PLS 7696	DATE	DRAWN: CSH	CHKD: PEG	R/W ACQ. NO.
		DATE: 07/31/13	DATE: 07/31/13	

EXHIBIT C

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT "A"

APN 0134-341-26

TEMPORARY CONSTRUCTION EASEMENT

That portion of Parcel 2 of Parcel Map no. 6211, in the City of San Bernardino, County of San Bernardino, State of California, in Book 58 of Parcel Maps, Page 82, recorded in the Office of said County Recorder, more particularly described as follows:

Commencing at the centerline intersection of Rialto Avenue (82.50 feet wide) and "F" Street (82.50 feet wide), as said intersection is shown and established by ties in San Bernardino City Field Book 134-24T, filed in the Office of the County Surveyor of said County, marked by a PK Nail and Flash, said centerline intersection bearing South 00°18'43" East 680.59 feet (North 00°10'00" East 680.59 feet per said Map) from a spike and washer with disc stamped "LS 5411" per Book 266, Page 062 of Corner Records, filed in the Office of said County Surveyor, said disc marking the centerline intersection of said "F" Street and 2nd Street;

Thence along the centerline of said "F" Street North 00°18'43" West 41.25 feet to the intersection with the easterly extension of the north right-of-way line of said Rialto Avenue;

Thence leaving said centerline and along said easterly extension South 89°31'54" West 41.25 feet to the southeast corner of said Parcel 2 and a point on said north right-of-way line;

Thence along said north right-of-way line South 89°31'54" West 20.69 feet to the **True Point of Beginning**;

Thence continuing along said north right-of-way line South 89°31'54" West 34.36 feet;

Thence leaving said north right-of-way line North 00°28'06" West 4.09 feet;

Thence North 44°36'19" East 77.98 feet to the west right-of-way line of said "F" Street (82.50 feet wide);

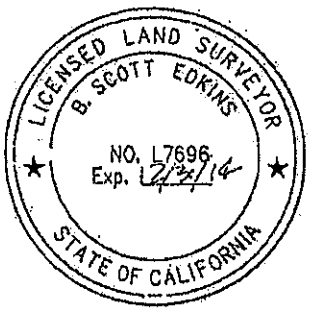
Thence along said west right-of-way line South 00°18'43" East 32.44 feet;

Thence leaving said west right-of-way line South 37°23'16" West 33.83 feet to the **True Point of Beginning**;

Containing 1465 square feet, more or less.

The Basis of Bearings for this survey is the California Coordinate System of 1983 (NAD 83) Zone 5, NSRS-2007 adjustment.

This real property description has been prepared by me, or under my direction in conformance with the Professional Land Surveyor's Act.



7/31/13

B. SCOTT EDKINS — DATE
LS 7696
EXPIRATION DATE 12/31/14

3943_APN 0134-341-26 TCE.doc 7/30/2013

EXHIBIT "B"

APN 0134-341-26
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (NAD 83) ZONE 5, NSRS-2007 ADJUSTMENT.

LEGEND

P.O.C. *INDICATES POINT OF COMMENCEMENT*

T.P.O.B. *INDICATES TRUE POINT OF BEGINNING*

● *INDICATES FOUND MONUMENT AS NOTED*

INDICATES TEMPORARY CONSTRUCTION EASEMENT GRANTED HEREIN AREA – 1465 SQUARE FEET

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. LS7696
Exp. 12/31/14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

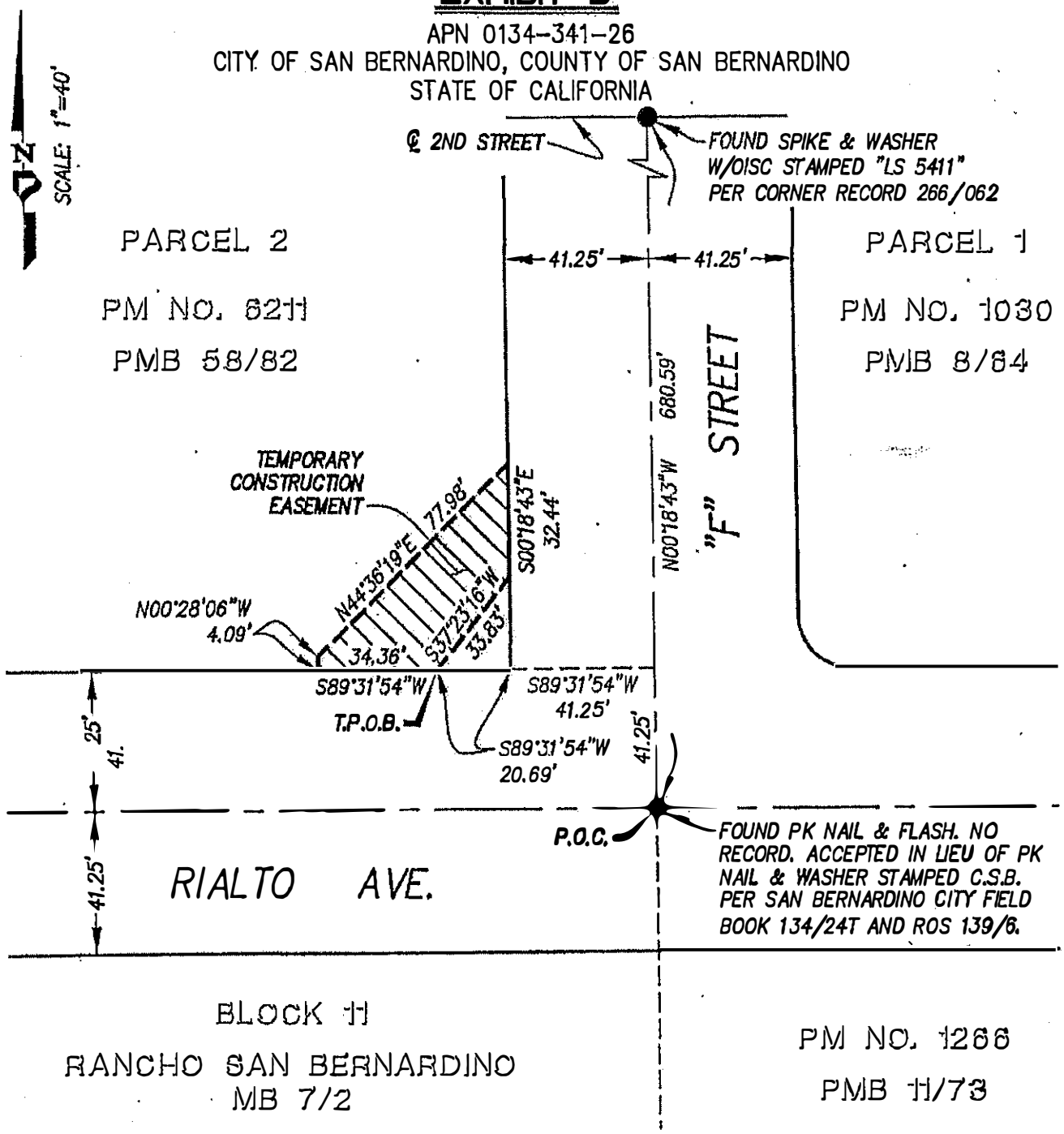
701 B Street, Suite 000
San Diego, CA 92101
619.235.6471 Tel
619.234.7349 Fax

SHEET 1 OF 2

B. SCOTT EDKINS PLS 7696	7/31/13 DATE	TEMP. CONSTRUCTION EASEMENT		
		DRAWN: CSH	CHKD: PEG	R/W
		DATE: 07/31/13	DATE: 07/31/13	ACQ. NO.

EXHIBIT "B"

APN 0134-341-26
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.8471 Tel
619.234.0349 Fax

SHEET 2 OF 2

B. Scott Edkins	7/31/13	TEMP. CONSTRUCTION EASEMENT
B. SCOTT EDKINS PLS 7696	DATE	DRAWN: CSH / CHKD: PEG DATE: 07/31/13 / DATE: 07/31/13 R/W ACQ. NO.

EXHIBIT D

LEGAL DESCRIPTION AND PLAT MAP
(TEMPORARY ACCESS EASEMENT)

EXHIBIT "A"

APN 0134-341-26

TEMPORARY ACCESS EASEMENT

That portion of Parcel 2 of Parcel Map no. 6211, in the City of San Bernardino, County of San Bernardino, State of California, in Book 58 of Parcel Maps, Page 82, recorded in the Office of said County Recorder, more particularly described as follows:

Commencing at the centerline intersection of Rialto Avenue (82.50 feet wide) and "F" Street (82.50 feet wide), as said intersection is shown and established by ties in San Bernardino City Field Book 134-24T, filed in the Office of the County Surveyor of said County, marked by a PK Nail and Flash, said centerline intersection bearing South 00°18'43" East 680.59 feet (North 00°10'00" East 680.59 feet per said Map) from a spike and washer with disc stamped "LS 5411" per Book 266, Page 062 of Corner Records, filed in the Office of said County Surveyor, said disc marking the centerline intersection of said "F" Street and 2nd Street;

Thence along the centerline of said "F" Street North 00°18'43" West 41.25 feet to the intersection with the easterly extension of the north right-of-way line of said Rialto Avenue;

Thence leaving said centerline and along said easterly extension South 89°31'54" West 41.25 feet to the southeast corner of said Parcel 2 and a point on the west right-of-way line of said "F" Street (82.50 feet wide);

Thence along said west right-of-way line North 00°18'43" West 59.15 feet to the **True Point of Beginning**;

Thence leaving said west right-of-way line South 44°36'19" West 52.40 feet;

Thence parallel with said west right-of-way line North 00°18'43" West 264.79 feet;

Thence North 89°41'17" East 37.00 feet to said west right-of-way line;

Thence along said west right-of-way line South 00°18'43" East 30.00 feet;

Thence leaving said west right-of-way line South 89°41'17" West 7.00 feet to the beginning of a tangent 15.00 foot radius curve concave Southeasterly;

Thence Southwesterly along the arc of said curve through a central angle of 90°00'00" a distance of 23.56 feet;

Thence parallel with said west right-of-way line South 00°18'43" East 182.69 feet;

Thence North 89°41'17" East 22.00 feet to the **True Point of Beginning**;

Containing 4810 square feet, more or less.

3943_APN 0134-341-26 Temp Access Esmt.doc 8/1/2013

The Basis of Bearings for this survey is the California Coordinate System of 1983 (NAD 83) Zone 5, NSRS-2007 adjustment.

This real property description has been prepared by me, or under my direction in conformance with the Professional Land Surveyor's Act.

B. SCOTT EDKINS
LS 7696
EXPIRATION DATE 12/31/14

8/1/13
DATE

3943_APN 0134-341-26 Temp Access Esmt.doc 8/1/2013

EXHIBIT "B"

APN 0134-341-26
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (NAD 83) ZONE 5, NSRS-2007 ADJUSTMENT.

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	90°00'00"	15.00'	23.56'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°41'17"E	22.00'

LEGEND

P.O.C. *INDICATES POINT OF COMMENCEMENT*

T.P.O.B. *INDICATES TRUE POINT OF BEGINNING*

● *INDICATES FOUND MONUMENT AS NOTED*

INDICATES TEMPORARY ACCESS EASEMENT GRANTED HEREIN
AREA – 4810 SQUARE FEET

LICENSED LAND SURVEYOR
B. SCOTT EDKINS
NO. LS7696
Exp. 12/31/14
STATE OF CALIFORNIA

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.235.6471 Tel
619.234.0349 Fax

SHEET 1 OF 2

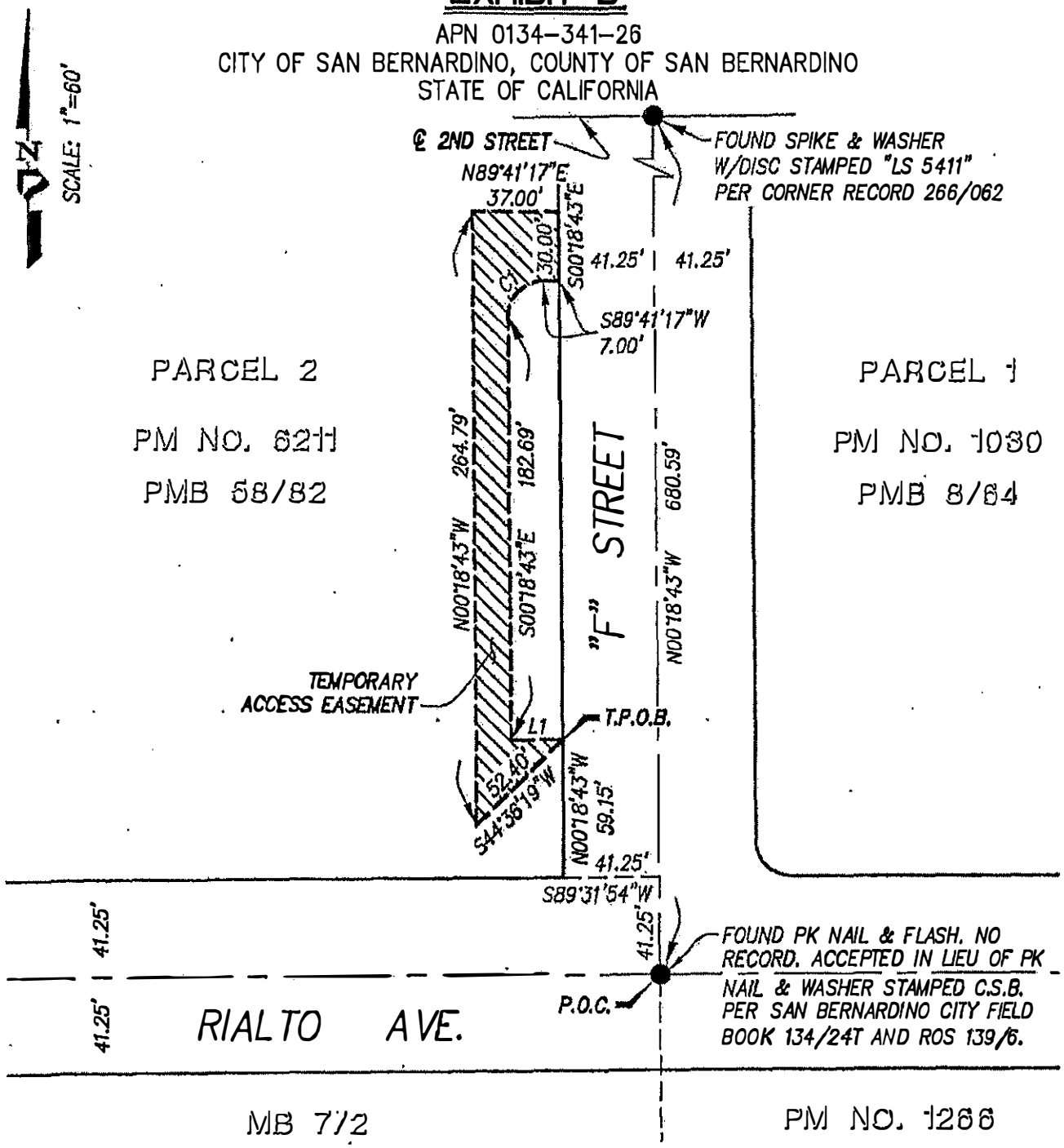
B. SCOTT EDKINS PLS 7696 — DATE 8/6/17

TEMPORARY ACCESS EASEMENT

DRAWN: CSH	CHKD: PEG	R/W ACQ. NO.
DATE:08/01/13	DATE:08/01/13	

EXHIBIT "B"

APN 0134-341-26
CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey

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San Diego, CA 92101
619.238.0671 Tel
619.234.0346 Fax

SHEET 2 OF 2

TEMPORARY ACCESS EASEMENT

B. SCOTT EDKINS PLS 7696	8/1/13 DATE	DRAWN: CSH DATE: 08/01/13	CHKD: PEG DATE: 08/01/13	R/W ACQ. NO.

Governments
SANBAG
Working Together

San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715
Phone: (909) 884-8276 Fax: (909) 885-4407 Web: www.sanbag.ca.gov

TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 25

Date: March 5, 2014

Subject: General Policy Committee Representatives

Recommendation:*

1. Note the results of the East Valley Caucus to select a representative to the SANBAG General Policy Committee.
2. Approve, until June 30, 2014, a temporary increase of one additional member to the West Valley city representatives to the General Policy Committee to a total of four city members.

Background: SANBAG Policy provides for three city representatives from each subarea to serve on the General Policy Committee. With the departure of Mayor Patrick Morris of San Bernardino, a vacancy needs to be filled. This vacancy is to be filled by selection of the city representatives from the East Valley subarea of SANBAG.

Mayor Morris also served as the Chair of the Commuter Rail and Transit Committee and with his departure, that Committee has selected Montclair Mayor Paul Eaton as its Chairman. SANBAG Policy provides that each Committee Chair automatically has a seat on the General Policy Committee. When Mayor Eaton takes his seat on the General Policy Committee, it will mean that there will be four city representatives representing the West Valley and not the three as called for in the Policy.

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC		CTA		SAFE		CMA	

Check all that apply.
BRD1403a-dab

Staff is recommending that this imbalance in membership be permitted until all of the current terms on the General Policy Committee expire June 30, 2014. At that time, new caucus selections will take place and the number of city representatives will be consistent with SANBAG Policy once again.

Financial Impact: This item is consistent with the adopted SANBAG budget.

Reviewed By: This item has not received prior policy or technical advisory committee review.

Responsible Staff: Duane A. Baker, Director of Management Services

BRD1403a-dab

Governments SANBAG Working Together

San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715
Phone: (909) 884-8276 Fax: (909) 885-4407 Web: www.sanbag.ca.gov

TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 26

Date: March 5, 2014

Subject: Appointments to and Vacancies on External Boards and SANBAG Committees

Recommendation:*

1. Re-appoint Mayor Pro Tem Alan Wapner, City of Ontario, as a member of the Southern California Association of Governments (SCAG) Regional Council representing SANBAG as the County Transportation Commission.
2. Re-appoint Mayor Paul Eaton, City of Montclair, as the primary member to the Metro Gold Line Phase II Joint Powers Authority.
3. Announce re-appointment of Mayor Julie McIntyre, City of Barstow, as the alternate member to the Alameda Corridor-East Construction Authority.
4. Note the following vacancies and request Board Members to express their interest in serving for the following:
   - SANBAG Commuter Rail and Transit Committee
   - Metro Gold Line Phase II JPA – Alternate Member
   - SCAG Energy and Environment Committee

Background:

1. Re-appointment to the SCAG Regional Council - The SCAG Regional Council provides governance and oversight for the activities of SCAG. Each Transportation Commission that is a dues paying member of SCAG is allocated a seat on the Regional Council.

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE		CMA	

Check all that apply.
BRD1403c-dab

The SANBAG Board of Directors is responsible for making this appointment and it is recommended that Ontario Mayor Pro Tem Alan Wapner be re-appointed for another two year term on the SCAG Regional Council.

2. Re-appointment to Metro Gold Line Phase II JPA (Primary Member) – This Authority was formed by the 13 cities along the Gold Line route, LA Metro and SANBAG. It is the forum for the review, development and recommendation of policies and plans for the extension of the Gold Line from Pasadena to Montclair.

   The SANBAG Board of Directors is responsible for making this appointment and it is recommended that Montclair Mayor Paul Eaton be re-appointed for a term ending December 31, 2015.

3. Re-appointment to the Alameda Corridor-East Construction Authority (Alternate Member) - SANBAG is an ex-officio member to this Authority that addresses issues related to the transportation corridor running from Los Angeles to San Bernardino County.

   The SANBAG President is responsible for making this appointment and Board President Bill Jahn has re-appointed Barstow Mayor Julie McIntyre to for a term ending December 31, 2015.

4. Vacancies - SANBAG has a number of vacancies available with outside agencies and a single vacancy on the SANBAG Commuter Rail and Transit Committee for interested Board Members. Board Members should make their interest known to the SANBAG Board President. The vacancies are with the following:

   a. SANBAG Commuter Rail and Transit Committee – This Committee provides policy guidance and recommendations to the Board of Directors and Southern California Regional Rail Authority delegates.

   b. Metro Gold Line Phase II JPA (Alternate Member) – This Authority was formed by the 13 cities along the Gold Line route, LA Metro and SANBAG. The Board of Directors makes this appointment. It is the forum for the review, development and recommendation of policies and plans for the extension of the Gold Line from Pasadena to Montclair.

   c. SCAG Energy and Environment Committee – This committee provides policy recommendations to the SCAG Regional Council on subjects such as natural resources conservation, air quality, water quality, energy conservation, and reviews the Environmental Impact Report of the Regional Comprehensive Plan.

Financial Impact: This item is consistent with the adopted SANBAG budget.

Reviewed By: This item has not had prior policy or technical committee review.

Responsible Staff: Duane A. Baker, Director of Management Services

Governments SANBAG Working Together

San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715
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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 27

Date: March 5, 2014

Subject: Resolution No. 14-009, Issuance of the 2014 Sales Tax Revenue Bond and Designating the Underwriter and Printer

Recommendation:*

1. Approve Resolution No. 14-009 authorizing the issuance and sale of not-to-exceed $150,000,000 aggregate principal amount of San Bernardino County Transportation Authority sales tax revenue bonds (limited tax bonds), the execution and delivery of an indenture, supplemental indenture, escrow agreement, amendment to state transactions and use tax agreement, purchase contract, official statement and continuing disclosure agreement and the taking of all other actions necessary in connection therewith;

2. Designate Citigroup Global Markets Inc., as Senior Manager, and Bank of America Merrill Lynch, Goldman, Sachs & Co., Barclays Capital Inc., and RBC Capital Markets, LLC as Co-Managers for bond underwriting services; and

3. Designate Financial Printer Resource, Inc. for printing services.

Background: In 2004, San Bernardino County voters approved the extension of the Measure I sales tax (Measure I 2010-2040). Ordinance 04-01 authorizes the allocation of

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE		CMA	X

Check all that apply.
BRD1403c-wws
Attachment:
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/ContractsWorkInProcess%20Files%20%202014/Res%20No.14-009.docx

revenue to the Valley and Mountain-Desert areas and establishes the expenditure plan. SANBAG recently completed a 10-Year Delivery Plan to identify lists of projects to be delivered over the next ten (10) years and financing scenarios. The delivery plan is for identifying bonding needs.

The 2014 Sales Tax Revenue Bond will provide proceeds for projects to be undertaken in the next few years. Projects are identified in the Cajon Pass, Valley and Mountain/Desert Measure I 2010-2040 expenditure plan. The 2014 bond issuance will not exceed an aggregate principal amount of $150 million.

SANBAG staff and the designated finance team (financial consultant, bond and disclosure counsel, and underwriter) are in the process of completing the Preliminary Official Statement and other bonding documents.

Financial Impact: The 2014 Sales Tax Revenue Bond will provide financing for projects identified in the Measure I 2010-2040 expenditure plan.

Reviewed By: This item was reviewed and unanimously approved by the General Policy Committee on February 12, 2014.

Responsible Staff: William Stawarski, Chief Financial Officer

RESOLUTION NO. 14-009

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED $150,000,000 AGGREGATE PRINCIPAL AMOUNT OF SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY SALES TAX REVENUE BONDS (LIMITED TAX BONDS), THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE, PURCHASE CONTRACT, OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE AND THE TAKING OF ALL OTHER ACTIONS NECESSARY IN CONNECTION THEREWITH

WHEREAS, the San Bernardino County Transportation Authority (the "Authority") is a public instrumentality duly established and existing pursuant to the Local Transportation Authority and Improvement Act (the "Act"), being Division 19 of the Public Utilities Code of the State of California (Section 180000 *et seq.*) and is authorized pursuant to the Act to, among other things, and with voter approval, levy a retail transactions and use tax in accordance with the provisions of Chapter 5 of the Act (Section 180200 *et seq.*) and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code (the "Sales Tax Law");

WHEREAS, the Authority adopted Ordinance No. 89-1, named the "Transportation Expenditure Plan and Retail Transactions and Use Tax Ordinance" (as further amended and supplemented, "Ordinance No. 89-1"), on August 2, 1989, pursuant to the provisions of the Act, which Ordinance No. 89-1 provided for the imposition of a retail transactions and use tax (the "Sales Tax") applicable in the incorporated and unincorporated territory of the County of San Bernardino (the "County") in accordance with Chapter 5 of the Act and the Sales Tax Law at the rate of one-half of one percent (1/2%) for a period not to exceed twenty (20) years;

WHEREAS, by its terms, Ordinance No. 89-1 became effective at the close of the polls on November 7, 1989, the day of the election at which the proposition imposing the Sales Tax was approved by a majority vote of the electors voting on the measure, and the collection of the Sales Tax commenced on April 1, 1990;

WHEREAS, the Authority adopted Ordinance No. 04-01, named "An Ordinance Providing for the Continuation of a One-Half of One Percent Retail Transactions and Use Tax by the San Bernardino County Transportation Authority for Local Transportation Purposes and the Transportation Expenditure Plan" (the "Ordinance") on June 2, 2004, pursuant to the provisions of the Act, which Ordinance provides for the continued imposition of the Sales Tax applicable in the incorporated and unincorporated territory of the County in accordance with the provisions of Chapter 5 of the Act and the Sales Tax Law at the rate of one-half of one percent (1/2%) for a period not to exceed thirty (30) years beginning April 1, 2010;

WHEREAS, the Ordinance became effective at the close of the polls on November 2, 2004, the day of the election at which the proposition providing for the continued imposition of the Sales Tax was approved by more than two-thirds of the electors voting on the measure;

WHEREAS, the Authority is authorized by the Ordinance and the Act, including Section 180251 thereof, to issue from time to time limited tax bonds authorized by voters concurrently with the approval of the Sales Tax, secured and payable in whole or in part from revenues of the Sales Tax ("Sales Tax Revenues"), in an aggregate principal amount at any one time outstanding not to exceed the estimated proceeds of the Sales Tax, for capital outlay expenditures for transportation purposes as set forth in the Act and the Ordinance, including to carry out the transportation projects described in the San Bernardino County Transportation Authority Expenditure Plan adopted as part of the Ordinance (including any amendments thereto, the "Expenditure Plan");

WHEREAS, the Authority expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the projects in the Expenditure Plan prior to the issuance of indebtedness for the purpose of financing costs associated with such projects on a long-term basis;

WHEREAS, Section 1.150-2 of the Treasury Regulations requires the Authority to declare its reasonable official intent to reimburse prior expenditures for such projects with proceeds of a subsequent borrowing;

WHEREAS, the Authority has heretofore issued $91,880,000 aggregate principal amount of its Sales Tax Revenue Bonds (Limited Tax Bonds), 2012 Series A (the "2012 Bonds"), pursuant to an Indenture dated as of March 1, 2012 (as amended from time to time, the "Indenture"), as amended and supplemented by a First Supplemental Indenture, dated as of March 1, 2012, each entered into by the Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee");

WHEREAS, in order to provide funds to finance, refinance or reimburse the Authority for its prior payment of, the costs of certain transit and road improvements identified in the Expenditure Plan (hereinafter collectively referred to as the "Project"), the Authority hereby determines to issue one or more new series or subseries of limited tax bonds, in an aggregate principal amount not to exceed one hundred fifty million dollars ($150,000,000), which is the estimated cost of accomplishing the purposes for which such limited tax bonds are being issued and which amount does not exceed the amount of limited tax bonds which the Authority is authorized to issue pursuant to the Act, and the Authority has determined that such bonds shall be secured by a lien on the Sales Tax Revenues collected pursuant to the Ordinance and the Sales Tax Law, and shall be designated, subject to changed or additional series and subseries designations, as the "San Bernardino County Transportation Authority Sales Tax Revenue Bonds (Limited Tax Bonds) 2014 Series A" (the "Bonds");

WHEREAS, the Authority hereby further determines that the Bonds shall be issued pursuant to the Indenture and a Second Supplemental Indenture (the "Second Supplemental Indenture"), which Second Supplemental Indenture is proposed to be entered into by the Authority and the Trustee;

WHEREAS, the proceeds of the Bonds will be applied pursuant to the provisions of the Act, the Ordinance, the Expenditure Plan and the Indenture, including as supplemented by the Second Supplemental Indenture as finally executed and delivered, for the following purposes: (i) to finance, refinance or reimburse the Authority for its prior payment of, the costs of the Project,

(ii) to fund capitalized interest on the Bonds, (iii) to fund a reserve fund, if any, for such Bonds, and (iv) to pay costs incurred in connection with the issuance of such Bonds;

WHEREAS, in order to set forth the terms of sale of the Bonds, the Authority proposes to enter into a bond purchase agreement (the "Purchase Contract") with Citigroup Global Markets Inc., Barclays Capital Inc., Goldman, Sachs & Co., Merrill Lynch, Pierce, Fenner & Smith Incorporated, and RBC Capital Markets, LLC (the "Underwriters"), and, in order to facilitate the offering of the Bonds, the Authority proposes to execute and deliver an official statement (the "Official Statement") describing the Bonds and certain related matters;

WHEREAS, in order to assist the Underwriters in complying with Securities and Exchange Commission Rule 15c2-12, the Authority proposes to execute a Continuing Disclosure Certificate (the "Continuing Disclosure Certificate") with The Bank of New York Mellon Trust Company, N.A., acting as dissemination agent (the "Dissemination Agent");

WHEREAS, the Authority has appointed Montague DeRose and Associates, LLC as financial advisor to the Authority (the "Financial Advisor"), and has retained Orrick, Herrington & Sutcliffe LLP as bond counsel and Fulbright and Jaworski LLP (a member of Norton Rose Fulbright) as disclosure counsel to the Authority;

WHEREAS, the Authority has been presented with proposed forms of Second Supplemental Indenture, Purchase Contract, Continuing Disclosure Certificate and the Official Statement in preliminary form (the "Preliminary Official Statement") relating to the financing described herein (the "Financing"), and the Authority has examined and approved each document and desires to authorize and direct the execution of such documents as are specified herein and such other documents as are necessary or advisable in connection with the Financing and to authorize and direct the consummation of the Financing; and

WHEREAS, all acts, conditions and things required by the Act, the Sales Tax Law, the Ordinance, the Expenditure Plan and the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the Financing authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Authority is now duly authorized and empowered, pursuant to each and every requirement of law, to authorize such Financing, including the issuance of the Bonds pursuant to the Indenture and Second Supplemental Indenture, and to authorize the execution of the Second Supplemental Indenture, the Purchase Contract, the Official Statement and the Continuing Disclosure Certificate for the purposes, in the manner and upon the terms provided;

NOW, THEREFORE, BE IT RESOLVED BY THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY as follows:

Section 1. The Authority finds and determines that the foregoing recitals are true and correct.

Section 2. The issuance by the Authority of not to exceed $150,000,000 aggregate principal amount of San Bernardino County Transportation Authority Sales Tax Revenue Bonds (Limited Tax Bonds) 2014 Series A, in accordance with the provisions set forth in the Second

Supplemental Indenture, in one or more series or subseries and subject to changed or additional series and subseries designations, as applicable, is hereby authorized and approved.

Section 3. The proposed form of Second Supplemental Indenture presented to this meeting and the terms and conditions thereof are hereby approved. The structure, date, maturity date or dates (not to exceed March 1, 2040), fixed interest rate or rates (such rates not to exceed a maximum of 6.00% per annum) or methods of determining the same, principal and interest payment dates, forms, registration and conversion and exchange privileges, if any, place or places of payment, terms of redemption, mandatory purchase, authorized denominations of $5,000 or integral multiples thereof, series and sub-series designations, form of bonds and other terms of the Bonds shall be (subject to the foregoing limitations) as provided in the Indenture and the Second Supplemental Indenture as it is finally executed and delivered.

The Executive Director of the Authority (the "Executive Director") and the Chief Financial Officer of the Authority (the "Chief Financial Officer" and, together with the Executive Director, referred to herein as an "Authorized Officer") are singly hereby authorized and directed, for and in the name and on behalf of the Authority, to execute and deliver the Second Supplemental Indenture, in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. The proposed form of Purchase Contract presented to this meeting and the terms and conditions thereof are hereby approved. An Authorized Officer is hereby authorized and directed, for and in the name and on behalf of the Authority, (i) to sell the Bonds pursuant to the Purchase Contract to the Underwriters designated by the Authorized Officer, and (ii) to execute and deliver a Purchase Contract, in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof, provided that the Underwriters' compensation set forth therein shall not exceed 0.375% of the principal amount of the Bonds and the true interest cost ("TIC") to the Authority of the Bonds shall not exceed 5.50%.

Section 5. The proposed form of Preliminary Official Statement presented to this meeting is hereby approved, and an Authorized Officer is hereby authorized and directed to append the Authority's Basic Financial Statements for fiscal year 2012-13 to such Preliminary Official Statement. An Authorized Officer is hereby authorized and directed to execute and deliver to the Underwriters a certificate deeming final the Preliminary Official Statement, in substantially the form presented to this meeting and with such changes as the Authorized Officer approves in the interest of the Authority, within the meaning of Securities Exchange Authority Rule 15c2-12. The Underwriters are hereby authorized to distribute the Preliminary Official Statement in the form so deemed final by the Authorized Officer. An Authorized Officer is hereby authorized and directed, for and in the name and on behalf of the Authority, to execute and deliver a final Official Statement, in substantially said form, including the Authority's Basic Financial Statements appended thereto by an Authorized Officer, and with such changes therein as the officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 6. The proposed form of Continuing Disclosure Certificate presented to this meeting is hereby approved. An Authorized Officer is hereby authorized and directed, for and in

the name and on behalf of the Authority, to execute and deliver the Continuing Disclosure Certificate, in substantially said form, with such changes therein as such officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 7. An Authorized Officer is hereby authorized to negotiate with financial institutions and/or insurance companies, as applicable, a surety bond or an insurance policy, and, if the Authorized Officer, with the advice of the Financial Advisor, determines that doing so is in the best interest of the Authority, to secure on such terms as the Authorized Officer, with the advice of the Financial Advisor, determines are appropriate such insurance policy or surety bond in order to secure payment of the principal of, or interest on, the Bonds or to fund any bond reserve fund established pursuant to the Second Supplemental Indenture.

Section 8. The Executive Director and the Chief Financial Officer are each hereby authorized to enter into or to instruct the Trustee to enter into one or more investment agreements (hereinafter collectively referred to as the "Investment Agreement") providing for the investment of moneys in any of the funds and accounts created under the Second Supplemental Indenture, on such terms as the Executive Director shall deem appropriate. Pursuant to Section 5922 of the California Government Code, the Board of Directors of the Authority (the "Board") hereby finds and determines that the Investment Agreement will reduce the amount and duration of interest rate risk with respect to amounts invested pursuant to the Investment Agreement and is designed to reduce the amount or duration of payment, rate, spread or similar risk or result in a lower cost of borrowing when used in combination with the Bonds or enhance the relationship between risk and return with respect to investments.

Section 9. All approvals, consents, directions, notices, orders, requests and other actions permitted or required by any of the documents authorized by this Resolution, including, without limitation, any amendment of any of the documents authorized by this Resolution or any other agreement related thereto, or any reserve facility, any investment of proceeds of the Bonds, or in connection with the addition, substitution or replacement of underwriters, or any agreements with paying agents, the removal or replacement of the Trustee or any similar action may be given or taken by an Authorized Representative (as such term is defined in the Indenture), without further authorization or direction by this Board, and each Authorized Representative is hereby authorized and directed to give any such approval, consent, direction, notice, order, request, or take other action and to execute such documents which such Authorized Representative or Director may deem necessary or desirable to further the purposes of this Resolution.

Section 10. All actions heretofore taken by the officers and agents of the Authority with respect to the Financing and the issuance and sale of the Bonds are hereby ratified, confirmed and approved. If at the time of execution of any of the documents authorized herein, the Executive Director is unavailable, such documents may be executed by the Deputy Executive Director of the Authority or the Chief Financial Officer in lieu of the Executive Director. The Chief Financial Officer of the Authority shall act as the Auditor-Controller of the Authority for execution of the Bonds. The Clerk of the Board of the Authority is hereby authorized to attest to the execution by the Executive Director or the Deputy Executive Director or the Chief Financial Officer of any of such documents as said officers deem appropriate.

The proper officers, directors and agents of the Authority are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the Authority, to adopt written procedures relating to its bonds and to do any and all things, attend rating agency presentations and take any and all actions and execute and deliver any and all agreements, certificates and documents, including, without limitation, signature certificates, certificates concerning the contents of the Official Statement and the representations and warranties in the Purchase Contract, any tax certificates or agreements, any agreements for depository or verification services, and any agreements for rebate compliance services, which they, or any of them, may deem necessary or advisable in order to consummate the Financing and the issuance and sale of the Bonds and otherwise to carry out, give effect to and comply with the terms and intent of the Ordinance, this Resolution, the Bonds and the documents approved hereby.

Section 11. This Resolution shall take effect immediately upon its adoption and approval.

APPROVED AND ADOPTED by the San Bernardino County Transportation Authority at its meeting on March 5, 2014.

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed:

_____

CERTIFICATE OF THE CLERK OF THE BOARD OF THE
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

I, _____, Clerk of the Board of the San Bernardino County Transportation Authority (the "Authority"), hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a meeting of the governing board of said Authority duly and regularly held in San Bernardino, California, on March 5, 2014, of which meeting all of the members of said Authority had due notice.

I further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

I further certify that an agenda of said meeting was posted at least 72 hours before said meeting at a location in San Bernardino, California, freely accessible to the public and a brief general description of the resolution to be adopted at said meeting appeared on said agenda.

IN WITNESS WHEREOF, I have executed this certificate hereto as of this date, _____, 2014.

By_____
Clerk

Governments SANBAG Working Together

San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715
Phone: (909) 884-8276 Fax: (909) 885-4407 Web: www.sanbag.ca.gov

TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 28

Date: March 5, 2014

Subject: Report on Regional Public Safety Collaboration

Recommendation:* Receive and file the report.

Background: When the Countywide Vision was adopted by the Board of Supervisors and the SANBAG Board of Directors in 2011, Public Safety was one of the key elements identified as essential to the vision for our community. As stated in the Countywide Vision Report:

"... we should encourage collaborative relationships with partner agencies that leverage resources and strengthen community involvement. And, we should promote consistent communication to support cross-trained personnel and ensure communities are educated and ready to respond to threats of any scale."

Rancho Cucamonga Fire Chief Mike Bell will give a brief overview of the Public Safety Element group and their direction as well as an overview of some of the regional collaborations taking place already.

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

Reviewed By: This item has not received prior policy or technical advisory committee review.

Responsible Staff: Duane A. Baker, Director of Management Services

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC		CTA		SAFE		CMA	

Check all that apply.
BRD1403d-dab

Governments SANBAG Working Together

San Bernardino Associated Governments

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 29

Date: March 5, 2014

Subject: Federal Buy America Waiver request by California Steel Industries

Recommendation:* Provide direction on the preferred option to support the requested waiver.

Background: California Steel Industries (CSI) is located in San Bernardino County and is the largest steel mill in the Western U.S., supplying about 160 customers in California. CSI is a "slab converter" mill that takes steel slabs and transforms them into steel sheet that its customers in California and the Western U.S. then further manufacture into a variety of products like pipe and guardrails.

Under the Federal Highway Administration's (FHWA) 1982 interpretation of Buy America, "slab converter" steel mills like CSI and their steel manufacturing customers are almost always unable to qualify under Buy America and participate in federally funded highway projects. In order to modify their product's eligibility, CSI has determined that a waiver request must be submitted.

The U.S. Department of Transportation has a formal waiver request process, including the posting of the waiver request online a formal comment period. Individual product waivers or waivers with limited regional applicability have been granted in cases of emergency, when the materials are not in sufficient supply domestically, or if there is a substantial cost differential. Approvals for waivers appear to be increasingly difficult to come by, with 40 granted in 2009 and only 3 granted in 2012. Nationwide waivers are even more difficult to come by, having only been granted twice in 1994 and 1995.

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC		CTA		SAFE		CMA	

Check all that apply.

BRD1403c-wvs

Attachment: http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403c1-wvs.pdf

Representatives from CSI presented at the December 4, 2013 Board of Directors meeting and requested SANBAG's assistance with their waiver request. Since that time, CSI has prepared the submission (Attachment A) for consideration. The City of Farrell, Pennsylvania; the Shenango Valley Metropolitan Planning Organization (MPO) representing the area; and the Port of Los Angeles have agreed to submit the waiver. CSI is requesting additional signers for the waiver submission and the County of San Bernardino is also considering this request.

SANBAG has two options for moving forward with this request:

1. Sign on as an official submitting organization for the waiver request
2. Provide comments in support of the waiver request once it has been submitted by the City of Farrell, the Shenango Valley MPO, and the Port of Los Angeles

The submission of the waiver is being held to wait for action by SANBAG and the County of San Bernardino.

Financial Impact: This item has no impact on the SANBAG Fiscal Year 2013/2014 budget.

Reviewed By: The Legislative Ad Hoc Committee reviewed this item on February 14, 2014, and recommended the item go forward to the March Board of Directors meeting for consideration and action.

Responsible Staff: Wendy Strack, Director of Legislative and Public Affairs

BRD1403c-wvs

ATTACHMENT A
DRAFT FOR CONSIDERATION

VIA ELECTRONIC MAIL

January XX, 2014

The Honorable Victor Mendez
Administrator
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Request for a Nationwide Buy America Waiver for Semi-Finished Steel Slabs

Dear Administrator Mendez,

The San Bernardino Association of Governments, San Bernardino County, Port of Los Angeles, and City of Farrell, Pennsylvania jointly submit this request for a nationwide waiver of Buy America requirements for semi-finished steel slabs.

The waiver is required as semi-finished steel slabs are not produced for commercial sale in the U.S. in sufficient and reasonably available quantities. As a result, "slab converter" type of steel mills such as California Steel Industries, Inc. (CSI) and NLMK Pennsylvania that depend on purchased steel slabs as their raw material or "feedstock" to produce steel sheet and plate products have to rely almost entirely on imported slabs to operate.[1] By doing so, however, these U.S. mills and their downstream steel manufacturing customers cannot qualify under current Buy America requirements and supply federal-aid highway projects.[2]

As local public agencies in the jurisdictions surrounding CSI and NLMK Pennsylvania, we know firsthand that these slab converter mills have restored thousands of U.S. steel jobs and are vital parts of our local and regional economies. Effectively excluding them from supplying federal-aid highway projects because their raw material is not available domestically is contrary to the purpose of Buy America. It unfairly takes jobs and opportunities away from U.S. companies and American workers – not only at these mills, but at their downstream manufacturing customers and throughout the supply chain – hurting our economic growth. It also adversely impacts the federal-aid highway program, particularly in the Western U.S., where there are no other mills producing steel sheet and plate products that are needed to manufacture some of the most common items in highway projects. On the other hand, granting the waiver is fully consistent with how the Federal Highway Administration (FHWA) has approached the non-availability of raw materials for other types of steel mills, including through the current nationwide waiver for pig iron and processed, pelletized and reduced iron ore.

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[1] CSI is located in Fontana, California, east of Los Angeles in San Bernardino County. CSI brings in its slabs through the Port of Los Angeles and is the largest single user of the Port of Los Angeles by tonnage. NLMK Pennsylvania's main facility is located in Farrell, Pennsylvania and its galvanizing facility is located in adjacent Sharon, Pennsylvania.

[2] There are currently four slab converter mills in the U.S: CSI, NLMK, Evraz USA (located in Portland, Oregon), and a facility in Alabama developed by ThyssenKrupp. All of these slab converters supply steel sheet and/or plate for product lines that could be sold into highway and transit projects.

The waiver should also be granted based on the public interest. In addition to the above, we emphasize that slab converter mills require significantly more U.S. labor per unit of production than the mills that dominate the market today. As a result, this waiver will result in more U.S. steel jobs created per federal dollar. Based on the Federal Highway Administration's (FHWA) Final Rule implementing the Buy America requirements, this is the fundamental example of when granting a waiver is in the public interest.[3]

I. BACKGROUND

The U.S. steel industry for sheet and plate products is composed primarily of three segments:

1. Integrated producers, who carry out all stages of the steelmaking process from smelting iron ore in a blast furnace to produce raw steel to slab casting and rolling mill operations.

2. Lower-cost electric arc furnace (EAF) mini-mills, also known as "recyclers," which bypass the traditional process of making raw steel by re-melting scrap steel.

3. Slab converter mills, which rely on purchased steel slabs as their feedstock and otherwise replicate the processes of an integrated mill to produce flat-rolled steel sheet and plate products.

The composition of the U.S. steel industry has changed dramatically over the past 30 years since FHWA developed its interpretation of Buy America. In 1982, 71% of U.S. steel production came from integrated mills. The remainder came from recyclers. Slab converter mills did not exist. Today, this has been reversed. Recyclers now dominate the market and account for 62% of U.S. steel production. In addition, 23 out of the nation's 35 integrated mills have gone out of business, in large part due to competition from lower-cost recyclers.

Slab converter mills have also emerged as a new type of mill, in some cases re-opening shuttered integrated mills as slab converters and putting thousands of steel workers back to work. CSI purchased the shuttered Kaiser Steel integrated mill in 1984 and re-opened it as a slab converter mill, putting over 1,000 U.S. steel workers back to work. The NLMK PA slab converter mill emerged from the closed Sharon Steel mill in Pennsylvania, putting 900 U.S. steelworkers back to work.

Slab converter mills do not have the capability to melt steel and depend entirely upon purchased steel slabs as their feedstock. The purchased slabs are heated to a temperature short of melting and then rolled through successive rolling mill stands. With respect to hot rolled steel sheet, slabs eight to nine inches thick and up to 36 feet long are rolled into coils of sheet as thin as 1/16 of an inch and up to a half-mile in length. Additional, specialized manufacturing processes are then employed to make a range of customized product lines (*e.g.*, pickled and oiled sheet, cold rolled sheet, and galvanized sheet; and in CSI's case, both structural and line pipe). The steel sheet is then sold in coils to downstream steel manufacturers that continue the production chain. Products manufactured from steel sheet with applications in highway projects include guardrails, light poles, sign posts, fence tubing, pipes, culverts, HVAC units, and roof decking. The process for the production of steel plate products is analogous, though steel plates can have direct applications in federal-aid highway projects, such as bridge plates.

[3] FHWA, Buy America Requirements Final Rule, FR Doc. 83-31656 (November 25, 1983)

Steel slabs are made by integrated mills as an intermediate step in their production process and have no use other than to be further processed by a steel mill. Virtually all domestic slabs are internally consumed by integrated mills in their own production of finished steel products, with a very minor portion sold on the commercial market. Because the availability of domestically produced slabs on the commercial market is extremely limited, U.S. slab converter mills have always had to rely on imported slabs to operate, create U.S steel jobs, and meet steel supply needs. Absent a waiver, however, slab converter mills and their downstream steel manufacturing customers will continue to be effectively prevented from supplying federal-aid highway projects based on the interpretation of Buy America issued before slab converter mills existed.[4]

II. THE NEED FOR A NATIONWIDE NON-AVAILABILITY WAIVER

A. The Non-Availability of Domestic Slabs on the Commercial Market Has Been Extensively Established, Including Through Government Studies

1. Government Studies

i. International Trade Commission Study

A number of official U.S. government reports confirm the non-availability of domestic slabs on the commercial market. The U.S. International Trade Commission (ITC) has extensively investigated and reported on the domestic availability of slabs as part of trade cases. After a multi-year, nationwide review, the ITC found that:

- "The vast majority of U.S.-produced slabs are internally consumed by the domestic slab producers in the production of other steel products, with a very minor portion being sold on the commercial market."[5]

- "Between 1996 and 2000, commercial shipment of slabs accounted for only 0.9% of total shipments of domestically produced slab," with 99.1 percent of slabs being internally consumed.[6] In 2000, the final year of the analysis, "99.4 percent of the quantity of domestic producers' total U.S. shipments of slabs were internally consumed."[7]

In addition to establishing that virtually all domestically produced slabs are internally consumed and not offered for commercial sale, the ITC's findings specifically refute any notion that mills dependent on purchased slab "choose" to import instead of meeting their needs on the domestic market. Based on the extensive record, the Commissioners found that:

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[4] The slabs that are the subject of this waiver request are traditional thick slabs between 8-10 inches in gauge made by integrated mills. These thick slabs are taken "off-line" from a slab caster and are later re-heated and rolled into sheet; such slabs are a discrete semi-finished product. By contrast, electric arc furnace sheet mills produce thin slabs between 1-2 inches in gauge, as an "in-line" step in their continuous production process. These are fed directly into a rolling mill and cannot be taken off the line and sold as a discrete semi-finished product.

[5] US International Trade Commission, Steel – Investigation No. TA-201-73, Publication 3479, Volume II: Information Obtained in the Investigation, Section FLAT-1 (2001).

[6] *Id.* at TABLE FLAT-12

[7] *Id.*

> "Historically, commercial sales of domestically produced slab have been extremely limited. Domestic producers typically internally consume nearly all of the slabs they produce to make higher-value downstream products. While some domestic slab sales do take place, the record demonstrates that there is not a long-term supply of domestically-produced slab readily available. [M]ost domestic integrated steel producers have exhibited sporadic willingness to sell slab to their domestic competitors, and mini mills have never sold slab on the open market."[8]

The Commissioners reiterated that:

> "While some slab sales do take place, the overall supply is inadequate to satisfy the needs of slab purchasers on long-term basis" and slab converter mills therefore "require...the importation of slab to ensure a steady, dependable supply of their feedstock."[9]

For these reasons, the ITC declined to treat slabs the same way as finished steel products for the purposes of recommending additional tariffs. In taking this separate approach on slab, the Commission wanted "to avoid causing harm to domestic steel producers that have legitimate needs to continue to import slabs" and imposing a remedy that "would have a potentially severe impact on the members of the domestic industry that need a reliable source of slab."[10]

ii. Bureau of Export Administration Study

Similarly, in 2001, the Department of Commerce's Bureau of Export Administration completed an investigation of the "Effects of Imports of Iron Ore and Semi-Finished Steel on the National Security," finding no national security implications from the import of steel slab.[11] Explaining the need for imports, the Department found that, "Of the semi-finished steel [i.e. steel slab] that is produced in the United States, most is consumed within the integrated or mini-mill producer's facility for processing into finished steel products. As a result, very little semi-finished steel is available on the U.S. merchant market."[12] The study went on to conclude that imports of slab are from "diverse and safe foreign suppliers, with the largest suppliers of these products being U.S. allies in the Western Hemisphere (Canada, Mexico, and Brazil)."[13]

2. Independent Academic Studies

A 2002 Rutgers University study entitled *Using Safeguard Protection to Raise Domestic Rivals' Costs* examined the impact of efforts to restrict access to imported slabs.[14] The study reported that

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[8] US International Trade Commission, Steel – Investigation No. TA-201-73, Publication 3479, Volume I: Determinations and Views of Commissioners, p. 438.

[9] *Id. at* p. 365

[10] *Id. at* p.456

[11] US Department of Commerce, Bureau of Export Administration, The Effect of Imports of Iron Ore and Semi-Finished Steel on the National Security, p.11 (2001).

[12] *Id.*

[13] *Id.*

[14] Durling, James P. and Thomas J. Prusa, "Using Safeguard Protection to Raise Domestic Rivals' Costs," Japan and the World Economy, 15 (2003) 47-68.

domestic integrated mills "never offer commercial quantities of slab on a regular basis" as "they would rather roll the slab into higher value-added products before selling the steel." In addition, it explained that "domestic integrated firms have no incentive to enable their rivals to compete for downstream higher margin sales. In other words, if left to their own devices, domestic mills can and do choke off the supply of slab...This business situation means that [slab converters] depend almost entirely on imported slab."[15]

It is important to note that since 2002, due to integrated mill closures in the U.S., more than 11 million tons of domestic slab-casting capacity has disappeared – even after these studies had definitively established the lack of available domestic slab for commercial sale. Further, U.S. slab converter mills added 8 to 9 million tons of new capacity for purchased slabs during roughly the same time period – greatly increasing the imbalance between the quantity supplied and the quantity demanded of domestically produced slab for sale.

3. Data from Slab Converter Mills

In addition to these comprehensive nationwide analyses, data from slab converter mills further confirms the non-availability of domestic slabs for commercial sale. Historically, CSI has been able to meet an average of 7% of its needs on the domestic market. Similarly, NLMK Pennsylvania has been able to meet only 6% of its slab requirements on the domestic market. We have attached affidavits from CSI and NLMK Pennsylvania attesting to these facts.

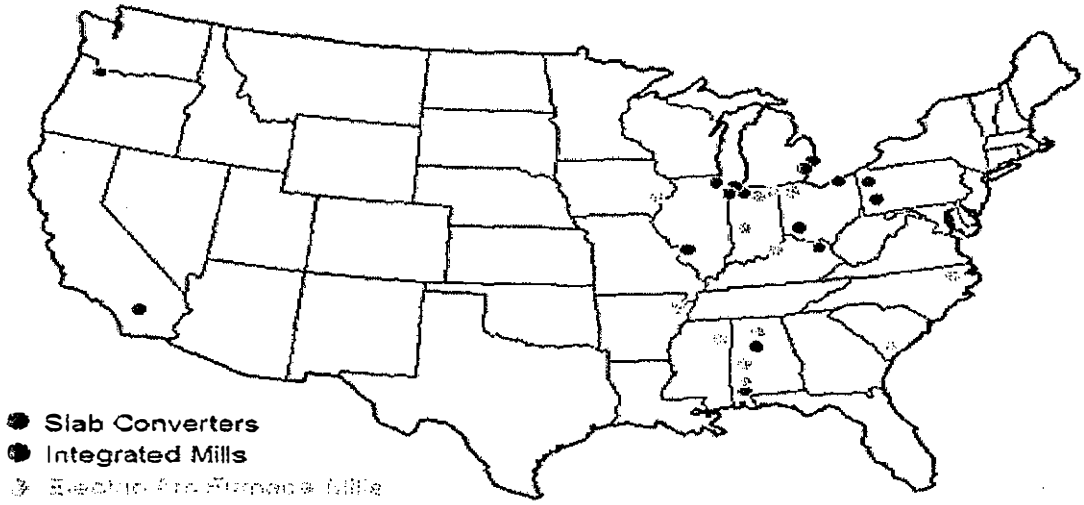
B. The Non-Availability of Steel Slabs Has an Adverse Impact on the Federal-Aid Highway Program, Particularly in the Western United States

The non-availability of domestically produced slabs adversely impacts the federal-aid highway program by effectively foreclosing steel supply chains that originate with slab converter mills. While the impacts are nationwide—collectively, slab converter mills supply manufacturers in every region of the country—the consequences are particularly severe in the Western United States.

As depicted on the map below, there are no integrated mills or recyclers in the Western U.S. producing steel sheet or plate products. Western manufacturers of steel products rely primarily on slab converter mills for their steel sheet and plate requirements, but are virtually always unable to comply with Buy America using that supply. This forces federal-aid highway projects across the entire Western U.S. to utilize steel sheet originating from distant steel mills on the other side of the country, preventing the utilization of efficient regional supply chains and substantially increasing transportation costs.

[15] *See* Durling, James P. and Thomas J. Pr sa, "Using Safeg ard Protection to Raise Domestic Rivals' Costs," Japan and the World Economy, 15 (2003) 47-68.

Figure 1: Location of U.S. Steel Sheet and Plate Producers



C. The Waiver is Justified on the Same Basis as the Current Nationwide Waiver from Pig Iron and Processed Iron Ore

This waiver request mirrors the facts, and is justified on the same basis, as the current nationwide waiver for pig iron and processed, pelletized and reduced iron ore. As with slabs, pig iron is "a key intermediate material in the integrated steelmaking process."[16] Integrated mills manufacture pig iron by smelting iron ore, coke and limestone in a blast furnace. Electric arc furnace mini-mills depend on pig iron as feedstock to fortify and increase the grade of their steel.[17]

In granting the nationwide waiver in 1995, FHWA expressly based it on the inability of electric arc furnace mills or "recyclers" to access this feedstock as it was not sold in sufficient quantities by domestic integrated mills – the exact parallel for slabs. Specifically, FHWA relied on an analysis showing that "the volume of available domestic pig iron is insufficient to supply the electric furnace steel producers in the United States. Of the 23 blast furnace sites [i.e. integrated mills] in the United States the analysis showed that only four currently sell pig iron."[18]

In addition to the nationwide waiver for pig iron and processed, pelletized and reduced iron ore, FHWA has also determined that scrap steel is a "waste product" not covered under Buy America. It is therefore important to emphasize that all of the inputs that recyclers rely upon are either covered by a nationwide waiver or exempted from Buy America and can be imported without limitation. This double standard is neither fair nor logical. A waiver should be granted for semi-finished steel slabs on an equal basis.

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[16] *See* Steel on the Net, Steel Industry Glossary of Terms, available at http://www.steelonthenet.com/files/glossary-3.html

[17] *Id.*

[18] FHWA Notice of nationwide waiver of Buy America for pig iron and processed, pelletized and reduced iron ore (March 24, 1995), FR Doc. 95-7362.

III. THE NEED FOR A PUBLIC INTEREST WAIVER

The waiver should also be granted based on the public interest. In its 1983 Final Rule, FHWA provides a single example of what would justify a public interest waiver: "An example of public interest would be a finding that applying Buy America would actually reduce rather than create jobs."[19] Because a waiver for imported semi-finished steel slabs will increase the number of U.S. jobs created per federal transportation dollar, FHWA should grant this waiver in the public interest. In addition, in the absence of a job creation justification, it is against the public interest to "pick winners and losers" and unfairly discriminate among U.S. producers and American workers.

A. Applying Buy America to Semi-Finished Steel Slabs Reduces Rather than Creates Jobs

Independent academic studies have concluded that policies inhibiting slab converters' market access run counter to the public interest in increasing steel industry employment. The Rutgers University study examined the impact of proposed tariffs on imported slabs, a similar policy targeted against slab-converter mills by industry rivals.[20] The study found:

- The "primary effect" of policies that limit market access for slab converter mills is "distributional" and "mainly benefits mini-mills" which dominate the market today.
- Mini-mills have "very low unit labor requirements" because their production process (*i.e.,* re-melting scrap steel) "avoids the...process of making raw steel."
- Specifically, "mini-mills have the lowest unit labor requirement...followed by rollers [such as CSI and NLMK]...and then integrated" mills.
- Because limiting slab converters' market access shifts production to firms with "the smallest unit labor requirement," it causes "total industry employment [to] fall."
- Policies limiting slab converters' market access are therefore "counterproductive to the objective of increasing steel industry employment," and the "primary effect of the government's decision is to choose winners and losers."[21]

The study concluded that its findings "should not be viewed as only applying to the recent US steel safeguard case..." but instead emphasized that, with any restrictions on steel slabs, "the government ends up picking winners and losers instead of promoting overall industry health."[22]

The underlying facts as to recyclers' comparative labor requirements have been consistently confirmed in academic studies and industry reporting:

- A 2000 study found that recyclers require about one man-hour to produce one ton of steel while integrated mills require about four man-hours.[23]

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[19] FHWA, Buy America Requirements Final Rule, FR Doc. 83-31656 (November 25, 1983)
[20] Durling, James P. and Thomas J. Prusa, "Using Safeguard Protection to Raise Domestic Rivals' Costs," Japan and the World Economy, 15 (2003) 47-68.
[21] *Id.*
[22] *Id.*
[23] Barnett, D.F., "Seizing the Competitive Advantage," World Steel Dynamics (2000).

- More recent reporting from the Steel Manufacturers Association has confirmed that "several mini-mills...produce steel at less than one man-hour per ton, and some below 0.4 man-hours per ton."[24]

- Employment data from industry sources also shows that the average recycler has between one-third and one-half the number of employees as the average slab converter mill.

While the current Buy America requirements therefore fail to maximize overall U.S. steel industry job creation, they also hurt these specific mills, their supply chains, and our communities. CSI, NLMK and other slab converters have large U.S.-based supply chains. CSI estimates that current FHWA Buy America policy results in an annual loss of up to $216 million in revenue for the company; and that expanding the public interest waiver would create more than 1,000 jobs in the regional economy including CSI steel jobs, jobs at CSI's suppliers and steel manufacturing customers, and jobs throughout the transportation and logistics supply chain associated with the transport of slabs. This includes an estimated 175 new jobs at the Port of Los Angeles, where CSI is already the largest single user by tonnage. NLMK estimates that FHWA Buy America policy results in an annual loss of up to $144 million in revenue. Similar impacts on revenue and job creation are likely for other slab converter mills.

Buy America also has a broader chilling effect on economic opportunities for slab converter mills and their communities beyond these direct impacts. Steel from slab converter mills qualifies under the Buy American standard, for example, which governs direct federal procurements. In many cases, however, downstream manufacturers are driven not to buy from slab converter mills *at all* because of confusion about what standard applies or to avoid the expense and difficulty of maintaining separate inventories for projects that are, and are not, subject to Buy America.

In short, current Buy America requirements "actually reduce rather than create jobs." Under FHWA's Buy America rule, and consistent with the fundamental intent of the law, this is precisely when a public interest waiver should be granted. A nationwide waiver for semi-finished steel slabs will result in a net increase in U.S. steel jobs created per federal transportation dollar while also allowing companies and communities to participate in federal-aid highway projects that have been excluded for far too long.

IV. CONCLUSION

For the foregoing reasons, FHWA should grant a nationwide waiver for semi-finished steel slabs. There is an extensive, official and incontrovertible record that domestically produced slabs are not available for commercial sale in the U.S. in sufficient and reasonably available quantities. In addition, granting the waiver is in the public interest as it will maximize steel industry job creation while ending unfair and counterproductive discrimination against U.S. slab converter mills, their American workers, their suppliers and customers, and their communities.

[24] Stuart, Eric J. "Implications of the Mini-Mill Era," Steel Orbis, available at http://blog.steelorbis.com/2013/04/24/implications-of-the-minimill-era.

Governments SANBAG Working Together

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: **30**

Date: March 5, 2014

Subject: Congestion Mitigation and Air Quality Program Proposed Legislation

Recommendation:* Oppose proposed surface transportation reauthorization legislative language concerning use of Congestion Mitigation and Air Quality Program funds.

Background: The Congestion Mitigation and Air Quality (CMAQ) program was created to support surface transportation projects and other related efforts that provide air quality and congestion relief benefits. Jointly administered by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), the CMAQ program was reauthorized under the Transportation Equity Act for the 21st Century (TEA-21) in 1998, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005, and most recently, the Moving Ahead for Progress in the 21st Century Act (MAP-21) in 2012. MAP-21 provides funding to areas in nonattainment or maintenance for ozone, carbon monoxide, and/or particulate matter.

For SANBAG, the CMAQ program provides funding for projects that help improve air quality in regions that are designated as non-attainment or maintenance areas as defined by air quality standards. Projects classified as Transportation Control Measures (TCMs) are eligible. TCMs are projects such as carpool lanes, mass transit investments, transportation demand management programs, signal coordination, and bicycling facilities. All project phases

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA		SAFE		CMA	

Check all that apply.

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http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403c3-az.pdf

(from planning to construction) are eligible for funding. Funds cannot be used for projects that increase capacity of single occupancy vehicle facilities. Each year SANBAG prepares an annual CMAQ report that documents how the funding is being spent appropriately.

California's apportionment is estimated at $437 million per year for the term of MAP-21, of which SANBAG's share is approximately $28 million each year. These funds are divided between the two air basins within the County, although the funds can be used interchangeably between air basins. The South Coast Air Basin (generally the valley and mountain regions), is currently designated as a "severe" non-attainment area.

SANBAG Board policy states that within the Valley subarea of the County, the use of CMAQ funds is prioritized as follows:

1) Regional programs, such as rideshare and signal coordination
2) Transit capital projects
3) Freeway high occupancy vehicle (HOV) projects

There is no established policy for the Mountain/Desert subareas, although these funds have been managed through calls for projects in the past.

The proposed 2014 Ten-Year Delivery Plan relies heavily on and assumes full access to SANBAG's historical share of CMAQ funds. After set-asides for regional programs and allocations to transit operators, the Delivery Plan anticipates the availability of CMAQ for the following projects in the Valley subarea:

- I-10 HOV Alternative ($46 million)
- I-10 Express Lane Alternative ($55 million)
- I-15 Express Lane Alternative ($82 million)
- Redlands Passenger Rail ($40 million)

Accountability

The Federal Clean Air Act requires transportation conformity to ensure that federal funding and approval are given to highway and transit projects that are consistent with the air quality goals established by a state air quality implementation plan (SIP). Conformity, for the purpose of the SIP, means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards (NAAQS). As the transportation commission for the County, SANBAG is responsible for working on the Regional Transportation

Plan/Sustainable Communities Strategy (RTP/SCS) and the Federal Transportation Improvement Program (FTIP).

The Global Warming Solutions Act of 2006 (AB 32) set the 2020 statewide limit of greenhouse gas (GHG) emissions for California. AB 32 directed the California Air Resources Board (ARB) to prepare and adopt a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in GHG emissions from sources or categories of sources of GHG by 2020.

To reinforce California's ability to reach the AB 32 goals, the Sustainable Communities and Climate Protection Act of 2008 (SB 375) was enacted to reduce GHG emissions from automobiles and light trucks through integrated transportation, land use, housing and environmental planning. Under the law, SANBAG is tasked with working with our Metropolitan Planning Organization (MPO), the Southern California Association of Governments (SCAG), in developing the RTP/SCS.

Legislative Proposal

The South Coast Air Quality Management District (SCAQMD), as part of their 2014 Federal Legislative Goals & Objectives for 2014 (Attachment A), approved a goal to, "...provide for a greater role for air agencies in transportation planning and programming, consistent with Board policy." This concept was further developed in materials distributed by staff while in Washington DC in January 2014. These materials included a fact sheet on Surface Transportation Reauthorization Principles (Attachment B) and Proposed Surface Transportation Reauthorization Legislative Language (Attachment C).

The language that is proposed to modify the existing CMAQ project selection process appears on page 1 of Attachment C and is included below.

> "(h) Interagency Consultation. – ~~The Secretary shall encourage~~ States and metropolitan planning organizations ~~to~~ **shall** consult with the state and local air quality agencies in nonattainment and maintenance areas on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects; **the State or metropolitan planning organization shall respond in writing to any written comments regarding the estimated emission reductions received from a state or local air quality agency by modifying the estimate of emission reductions or explaining in writing why such modification is not needed to ensure an accurate estimate."**

This amendment would specifically require States and MPOs to consult with air quality agencies during the project selection process and would further require the air quality agencies to provide comments on the estimated emission reductions for the project. The State or MPO would then be required to modify their estimated reductions or explain why the modification isn't needed.

Consultation with the appropriate air quality district to obtain advice on the mix of projects that best meet the combined air quality and mobility goals is an important component of the existing CMAQ program through the development of the RTP, as described above. SCAQMD already certifies that the mix of projects contained within the RTP (including CMAQ projects) meet the applicable state and federal air quality requirements. It is unclear why this process needs to be further complicated by the introduction of another entity into the project selection process within each county. If the RTP as a whole meets the required air quality goals, the mix of projects as determined by the respective counties should continue to be able to reflect the mobility needs of each subregion. SANBAG is not aware that SCAQMD is able to identify any specific projects that were unduly awarded CMAQ funds and therefore this proposal seems unnecessary.

Further, the process delays that would result from proposed legislation, as outlined above, will limit SANBAG's ability to quickly respond to changing funding and timing conditions for individual projects. This could result in projects being delayed or even work in progress halted in order to accommodate additional entities such as SCAQMD in project selection, funding shifts, and program amendments.

As SANBAG remains the responsible entity for ensuring that each of the required standards for the CMAQ program are met, while still ensuring that the mobility needs of the region are appropriately addressed, decision making with respect to the allocation of CMAQ funds should remain with SANBAG and SCAQMD should continue in their existing role. Staff recommends that this policy position be communicated to SCAQMD and members of the federal delegation and appropriate regulatory agencies as needed.

Financial Impact: This item does not impact the adopted SANBAG budget.

Reviewed By: This item was reviewed as an informational item by the General Policy Committee on February 12, 2014. At the request of the Committee, the Recommendation was changed to reflect an oppose position to the proposed legislative language.

Responsible Staff: Andrea Zureick, Director of Fund Administration and Programming
Wendy Strack, Director of Legislative and Public Affairs

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Attachment A

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

DRAFT SCAQMD's Federal Legislative Goals & Objectives for 2014

Technology Advancement
Expand current and seek additional funding opportunities for advanced clean technologies and clean air research, development, demonstration and deployment programs, including those related to:

- Zero and near-zero emission technologies;
- Clean vehicles (such as light-, medium- and heavy-duty vehicles, locomotives, marine vessels, and aircraft technologies), clean fuels and refueling technologies and infrastructure;
- Clean energy sources;
- Implementation of the 2007 Air Quality Management Plan (AQMP) and 2012 AQMP;
- Implementation of the Clean Communities Plan; and
- Support of environmental justice initiatives.

Marine Vessels
Seek protection of current federal and international controls on marine vessel emissions, including those required within the North American Emission Control Area (ECA) as designated by the International Maritime Organization.

Pursue legislative and/or administrative processes to reduce marine vessel emissions, through regulatory and/or incentive based policies, in order to facilitate attainment of federal clean air standards within the South Coast region by statutory deadlines.

Surface Transportation
Work with Congress, the White House, federal, state and local agencies, business, environmental and community groups, and other stakeholders to:

- Monitor and engage as necessary with implementation issues relating to MAP-21 at the federal level.
- Protect and/or expand clean air funding opportunities under federal surface transportation legislation (including the Moving Ahead for Progress in the 21st Century Act (MAP-21) and MAP-21 successor legislation) and other legislation for energy, water, commerce, goods movement, and related areas;
- Enhance the provisions of the successor legislation to MAP-21 to maximize benefits to air quality, particularly with respect to transportation, goods movement and energy

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issues; and provide for a greater role for air agencies in transportation planning and programming, consistent with Board policy;

Locomotives
Pursue legislative and/or administrative processes to reduce locomotive emissions, through regulatory and/or incentive-based policies, in order to facilitate attainment of federal clean air standards within the South Coast region by statutory deadlines.

Reduction of Toxic Emissions
Work with congressional and federal agency staff, including the U.S. Departments of Energy, and Transportation, and the Environmental Protection Agency (EPA), to expand funding under the Diesel Emission Reduction Act (DERA) and other programs; and pursue other legislative or administrative provisions to reduce toxic emissions within the South Coast region.

Clean Air Act
Protect SCAQMD's authorities under the federal Clean Air Act (CAA) and extend or enhance SCAQMD's subvention funding under CAA Sections 103 and 105.

National Ambient Air Quality Standards
Support policies that protect science-driven and health-based selection of national ambient air quality standards.

AQMP
Support legislation and/or administrative processes to ensure implementation of the 2007 AQMP and 2012 AQMP, as needed.

Climate Change
Seek to influence climate change initiatives and facilitate their implementation at local levels, consistent with the Board's policy.

New Source Review Offsets
Work with congressional and federal agency staff and other stakeholders to modernize federal New Source Review offset requirements for areas where the supply of offsets is inadequate, while furthering the pursuit of clean air objectives.

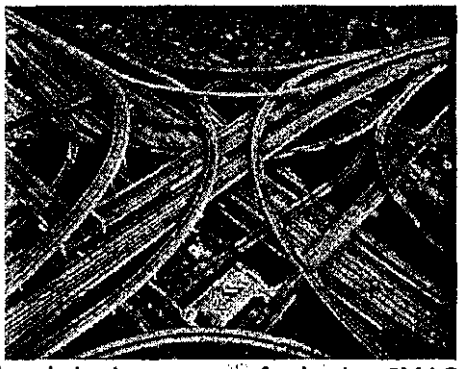
Environmental Justice
Support legislation to promote environmental justice initiatives, to reduce localized health risks, to develop clean air technology that directly benefits disproportionately impacted communities, and to enhance community participation in decision-making.

South Coast Air Quality Management District
www.aqmd.gov

SURFACE TRANSPORTATION REAUTHORIZATION PROPOSALS

Summary: The South Coast Air Quality Management District (SCAQMD) urges adoption of policies to reduce the impacts of the transportation sector on the environment, particularly air quality impacts. Doing so will make the next surface transportation law more responsive to the needs of residents living near major transportation centers, such as ports and warehouse hubs, and along major transportation corridors.

Policy Recommendations: SCAQMD urges Congress to include the following proposals in the next surface transportation authorizing legislation:



Protect and Expand the CMAQ Program - The Congestion Mitigation and Air Quality Improvement Program (CMAQ) is the only federal program dedicated to addressing air pollution impacts from the transportation sector. More geographical areas will be eligible for funding as a result of anticipated ozone standard revisions. There is a need to protect and expand CMAQ funding to make sure that newly designated nonattainment areas receive adequate allocations without reducing funds from other nonattainment areas. ***We propose increasing funding dedicated for CMAQ projects to account for newer eligible areas.***

1. **Early Interagency Consultation on CMAQ Projects** - Current law says Metropolitan Planning Organizations (MPOs) are "encouraged...to consult with state and local air quality agencies..." in selecting CMAQ projects. However interagency involvement is vital to assuring that air quality issues are addressed early in the process of selecting CMAQ projects. ***We propose revising the language so that transportation agencies are "required to consult" with air agencies.***

2. **More Funds for Clean Construction Equipment** - In recent years, federal emissions standards have been established for engines used in most new construction equipment. However, because construction equipment has a useful life of 25 to 30 years, it takes many years before existing equipment is replaced with new, cleaner equipment. MAP-21 allowed CMAQ funds to be used in nonattainment areas for purchasing clean construction equipment. But this is not enough. ***We propose providing a greater Federal funding match for projects using the cleanest construction equipment for new construction and for repairs of existing transportation infrastructure.***

3. **Consider Air Quality in the Transportation Planning Process** - The Transportation Improvement Program (TIP) planning process currently requires that in nonattainment areas the MPO must coordinate development of its TIP with the development of the Transportation Control Measures in the State Implementation Plan (SIP) for air quality. ***We recommend that coordination of the TIP should be required for the development of <u>all</u> mobile source control measures in the SIP, as well as a region's long-term attainment needs. In addition, state and local air agencies should be consulted throughout this process.***

4. **Make the Nation's Goods Movement Chain Cleaner and More Efficient** – The movement of freight is a critical part of our nation's economy and is dependent on a smooth and efficient national transportation network, so the entire goods movement chain must be addressed as one system instead of as individual modes. The next surface transportation bill must expand its focus on the freight sector to include rail and freight movement along the goods movement chain. Since freight transport is the largest source of air pollution, and the growth of this sector significantly impacts our region's ability to attain federal air quality standards, ***federal freight policy should include provisions that will improve the efficient movement of goods in ways that also benefit air quality, local communities, energy security and other needs.***

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Attachment C

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

PROPOSED SURFACE TRANSPORTATION REAUTHORIZATION LEGISLATIVE LANGUAGE

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I. **CMAQ: Early Interagency Consultation on CMAQ Projects**
II. **Clean Construction Equipment Incentive Funding**
III. **Early Interagency Consultation on All Projects**
IV. **Project and Program Incentives Based on Emission Reduction Benefits**

==========

I. CMAQ: Early Interagency Consultation on CMAQ Projects

Summary: *The following language would require States and MPOs to consult with air quality agencies during the process of selecting projects for inclusion in the Transportation Improvement Program (TIP). It would also require that if an air agency provides comments concerning the estimated emission reductions, the State or MPO shall either modify the estimate of emission reductions or explain why such modification is not needed to ensure accuracy.*

Proposed Language: *Subsection (h) of §149 of Title 23, United States Code, is amended as follows:*

> **(h) Interagency Consultation. —** ~~The Secretary shall encourage~~ States and metropolitan planning organizations ~~to~~ shall consult with State and local air quality agencies in nonattainment and maintenance areas on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects; the State or metropolitan planning organization shall respond to any written comments regarding the estimated emission reductions received from a state or local air quality agency by modifying the estimate of emission reductions or explaining in writing why such modification is not needed to ensure an accurate estimate.

II. Incentivizing Use of Clean Construction Equipment

Summary: *The following language creates an incentive program that encourages the use of clean construction equipment by increasing the federal share by an additional 10 percent for equipment that meets the current EPA or state standards.*

Proposed Language:

> **Section __. Clean Construction Equipment.**

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(a) The Congress hereby finds and declares that it is in the national interest to promote utilization by the States of construction equipment that meet the most stringent emissions standards for construction equipment adopted by the EPA or a state that are applicable to equipment manufactured in the year of project construction or earlier, for transportation projects using federal funds.

(b) The Secretary of Transportation is hereby authorized for each of the fiscal years through September 30, 2019, to increase the Federal share as provided in titles 23 and 49, United States Code, by ten percent of total project cost for any project submitted by a State which contains in the plans, specifications, and estimates submitted pursuant to section 106, of title 23, United States Code, the use of the construction equipment that meets the most stringent emissions standards for construction equipment adopted by the EPA or a state that are applicable to equipment manufactured in the year of project construction or earlier.

(c) The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, shall establish a procedure within ninety days of the date of enactment of this Act for increasing the Federal share under this section and certifying that the equipment used for a project complies with this section.

III. Early Interagency Consultation on All Projects

Summary: *The TIP planning process requires that nonattainment areas, the MPO shall coordinate development of the TIP with development of the Transportation Control Measures in the SIP. This proposal would require coordination regarding all mobile source control measures, not just transportation control measures.*

Proposed language: *§134(i)(3) of Title 23, United States Code, and §5303(i)(3) of Title 49, United States Code (currently identical) are amended as follows:*

(3) Coordination with Clean Air Act Agencies.— In metropolitan areas that are in nonattainment for ozone, PM2.5, or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et. seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures and other mobile source control measures of the State implementation plan required by the Clean Air Act; the development of the transportation plan shall be conducted in consultation with State and local air quality agencies at the initiation of, and throughout, the planning process.

IV. Project and Program Incentives Based on Emission Reduction Benefits

Summary: *The following language provides incentives by reducing or eliminating the state funding match requirements for road, rail or other infrastructure dedicated to low-or zero-emitting vehicles.*

Proposed Language: **§120. Federal Share Payable**

(a) Interstate System Projects.—

(1) In General.— Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including a project to add high occupancy vehicle lanes and a project to add auxiliary lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost thereof, plus a percentage of the remaining 10 percent of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 percent of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area; except that such Federal share payable on any project in any State shall not exceed 95 percent of the total cost of such project.

(2) State-Determined Lower Federal Share.— In the case of any project subject to paragraph (1), a State may determine a lower Federal share than the Federal share determined under such paragraph.

(b) **Other Projects.** — Except as otherwise provided in this title, the Federal share payable on account of any project or activity carried out under this title (other than a project subject to subsection (a)) shall be—

(1) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands therein, the Federal share, for purposes of this chapter, shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area; or

(2) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share, for purposes of this chapter, shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area; except that the Federal share payable on any project in a State shall not exceed 95 percent of the total cost of any such project. In any case where a State elects to have the Federal share provided in paragraph (2) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring such State to use solely for purposes eligible for assistance under this title (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the State's share as provided in paragraph (2) and what its share would be if it elected to pay the share provided in paragraph (1) for all projects subject to such agreement. In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.

(c) Increased Federal Share for Certain Safety Projects.— The Federal share payable on account of any project for traffic control signalization, traffic circles (also known as "roundabouts"), safety rest areas, pavement marking, commuter carpooling and vanpooling, rail-highway crossing closure, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier endtreatments, breakaway utility poles, or priority control systems for emergency vehicles or transit vehicles at signalized intersections may amount to 100 percent of the cost of construction of such projects . . .

(d) Increased Federal Share for Certain Projects With Emission Reduction Benefits.--*The Federal share payable on account of certain programs or projects that are beneficial to air quality by reducing emissions of criteria pollutants and their precursors, carbon dioxide and other greenhouse gases, and diesel particulate matter and other mobile source toxics, shall be increased by a specified percentage depending on the air quality benefits which the program or project achieves.*

(1) The Federal share payable on account shall be increased to 100 percent for construction of road, rail or other infrastructure dedicated to zero-emission vehicles or locomotives, acquisition of zero-emission vehicles and locomotives, and installation or construction of charging stations for zero-emission vehicles and locomotives;

(2) The Federal share payable on account shall be increased to 95 percent for construction of road, rail or other infrastructure dedicated to alternative fuel vehicles or locomotives that are powered by fuels other than gasoline or diesel, acquisition of alternative fuel vehicles or locomotives, and installation or construction of fueling stations for alternative fuel vehicles or locomotives;

(3) For purposes of this section, zero-emission vehicles and locomotives shall mean vehicles and locomotives which emit no pollutants from the on-board source of power.

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 31

Date: March 5, 2014

Subject: 2014 State Transportation Improvement Program Amended Proposal

Recommendation:* That the Board, acting as the San Bernardino Transportation Commission, amend 2014 State Transportation Improvement Program proposal to reflect the following actions, as shown in Table 2:

1. Propose programming of $1.27 million per year in Fiscal Years 2016/2017 to 2018/2019 for Planning, Programming, and Monitoring activities.

2. Propose an amendment to the current programming for the Interstate 10 HOV Lane project to decrease Regional Improvement Program construction funds from $40 million to $39.75 million and to reprogram from Fiscal Year 2015/2016 to Fiscal Year 2017/2018.

3. Nominate the following new projects for Regional Improvement Program funds to be submitted to the California Transportation Commission for inclusion in the 2014 State Transportation Improvement Program:

   a. US 395 Widening through Adelanto – Program $5.55 million for right of way in Fiscal Year 2014/2015.

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA		SAFE		CMA	

Check all that apply.
BRD1403a-pc

b. Interstate 215 Mount Vernon Avenue/Washington Street Interchange Improvement – Program $38.523 million for Construction in Fiscal Year 2018/2019.

c. State Route 210 Widening from Highland Avenue to Interstate 10 – Program $25 million for Construction in Fiscal Year 2017/2018.

4. Propose an amendment to the current programming for Interstate 215 Barton Road Interchange Reconstruction to shift construction funds from Fiscal Year 2015/2016 to Fiscal Year 2016/2017 in accordance with the current construction schedule.

5. Propose an amendment to the current programming for Route 138 Widening to increase construction funds by $795,000 in Fiscal Year 2013/2014.

Background: At the November 2013 meeting, the SANBAG Board approved proposed programming of projects to the 2014 State Transportation Improvement Program (STIP) for adoption at the March 21, 2014, California Transportation Commission (CTC) meeting. This proposed program of projects as approved by the Board is included in Table 1.

Table 1
Proposed 2014 STIP Programming for San Bernardino County
(November 2013 SANBAG Board approved)

Proposed Programming (in thousands)	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
Planning Programming and Monitoring	$1,200	$1,200	$1,200	$1,800 -$530	$1,270	$1,270
I-15 NB lane Victorville-Barstow Ph 2	$23,564					
Rte 138 Widening	$15,450					
I-10 HOV lanes, Haven to Ford Street			$40,000 -$40,000		$19,983	
I-215 Barton Rd Interchange	$17,400		$22,611 -$22,611	$22,611		
US 395 Widening through Adelanto		$5,550				
I-215 Mount Vernon Ave. Interchange						$20,000
SR 210 Widening/Highland Ave to I-10					$43,523	
Total Programmed	$57,614	$6,750	$1,200	$23,881	$64,776	$21,270
					Total Programming Capacity	$117,877
					Total Proposed Programming	$117,877
					Capacity Remaining/(Advanced)	$0

BRD1403a-pc

It should be noted that after approval of the Board item, staff identified additional programming capacity resulting from the dissolution of the Transportation Enhancement program that allows the I-10 HOV project to remain programmed near the original level of $40M. On February 18, 2014, staff was notified by the CTC of a need to delay projects to the last year of the STIP because of statewide over-programming through Fiscal Year 2017/2018. In an effort to avoid delay to the proposed projects, staff worked closely with CTC on an alternate solution that swaps Measure I and STIP funds between the SR 210 Widening project and the I-215/Mt. Vernon Avenue interchange projects rather than delay the projects. Because the projects schedules are so closely matched, this does not impact the bonding analysis that was recently completed for the 2014 Update to the Ten- Year Delivery Plan.

Additionally, Caltrans notified staff of a cost increase of $2.923 million on the SR 138 widening project that affects the programming capacity for the 2014 STIP. This project will widen SR 138 from two to four lanes and construct a four-foot median buffer in Wrightwood from Phelan Road to I-15. SANBAG has maintained a STIP commitment to the construction of this project since the 2002 STIP. SANBAG's STIP share of the project is 27.17%, which translates to an increase to SANBAG's share of $795,000. Caltrans is the lead agency for construction of the project. The project has completed final design, and the cost increase is the result of the current engineer's estimate for construction. Caltrans is ready to advertise the project and will be requesting a construction allocation at the March CTC meeting.

The recommended proposed programming for the 2014 STIP is shown in Table 2.

Table 2
Amended Proposed 2014 STIP Programming for San Bernardino County
(Amendments shown in bold)

Proposed Programmed Project (in thousands)	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19
Planning Programming and Monitoring	$1,200	$1,200	$1,200	$1,800 -$530	$1,270	$1,270
I-15 NB lane Victorville-Barstow Phase 2	$23,564					
Rte 138 Widening	**$16,245**					
I-10 HOV lanes, Haven to Ford Street			$40,000 -$40,000		**$39,745**	
Rte 215 Barton Rd. Interchange	$17,400		$22,611 -$22,611	$22,611		
US 395 Corridor Interim Widening		$5,550				
I-215 Mount Vernon Ave. Interchange Improvement						**$38,523**
SR 210 Widening from Highland Ave. to I-10					**$25,000**	
TE Reserve **TE Reserve**			**$8,647** **-$8,647**	**$8,584** **-$8,584**		
Total Programming (by FY)	$58,409	$6,750	$1,200	$23,881	$66,015	$39,793
					Total Programming Capacity	$137,639
					Total Proposed Programming	$137,639
					Capacity Remaining/(Advanced)	$0

Financial Impact: This item has no financial impact on the approved Fiscal Year 2013/2014 budget.

Reviewed By: This item has not received prior policy committee or technical advisory committee review. This is being brought directly to the Board as a result of a request by the California Transportation Commission to amend our proposal prior to their March 21, 2014, STIP adoption.

Responsible Staff: Andrea Zureick, Director of Fund Administration and Programming

BRD1403a-pc

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 32

Date: March 5, 2014

Subject: Laurel Street Grade Separation and Lenwood Road Grade Separation Funding Application Resolution

Recommendation:*

1. Adopt Resolution No. 14-013 for the Laurel Street Grade Separation Project authorizing filing an application for Grade Separation funding allocation and confirming sufficient local funds will be available as project work progresses.

2. Adopt Resolution No. 14-014 for the Lenwood Road Grade Separation Project authorizing filing an application for Grade Separation funding allocation and confirming sufficient local funds will be available as project work progresses.

Background: **These resolutions are required to apply for grade separation funding.** The Laurel Street Grade Separation Project and the Lenwood Road Grade Separation Project were nominated last year to be included in the funding priority list of the Section 190 Grade Separation Program that is being administered by the California Department of Transportation (Caltrans) and the California Public Utilities Commission (CPUC). The Section 190 Grade Separation Program allows the California Transportation Commission (CTC) to allocate up to $5 million to an eligible project. The annual budget for this grade separation funding program is around $15-$20 million, which typically results in varying awards to about five projects a year. Every year, the CPUC publishes a

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA		SAFE		CMA	

Check all that apply.

BRD1403a-pm

Attachments: http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/RES14013.docx
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/Shared%20Documents/RES14014.docx

statewide priority list for projects to receive funding from the Section 190 Grade Separation Program. The priority list is determined on the basis of criteria established by the Public Utilities Commission.

On February 10, 2014, the CPUC published the priority list for Fiscal Years 2014/2015 and 2015/2016. Under this list, Laurel Street Grade Separation Project was ranked No. 32 and Lenwood Road Grade No. 45 out of 57 projects. An award of funds depends, in part, upon project readiness and fund availability. Projects must be either in construction or be ready for award of construction contract within two years from the time of CTC award. Many projects on the priority list are unable to apply for a funding allocation from the program due to pending project agreements and/or readiness to get to construction, or lack of funds to sufficiently fund the project.

The construction contract for the Laurel Street Grade Separation Project was awarded at the September 2013 Board of Directors meeting, and construction is presently underway. The construction phase of this project is currently funded with Measure I (Valley Major Streets), Transportation Corridor Improvement Fund (TCIF), and contributions from the City of Colton, Union Pacific Railroad (UPRR) and BNSF according to Funding Agreement C12053. The construction contract for the Lenwood Road Grade Separation was awarded at the December 2013 Board of Directors meeting, and construction is presently also underway. The construction phase of this project is currently funded with Measure I (North Desert Major Local Highway), TCIF, Federal Surface Transportation Program funds, Federal Demonstration High Priority Program funds and contributions from the City of Barstow and BNSF.

Because the Laurel Street Grade Separation and the Lenwood Road Grade Separation projects are already in construction and are sufficiently funded, both projects are good candidates to receive Section 190 funding. The funds request package requires a resolution from the agency's governing board that confirms that the project can be awarded within two years of CTC allocation and is sufficiently funded. The proposed resolution authorizes filing an application with Caltrans for Grade Separation funding allocation and confirms that sufficient local funds will be available as project work progresses. Staff recommends approval of Resolution No. 14-013 and Resolution No. 14-014.

Financial Impact: This item is consistent with the current Fiscal Year 2013/2014 budget. If funding is allocated for the 2014/2015 Fiscal Year, staff will propose an amendment of the 2014/2015 budget.

Reviewed By: This item has not received prior policy committee or technical advisory committee review.

Responsible Staff: Garry Cohoe, Director of Project Delivery

BRD1403a-pm

RESOLUTION NO. 14-013

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION AUTHORIZING THE FILING OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR ALLOCATION BY THE CALIFORNIA TRANSPORTATION COMMISSION OF $5 MILLION OF GRADE SEPARATION FUNDS FROM FISCAL YEARS 2014/2015 AND 2015/2016; AND VERIFYING THAT SUFFICIENT FUNDS ARE AVAILABLE AND THAT ALL MATTERS PREREQUISITE TO AWARDING THE CONTRACT FOR THE LAUREL STREET GRADE SEPARATION CAN BE ACCOMPLISHED WITHIN TWO YEARS OF CTC FUNDING APPLICATION

WHEREAS, Section 1445 of the California Code of Regulations requires that applications for allocation of railroad grade separation funds have a certified copy of a resolution of the applicant's governing body authorizing the filing of the application; and

WHEREAS, Section 2456 of the California Streets and Highways Code requires that local agencies applying for allocations of railroad grade separation projects funding also attach to their application a certified resolution of the applicant's governing body stating that sufficient local funds will be made available as the work of the project progresses, and stating that all matters prerequisite to awarding the construction contract can be accomplished within two years after allocation of the funds for the project by the California Transportation Commission; and

WHEREAS, the Laurel Street Grade Separation at the BNSF Railway Company tracks, California Public Utilities Commission No. 002B-02.10, is a project eligible for allocation of grade separation funds; and

WHEREAS, San Bernardino County Transportation Commission budgets for Fiscal Years 2014/2015 and 2015/2016 will meet the Commission's cash flow requirements and also provide for the Commission's share of the cost of the Laurel Street Grade Separation Project; and

WHEREAS, the San Bernardino Associated Governments, acting as the San Bernardino County Transportation Authority, awarded the construction contract for the Laurel Street Grade Separation Project on September 4, 2013, thereby meeting the requirement to award the construction contract within two years of CTC funding application;

NOW, THEREFORE, BE IT RESOLVED by the San Bernardino County Transportation Commission as follows:

SECTION 1. Sufficient funds will be available in San Bernardino County Transportation Commission's 2014/2015 and 2015/2016 Fiscal Year budgets for the Commission's share of the Laurel Street Grade Separation Project at the BNSF Railway Company tracks, California Public Utilities Commission No. 002B-02.10, DOT CROSSING NO. 026449C.

SECTION 2. The construction contract for the Laurel Street Grade Separation Project was awarded on September 4, 2013, thereby meeting the requirement to award the construction contract within two years after allocation of the funds for the project by the California Transportation Commission.

SECTION 3. The Executive Director, as an agent of the San Bernardino County Transportation Commission, is authorized to submit an application for allocation of grade separation funding for the Laurel Street Grade Separation Project, and to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, amendments, payment requests, etc. associated with the application.

SECTION 4. This Resolution shall take effect upon adoption.

ADOPTED by the San Bernardino County Transportation Commission on March 5, 2014, by the following vote:

AYES:

NOES:

ABSENT:

_____
W.E. Jahn, Chairperson

ATTEST:

_____
Vicki Watson,
Clerk of the Commission

RES14013

RESOLUTION NO. 14-014

A RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION AUTHORIZING THE FILING OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATIONFOR ALLOCATION BY THE CALIFORNIA TRANSPORTATION COMMISSION OF $5 MILLION OF GRADE SEPARATION FUNDS FROM FISCAL YEARS 2014/2015 AND 2015/2016; AND VERIFYING THAT SUFFICIENT FUNDS ARE AVAILABLE AND THAT ALL MATTERS PREREQUISITE TO AWARDING THE CONTRACT FOR THE LENWOOD ROAD GRADE SEPARATION CAN BE ACCOMPLISHED WITHIN TWO YEARS OF CTC FUNDING APPLICATION

WHEREAS, Section 1445 of Title 21 of the California Code of Regulations requires that applications for allocation of railroad grade separation funds have a certified copy of a resolution of the applicant's governing body authorizing the filing of the application; and

WHEREAS, Section 2456 of the California Streets and Highways Code requires that local agencies applying for allocations of railroad grade separation projects funding also attach to their application a certified resolution of the applicant's governing body stating that sufficient local funds will be made available as the work of the project progresses, and stating that all matters prerequisite to awarding the construction contract can be accomplished within two years after allocation of the funds for the project by the California Transportation Commission; and

WHEREAS, the Lenwood Road Grade Separation at the BNSF Railway Company tracks, California Public Utilities Commission No. 002-5.70, is a project eligible for allocation of grade separation funds; and

WHEREAS, San Bernardino County Transportation Commission budgets for Fiscal Years 2014/2015 and 2015/2016 will meet the Commission's cash flow requirements and also provide for the Commission's share of the cost of the Lenwood Road Grade Separation Project; and

WHEREAS, the San Bernardino Associated Governments, acting as the San Bernardino County Transportation Authority, awarded the construction contract for the Lenwood Road Grade Separation Project on December 4, 2013 and thereby meeting the requirement to award the construction contract within two years of CTC funding application;

NOW, THEREFORE, BE IT RESOLVED by the San Bernardino County Transportation Commission as follows:

SECTION 1. Sufficient funds will be available in San Bernardino County Transportation Commission's 2014/2015 and 2015/2016 Fiscal Year budgets for the Commission's share of the Lenwood Road Grade Separation Project at the BNSF Railway Company tracks, California Public Utilities Commission No. 002-5.70, DOT CROSSING NO. 026062X.

SECTION 2. The construction contract for the Lenwood Road Grade Separation Project was awarded on December 4, 2013, thereby meeting the requirement to award the construction contract within two years after allocation of the funds for the project by the California Transportation Commission.

SECTION 3. The Executive Director, as an agent of the San Bernardino County Transportation Commission, is authorized to submit an application for allocation of grade separation funding for the Lenwood Road Grade Separation Project, and to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, amendments, payment requests, etc. associated with the application.

SECTION 4. This Resolution shall take effect upon adoption.

ADOPTED by the San Bernardino County Transportation Commission on March 5, 2014, by the following vote:

AYES:

NOES:

ABSENT:

_____

W.E. Jahn, Chairperson

ATTEST:

_____

Vicki Watson,
Clerk of the Commission

RES14013

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TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 33

Date: March 5, 2014

Subject: Lenwood Road Grade Separation Project

Recommendation:* That the Board acting as the San Bernardino County Transportation Commission:

1. Ratify the July 8, 2013 execution of Contract No. C13032 with Simon Wong Engineering for Construction Management services for the Lenwood Road Grade Separation Project in an amount not-to-exceed $2,493,341.00.

2. Approve Amendment No. 1 to Contract C13032 with Simon Wong Engineering for Construction Management services for the Lenwood Road Grade Separation Project to reflect changes to the contract based upon the Caltrans Audits and Investigations Conformance Review and execute after Caltrans provides final approval of the amendment.

Background: **Recommendation No. 1.** On June 5, 2013, San Bernardino Associated Governments (SANBAG) Board approved award of Contract No. C13032 with Simon Wong Engineering, for Construction Management services on the Lenwood Road Grade Separation Project for a total not-to-exceed amount of $2,493,341.00 and established a Contingency for Contract No. C13032 for a not-to-exceed amount of $249,334.00; and the Board authorized issuance of a

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG		CTC	X	CTA		SAFE		CMA	

Check all that apply.

BRD1403a-mb
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/ContractsWorkInProcess%20Files%20%202014/C13032-01.doc

Purchase Order in the amount of $50,000.00 to cover the cost of the preconstruction services so that construction management work could commence prior to the issuance of the federal funds for construction.

The award and execution of the contract was contingent upon Caltrans' Audits & Investigations (A&I) issuance of a Conformance Letter which indicates that they have reviewed the proposed contract and the financial information submitted by Simon Wong Engineering and its subconsultants, and found the contract terms and price information compliant with state and federal requirements. This pre-award audit requirement by A&I is a new Caltrans procedure implemented in May 2013 impacting Architects and Engineering Contracts of $150,000 or more. The subject construction management contract was the first SANBAG contract to go through this process.

The June 5, 2013 agenda item included a provision making the authorization to execute the contract contingent upon Caltrans A&I issuance of a Conformance Letter and correction of noted deficiencies. On July 8, 2013, the agreement was inadvertently executed and sent to Simon Wong Engineering.

In August 2013, our consultant, Brazilio Cobb Associates completed an independent audit and their audit findings were shared with SANBAG. The consultant and the sub-consultants required more time to gather the accounting information required to address the findings than had been anticipated. In December 2013, issues identified by the audit findings were resolved and the contract was submitted to Caltrans for the conformance audit.

On September 26, 2013, we received Federal authorization (E-76) to begin the construction phase of the project. On December 4, 2013, SANBAG Board approved award of Contract No. C13149 with Skanska USA for Construction of the Lenwood Road Grade Separation Project for a total not-to-exceed amount of $15,210,594.00. Work began on January 28, 2014. During the process to commence construction, it was realized that the Conformance Letter had not been received.

In December 2013, staff formally submitted the Conformance Letter request to Caltrans A&I, and acknowledged to A&I that we had inadvertently signed the Construction Management contract, but had not expended any federal or state funds. A Purchase Order for $100,000, under the authority of the Executive Director, had been issued using local funds to cover the cost of construction management services from award of the construction contract through late January 2014 to correspond with the latest date that the Conformance Letter was anticipated to be received. These funds were explicitly stated to be deducted from the formal contract so that the total approved amount remained what was originally approved by the Board.

On January 29, 2014, Caltrans' A&I responded to our audit request and pointed out deficiencies in the contract and the cost proposal format. The contract, as originally written, indicated terms and conditions of the contract would be on a "time and materials" basis. This was not one of the four methods permitted by the Federal Highway Administration (FHWA). Acceptance of the corrections to the contract were referred by A&I to Caltrans Division of Local Assistance. Local Assistance did grant use of an exception that allowed the Simon Wong contract to remain in place as long as no state or federal funds were used until the contract was in conformance. Local funds are being applied to the Simon Wong contract to allow them to continue working without interruption.

A contract amendment has been prepared using the "Specific Rates of Compensation" method which is in compliance with FHWA's requirements. On February 20th, Caltrans Local Assistance approved the changes and has resubmitted the contract amendment package to A&I for their final approval. Recommendation No. 2 is requesting approval of the contract amendment.

Recommendation 1 is for the ratification of the execution of Contract No. C13032. Ratification of the July 8, 2013 execution of the contract is needed because the condition as included in the June 5, 2013 recommendation requiring the receipt of the Caltrans Conformance Letter prior to the contract being executed had not been met.

To minimize the potential of this error occurring again, the contract signature routing process has been changed. The Project Manager is now responsible for informing Contract Administration when a contract or an amendment is ready to be mailed to the vendor for signature. The Project Manager will wait until any conditions are removed, such as receiving the Conformance letter, before alerting Contract Administration to mail the document to the vendor. Also, the Contract Administrator will put notations on the Contract Tracking Log to prompt a follow up to confirm the Conformance letter has been received before mailing the documents.

Recommendation No. 2. Amendment No. 1 to Contract C13032 reflects changes to the contracts based on A&I conformance review. The major changes have been to the contract terms, while the scope, cost and major provisions of the contract have not changed. The execution of the contract amendment is subject to obtaining Caltrans final approval of the amendment.

The approved contract language will become the template for future construction management contracts.

Financial Impact: This item is consistent with the Fiscal Year 2013/2014 budget under Task No. 0881.

Reviewed By: This item has not received prior policy committee or technical advisory committee review. SANBAG General Counsel and Contract Administrator have approved this item and the contract amendment.

Responsible Staff: Garry Cohoe, Director of Project Delivery

BRD1306c-mb

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CONTRACT SUMMARY SHEET

Contract No. C 13032 Amendment No. 1

By and Between

San Bernardino County Transportation Authority and Simon Wong Engineering

Contract Description Construction Management Services Lenwood Road Grade Separation Project

Board of Director's Meeting Date: March 5, 2014
Overview of BOD Action: Approve Amendment 1 to contract C13032 with Simon Wong.

Is this a Sole-Source procurement? ☐ Yes ☒ No

CONTRACT OVERVIEW

Original Contract Amount	$	2,493,341.00	**Original Contingency Amount**	$	249,334.00
Revised Contract Amount *Inclusive of prior amendments*	$	2,493,341.00	**Revised Contingency Amount** *Inclusive of prior amendments*	$	249,334.00
Current Amendment Amount	$		**Contingency Amendment**	$	
TOTAL CONTRACT VALUE	$	2,493,341.00	**TOTAL CONTINGENCY VALUE**	$	
TOTAL BUDGET AUTHORITY *(contract value + contingency)*				$	2,742,675.00

Contract Start Date	**Current Contract Expiration Date**	**Revised Contract Expiration Date**
TBD	December 31, 2016	

Has the contract term been amended? ☐ No ☒ Yes - please explain.
The start date will be the date of signature on the contract by the Board.

FINANCIAL INFORMATION

☒ Budget authority for this contract currently exists in Task No. 0881.
☐ A Budget Amendment is required.
How are we funding current FY? STP, TCIF, Local – City of Barstow, MSI North Desert Fund - MLH

☐ Federal Funds | ☐ State Funds | ☐ Local Funds | ☐ TDA Funds | ☐ Measure I Funds

*Provide Brief Overview of the **Overall** Funding for the duration of the Contract:*
STP, TCIF, Local – City of Barstow, MSI North Desert Fund - MLH
☒ Payable ☐ Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:
☒ Retention? If yes, indicate % 10.
☒ Disadvantaged Business Enterprise (DBE) Goal 6 %

Barbara Fortman	Barbara Fortman	
Project Manager (Print Name)	Signature	Date
Gary Cohen		2-26-14
Task Manager (Print Name)	Signature	Date
Andrea Zureick		2/26/14
Dir. of Fund Admin. & Programming (Print Name)	Signature	Date
Jeffery Hill		2/26/14
Contract Administrator (P int Name)	Signature	Date
William Stawiski		2/27/14
Chief Financial Officer (Print Name)	Signature	Date

Contract Summary Sheet 11/6/12

AMENDMENT NO. 1

TO

CONTRACT NO. C13032

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION

AND

SIMON WONG ENGINEERING, INC., A WHOLLY-OWNED SUBSIDIARY OF KLEINFELDER WEST, INC.

This AMENDMENT No. 1 to Contract No. C13032 (this "Amendment") is made by and between Simon Wong Engineering, Inc., A Wholly-Owned Subsidiary of Kleinfelder West, Inc. (hereafter called CONSULTANT) and the San Bernardino County Transportation Commission (hereafter called SANBAG):

RECITALS:

WHEREAS, SANBAG, under Contract No. C13032, has engaged the services of CONSULTANT to provide construction management for Lenwood Road Grade Separation project; and

WHEREAS, SANBAG and CONSULTANT desire to amend the aforesaid contract to include additional language required by Caltrans and the State Auditor at no change to the contract amount.

NOW THEREFORE, the PARTIES hereto do mutually agree to amend Contract No. C13032 as follows:

1. Delete Article 3. COMPENSATION in its entirety and replace with the following:

"ARTICLE 3. <u>COMPENSATION</u>

3.1 Total compensation to CONSULTANT for full and complete performance of the Scope of Work in compliance with all the terms and conditions of this contract shall be on a Specified Rates of Compensation basis for all obligations incurred in, or application to, Consultant's performance of Services and for which CONSULTANT shall furnish all personnel, facilities, equipment, materials, supplies, and services (except as may be explicitly set forth in this Contract as furnished by SANBAG), and shall not exceed $2,493,341.00, unless authorized by a contract amendment. The consultant is paid at an agreed and supported specific fixed hourly, daily, weekly or monthly rate, for each class of employee engaged directly in the work. Such rates of pay include the consultant's estimated costs and net fee (profit). The specific rates of compensation, except for an

individual acting as a sole proprietor, are to include an hourly breakdown, direct salary costs, fringe benefits, indirect costs, and net fee as set forth in Attachment B, which is attached herein and by this reference, incorporated in and made part of this Contract.

3.2 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 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 1, 2014, and shall be applied each January 1st for the term of the Contract.

3.3 Specific tasks have been assigned to CONSULTANT in the Scope of Work.

3.4 Tasks may be negotiated for a lump sum (Firm Fixed Price) or for specific rates of compensation, both of which must be based on the labor and other rates set forth in Attachment B.

3.5 CONSULTANT will be reimbursed for hours worked at the hourly rates specified in Attachment B. The specified hourly rates shall include direct salary costs, employee benefits, overhead, and fee. These rates are not adjustable for the performance period set forth in this Contract, except as noted under Article 3.2 for escalation.

3.6 In addition, CONSULTANT will be reimbursed for incurred (actual) direct costs other than salary costs identified in Attachment B.

3.7 Reimbursement for transportation and subsistence costs shall not exceed the rates specified in Attachment B. Any travel expenses must be preapproved, in writing by SANBAG and shall be reimbursed per diem at a rate not to exceed the currently authorized rates for state employees under the State Department of Personnel Administration rules. SANBAG will not reimburse CONSULTANT for any expenses not identified in Attachment B or agreed to and approved by SANBAG as required under this Contract.

3.8 When milestone cost estimates are included in Attachment B, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from SANBAG's Project Manager before exceeding such cost estimate.

3.9 Progress payments will be made monthly in arrears based on services provided and allowable costs incurred. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in the Scope of Work, SANBAG shall have the right to delay payment or terminate this Contract in accordance with the Termination provisions of this Contract.

3.10 No payment will be made prior to approval of any Work, nor for any Work performed prior to approval of this Contract.

3.11 CONSULTANT will be reimbursed as promptly as fiscal procedures will permit upon receipt by SANBAG of an itemized invoice. Invoices shall detail the Work performed on each milestone and each project as applicable. Invoices shall follow the format stipulated by SANBAG and shall reference this Contract number and Project title.

The final invoice must contain the final cost and all credits due SANBAG including any equipment purchased under the provisions of Article 55. EQUIPMENT PURCHASE of this Contract. The final invoice shall be submitted within 60 calendar days after completion of CONSULTANT's Work. Invoices shall be mailed to the address identified in Article 4.2.

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

3.13 The Cost Principles and Procedures set forth in 48 CFR Ch. 1, Subch. E, Part 31, as constituted on the effective date of this Contract shall be utilized to determine allowability of costs under this Contract and may be modified from time to time by amendment of the Contract.

3.13.1 CONSULTANT agrees to comply with Federal Department of Transportation procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

3.13.2 Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR, Ch.1, Subch E, Part 31, Contract Cost Principles and Procedures, or 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments shall be repaid by CONSULTANT to SANBAG.

3.14 Any Work provided by CONSULTANT not specifically covered by the Scope of Work shall not be compensated without prior written authorization from SANBAG. It shall be CONSULTANT's responsibility to recognize and notify SANBAG in writing when services are not covered by the Scope of Work. All changes and/or modifications to the Scope of Work shall be made in accordance with the "CHANGES" provision in this Contract.

3.15 All subcontracts in excess of $25,000 shall contain the provisions of Article 3."

2. Delete Article 8., "DOCUMENTATION AND RIGHT TO AUDIT", in its entirety and replace with the following:

"ARTICLE 8. DOCUMENTATION AND RIGHT TO AUDIT

8.1 For the purpose of determining compliance with Public Contract Code section 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, section 2500 et seq., when applicable and other matters connected with the performance of the contract pursuant to Government Code section 8546.7; CONSULTANT, subconsultants, and SANBAG shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the Contract, including but not limited to, the costs of administering the Contract. All parties shall make such materials available at their respective offices at all reasonable times during the Contract period and for three years from the date of final payment under the Contract.

The state, State Auditor, SANBAG, FHWA, or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of CONSULTANT that are pertinent to the Contract for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested.

8.2 CONSULTANT and subconsultants' contracts, including cost proposals and indirect cost rates (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 certified public accountant (CPA) ICR Audit Workpaper Review. If selected for an audit or review, the contract, cost proposal and ICR and related workpapers, 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 Workpaper Review, it is CONSULTANT's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's workpapers. The contract, cost proposal, and ICR shall be adjusted by CONSULTANT and approved by SANBAG's 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 SANBAG at its sole discretion. Refusal by CONSULTANT to incorporate audit or review recommendations, or to ensure that the Federal, State, or local governments have access to CPA workpapers, will be considered a breach of contract terms and cause for termination of the contract and disallowance of prior reimbursed costs.

8.3 All subcontracts in excess of $25,000 shall contain the provisions of Article 8."

3. Add the following Articles 53, 54 and 55 to the Contract:

"ARTICLE 53. 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 SANBAG employee. For breach or violation of this warranty, SANBAG 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 54. PROHIBITION OF EXPENDING LOCAL AGENCY STATE OR FEDERAL FUNDS FOR LOBBYING

54. 1 CONSULTANT certifies to the best of his or her knowledge and belief that:

54.1.1 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 state or federal agency; a Member of the State Legislature or United States Congress; an officer or employee of the Legislature or Congress; or any 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.

54.1.2 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 federal agency; a Member of Congress; an officer or employee of Congress, or an employee of a Member of Congress; in connection with this federal contract, grant, loan, or cooperative agreement; CONSULTANT shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying", in accordance with its instructions.

54.2 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 Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

54.3 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 $100,000, and that all such sub recipients shall certify and disclose accordingly.

ARTICLE 55. EQUIPMENT PURCHASE

55.1. Prior authorization in writing, by SANBAG's Project Manager 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.

55.2. For purchase of any item, service or consulting work not covered in CONSULTANT's Cost Proposal and exceeding $5,000 prior authorization by SANBAG's Project Manager, three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.

55.3. Any equipment purchased as a result of this Contract is subject to the following: 'CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of $5,000 or more. If the purchased equipment needs replacement and is sold or traded in, SANBAG 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 SANBAG 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 SANBAG procedures; and credit SANBAG 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 agreed to by SANBAG and CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by SANBAG. 49 CFR, Part 18 requires a credit to Federal funds when participating equipment with a fair market value greater than $5,000 is credited to the Project.

55.4 All subcontracts in excess $25,000 shall contain the above provisions.

4. Delete Attachment B. in its entirety and replace it with Attachment B attached to and incorporated into this Amendment by this reference.

5. The Contract is incorporated into this Amendment No. 1.

6. Except as amended by this Amendment, all other provisions of the Contract shall remain in full force and effect.

7. This Amendment No. 1 is effective on the date executed by SANBAG. The end date of the Contract shall continue in effect through December 31, 2016.

IN WITNESS WHEREOF, the parties have duly executed this Amendment No. 1 below.

SIMON WONG ENGINEERING INC., A WHOLLY-OWNED SUBSIDIARY OF KLEINFELDER WEST, INC.

By: _____
Marc McIntyre, PE
Vice President/Principal-in-Charge

Date: _____

SANBAG

By: _____
W.E. Jahn
President, Board of Directors

Date: _____

APPROVED AS TO FORM:

By: _____
Eileen Monaghan Teichert
General Counsel

CONCURRENCE:

By: _____
Jeffery Hill
Contract Administrator

ATTACHMENT B

ATTACHMENT 'B'

SIMON WONG ENGINEERING — February 24, 2014

San Bernardino Associated Governments (SA BAG)
Lenwood Road Grade Separation Project
Construction Management, Construction Surveying, Materials Testing and Public Outreach

PRIME CONSULTANT COSTS

Name/Job Title/Classification	Total Hours	Hourly Billing rate	Effective Date of Hourly rate		Total Cost
Marc McIntyre, P.E., Project Principal	0	$ 223.55	1/1/2013	12/31/2013	$0.00
	57	$ 228.26	1/1/2014	12/31/2014	$13,010.62
	20	$ 233.06	1/1/2015	12/31/2015	$4,661.19
Roberto Becerra, Technical Specialist*	0	$ 183.79	1/1/2013	12/31/2013	$0.00
	121	$ 187.66	1/1/2014	12/31/2014	$22,706.40
	30	$ 191.60	1/1/2015	12/31/2015	$5,748.00
Derick London, Construction Inspector*	0	$ 129.69	1/1/2013	12/31/2013	$0.00
	1855	$ 132.42	1/1/2014	12/31/2014	$245,636.46
	495	$ 135.20	1/1/2015	12/31/2015	$66,923.71
Henry Stultz, Structures Rep	0	$ 218.09	1/1/2013	12/31/2013	$0.00
	1094	$ 222.67	1/1/2014	12/31/2014	$243,501.47
	168	$ 227.35	1/1/2015	12/31/2015	$38,194.19
Col y Cushing, Structures Inspector*	0	$ 131.38	1/1/2013	12/31/2013	$0.00
	2060	$ 134.14	1/1/2014	12/31/2014	$276,323.55
	165	$ 136.94	1/1/2015	12/31/2015	$22,595.72
Chris MacPherson, Office Engineer	28	$ 93.54	1/1/2013	12/31/2013	$2,619.05
	2037	$ 95.51	1/1/2014	12/31/2014	$194,552.32
	655	$ 97.51	1/1/2015	12/31/2015	$63,866.68
Mark Plotnikiewicz, Scheduler	0	$ 138.89	1/1/2013	12/31/2013	$0.00
	208	$ 141.80	1/1/2014	12/31/2014	$29,493.90
	24	$ 144.78	1/1/2015	12/31/2015	$3,474.74
James Brands, Landscape Inspector*	0	$ 144.73	1/1/2013	12/31/2013	$0.00
	30	$ 147.76	1/1/2014	12/31/2014	$4,432.91
	24	$ 150.87	1/1/2015	12/31/2015	$3,620.96
Stephen Fordham, SWPPP Coordinator	0	$ 127.97	1/1/2013	12/31/2013	$0.00
	116	$ 130.65	1/1/2014	12/31/2014	$15,155.28
	32	$ 133.40	1/1/2015	12/31/2015	$4,268.94
Noelle Afualo, Public Relations Coordinator	0	$ 168.57	1/1/2013	12/31/2013	$0.00
	42	$ 172.11	1/1/2014	12/31/2014	$7,228.57
	18	$ 175.72	1/1/2015	12/31/2015	$3,163.03
Evelyn French, Outreach Liaison	0	$ 77.79	1/1/2013	12/31/2013	$0.00
	122	$ 79.43	1/1/2014	12/31/2014	$9,690.57
	38	$ 81.10	1/1/2015	12/31/2015	$3,081.78
Prince Thompson, Outreach Assistant	0	$ 43.84	1/1/2013	12/31/2013	$0.00
	32	$ 44.75	1/1/2014	12/31/2014	$1,431.88
	0	$ 45.68	1/1/2015	12/31/2015	$0.00
Various Overtime Pool	0	$ 189.60	1/1/2013	12/31/2013	$0.00
	25	$ 193.60	1/1/2014	12/31/2014	$4,839.93
	25	$ 197.67	1/1/2015	12/31/2015	$4,941.68
	9521				$1,295,163.52
OTHER DIRECT COSTS					$ 6,208.48
SUBTOTAL					$1,301,372.00

SUBCONSULTANT COSTS

LEIGHTON CONSULTING INC.	$126,101.00
TOWILL INC.	$286,660.00
CHJ CONSULTANTS	$197,246.00
DYNAMIC ENGINEERING SERVICES INC.	$85,507.00
DHS CONSULTING, INC.	$496,455.00
SUBTOTAL	$1,191,968.98
TOTAL AMOUNT	**$2,493,341.00**

8

C13032-01

ATTACHMENT B

COST PROPOSAL - LABOR & OTHER DIRECT COST SUMMARY

Lenwood Grade Separation Project
LAPM Exhibit 10-H, Example 2 for Construction Management

Consultant or Subconsultant: Simon Wong Engineering Contract No.: C13032 Date: 24-Feb-14

Fringe Benefit % (below) (=0% if included in OH)	+	Overhead % (below)	+	General Admin % (below) (=0% if included in OH)	=	Combined Indirect Cost Rate (ICR) %
0.00%		131.93%		0.00%		131.93%
					FEE% =	9.00%

BILLING INFORMATION						CALCULATION INFORMATION		
Name/Job Title/Classification[1]	Hourly Billing Rates[2] Straight	OT (1.5X)	OT (2X)	Effective date of hourly rate From	To	Actual or Avg. hourly rate[3]	% or $ increase	Hourly range - for classifications only
Marc McIntyre, P.E., Project Principal	$ 223.55	$ 223.55	$ 223.55	1/1/2013	12/31/2013	$ 88.43	0.0%	Not applicable
	$ 228.26	$ 228.26	$ 228.26	1/1/2014	12/31/2014	$ 90.29	2.1%	
	$ 233.06	$ 233.06	$ 233.06	1/1/2015	12/31/2015	$ 92.19	2.1%	
Roberto Becerra, Technical Specialist*	$ 183.79	$ 275.68	$ 367.58	1/1/2013	12/31/2013	$ 72.70	0.0%	Not applicable
	$ 187.66	$ 281.48	$ 375.31	1/1/2014	12/31/2014	$ 74.23	2.1%	
	$ 191.60	$ 287.40	$ 383.20	1/1/2015	12/31/2015	$ 75.79	2.1%	
Derick London, Construction Inspector*	$ 129.69	$ 194.53	$ 259.38	1/1/2013	12/31/2013	$ 51.30	0.0%	Not applicable
	$ 132.42	$ 198.63	$ 264.84	1/1/2014	12/31/2014	$ 52.38	2.1%	
	$ 135.20	$ 202.80	$ 270.40	1/1/2015	12/31/2015	$ 53.48	2.1%	
Henry Stultz, Structures Rep	$ 218.09	$ 218.09	$ 218.09	1/1/2013	12/31/2013	$ 86.27	0.0%	Not applicable
	$ 222.67	$ 222.67	$ 222.67	1/1/2014	12/31/2014	$ 88.08	2.1%	
	$ 227.35	$ 227.35	$ 227.35	1/1/2015	12/31/2015	$ 89.93	2.1%	
Colby Cushing, Structures Inspector*	$ 131.38	$ 197.07	$ 262.76	1/1/2013	12/31/2013	$ 51.97	0.0%	Not applicable
	$ 134.14	$ 201.21	$ 268.28	1/1/2014	12/31/2014	$ 53.06	2.1%	
	$ 136.94	$ 205.42	$ 273.89	1/1/2015	12/31/2015	$ 54.17	2.1%	
Chris MacPherson, Office Engineer	$ 93.54	$ 93.54	$ 93.54	1/1/2013	12/31/2013	$ 37.00	0.0%	Not applicable
	$ 95.51	$ 95.51	$ 95.51	1/1/2014	12/31/2014	$ 37.78	2.1%	
	$ 97.51	$ 97.51	$ 97.51	1/1/2015	12/31/2015	$ 38.57	2.1%	
Mark Plotnikiewicz, Scheduler	$ 138.89	$ 138.89	$ 138.89	1/1/2013	12/31/2013	$ 54.94	0.0%	Not applicable
	$ 141.80	$ 141.80	$ 141.80	1/1/2014	12/31/2014	$ 56.09	2.1%	
	$ 144.78	$ 144.78	$ 144.78	1/1/2015	12/31/2015	$ 57.27	2.1%	
James Brands, Landscape Inspector*	$ 144.73	$ 144.73	$ 144.73	1/1/2013	12/31/2013	$ 57.25	0.0%	Not applicable
	$ 147.76	$ 147.76	$ 147.76	1/1/2014	12/31/2014	$ 58.45	2.1%	
	$ 150.87	$ 150.87	$ 150.87	1/1/2015	12/31/2015	$ 59.68	2.1%	
Stephen Fordham, SWPPP Coordinator	$ 127.97	$ 127.97	$ 127.97	1/1/2013	12/31/2013	$ 50.62	0.0%	Not applicable
	$ 130.65	$ 130.65	$ 130.65	1/1/2014	12/31/2014	$ 51.68	2.1%	
	$ 133.40	$ 133.40	$ 133.40	1/1/2015	12/31/2015	$ 52.77	2.1%	
Noelle Afualo, Public Relations Coordinator	$ 168.57	$ 252.85	$ 337.14	1/1/2013	12/31/2013	$ 66.68	0.0%	Not applicable
	$ 172.11	$ 258.16	$ 344.22	1/1/2014	12/31/2014	$ 68.08	2.1%	
	$ 175.72	$ 263.59	$ 351.45	1/1/2015	12/31/2015	$ 69.51	2.1%	
Evelyn French, Outreach Liaison	$ 77.79	$ 116.68	$ 155.58	1/1/2013	12/31/2013	$ 30.77	0.0%	Not applicable
	$ 79.43	$ 119.15	$ 158.86	1/1/2014	12/31/2014	$ 31.42	2.1%	
	$ 81.10	$ 121.65	$ 162.20	1/1/2015	12/31/2015	$ 32.08	2.1%	
Prince Thompson, Outreach Assistant	$ 43.84	$ 65.75	$ 87.67	1/1/2013	12/31/2013	$ 17.34	0.0	Not applicable
	$ 44.75	$ 67.12	$ 89.49	1/1/2014	12/31/2014	$ 17.70	2.1%	
	$ 45.68	$ 68.52	$ 91.36	1/1/2015	12/31/2015	$ 18.07	2.1%	
Various Overtime Pool	$ 189.60	$ 284.40	$ 379.21	1/1/2013	12/31/2013	$ 75.00	0.0%	Not applicable
	$ 193.60	$ 290.40	$ 387.19	1/1/2014	12/31/2014	$ 76.58	2.1%	
	$ 197.67	$ 296.50	$ 395.33	1/1/2015	12/31/2015	$ 78.19	2.1%	

[1] Names and classifications of consultant (key staff) team members must be listed. Provide separate sheets for prime and all subconsultant firms.

[2] Billing Rate = actual hourly rate * (1+ ICR) * (1+FEE). Agreed upon billing rates are not adjustable for the term of the contract (per Article 3.3 of Contract C13032).

[3] For named employees, enter the actual hourly rate. For classifications only, enter the average hourly rate for that classification.

Notes: - Denote all employees subject to prevailing wage with an asterick(*)
- For "Other Direct Cost" listing, see page 2 of this Exhibit

Escalation rates shown above are estimated. Per Article 3.2 of Contract C13032, 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 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 Jan. 1, 2014, and shall be applied each January 1st for the term of the contract.

ATTACHMENT 'B'

LEIGHTON CONSULTING INC.

San Bernardino Associated Governments (SANBAG)

Lenwood Road Grade Separation Project

Construction Management, Construction Surveying, Materials Testing and Public Outreach

February 24, 2014

SUBCONSULTANT COSTS

Name/Job Title/Classification	Total Hours	Hourly Billing rate	Effective Date of hourly rate		Total Cost
Thomas C. Benson, Jr., Project Principal	0	$ 230.00	1/1/2013	12/31/2013	$ -
	1	$ 234.82	1/1/2014	12/31/2014	$ 234.82
	1	$ 239.77	1/1/2015	12/31/2015	$ 239.77
Siva K. Sivathasan, PE, GE, Project Manager	0	$ 151.39	1/1/2013	12/31/2013	$ -
	256	$ 154.57	1/1/2014	12/31/2014	$ 39,568.99
	15	$ 157.80	1/1/2015	12/31/2015	$ 2,367.05
Richard Le Ritz, Source Inspection*	0	$ 117.60	1/1/2013	12/31/2013	$ -
	114	$ 120.07	1/1/2014	12/31/2014	$ 13,688.48
	7	$ 122.61	1/1/2015	12/31/2015	$ 882.76
Jason DiMaggio, Source Inspection*	0	$ 117.60	1/1/2013	12/31/2013	$ -
	149	$ 120.07	1/1/2014	12/31/2014	$ 17,930.66
	10	$ 122.61	1/1/2015	12/31/2015	$ 1,177.01
Roderick Marcia, PE, Lab Manager/Reviewer	0	$ 127.34	1/1/2013	12/31/2013	$ -
	19	$ 130.02	1/1/2014	12/31/2014	$ 2,470.41
	1	$ 132.76	1/1/2015	12/31/2015	$ 159.31
Rhonda Macomber, Clerical/Admin Assistant	0	$ 59.60	1/1/2013	12/31/2013	$ -
	36	$ 60.86	1/1/2014	12/31/2014	$ 2,191.00
	2	$ 62.13	1/1/2015	12/31/2015	$ 149.10
	612				**$81,059.37**
	Other Direct Costs				$ 45,041.63
	Subtotal				**$126,101.00**

ATTACHMENT B

COST PROPOSAL - LABOR & OTHER DIRECT COST SUMMARY

Lenwood Grade Separation Project
LAPM Exhibit 10-H, Example 2 for Construction Management

Consultant or Subconsultant: Leighton Contract No.: C13032 Date: 24-Feb-14

Fringe Benefit % (below) (=0% if included in OH)	+	Overhead % (below)	+	General Admin % (below)	=	Combined Indirect Cost Rate(ICR) %
		50.70%		138.40%		Rate is 181.10% - Agreed to Cap, Below 170.00%

FEE % = 9.00%

BILLING INFORMATION						CALCULATION INFORMATION			
Name/Job Title/Classification[1]	Hourly Billing Rates[2] Straight	OT (1.5X)	OT (2X)	Effective date of hourly rate From	To	Actual or Avg. hourly rate[3]	% or $ increase	Hourly range - for classifications only
Thomas C. Benson, Jr., Project Principal	$ 230.00	$ 230.00	$ 230.00	1/1/2013	12/31/2013	$ 78.15	0.0%	Not applicable
	$ 234.82	$ 234.82	$ 234.82	1/1/2014	12/31/2014	$ 79.79	2.1%	
	$ 239.77	$ 239.77	$ 239.77	1/1/2015	12/31/2015	$ 81.47	2.1%	
Siva K. Sivathasan, PE, GE, Project Manager	$ 151.39	$ 151.39	$ 151.39	1/1/2013	12/31/2013	$ 51.44	0.0%	Not applicable
	$ 154.57	$ 154.57	$ 154.57	1/1/2014	12/31/2014	$ 52.52	2.1%	
	$ 157.80	$ 157.80	$ 157.80	1/1/2015	12/31/2015	$ 53.62	2.1%	
Richard Le Ritz, Source Inspection*	$ 117.60	$ 176.40	$ 235.20	1/1/2013	12/31/2013	$ 39.96	0.0%	Not applicable
	$ 120.07	$ 180.11	$ 240.15	1/1/2014	12/31/2014	$ 40.80	2.1%	
	$ 122.61	$ 183.91	$ 245.21	1/1/2015	12/31/2015	$ 41.66	2.1%	
Jason DiMaggio, Source Inspection*	$ 117.60	$ 176.40	$ 235.20	1/1/2013	12/31/2013	$ 39.96	0.0%	Not applicable
	$ 120.07	$ 180.11	$ 240.15	1/1/2014	12/31/2014	$ 40.80	2.1%	
	$ 122.61	$ 183.91	$ 245.21	1/1/2015	12/31/2015	$ 41.66	2.1%	
Roderick Marcia, PE, Lab Manager/Reviewer	$ 127.34	$ 127.34	$ 127.34	1/1/2013	12/31/2013	$ 43.27	0.0%	Not applicable
	$ 130.02	$ 130.02	$ 130.02	1/1/2014	12/31/2014	$ 44.18	2.1%	
	$ 132.76	$ 132.76	$ 132.76	1/1/2015	12/31/2015	$ 45.11	2.1%	
Rhonda Macomber, Clerical/Admin Assistant	$ 59.60	$ 89.39	$ 119.19	1/1/2013	12/31/2013	$ 20.25	0.0%	Not applicable
	$ 60.86	$ 91.29	$ 121.72	1/1/2014	12/31/2014	$ 20.68	2.1%	
	$ 62.13	$ 93.19	$ 124.25	1/1/2015	12/31/2015	$ 21.11	2.1%	

[1] Names and classifications of consultant (key staff) team members must be listed. Provide separate sheets for prime and all subconsultant firms.
[2] Billing Rate = actual hourly rate * (1+ I R) * (1+FEE). Agreed upon billing rates are not adjustable for the term of the contract (per Article 3.3 of Contract C13032).
[3] For named employees, enter the actual hourly rate. For classifications only, enter the average hourly rate for that classification.

Notes: - Denote all employees subject to prevailing wage with an asterick (*)
- For "Other Direct Cost" listing, see page 2 of this Exhibit

Escalation rates shown above are estimated. Per Article 3.2 of Contract C13032, 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 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 Jan. 1, 2014, and shall be applied each January 1st for the term of the contract.

ATTACHMENT 'B'

TOWILL INC. **February 24, 2014**

San Bernardino Associated Governments (SANBAG)

Lenwood Road Grade Separation Project

Construction Management, Construction Surveying, Materials Testing and Public Outreach

SUBCONSULTANT COSTS

Name/Job Title/Classification	Total Hours	Hourly Billing rate	Effective Date of hourly rate		Total Cost
Bernie McInally, PLS., Survey Task Manager	0	$ 211.90	10/1/2012	9/30/2013	$0.00
	47	$ 216.34	10/1/2013	9/1/2014	$10,167.98
	8	$ 220.87	10/1/2014	9/30/2015	$1,766.98
PLS Party Chief*	0	$ 140.26	10/1/2012	9/30/2013	$0.00
	0	$ 146.15	10/1/2013	9/1/2014	$0.00
	0	$ 152.04	10/1/2014	9/30/2015	$0.00
Certified Party Chief*	0	$ 132.61	10/1/2012	9/30/2013	$0.00
	665	$ 138.50	10/1/2013	9/1/2014	$92,100.89
	194	$ 144.38	10/1/2014	9/30/2015	$28,010.41
Party Chief**	0	$ 126.58	10/1/2012	9/30/2013	$0.00
	0	$ 132.46	10/1/2013	9/1/2014	$0.00
	0	$ 138.35	10/1/2014	9/30/2015	$0.00
Instrument Person*	0	$ 119.22	10/1/2012	9/30/2013	$0.00
	6	$ 125.11	10/1/2013	9/1/2014	$750.64
	2	$ 130.99	10/1/2014	9/30/2015	$261.99
Chain Person*	0	$ 117.51	10/1/2012	9/30/2013	$0.00
	666	$ 123.40	10/1/2013	9/1/2014	$82,138.08
	186	$ 129.29	10/1/2014	9/30/2015	$24,047.19
Apprentice A-G*	0	$ 81.08	10/1/2012	9/30/2013	$0.00
	0	$ 86.97	10/1/2013	9/1/2014	$0.00
	0	$ 92.85	10/1/2014	9/30/2015	$0.00
Project Administration	0	$ 82.40	10/1/2012	9/30/2013	$0.00
	40	$ 84.14	10/1/2013	9/1/2014	$3,365.61
	8	$ 85.91	10/1/2014	9/30/2015	$687.25
Professional Land Surveyor	0	$ 164.81	10/1/2012	9/30/2013	$0.00
	14	$ 168.28	10/1/2013	9/1/2014	$2,355.93
	6	$ 171.81	10/1/2014	9/30/2015	$1,030.87
Survey Technician	0	$ 123.61	10/1/2012	9/30/2013	$0.00
	62	$ 126.20	10/1/2013	9/1/2014	$7,824.14
	18	$ 128.84	10/1/2014	9/30/2015	$2,319.20
PLS Party Chief Travel*	0	$ 140.26	10/1/2012	9/30/2013	$0.00
	0	$ 146.15	10/1/2013	9/1/2014	$0.00
	0	$ 152.04	10/1/2014	9/30/2015	$0.00
Certified Party Chief (Travel)*	0	$ 132.61	10/1/2012	9/30/2013	$0.00
	83	$ 138.50	10/1/2013	9/1/2014	$11,495.30
	27	$ 144.38	10/1/2014	9/30/2015	$3,898.36
Party Chief (Travel)*	0	$ 132.61	10/1/2012	9/30/2013	$0.00
	0	$ 138.50	10/1/2013	9/1/2014	$0.00
	0	$ 144.38	10/1/2014	9/30/2015	$0.00
Instrument Person (Travel)*	0	$ 119.22	10/1/2012	9/30/2013	$0.00
	1	$ 125.11	10/1/2013	9/1/2014	$125.11
	0	$ 130.99	10/1/2014	9/30/2015	$0.00
Chain Person (Travel)*	0	$ 117.51	10/1/2012	9/30/2013	$0.00
	81	$ 123.40	10/1/2013	9/1/2014	$9,995.40
	28	$ 129.29	10/1/2014	9/30/2015	$3,620.01
Apprentice A-G (Travel)*	0	$ 81.08	10/1/2012	9/30/2013	$0.00
	0	$ 86.97	10/1/2013	9/1/2014	$0.00
	0	$ 92.85	10/1/2014	9/30/2015	$0.00
	2142				**$285,961.35**
	Other Direct Cost				$ 698.65
	Subtotal				**$286,660.00**

12

C13032-01

ATTACHMENT B

COST PROPOSAL - LABOR & OTHER DIRECT COST SUMMARY

Lemwood Grade Separation Project

LAPM Exhibit 10-H, Example 2 for Construction Management

Consultant or Subconsultant: Towill Contract No.: C13032 Date: 24-Feb-14

Fringe Benefit % (below) (=0% if Included in OH) + Overhead % (below) + General Admin % (below) = Combined Indirect Cost Rate (ICR)% Agreed to Cap of 170.00% 170.00%

FEE %= 9.00%

BILLING INFORMATION						CALCULATION INFORMATION		
Name/Job Title/Classification[1]	Hourly Billing Rates[2] Straight	OT (1.5X)	OT (2X)	Effective date of hourly rate From	To	Actual or Avg. hourly rate[3]	% or $ increase	Hourly range - for classifications only
Dennis McInally, PLS., Survey Task Manager	$ 211.90	$ 211.90	$ 211.90	10/1/2012	9/30/2013	$ 72.00	0.0%	Not applicable
	$ 216.34	$ 216.34	$ 216.34	10/1/2013	9/1/2014	$ 73.51	2.1%	
	$ 220.87	$ 220.87	$ 220.87	10/1/2014	9/30/2015	$ 75.05	2.1%	
PLS Party Chief*	$ 140.26	$ 210.40	$ 280.53	10/1/2012	9/30/2013	$ 47.66	0.0%	$47.66 - $47.66
	$ 146.15	$ 219.22	$ 292.30	10/1/2013	9/1/2014	$ 49.66	**	
	$ 152.04	$ 228.05	$ 304.07	10/1/2014	9/30/2015	$ 51.66	**	
Certified Party Chief*	$ 132.61	$ 198.92	$ 265.22	10/1/2012	9/30/2013	$ 45.06	0.0%	$45.06 - $45.06
	$ 138.50	$ 207.75	$ 277.00	10/1/2013	9/1/2014	$ 47.06	**	
	$ 144.38	$ 216.58	$ 288.77	10/1/2014	9/30/2015	$ 49.06	**	
Party Chief**	$ 126.58	$ 189.87	$ 253.16	10/1/2012	9/30/2013	$ 43.01	0.0%	$43.01 - $43.01
	$ 132.46	$ 198.70	$ 264.93	10/1/2013	9/1/2014	$ 45.01	**	
	$ 138.35	$ 207.53	$ 276.70	10/1/2014	9/30/2015	$ 47.01	**	
Instrument Person*	$ 119.22	$ 178.83	$ 238.44	10/1/2012	9/30/2013	$ 40.51	0.0%	$40.51 - $40.51
	$ 125.11	$ 187.66	$ 250.21	10/1/2013	9/1/2014	$ 42.51	**	
	$ 130.99	$ 196.49	$ 261.99	10/1/2014	9/30/2015	$ 44.51	**	
Chain Person*	$ 117.51	$ 176.27	$ 235.03	10/1/2012	9/30/2013	$ 39.93	0.0%	$39.93 - $39.93
	$ 123.40	$ 185.10	$ 246.80	10/1/2013	9/1/2014	$ 41.93	**	
	$ 129.29	$ 193.93	$ 258.57	10/1/2014	9/30/2015	$ 43.93	**	
Apprentice A-G*	$ 81.08	$ 121.62	$ 162.16	10/1/2012	9/30/2013	$ 27.55	0.0%	$16.77-$31.94
	$ 86.97	$ 130.45	$ 173.93	10/1/2013	9/1/2014	$ 29.55	**	
	$ 92.85	$ 139.28	$ 185.70	10/1/2014	9/30/2015	$ 31.55	**	
Project Administration	$ 82.40	$ 123.61	$ 164.81	10/1/2012	9/30/2013	$ 28.00	0.0%	$24.00 - $32.00
	$ 84.14	$ 126.21	$ 168.28	10/1/2013	9/1/2014	$ 28.59	2.1%	
	$ 85.91	$ 128.86	$ 171.81	10/1/2014	9/30/2015	$ 29.19	2.1%	
Professional Land Surveyor	$ 164.81	$ 247.21	$ 329.62	10/1/2012	9/30/2013	$ 56.00	0.0%	$50.00 - $60.00
	$ 168.28	$ 252.42	$ 336.56	10/1/2013	9/1/2014	$ 57.18	2.1%	
	$ 171.81	$ 257.72	$ 343.62	10/1/2014	9/30/2015	$ 58.38	2.1%	
Survey Technician	$ 123.61	$ 185.41	$ 247.21	10/1/2012	9/30/2013	$ 42.00	0.0%	$42.00 - $50.00
	$ 126.20	$ 189.29	$ 252.39	10/1/2013	9/1/2014	$ 42.88	2.1%	
	$ 128.84	$ 193.27	$ 257.69	10/1/2014	9/30/2015	$ 43.78	2.1%	
PLS Party Chief Travel*	$ 140.26	$ 210.40	$ 280.53	10/1/2012	9/30/2013	$ 47.66	0.0%	$47.66 - $47.66
	$ 146.15	$ 219.22	$ 292.30	10/1/2013	9/1/2014	$ 49.66	**	
	$ 152.04	$ 228.05	$ 304.07	10/1/2014	9/30/2015	$ 51.66	**	
Certified Party Chief (Travel)*	$ 132.61	$ 198.92	$ 265.22	10/1/2012	9/30/2013	$ 45.06	0.0%	$45.06 - $45.06
	$ 138.50	$ 207.75	$ 277.00	10/1/2013	9/1/2014	$ 47.06	**	
	$ 144.38	$ 216.58	$ 288.77	10/1/2014	9/30/2015	$ 49.06	**	
Party Chief (Travel)*	$ 132.61	$ 198.92	$ 265.22	10/1/2012	9/30/2013	$ 45.06	0.0%	$45.06 - $45.06
	$ 138.50	$ 207.75	$ 277.00	10/1/2013	9/1/2014	$ 47.06	**	
	$ 144.38	$ 216.58	$ 288.77	10/1/2014	9/30/2015	$ 49.06	**	
Instrument Person (Travel)*	$ 119.22	$ 178.83	$ 238.44	10/1/2012	9/30/2013	$ 40.51	0.0%	$40.51 - $40.51
	$ 125.11	$ 187.66	$ 250.21	10/1/2013	9/1/2014	$ 42.51	**	
	$ 130.99	$ 196.49	$ 261.99	10/1/2014	9/30/2015	$ 44.51	**	
Chain Person (Travel)*	$ 117.51	$ 176.27	$ 235.03	10/1/2012	9/30/2013	$ 39.93	0.0%	$39.93 - $39.93
	$ 123.40	$ 185.10	$ 246.80	10/1/2013	9/1/2014	$ 41.93	**	
	$ 129.29	$ 193.93	$ 258.57	10/1/2014	9/30/2015	$ 43.93	**	
Apprentice A-G (Travel)*	$ 81.08	$ 121.62	$ 162.16	10/1/2012	9/30/2013	$ 27.55	0.0%	$16.77 - $31.94
	$ 86.97	$ 130.45	$ 173.93	10/1/2013	9/1/2014	$ 29.55	**	
	$ 92.85	$ 139.28	$ 185.70	10/1/2014	9/30/2015	$ 31.55	**	

[1] Names and classifications of consultant (key staff) teammembers must be listed. Provide separate sheets for prime and all subconsultant firms.

[2] Billing Rate = actual hourly rate * (1+ICR) * (1+FEE). Agreed upon billing rates are not adjustable for the term of the contract (per Article 3.3 of Contract C13032).

[3] For named employees, enter the actual hourly rate. For classifications only, enter the average hourly rate for that classification.

**Pre-determined prevailing wage of $2.00 will take place on both October 1, 2014 and October 1, 2015 in accordance with the terms outlined in the International Union of Operating Engineers, Local 12 Master Agreement dated 11/1/2013.

Notes: - Denote all employees subject to prevailing wage with an asterisk(*)

- For "Other Direct Cost" listing, see page 2 of this Exhibit

Escalation rates shown above are estimated. Per Article 3.2 of Contract C13032, 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 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 Jan. 1, 2014, and shall be applied each January 1st for the term of the contract.

ATTACHMENT 'B'

CHJ CONSULTANTS

San Bernardino Associated Governments (SANBAG)

Lenwood Road Grade Separation Project

Construction Management, Construction Surveying, Materials Testing and Public Outreach

SUBCONSULTANT COSTS **February 24, 2014**

Name/Job Title/Classification	Total Hours	Hourly Billing rate	Effective date of hourly rate		Total Cost
James Cook, Project Manager	0	$ 113.86	1/1/2013	12/31/2013	$0.00
	34	$ 116.26	1/1/2014	12/31/2014	$3,908.62
	6	$ 118.71	1/1/2015	12/31/2015	$750.90
Lynn Blickendsderfer, Clerincal/Admin Assistant	0	$ 43.02	1/1/2013	12/31/2013	$0.00
	34	$ 43.92	1/1/2014	12/31/2014	$1,493.26
	7	$ 44.84	1/1/2015	12/31/2015	$313.88
Daniel Barraza, Material Testing Technician*	0	$ 151.78	1/1/2013	12/31/2013	$0.00
	0	$ 154.97	1/1/2014	12/31/2014	$0.00
	0	$ 158.23	1/1/2015	12/31/2015	$0.00
Adrian Valazco, Materials Testing Technician*	0	$ 142.84	1/1/2013	12/31/2013	$0.00
	672	$ 145.84	1/1/2014	12/31/2014	$98,061.53
	148	$ 148.89	1/1/2015	12/31/2015	$21,976.02
John Dalgity, Operations Manager	0	$ 86.21	1/1/2013	12/31/2013	$0.00
	68	$ 88.02	1/1/2014	12/31/2014	$5,990.84
	15	$ 89.86	1/1/2015	12/31/2015	$1,342.58
	984				$133,837.63
	Other Direct Cost				$ 63,408.36
	Subtotal				**$197,246.00**

ATTACHMENT B

COST PROPOSAL - LABOR & OTHER DIRECT COST SUMMARY

Lenwood Grade Separation Project

LAPM Exhibit 10-H, Example 2 for Construction Management

Consultant or Subconsultant: CHJ Consultants Contract No.: C13032 Date: 24-Feb-14

Fringe Benefit % (below) + Overhead % (below) + General Admin % (below) = Combined Indirect Cost Rate (ICR) %
(=0% if included in OH)

141.42%

FEE % = 9.00%

BILLING INFORMATION						CALCULATION INFORMATION		
Name/Job Title/Classification[1]	Hourly Billing Rates[2] Straight	OT (1.5X)	OT (2X)	Effective date of hourly rate From	To	Actual or Avg. hourly rate[3]	% or $ increase	Hourly range - for classifications only
James Cook, Project Manager	$ 113.86	$ 113.86	$ 113.86	1/1/2013	12/31/2013	$ 43.27	0.0%	Not applicable
	$ 116.26	$ 116.26	$ 116.26	1/1/2014	12/31/2014	$ 44.18	2.1%	
	$ 118.71	$ 118.71	$ 118.71	1/1/2015	12/31/2015	$ 45.11	2.1%	
Lynn Blickendsderfer, Clerical/Admin Assistant	$ 43.02	$ 64.54	$ 86.05	1/1/2013	12/31/2013	$ 16.35	0.0%	Not applicable
	$ 43.92	$ 65.88	$ 87.84	1/1/2014	12/31/2014	$ 16.69	2.1%	
	$ 44.84	$ 67.26	$ 89.68	1/1/2015	12/31/2015	$ 17.04	2.1%	
Daniel Barraza, Material Testing Technician*	$ 151.78	$ 227.68	$ 303.57	1/1/2013	12/31/2013	$ 57.68	0.0%	Not applicable
	$ 154.97	$ 232.45	$ 309.94	1/1/2014	12/31/2014	$ 58.89	2.1%	
	$ 158.23	$ 237.35	$ 316.46	1/1/2015	12/31/2015	$ 60.13	2.1%	
Adrian Valazco, Materials Testing Technician*	$ 142.84	$ 214.25	$ 285.67	1/1/2013	12/31/2013	$ 54.28	0.0%	Not applicable
	$ 145.84	$ 218.75	$ 291.67	1/1/2014	12/31/2014	$ 55.42	2.1%	
	$ 148.89	$ 223.33	$ 297.78	1/1/2015	12/31/2015	$ 56.58	2.1%	
John Dalgity, Operations Manager	$ 86.21	$ 86.21	$ 86.21	1/1/2013	12/31/2013	$ 32.76	0.0%	Not applicable
	$ 88.02	$ 88.02	$ 88.02	1/1/2014	12/31/2014	$ 33.45	2.1%	
	$ 89.86	$ 89.86	$ 89.86	1/1/2015	12/31/2015	$ 34.15	2.1%	

[1] Names and classifications of consultant (key staff) team members must be listed. Provide separate sheets for prime and all subconsultant firms.

[2] Billing Rate = actual hourly rate * (1+ ICR) * (1+FEE). Agreed upon billing rates are not adjustable for the term of the contract (per Article 3.3 of Contract C13032).

[3] For named employees, enter the actual hourly rate. For classifications only, enter the average hourly rate for that classification.

Notes: - Denote all employees subject to prevailing wage with an asterick (*)

- For "Other Direct Cost" listing, see page 2 of this Exhibit

Escalation rates shown above are estimated. Per Article 3.2 of Contract C13032, 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 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 Jan. 1, 2014, and shall be applied each January 1st for the term of the contract.

ATTACHMENT 'B'

DYNAMIC ENGINEERING SERVICES INC.

San Bernardino Associated Governments (SANBAG)

Lenwood Road Grade Separation Project

Construction Management, Construction Surveying, Materials Testing and Public Outreach

February 24, 2014

SUBCONSULTANT COSTS

Name/Job Title/Classification	Total Hours	Hourly Billing rate	Effective date of hourly rate		Total Cost
Victor Moore, Electrical Inspector*	0	$ 155.53	1/1/2013	12/31/2013	$ -
	259	$ 158.81	1/1/2014	12/31/2014	$ 41,176.63
	60	$ 162.13	1/1/2015	12/31/2015	$ 9,727.84
Chia-Chi Wang, Labor Complaince Officer	0	$ 147.49	1/1/2013	12/31/2013	$ -
	144	$ 150.60	1/1/2014	12/31/2014	$ 21,686.35
	84	$ 153.76	1/1/2015	12/31/2015	$ 12,916.17
	547				**$ 85,507.00**
	Other Direct Cost				$ -
	Subtotal				**$ 85,507.00**

ATTACHMENT B

COST PROPOSAL - LABOR & OTHER DIRECT COST SUMMARY

Lenwood Grade Separation Project

LAPM Exhibit 10-H, Example 2 for Construction Management

Consultant or Subconsultant: Dynamic Engineering Service, Inc. Contract No.: C13032 Date: 24-Feb-14

Fringe Benefit % (below) + Overhead % (below) + General Admin % (below) = Combined Indirect Cost Rate (I R)%
(=0% if included in OH)

146.02%

FEE% = 9.00%

BILLING INFORMATION				CALCULATION INFORMATION				
Name/Job Title/Classification[1]	Hourly Billing Rates[2]			Effective date of hourly rate		Actual or Avg. hourly rate[3]	% or $ increase	Hourly range - for classifications only
	Straight	OT (1.5X)	OT (2X)	From	To			
Victor Moore, Electrical Inspector*	$ 155.53	$ 233.30	$ 311.07	1/1/2013	12/31/2013	$ 58.00	0.0%	Not applicable
	$ 158.81	$ 238.21	$ 317.61	1/1/2014	12/31/2014	$ 59.22	2.1%	
	$ 162.13	$ 243.20	$ 324.26	1/1/2015	12/31/2015	$ 60.46	2.1%	
Chia-Chi Wang, Labor Complaince Officer	$ 147.49	$ 221.23	$ 294.98	1/1/2013	12/31/2013	$ 55.00	0.0%	Not applicable
	$ 150.60	$ 225.90	$ 301.20	1/1/2014	12/31/2014	$ 56.16	2.1%	
	$ 153.76	$ 230.65	$ 307.53	1/1/2015	12/31/2015	$ 57.34	2.1%	

[1] Names and classifications of consultant (key staff) team members must be listed. Provide separate sheets for prime and all subconsultant firms.

[2] Billing Rate = actual hourly rate * (1+ I R) * (1+FEE). Agreed upon billing rates are not adjustable for the term of the contract (per Article 3.3 of Contract C13032).

[3] For named employees, enter the actual hourly rate. For classifications only, enter the average hourly rate for that classification.

Notes: - Denote all employees subject to prevailing wage with an asterick (*)
- For "Other Direct Cost" listing, see page 2 of this Exhibit

Escalation rates shown above are estimated. Per Article 3.2 of Contract C13032, 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 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 Jan. 1, 2014, and shall be applied each January 1st for the term of the contract.

ATTACHMENT 'B'

DHS CONSULTING, INC.

San Bernardino Associated Governments (SANBAG)

Lenwood Road Grade Separation Project

Construction Management, Construction Surveying, Materials Testing and Public Outreach

February 24, 2014

SUBCONSULTANT COSTS

Name/Job Title/Classificat:	Total Hours	Houlry Billing rate	Effective date of hourly rate		Total Cost
Melanie Estes, Resident Engineer	17	$ 223.81	1/1/2013	12/31/2013	$3,804.81
	1621	$ 228.52	1/1/2014	12/31/2014	$370,390.25
	524	$ 233.32	1/1/2015	12/31/2015	$122,259.40
	2162				$496,454.46
	Other Direct Costs				$0.00
	Subtotal				**$496,455.00**

ATTACHMENT B

COST PROPOSAL - LABOR & OTHER DIRECT COST SUMMARY

Lenwood Grade Separation Project

LAPM Exhibit 10-H, Example 2 for Construction Management

Consultant or Subconsultant: DHS Consulting, Inc. Contract No.: C13032 Date: 24-Feb-14

Fringe Benefit % (below) (=0% if included in OH)	+	Overhead % (below)	+	General Admin % (below) (=0% if included in OH)	=	Combined Indirect Cost Rate (ICR)%
35.06%		89.04%		0.00%		124.80%
					FEE % =	9.00%

BILLING INFORMATION					CALCULATION INFORMATION			
Name/Job Title/Classification[1]	Hourly Billing Rates[2]			Effective date of hourly rate		Actual or Avg.	% or $	Hourly range-
	Straight	OT (1.5X)	OT(2X)	From	To	hourly rate[3]	increase	for classifications only
Melanie Estes, Resident Engineer	$ 223.81	$ 223.81	$ 223.81	1/1/2013	12/31/2013	$ 91.34	0.0%	Not applicable
	$ 228.52	$ 228.52	$ 228.52	1/1/2014	12/31/2014	$ 93.26	2.1%	
	$ 233.32	$ 233.32	$ 233.32	1/1/2015	12/31/2015	$ 95.22	2.1%	

[1] Names and classifications of consultant (key staff) teammembers must be listed. Provide separate sheets for prime and all subconsultant firms.

2 Billing Rate = actual hourly rate * (1+ ICR) * (1+FEE). Agreed upon billing rates are not adjustable for the tenn of the contract (per Article 3.3 of Contract C13032).

[3] For named employees, enter the actual hourly rate. For classifications only, enter the average hourly rate for that classification.

Notes: - Denote all employees subject to prevailing wage with an asterick(*)

- For "Other Direct Cost" listing, see page 2 of this Exhibit

Escalation rates shown above are estimated. Per Article 3.2 of Contract C13032, 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 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 Jan. 1, 2014, and shall be applied each January 1st for the term of the contract.

ATTACHMENT B

SCHEDULE OF OTHER DIRECT COST ITEMS

PRIME CONSULTANT

DESCRIPTION OF ITEMS	UNITS	UNIT COST	TOTAL
Printing	4000	$ 0.10	$ 400.00
Color Printing	2392	$ 0.20	$ 478.42
Mileage	500	$ 0.56	$ 280.06
Special Events:			
Graphics	1	1500	$ 1,500.00
Tent Rental	1	900	$ 900.00
Chair Rental	1	600	$ 600.00
Stage Equipment Rental	1	750	$ 750.00
Refreshments	1	700	$ 700.00
Commemorative Item	2	300	$ 600.00
PRIME CONSULTANT ODC's			$ 6,208.48

LEIGHTON

DESCRIPTION OF ITEMS	UNITS	UNIT COST	TOTAL
Per Diem (Out of State Work	40	$ 40.00	$ 1,600.00
Mileage	1788.75	$ 0.56	$ 1,001.70
Photocopies	1000	$ 0.10	$ 100.00
Photocopies (color)	500	$ 0.20	$ 100.00
Mail Courier	20	$ 30.00	$ 600.00
Avg. Quality/Durability AB,HMA,JP	1	$ 2,000.00	$ 2,000.00
Concrete Masonry Units (CMU, one supplier)	1	$ 2,500.00	$ 2,500.00
Structural Nuts and Bolts (Signs)	1	$ 4,000.00	$ 4,000.00
Rebar Couplers (Bridge, one supplier)	1	$ 4,639.93	$ 4,639.93
Prestressing Components (Bridge, one supplier)	1	$ 4,000.00	$ 4,000.00
Headed Rebar (Bridge, one supplier)	1	$ 5,000.00	$ 5,000.00
Bridge Elastomeric Bearing Pads (one supp.)	1	$ 4,500.00	$ 4,500.00
Joint Seal Material	1	$ 3,500.00	$ 3,500.00
Electrical Items	1	$ 6,000.00	$ 6,000.00
Striping Paint, Thermo, Glass Beads	1	$ 5,500.00	$ 5,500.00
LEIGHTON ODC's			$ 45,041.63

TOWILL

DESCRIPTION OF ITEMS	UNITS	UNIT COST	TOTAL
Photocopies	1	$ 502.00	$ 508.65
Agency Fees	10	$ 19.00	$ 190.00
TOWILL ODC's			$ 698.65

CIU CONSULTANTS

DESCRIPTION OF ITEMS	UNITS	UNIT COST	TOTAL
Sieve Analysis, Coarse (CAL 202)	80	$ 85.00	$ 6,800.00
Sieve Analysis, Fine (CAL 202)	80	$ 105.00	$ 8,400.00
Crushed Particles (CAL 205)	6	$ 145.00	$ 870.00
Abrasion, L.A. Rattler (CAL 211)	6	$ 220.00	$ 1,320.00
California Impact (CAL 216)	68	$ 185.00	$ 12,580.00
Sand Equivalent (CAL 217)	43	$ 90.00	$ 3,780.00
Moisture Content (CAL 226)	82	$ 70.00	$ 5,740.00
Cleanness Value (CAL 227)	15	$ 125.00	$ 1,875.00
Durability Index, Coarse (CAL 229)	6	$ 265.00	$ 1,590.00
Durability Index, Fine (CAL 229)	6	$ 200.00	$ 1,200.00
R-Value (CAL 301)	6	$ 380.00	$ 2,280.00
Max. Density A.C. (CAL 304)	12	$ 180.00	$ 2,160.00
Asphalt Content (CAL 382)	23	$ 195.00	$ 4,485.00
Asphalt Moisture Content (CAL 370)	1	$ 70.00	$ 70.00
Conc. Compress Strength (CAL 521)	200	$ 25.00	$ 5,000.00
Flex. Strength, Beam (CAL 523)	20	$ 70.00	$ 1,400.00
Sulfates/Chlorides/Resistivity/PH	4	$ 125.00	$ 500.00
Coring machine w/generator	18	$ 120.00	$ 2,160.00
Vehicle Mileage	2140	$ 0.56	$ 1,198.36
CIU CONSULTANTS ODC's			$ 63,408.36

DIS

DESCRIPTION OF ITEMS	UNITS	UNIT COST	TOTAL

Governments SANBAG Working Together

San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715
Phone: (909) 884-8276 Fax: (909) 885-4407 Web: www.sanbag.ca.gov

TRANSPORTATION MEASURE I

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

Minute Action

AGENDA ITEM: 34

Date: March 5, 2014

Subject: San Bernardino County Regional Greenhouse Gas Reduction Plan and Environmental Impact Report (EIR)

Recommendation:* That the SANBAG Board of Directors, acting as the San Bernardino County Council of Governments:

1. Adopt Resolution No. 14-019 certifying the Environmental Impact Report and adopting environmental findings under CEQA (California Environmental Quality Act) for the San Bernardino County Regional Greenhouse Gas Reduction Plan.

2. Adopt Resolution No. 14-020 approving the San Bernardino County Regional Greenhouse Gas Reduction Plan.

Background: In 2006, the California legislature passed Assembly Bill (AB) 32. The law establishes a limit on greenhouse gas (GHG) emissions for the state of California to reduce state-wide emissions to 1990 levels by 2020. The law directed the California Air Resources Board (CARB) to develop a plan (AB 32 Scoping Plan) that charts a path towards the GHG reduction goal using all technologically

*

Approved
Board of Directors

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

COG	X	CTC		CTA		SAFE		CMA	

Check all that apply.

BRD1403c-ss
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/ContractsWorkInProcess%20Files%20%202014/Res14019.docx
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403c1-ss.docx
http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2014/brd1403/AgendaItems/BRD1403c2-ss.docx
http://portal.sanbag.ca.gov/mgmt/APOR-Mgmnt/ContractsWorkInProcess%20Files%20%202014/Res14020.doc

feasible and cost effective means. The AB 32 Scoping Plan recommends that California cities and counties seek to reduce their GHG emissions consistent with statewide reductions. Senate Bill (SB) 375, passed in 2008, requires regional transportation planning to promote reductions in passenger and light duty vehicle GHG emissions.

In response to these initiatives, an informal project partnership, led by SANBAG, cooperated in compiling an inventory of GHG emissions and an evaluation of reduction measures that could be adopted by the 21 participating cities within San Bernardino County. The resulting document is the San Bernardino County Regional GHG Reduction Plan (Regional Reduction Plan or Plan) The 21 cities participating in this project are Adelanto, Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair, Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Victorville, Yucaipa, and Yucca Valley. There were a number of reasons for conducting this effort collaboratively for multiple cities, including the economies of scale as well as greater consistency in terminology and methodology among jurisdictions. Because SANBAG is leading this effort, SANBAG is serving as the Lead Agency under the California Environmental Quality Act (CEQA).

The County of San Bernardino (County) previously adopted a GHG Reduction Plan for unincorporated areas of San Bernardino County that includes a set of GHG inventories and reduction measures. This project builds upon the work completed by the County with specific GHG inventories and proposed reduction measures for the 21 participating cities. The SANBAG Regional Reduction Plan was prepared by ICF Jones and Stokes, Inc. The EIR was prepared by Atkins North America, Inc. These two firms (the consulting team) were also involved in preparation of the County's GHG Reduction Plan and EIR .

Each of the 21 participating cities has worked extensively with the consulting team to craft a Regional Reduction Plan that is consistent with its local jurisdictions' goals and policies. Each of the cities has identified its own GHG reduction target and GHG measures designed to reach that target. These are reflected in the SANBAG Regional Reduction Plan.

There are a number of benefits to local jurisdictions of preparing a regional greenhouse gas reduction plan, including the following:

- Assessment of all GHG emission sources comprehensively and consistently instead of individually for different projects.
- Economies of scale allowing comprehensive assessment of all GHG emission sources at significantly lower costs to each participating city.

- Streamlining of project approvals and CEQA by providing for "tiering" from a regional GHG reduction plan and its associated CEQA document.
- Strategic evaluation of overall GHG emission reduction measures, including reduction effectiveness, costs and savings, and other community co-benefits, such as improved air quality.
- Selection of feasible and cost-effective means to reduce GHG emissions including many that can save money for municipal governments, businesses, individuals, and the community as a whole.
- Identification of the local role in reducing GHG emissions in light of larger state efforts.
- Identification of credit for prior and ongoing city actions.
- Local control of GHG emission reductions and CEQA thresholds

A Notice of Preparation (NOP) of the EIR for the Regional Reduction Plan was issued on November 9, 2012, and a public scoping meeting was held on November 28, 2012.

A draft of the San Bernardino County Regional Greenhouse Gas Inventory and Reduction Plan was released for public review in late June 2013. The draft EIR for the Plan was released for public review on October 21, 2013. The release of the EIR initiated a 60-day review and comment period, after which the EIR was finalized and responses to comments were prepared. Two workshops were held during the comment period to provide an opportunity for agencies and the interested public to talk with project staff and ask questions about the Plan and EIR. The Final Regional Reduction Plan and Final EIR were posted to the SANBAG website and commenters were notified of their availability on February 18, 2014. The documents may be found at:
http://www.sanbag.ca.gov/planning2/plan_greenhouse.html.

Each of the 21 cities has the option to use the information in the Plan and EIR to prepare its own Climate Action Plan (CAP), which it would develop and adopt subsequent to the completion of SANBAG's Plan and EIR. The CAPs that may be adopted by the cities, based on the Regional Reduction Plan, would meet all of the criteria in CEQA Guidelines Section 15183.5. The Regional Reduction Plan is not the actual plan that the cities will adopt but rather a foundation for completing those local CAPs. The cities, as responsible agencies, can rely on the EIR as the CEQA environmental review for the adoption of the CAP. The EIR analyzes the proposed GHG reduction measures to be considered for adoption and implementation by each city as part of its CAP. The EIR is intended to provide the CEQA environmental review for the adoption of a CAP, greenhouse gas reduction plan or other implementing actions by the cities. The Regional Reduction Plan and EIR provide the basis for the local CAPs to meet the Section 15183.5 requirements because they :

A. Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
B. Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;
C. Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;
D. Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
E. Establish a mechanism to monitor the CAP's progress toward achieving the level and to require amendment if the CAP is not achieving specified levels;
F. Be adopted in a public process following environmental review.

The Regional Reduction Plan provides the analytical framework to satisfy Items A, B, C, and D above. The Plan provides guidelines for item E, which the cities will need to clarify in their implementation actions. The EIR provides the CEQA environmental review under item F for the cities acting as responsible agencies and all cities would adopt CAPs in a public process.

It should be recognized that the approach to GHG reduction measures taken by the 21 participating cities are bold steps for the cities to take. These steps represent a proactive approach by San Bernardino County jurisdictions to address the intent of AB 32 in a systematic, comprehensive manner. It is with this recognition that staff requests the two specified recommendations be adopted.

Financial Impact: This item is consistent with the adopted FY 2013-2014 budget, Task 0495. The Regional Reduction Plan and EIR are being funded primarily from contributions from the 21 participating cities, Council of Governments dues, and Measure I 1990-2010 Transportation Management and Environmental Enhancement funds.

Reviewed By: This item has not been reviewed by any SANBAG policy committee or technical advisory committee. SANBAG General Counsel and special CEQA counsel have approved this item and the resolutions as to form.

Responsible Staff: Steve Smith, Director of Planning

BRD1403c-ss

RESOLUTION NO. 14-019

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO ASSOCIATED GOVERNMENTS CERTIFYING AN ENVIRONMENTAL IMPACT REPORT AND ADOPTING ENVIRONMENTAL FINDINGS UNDER CEQA FOR THE SAN BERNARDINO COUNTY REGIONAL GREENHOUSE GAS REDUCTION PLAN

WHEREAS, in 2006, the California legislature passed Assembly Bill ("AB") 32. The law establishes a limit on greenhouse gas ("GHG") emissions for the State of California to reduce state-wide emissions to 1990 levels by 2020. The law directed the California Air Resources Board to develop a plan ("AB 32 Scoping Plan") that charts a path towards the GHG reduction goal using all technologically feasible and cost effective means. The AB 32 Scoping Plan recommends that California cities and counties seek to reduce their GHG emissions consistent with statewide reductions. Senate Bill ("SB") 375, passed in 2008, requires regional transportation planning to promote reductions in passenger and light duty vehicle GHG emissions; and

WHEREAS, the Regional Council of the Southern California Association of Governments ("SCAG") adopted the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy: Towards a Sustainable Future ("RTP/SCS"). The RTP/SCS is designed to reduce passenger and light-duty vehicle per capita GHG emissions by 8% by 2020 and by 13% by 2035 compared to 2005 per capita GHG emissions levels. The RTP/SCS includes a combination of land use and transportation strategies to reduce vehicle miles traveled and associated GHG emissions. SANBAG's Long Range Transit Plan ("LRTP") ("SANBAG 2009") addresses San Bernardino County's ("County") current and future travel challenges, including addressing growing travel demand. The LRTP identifies premium transit routes and station locations that helped to develop the SCS for areas in the County; and

WHEREAS, the purpose of the Amended Agreement for the Joint Exercise of Powers of the San Bernardino Associated Governments ("SANBAG") made and entered into October 17, 1975 (the "JPA") is to improve and coordinate governmental services on a countywide, subregional and regional basis through the establishment of a cooperative association of governments. In order to fulfill this purpose, SANBAG shall perform certain functions such as the following: (a) serve as a forum for consideration, study and recommendation on countywide, subregional and regional problems; and (b) assemble information helpful in the consideration of problems peculiar to the various sections included in the collective area of the association membership; and

WHEREAS, many councils of governments around the state are implementing the mandate of AB 32 and organizing and leading efforts to prepare GHG reduction plans; and

WHEREAS, it was determined by 21 SANBAG member cities and the SANBAG Board of Directors that the coordinated preparation of a San Bernardino County Regional Greenhouse Gas Reduction Plan ("Regional Reduction Plan" or "Plan") and associated Environmental Impact Report under the California Environmental Quality Act ("CEQA") was within the scope

of SANBAG's powers, and would be an effective means for facilitating a response to AB 32, SB 375 and the RTP/SCS by SANBAG and the member cities. The 21 member cities participating in the Regional Reduction Plan are: Adelanto, Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair, Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Victorville, Yucaipa, and Yucca Valley (individually, "Participating City" and collectively, "Participating Cities"); and

WHEREAS, SANBAG has been designated the "Lead Agency" for the approval of the Regional Reduction Plan in accordance with CEQA Guidelines Sections 15051(d) and 15367. When two or more public agencies share responsibility for carrying out or approving a project, the public agencies may by agreement designate one agency as Lead Agency. In the case of the Regional Reduction Plan, the Participating Cities and SANBAG have determined that SANBAG will be the Lead Agency. SANBAG is the appropriate Lead Agency because the Regional Reduction Plan involves countywide and regional issues that are within the scope of SANBAG's purposes and powers under the JPA. None of the individual Participating Cities would be an appropriate Lead Agency for this regional issue and effort; and

WHEREAS, SANBAG exercises authority over and is involved in the implementation of certain GHG reduction measures identified in the Regional Reduction Plan and helps facilitate other measures through certain programs:

(a) Energy Efficiency and Renewable Energy Projects. SANBAG is responsible for three renewable energy and conservation initiatives referenced in the Regional Reduction Plan, which will enable the implementation of GHG reduction measures by the Participating Cities. These initiatives will likely be relied upon as implementation measures in Climate Action Plans ("CAP") to be prepared by individual cities, and are described below:

(1) The Property Assessed Clean Energy ("PACE") program, marketed as the HERO (Home Energy Renovation Opportunity) program. Each Participating City's CAP will be involved in this program, which allows residential and commercial property owners to enter into voluntary assessment contracts with SANBAG to pay for the upfront costs associated with alternative energy installations, or energy and water conservation projects. The property owner then pays back the amount through an assessment on their property tax bill. The PACE program will help fund Reduction Measures Energy-1 (energy efficiency retrofits), Energy-7 (solar installation on existing residential), and Energy-8 (solar installation on existing commercial/industrial) within the Regional Reduction Plan.

(2) The joint solar power procurement program. This initiative is aimed at increasing the adoption of solar power generation for local government facilities. By collectively approaching the procurement, each Participating City benefits from economies of scale that will reduce the overall cost. This helps implement GHG reduction measures within the Regional Reduction Plan for municipal facilities.

(3) The anticipated regional Energy Leader Program in partnership with Southern California Edison ("SCE"). This program will work with Participating Cities to complete energy audits of their facilities, suggest improvements to reduce energy consumption, and find common

ways to promote energy conservation among each city's residents and businesses. Cities benefit from participating in this effort through rebates to their energy bills tied to their energy savings and through staff resources provided by SANBAG and paid for from a grant from SCE. This helps implement GHG reduction measures within the Regional Reduction Plan.

(b) Metrolink. SANBAG is a member of Southern California Regional Rail Authority, a Joint Powers Authority, with other Southern California counties transportation commissions, that initiated regional Metrolink commuter rail service in 1991 and that continues to maintain and operate that system. San Bernardino County is home to six Metrolink stations, around which planning has been conducted to facilitate transit oriented development in response to SB 375. This planning is part of the SCAG RTP/SCS and is included as part of a GHG reduction measure in the Regional Reduction Plan (On-Road 1 – Sustainable Communities Strategy and On-Road 1.1, 1.2, 1.3 and 1.4).

(c) Transportation Commission and Authority: SANBAG, in its roles as County Transportation Commission and County Transportation Authority, also programs funds for the implementation and operation of bus transit systems throughout the county. These systems enable residents of the County to reduce their dependence on automobile trips, consistent with the GHG reduction goals of the SCAG RTP/SCS. In addition, SANBAG programs funding for Active Transportation (bicycle/pedestrian) projects. All these activities are referenced in the Reduction Plan (On-Road 1 – Sustainable Communities Strategy); and

WHEREAS, CEQA requires that certain projects be reviewed for environmental impacts and that environmental documents be prepared. SANBAG determined that an Environmental Impact Report should be prepared to analyze the Regional Reduction Plan. Therefore, SANBAG directed the preparation of the San Bernardino County Regional Greenhouse Gas Emissions Inventories and Reduction Plan Environmental Impact Report ("EIR"); and

WHEREAS, each of the Participating Cities would rely on the EIR and act as responsible agencies pursuant to CEQA Guidelines section 15096 in considering whether to adopt its individual GHG Reduction Plan or CAP based on the information and analysis in the Regional Reduction Plan and EIR. A responsible agency under CEQA is a public agency, other than the lead agency, which has responsibility for carrying out or approving a project (Public Resources Code section 21069). The projects analyzed in this EIR are the Regional Reduction Plan and the proposed individual GHG Reduction Plans or CAPs to be considered for adoption and implementation by each of the Participating Cities. The proposed Greenhouse Gas Reduction Plan or CAP for each Participating City is analyzed in a separate Chapter in the EIR. Implementing actions by the Participating Cities would occur after SANBAG approves the Regional Reduction Plan and certifies the EIR. As responsible agencies, each Participating City would consider the information in the EIR and make findings pursuant to CEQA Guidelines Section 15096 before approving its GHG Reduction Plan or CAP. The EIR is intended to provide the CEQA environmental review for the adoption of a GHG Reduction Plan, CAP, or other implementing actions by the Participating Cities; and

WHEREAS, SANBAG circulated a Notice of Preparation, dated November 9, 2012, to public agencies and interested parties for consultation on the scope of the EIR. SANBAG also conducted a public scoping meeting on November 28, 2012; and

WHEREAS, SANBAG prepared a Draft EIR dated October 2013, that analyzed the potential environmental impacts of the proposed Regional Reduction Plan and proposed GHG Reduction Plans for the Participating Cities (SCH # 2012111046) ("Draft EIR"). The Draft EIR is on file with the Clerk of the Board of Directors at SANBAG's offices. The Draft EIR is attached as Exhibit A; and

WHEREAS, the Draft EIR was circulated for public review for 60 days, from October 21, 2013 to December 19, 2013. SANBAG held two public informational meetings on the EIR and Regional Reduction Plan, on October 23, 2013, and November 20, 2013, during which an opportunity was provided for the public to make comments on the Draft EIR. No member of the public made formal comments on the Draft EIR at the informational meetings; and

WHEREAS, SANBAG received comment letters from three public agencies and two interested parties during the public review period. In accordance with the requirements of CEQA, SANBAG prepared written responses to all comments received during the public comment period. SANBAG prepared a Final EIR, dated February 2014 ("Final EIR"), that includes the comment letters, written Responses to Comments, and clarifications and minor corrections to information presented in the Draft EIR. The Final EIR is attached as Exhibit B. The responses to comments provide SANBAG's good faith, reasoned analysis of the environmental issues raised by the comments; and

WHEREAS, SANBAG carefully reviewed the comments and written responses and the clarifications and minor corrections to the Draft EIR contained in the Final EIR, and determined that they do not constitute significant new information requiring recirculation of the Draft EIR under the standards in CEQA Guidelines section 15088.5; and

WHEREAS, the Draft EIR and the Final EIR are collectively referred to hereafter as "EIR"; and

WHEREAS, a Board Staff Report, dated March 5, 2014, and incorporated herein by reference, describes and analyzes the Regional Reduction Plan and EIR and was presented to the Board of Directors for its review and consideration. The Staff Report recommended that the Board of Directors certify the EIR, adopt certain environmental findings under CEQA and approve the Regional Reduction Plan; and

WHEREAS, on this date, the Board of Directors held a public meeting at which the Regional Reduction Plan and EIR were described and summarized and all persons who were present were given an opportunity to comment upon, object to, and/or present evidence with regard to the Regional Reduction Plan and EIR; and

WHEREAS, the Board of Directors reviewed and considered the EIR and all above-referenced reports, recommendations, and testimony to evaluate the EIR and Regional Reduction Plan; and

WHEREAS, the EIR, including comments and responses, reflects SANBAG's independent judgment and analysis on the potential for environmental impacts from the proposed Regional Reduction Plan; and

WHEREAS, the EIR identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures; therefore, approval of the project will require adoption of findings on impacts and mitigations as set forth in attached Exhibit C; and

WHEREAS, a Mitigation Monitoring and Reporting Program, as required by CEQA, is attached as Exhibit D; and

WHEREAS, the EIR and all of the documents relating to the Regional Reduction Plan are available for review in the SANBAG Planning Department at the SANBAG Office during normal business hours. The location and custodian of the EIR and other documents that constitute the record of proceedings for the Regional Reduction Plan is the SANBAG Planning Department, 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA 92410.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Bernardino Associated Governments as follows:

Section 1. CEQA Actions and Findings.

A. The foregoing recitals are true and correct and made a part of this Resolution.

B. The EIR, consisting of the Draft EIR and the Final EIR attached as Exhibits A and B respectively, has been completed in compliance with CEQA and the CEQA Guidelines.

C. The Board of Directors has independently reviewed and considered the information contained in the EIR, including the written comments received during the Draft EIR review period and the oral and written comments received at the public meeting, prior to acting on the proposed Regional Reduction Plan.

D. The EIR reflects SANBAG's independent judgment and analysis on the potential environmental impacts of the proposed Regional Reduction Plan. The EIR provides information to the decision-makers and the public on the environmental consequences of the proposed Regional Reduction Plan.

E. The EIR adequately describes the proposed Regional Reduction Plan, its significant environmental impacts, mitigation measures and a reasonable range of alternatives to the proposed Regional Reduction Plan.

Section 2. EIR and Mitigation. The EIR is hereby certified, and the mitigation measures and impact and mitigation findings set forth in Exhibit C, and the Mitigation Monitoring and Reporting Program set forth in Exhibit D, are hereby adopted.

Section 3. Exhibits. Exhibits A, B, C, and D are incorporated herein by reference, all in compliance with the requirements of CEQA.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of the San Bernardino Associated Governments held on March 5, 2014.

_____
W.E. Jahn, President

ATTEST:

_____
Vicki Watson
Clerk of the Board

2241763.1

EXHIBIT C

FINDINGS CONCERNING SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, San Bernardino Associated Governments ("SANBAG") hereby makes these findings with respect to the potential for significant environmental impacts from adoption and implementation of the San Bernardino County Regional Greenhouse Gas Reduction Plan ("Project"), and means for mitigating those impacts. For the purpose of these findings, the term "EIR" means the Draft and Final EIR documents collectively.

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each significant impact resulting from SANBAG's approval of the Project, describe the applicable mitigation measures identified in the EIR and adopted by SANBAG, and state the findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR. These findings hereby incorporate by reference the discussion and analysis supporting the EIR's determinations on the Project's impacts and mitigation measures designed to address those impacts. The facts supporting these findings are found in the record as a whole for the Project.

In making these findings, SANBAG ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The EIR analyzed potential environmental impacts to the following areas associated with implementation of the Project – Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards/Hazardous Materials, Hydrology and Water Quality, Land Use/Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Traffic and Circulation, Utilities, Cumulative Impacts, and Mandatory Findings of Significance.

Under CEQA, SANBAG is only required to make findings on significant impacts that may result from approval of the Project by SANBAG. It is not required to make findings on impacts determined to be less than significant in the EIR. The rationale for why impacts are determined to be less than significant are set forth in the EIR and are incorporated herein by reference.

The approval of the Project by SANBAG will only potentially result in the following significant impacts identified in the EIR: (1) Cultural Resources – substantial adverse change in the significance of a historical resource; and (2) Air Quality – expose sensitive receptors to substantial pollutant concentrations (diesel particulate matter and toxic air contaminants).

1. Cultural Resources Impact – substantial adverse change in the significance of a historical resource

Mitigation Measure: Prior to activities that would physically affect any buildings or structures 50 years old or older or affect their historic setting, a cultural resource professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History shall be retained to determine if the project would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. The investigation shall include, as determined appropriate by the cultural resource professional and SANBAG, the appropriate archival research, including, if necessary, a records search of the Archaeological Information Center ("AIC") of the California Historical Resources Information System ("CHRIS") and a pedestrian survey of the proposed improvements area to determine if any significant historic-period resources would be adversely affected by the proposed Regional Reduction Plan activities. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any historical resources within the improvements area and includes recommendations and methods for eliminating or reducing impacts on historical resources. Methods could include, but are not limited to, written and photographic recordation of the resource in accordance with the level of Historic American Building Survey ("HABS") documentation that is appropriate to the significance (local, state, national) of the resource.

Resulting Significance: Less than Significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure requires that for any historic resource determined to be a significant resource under CEQA, a historic resources expert shall recommend methods for eliminating or reducing impacts on the resource to less than significant. The methods shall be adopted by the permitting agency. As a result, the impact will be less than significant.

2. Air Quality Impact – expose sensitive receptors to substantial pollutant concentrations (diesel particulate matter and toxic air contaminants near Metrolink Stations and rail yards)

Mitigation Measures: Transit-oriented development near the Metrolink Stations shall set back all sensitive land uses (residential, daycare facilities, schools, preschools, and eldercare facilities) at least 500 feet from the nearest rail yard to reduce concentrations of air pollution, to acceptable levels. As an alternative to the setback, an air toxics health risk assessment of sensitive land uses should be completed demonstrating that sensitive land uses closer than 500 feet from the nearest rail yard will not result in a cancer risk of 10 in a million, and a non-cancer health risk of 1 on the health hazard index. The methodology of the health risk analysis must follow the protocols found on the Office of Environmental Hazards Assessment (OEHHA) website: http://www.oehha.ca.gov/.

Resulting Significance: Less than Significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Based on analysis in the EIR, a 500-foot setback for sensitive uses will reduce impacts associated with exposure to substantial concentrations of air pollutants to less than significant because the risk will be below the significance threshold (cancer risk of 10 in a million, and a non-cancer health risk of 1 on the health hazard index). The mitigation measure requires that sensitive land uses located closer than 500 feet must complete an air toxics health risk assessment in accordance with OEHHA protocols to demonstrate that the health risk at the proposed location is below the significance threshold (cancer risk of 10 in a million, and a non-cancer health risk of 1 on the health hazard index). Based on this mitigation measure, the impact will be less than significant.

2243105.1

EXHIBIT D

Mitigation Monitoring and Reporting Program

Cultural Resources Impact – substantial adverse change in the significance of a historical resource

Mitigation Measure	Timing	Monitoring/Enforcement
Prior to activities that would physically affect any buildings or structures 50 years old or older or affect their historic setting, a cultural resource professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History shall be retained to determine if the project would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. The investigation shall include, as determined appropriate by the cultural resource professional and SANBAG, the appropriate archival research, including, if necessary, a records search of the Archaeological Information Center ("AIC") of the California Historical Resources Information System ("CHRIS") and a pedestrian survey of the proposed improvements area to determine if any significant historic-period resources would be adversely affected by the proposed Regional Reduction Plan activities. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any historical resources within the improvements area and includes recommendations and methods for eliminating or reducing impacts on historical resources. Methods could include, but are not limited to, written and photographic recordation of the resource in accordance with the level of Historic American Building Survey ("HABS") documentation that is appropriate to the significance (local, state, national) of the resource.	Prior to any SANBAG approval of an action under the Plan that would affect a significant historic resource	SANBAG Management Services Department

EXHIBIT D

Air Quality Impact – expose sensitive receptors to substantial pollutant concentrations (diesel particulate matter and toxic air contaminants near Metrolink Stations and rail yards)		
Mitigation Measures	**Timing**	**Monitoring/Enforcement**
Transit-oriented development near the Metrolink Stations shall set back all sensitive land uses (residential, daycare facilities, schools, preschools, and eldercare facilities) at least 500 feet from the nearest rail yard to reduce concentrations of air pollution, to acceptable levels. As an alternative to the setback, an air toxics health risk assessment of sensitive land uses should be completed demonstrating that sensitive land uses closer than 500 feet from the nearest rail yard will not result in a cancer risk of 10 in a million, and a non-cancer health risk of 1 on the health hazard index. The methodology of the health risk analysis must follow the protocols found on the Office of Environmental Hazards Assessment (OEHHA) website: http://www.oehha.ca.gov/.	Prior to any SANBAG approval under the Plan relating to sensitive uses in transit oriented development on property owned by SANBAG.	SANBAG Planning Department or Transit and Passenger Rail Department

2243112.1

BRD1403c2-ss

RESOLUTION NO. 14-020

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO ASSOCIATED GOVERNMENTS APPROVING THE SAN BERNARDINO COUNTY REGIONAL GREENHOUSE GAS REDUCTION PLAN

WHEREAS, in 2006, the California legislature passed Assembly Bill ("AB") 32. The law establishes a limit on greenhouse gas ("GHG") emissions for the State of California to reduce state-wide emissions to 1990 levels by 2020. The law directed the California Air Resources Board to develop a plan ("AB 32 Scoping Plan") that charts a path towards the GHG reduction goal using all technologically feasible and cost effective means. The AB 32 Scoping Plan recommends that California cities and counties seek to reduce their GHG emissions consistent with statewide reductions. Senate Bill ("SB") 375, passed in 2008, requires regional transportation planning to promote reductions in passenger and light duty vehicle GHG emissions; and

WHEREAS, the Regional Council of the Southern California Association of Governments ("SCAG") adopted the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy: Towards a Sustainable Future ("RTP/SCS"). The RTP/SCS is designed to reduce passenger and light-duty vehicle per capita GHG emissions by 8% by 2020 and by 13% by 2035 compared to 2005 per capita GHG emissions levels. The RTP/SCS includes a combination of land use and transportation strategies to reduce vehicle miles traveled and associated GHG emissions. SANBAG's Long Range Transit Plan ("LRTP") (SANBAG 2009) addresses San Bernardino County's ("County") current and future travel challenges, including addressing growing travel demand. The LRTP identifies premium transit routes and station locations that helped to develop the SCS for areas in the County; and

WHEREAS, the purpose of the Amended Agreement for the Joint Exercise of Powers of the San Bernardino Associated Governments ("SANBAG") made and entered into October 17, 1975 (the "JPA") is to improve and coordinate governmental services on a countywide, subregional and regional basis through the establishment of a cooperative association of governments. In order to fulfill this purpose, SANBAG shall perform certain functions such as the following: (a) serve as a forum for consideration, study and recommendation on countywide, subregional and regional problems; and (b) assemble information helpful in the consideration of problems peculiar to the various sections included in the collective area of the association membership; and

WHEREAS, many councils of governments around the state are implementing the mandate of AB 32 and organizing and leading efforts to prepare GHG reduction plans; and

WHEREAS, it was determined by 21 SANBAG member cities and the SANBAG Board of Directors that the coordinated preparation of a San Bernardino County Regional Greenhouse Gas Reduction Plan ("Regional Reduction Plan" or "Plan") and associated Environmental Impact Report was within the scope of SANBAG's powers, and would be an effective means for facilitating a response to AB 32, SB 375 and the RTP/SCS by SANBAG and the member cities. The 21 member cities participating in the Regional Reduction Plan are: Adelanto, Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair, Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine

Palms, Victorville, Yucaipa, and Yucca Valley (individually, "Participating City" and collectively, "Participating Cities"); and

WHEREAS, the County of San Bernardino ("County") adopted a GHG Reduction Plan for unincorporated areas of San Bernardino County that includes a set of GHG inventories and reduction measures. This Regional Reduction Plan builds upon the work completed by the County; and

WHEREAS, the purpose of the Regional Reduction Plan is to reduce GHG emissions within the region; and

WHEREAS, the goals of the Regional Reduction Plan include: (a) provide GHG reductions that build upon and are complementary to the GHG reductions implemented by the State and County; (b) provide a collaborative planning process that accounts for and facilitates the SANBAG-administered programs that will reduce GHG emissions within each of the Participating Cities; (c) provide regional support for each Participating City in the reduction of GHG emissions; (d) develop feasible GHG reduction measures that can achieve reductions cost-effectively; and (e) provide foundational data, analysis and planning that can be used by each Participating City in the development of its own Climate Action Plan (CAP) that achieves the reduction goals and fulfills the requirements of the California Environmental Quality Act ("CEQA") Guidelines section 15183.5; and

WHEREAS, the Regional Reduction Plan achieves the purposes and goals described above by providing: (a) a quantification and analysis of GHG emissions and sources attributable to the Participating Cities in 2008; (b) an estimate on how those emissions are expected to increase by 2020; (c) development and analysis of policies and actions for the reduction of GHG emissions ("Reduction Measures"); (d) development and analysis of methods for establishing targets for the reduction of GHG emissions for 2020 that each Participating City can use to select its reduction target appropriate for each jurisdiction; (e) analysis of whether Reduction Measures identified by the Participating Cities would meet the reduction targets; (f) data, analysis and planning that can be used by each Participating City in the development of its own CAP; and (g) a template for implementation, tracking and reporting mechanisms that can be used by the Participating Cities to measure progress toward the Plan's goals; and

WHEREAS, SANBAG is involved in the implementation of certain reduction measures identified in the Regional Reduction Plan and helps facilitate other measures through certain programs:

(a) Energy Efficiency and Renewable Energy Projects. SANBAG is responsible for three renewable energy and conservation initiatives referenced in the Regional Reduction Plan that will enable the implementation of certain Reduction Measures by the Participating Cities. These initiatives will likely be relied upon as implementation measures in Climate Action Plans ("CAPs") to be prepared by individual cities, and are described below:

(1) The Property Assessed Clean Energy ("PACE") program, marketed as the HERO ("Home Energy Renovation Opportunity") program. Each Participating City's CAP will be involved in this program, which allows residential and commercial property owners to enter into

voluntary assessment contracts with SANBAG to pay for the upfront costs associated with alternative energy installations, or energy and water conservation projects. The property owner then pays back the amount through an assessment on their property tax bill. The PACE program will help fund Reduction Measures Energy-1 (energy efficiency retrofits), Energy-7 (solar installation on existing residential), and Energy-8 (solar installation on existing commercial/industrial) within the Regional Reduction Plan.

(2) The joint solar power procurement program. This initiative is aimed at increasing the adoption of solar power generation for local government facilities. By collectively approaching the procurement, each Participating City benefits from economies of scale that will reduce the overall cost. This helps implement certain Reduction Measures within the Regional Reduction Plan for municipal facilities.

(3) The anticipated regional Energy Leader Program in partnership with Southern California Edison ("SCE"). This program will work with Participating Cities to complete energy audits of their facilities, suggest improvements to reduce energy consumption, and find common ways to promote energy conservation among each city's residents and businesses. Cities benefit from participating in this effort through rebates to their energy bills tied to their energy savings and through staff resources provided by SANBAG and paid for from a grant from SCE. This helps implement certain Reduction Measures within the Regional Reduction Plan.

(b) Metrolink. SANBAG is a member of Southern California Regional Rail Authority, a Joint Powers Authority, with other Southern California counties' transportation commissions, that initiated regional Metrolink commuter rail service in 1991 and that continues to maintain and operate that system. San Bernardino County is home to six Metrolink stations, around which planning has been conducted to facilitate transit-oriented development in response to SB 375. This planning is part of the SCAG RTP/SCS and is included as part of a GHG reduction measure in the Regional Reduction Plan ("On-Road 1 – Sustainable Communities Strategy").

(c) Transportation Commission and Authority. SANBAG, in its roles as County Transportation Commission and County Transportation Authority, also programs funds for the implementation and operation of bus transit systems throughout the County. These systems enable residents of the County to reduce their dependence on automobile trips, consistent with the GHG reduction goals of the SCAG RTP/SCS. In addition, SANBAG programs funding for Active Transportation (bicycle/pedestrian) projects. All of these activities are referenced in the Regional Reduction Plan ("On-Road 1 – Sustainable Communities Strategy and On-Road 1.1, 1.2, 1.3 and 1.4"); and

WHEREAS, the Plan includes an analysis of various Reduction Measures that provide a menu of options for the Participating Cities to choose from in selecting the measures for reducing greenhouse gases that are appropriate for the jurisdiction. Chapter 4 of the Plan contains this description and analysis of various Reduction Measures; and

WHEREAS, as part of the Regional Reduction Plan, each Participating City has its own Section that details the City's 2008 GHG emissions inventory, the City's 2020 GHG emissions forecast, City-selected GHG Reduction Target and City-selected GHG Reduction Measures, including related General Plan policies or other ongoing programs in the City that reduce GHG

emissions. The GHG reduction plans developed for each Participating City as part of the Plan are intended to serve as a foundation upon which each individual jurisdiction may decide to develop its own customized and comprehensive CAP. This effort leverages work efforts that would be common to all jurisdictions and allows each city to select its own individual programs and policies. SANBAG anticipates that individual cities will utilize the information in this document to complete and adopt their own CAPs; and

WHEREAS, as the Lead Agency under CEQA, SANBAG prepared the San Bernardino County Regional Greenhouse Gas Emissions Inventories and Reduction Plan EIR ("SCH No. 2012111046") ("EIR") to analyze the environmental impacts of the Regional Reduction Plan. The EIR contained individual chapters that analyzed the environmental impacts of the implementation of proposed Reduction Measures chosen by each Participating City as part of its proposed greenhouse gas reduction plan; and

WHEREAS, the Regional Reduction Plan and EIR and all appendices, documents and materials relating to the Plan and EIR, including any documents and reports that are incorporated into the Plan and EIR, have been prepared, are on file with the Clerk of the Board of Directors and have been presented to the Board of Directors; and

WHEREAS, a Board Staff Report, dated March 5, 2014 and incorporated herein by reference, describes and analyzes the Regional Reduction Plan and EIR and was presented to the Board of Directors for its review and consideration. The Staff Report recommended that the Board of Directors approve the Plan; and

WHEREAS, on this date, the Board of Directors held a public meeting at which the Regional Reduction Plan and EIR were described and summarized and all persons who were present were given an opportunity to comment upon, object to, or present evidence with regard to the Regional Reduction Plan and EIR; and

WHEREAS, on this date, prior to taking action on the Regional Reduction Plan, the Board of Directors reviewed and considered the information in the EIR and adopted Resolution No. 14-019 certifying the EIR and adopting environmental findings under CEQA for the Regional Reduction Plan; and

WHEREAS, the Board of Directors considered the EIR and all above-referenced reports, recommendations, and testimony to evaluate the Regional Reduction Plan; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Bernardino Associated Governments as follows:

Section 1. The above recitals are true and correct.

Section 2. Approval of GHG Regional Reduction Plan. The San Bernardino County Regional Greenhouse Gas Reduction Plan, attached hereto as Exhibit A and incorporated by this reference and the component parts thereof, is hereby approved and confirmed.

Section 3. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of the San Bernardino Associated Governments held on March 5, 2014.

_____

W.E. Jahn, President

ATTEST:

_____

Vicki Watson,
Clerk of the Board

2241633.2

AGENCY REPORTS

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 · www.aqmd.gov

February 12, 2014

To: Mayors and Councilmembers

From: Dennis R. Yates
Mayor, City of Chino
Vice Chairman, South Coast AQMD Governing Board /
Representative, Cities of San Bernardino County

Members of the Governing Board:

Chairman
Dr. William A. Burke
Speaker of the Assembly
Appointee

Vice Chairman
Dennis R. Yates
Mayor, Chino
Cities of San Bernardino County

Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles

Ben Benoit
Mayor Pro Tem, Wildomar
Cities of Riverside County

John J. Benoit
Supervisor, Fourth District
County of Riverside

Joe Buscaino
Councilmember, 15th District
City of Los Angeles Representative

Michael A. Cacciotti
Councilmember, South Pasadena
Cities of Los Angeles County/
Eastern Region

Josie Gonzales
Supervisor, Fifth District
County of San Bernardino

Joseph K. Lyou, Ph.D.
Governor's Appointee

Judith Mitchell
Mayor, Rolling Hills Estates
Cities of Los Angeles County/
Western Region

Shawn Nelson
Supervisor, Fourth District
County of Orange

Dr. Clark E. Parker, Sr.
Senate Rules Appointee

Miguel A. Pulido
Mayor, Santa Ana
Cities of Orange County

Attached is the agenda item and outcome of the February 7, 2014 SCAQMD Governing Board meeting, and a preview of the item(s) for discussion at the March 7, 2014 meeting.

PUBLIC HEARING ITEM AT FEBRUARY 7 BOARD MEETING:

Approve Staff Recommendation to Proceed with Rulemaking to Expedite Natural Gas Power Plant Capacities to be Permitted in SCAQMD, if Needed

As a follow-up to its presentation to the Board in October 2013, staff will discuss in more detail the recommendations that are in response to the contingency plans recommended in the governor's Grid Reliability Task Force Report, and seek Board direction regarding future rulemaking. The proposed action would focus on what SCAQMD can and should do in siting new natural gas power capacities in the region, when deemed necessary by the state energy agencies for grid reliability, while encouraging preferred resources to be developed as envisioned in the report.

Vote: 11 Yes; 1 No; 0 Abstain; 1 Absent

PUBLIC HEARINGS TENTATIVELY SET FOR MARCH BOARD MEETING:

(A) Amend Rule 1420.1 - Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities

On January 10, 2014, Rule 1420.1 was amended to require owners or operators of large lead-acid battery recycling facilities to reduce arsenic emissions and other key toxic air contaminant emissions. At the Public Hearing, the Board removed the requirement that affected facilities conduct a multi-metals demonstration program to continuously monitor lead, arsenic, and other metals. The Board directed staff to work with stakeholders and return to the March 7, 2014 Public Hearing for Board action on the multi-metal CEMS demonstration program. Under Proposed Amended Rule 1420.1, the affected facilities must provide funding and participate in a multi-metals CEMS demonstration program. Clarifying language is also being proposed at this time that will require affected facilities to reimburse SCAQMD for funds spent to deploy independent third-party contractors who conduct investigations of unplanned shutdowns.

(B) Execute Lease/Purchase Contract for Proposed Amended Rule 1420.1 Multi-Metals CEMS and Multi-Metal Ambient Monitors
On January 10, 2014, the Board deferred the multi-metals continuous emission monitoring system (CEMS) provision of Amended Rule 1420.1 to the March 7, 2014 Board meeting. Subject to Board adoption of this provision, this action is to execute a contract with Cooper Environmental Services, LLC in an amount not to exceed $413,451 from the Rule 1420.1 Special Revenue Fund for the multi-metals CEMS demonstration project. Furthermore, this action is to execute a rental agreement to demonstrate a continuous multi-metals ambient air monitoring system with Cooper Environmental Services, LLC for an amount not to exceed $71,000 from the Science and Technology Advancement Budget.

Annual RECLAIM Audit Report for 2012 Compliance Year
The annual report on the NOx and SOx RECLAIM program is prepared in accordance with Rule 2015 - Backstop Provisions. The report assesses emission reductions, availability of RECLAIM Trading Credits (RTCs) and their average annual prices, job impacts, compliance issues, and other measures of performance for the nineteenth year of this program. In addition, recent trends in trading future year RTCs are analyzed and presented in this report. Further, a list of facilities that did not reconcile their emissions for the 2012 Compliance Year is included with the report

Approve and Adopt Technology Advancement Office Clean Fuels Program Annual Report and Plan Update, Resolution and Revised Membership of Clean Fuels Advisory Group
Each year by March 31st, the Technology Advancement Office must submit to the California Legislative Analyst an approved Annual Report for the past year and a Plan Update for the current calendar year. Staff has reviewed the 2013 Clean Fuels Program with the Clean Fuels Advisory Group, the Technology Advancement Advisory Group and other technical experts. Additionally, the 2014 Clean Fuels Program Draft Plan Update was presented to the Board for review and comment at its October 4, 2013 meeting. Staff recommends the Board approve and adopt the final Technology Advancement Office Clean Fuels Program Annual Report for 2013 and 2014 Plan Update as well as the resolution finding that proposed projects do not duplicate any past or present programs and the revised membership of the Clean Fuels Advisory Group.

c:/Docs/Remarks/Yates/Yates_020714 newsltr

Clean Transportation
Funding from the MSRC
Mobile Source Air Pollution Reduction Review Committee

REPORT: Mobile Source Air Pollution Reduction Review Committee

FROM: Larry McCallon, SANBAG Representative to the MSRC

SYNOPSIS: Below is a summary of key issues addressed at the MSRC's meeting on January 16, 2014. The MSRC's next meeting is scheduled for Thursday, March 20, 2014, at 2:00 p.m. in Conference Room CC8.

Meeting Minutes Approved
The MSRC unanimously approved the minutes from its December 19, 2013 meeting.

Awards to Implement FYs 2012-14 Local Government Match Program
As part of their FYs 2012-14 Work Program, the MSRC released a Program Announcement, which closes on February 28, 2014, offering $11 million on a first-come, first-served basis to implement its popular Local Government Match Program. Eligible categories for consideration providing dollar-for-dollar co-funding included medium- and heavy-duty alternative fuel vehicles, alternative fuel infrastructure projects, EV charging infrastructure, regional street sweeping in the Coachella Valley, and bicycle projects, the latter of which was a new category. To date the MSRC has funded 28 eligible projects in the amount of $10,748,978, including adding $1,076,000 to the Program to ensure sufficient funds would be available for the $1.375 million per county geographic minimums. At its January 16, 2014 meeting, the MSRC considered two additional applications, both from Riverside County, and unanimously approved contract awards to the following: 1) City of Cathedral City in the amount of $21,000 to conduct a bicycle outreach program; and 2) City of Palm Springs in the amount of $14,000 for the installation of bicycle corrals. The SCAQMD Board will consider these awards at its February 7, 2014 meeting.

Award to Implement FYs 2012-14 Alternative Fuel Infrastructure Program
As part of their FYs 2012-14 Work Program, the MSRC released a Program Announcement offering $7.5 million in funding on a first-come, first-served basis for new and expanded natural gas stations as well as the upgrade of existing vehicle maintenance facilities to accommodate gaseous-fueled vehicles up to a 50 percent cost-

share of eligible costs. To date the MSRC has awarded $1,478,000 to fund 13 eligible projects. At its January 16, 2014 meeting, the MSRC considered and unanimously awarded $175,000 to Upland Unified School District for an expansion of their CNG station. The SCAQMD Board will consider this award at its February 7, 2014 meeting. Since the solicitation is open until September 26, 2014, additional awards are anticipated and will be subject to approval by the MSRC and SCAQMD Board.

Received and Approved Final Reports

The MSRC received and unanimously approved two final report summaries this month as follows:

1. City of Irvine Contract #MS12069, which provided $45,000 to implement a special transit service for the 2013 Solar Decathlon; and
2. EDCO Disposal Corporation Contract #MS11012, which provided $100,000 to construct a CNG fueling station in Buena Park.

The two-page summaries of the above closed projects can be viewed in the electronic library on the MSRC's website at www.CleanTransportationFunding.org.

Contract Modification & Task Order Requests

The MSRC considered one contract modification and one task order request and took the following unanimous actions:

1. For County of Los Angeles, Department of Public Works Contract #ML05014, which provides $204,221 for implementation of a signal synchronization project, approval of a two-year term extension and scope modification to substitute two signal synchronizations in lieu of upgrades in the City of Downey; and
2. For Mineral LLC Contract #MS11001, which provides $111,827 to design, host and maintain the MSRC website, approval to issue a task order up to $4,500 to upgrade and test operational software.

Contracts Administrator's Report

The MSRC's AB 2766 Contracts Administrator provides a written status report on all open contracts from FY 2004-05 through the present.

Clean Transportation
Funding from the MSRC
Mobile Source Air Pollution Reduction Review Committee

REPORT: Mobile Source Air Pollution Reduction Review Committee

FROM: Larry McCallon, SANBAG Represntative to the MSRC

SYNOPSIS: Below is a summary of key issues addressed at the MSRC's meeting on December 19, 2013. The MSRC's next meeting is scheduled for Thursday, January 16, 2014, at 2:00 p.m. in Conference Room CC8.

Meeting Minutes Approved
The MSRC unanimously approved the minutes from its November 21, 2013 meeting.

Awards for FYs 2012-14 Alternative Fuel School Bus Incentives
As part of their FYs 2012-14 Work Program, the MSRC allocated $2 million to implement an Alternative Fuel School Bus Incentive Program which provides $31,000 for each full-size Type D CNG school bus and $9,000 for each conventional body Type C propane school bus. Two qualified vendors, A-Z Bus Sales and BusWest which were chosen through an RFQ process, administer the program offering buy-down incentives to qualifying school districts or private pupil transportation providers. Awards will be made to the two vendors on a first-come, first-served basis as orders are received. Last month A-Z Bus Sales was awarded $36,000 to provide incentives for Tumbleweed Transportation to purchase four Type C propane buses. At its December 19, 2013 meeting, the MSRC considered and unanimously awarded funds to both vendors. A-Z Bus Sales was awarded $124,000 for four full-sized CNG buses ordered by Murrieta Valley Unified School District and BusWest was awarded $62,000 for two full-sized CNG buses for Durham School Services. The SCAQMD Board will consider these awards at its January 10, 2014 meeting.

Award to Implement FYs 2012-14 Alternative Fuel Infrastructure Program
As part of their FYs 2012-14 Work Program, the MSRC allocated $7.5 million in funding on a first-come, first-served basis for new and expanded natural gas stations as well as the upgrade of existing vehicle maintenance facilities to accommodate gaseous-fueled vehicles up to a 50 percent cost-share of eligible costs. The PA released to implement this program includes a geographic minimum of $500,000 per county and will remain open until September 26, 2014. Last month the MSRC awarded funds totaling $1.4 million for 12 eligible applications. At its December 19, 2013 meeting, the

MSRC considered and unanimously awarded $78,000 to Arcadia Unified School District for an expansion of their CNG station. The SCAQMD Board will consider these awards at its January 10, 2014 meeting. Additional awards are anticipated and will be subject to approval by the MSRC and SCAQMD Board at a future date.

Awards to Implement FYs 2012-14 Local Government Match Program

As part of their FYs 2012-14 Work Program, the MSRC allocated $11 million to implement its popular Local Government Match Program. The PA released to implement the program includes a geographic minimum per county of $1.375 million and will remain open until February 28, 2014. Eligible categories for consideration on a first-come, first-served basis providing dollar-for-dollar co-funding included medium- and heavy-duty alternative fuel vehicles, alternative fuel infrastructure projects, EV charging infrastructure, regional street sweeping in the Coachella Valley, and bicycle projects, the latter of which was a new category. Last month the MSRC awarded $10,109,183 to fund 25 eligible applications and allocated additional funding in the amount of $1,076,000 to the Local Government Match Program to ensure sufficient funds would be available for the geographic minimum for Orange, Riverside and San Bernardino Counties; the City of Los Angeles having already reached its geographic minimum.

At its December 19, 2013 meeting, the MSRC considered five additional applications received - two from Orange County, one from San Bernardino County, and one each from Riverside and Los Angeles Counties. The MSRC unanimously awarded funds to the following: 1) City of Moreno Valley in the amount of $105,000 towards the purchase of one heavy-duty natural gas vehicle, installation of electric vehicle charging stations and installation of bicycle lanes and racks; 2) City of Yucaipa in the amount of $84,795 for installation of bicycle lanes; and 3) City of Brea in the amount of $450,000 for installation of a bicycle trail. The SCAQMD Board will consider these three awards at its January 10, 2014 meeting. The MSRC chose to defer action on the two remaining applications (one from the County of Los Angeles and one from the City of La Habra) until the open application period closes on February 28, 2014, so that if sufficient funds are available they may be funded in full.

Received and Approved Final Reports

The MSRC received and approved three final report summaries this month as follows:

1. Disneyland Resort Contract #MS12035, which provided $25,000 towards the purchase of one medium-duty off-road vehicle;
2. Dy-Dee Service of Pasadena Contract #MS12028, which provided $45,000 towards the purchase of two medium-duty and one medium-heavy-duty on-road vehicles; and
3. Orange County Transportation Authority Contract #MS06002, which provided $928,740 to implement an automated vehicle locator on freeway service patrols.

The two-page summaries of these closed project can be viewed in the electronic library on the MSRC's website at www.CleanTransportationFunding.org.

Contracts Administrator's Report

The MSRC's AB 2766 Contracts Administrator provides a written status report on all open contracts from FY 2004-05 through the present.

ADDITIONAL INFORMATION

SANBAG Representatives on SCAG Committees

APPOINTING/ELECTING AUTHORITY	REGIONAL COUNCIL (12:00 noon)	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)	J. Harrison	J. Harrison		
District 7 (San Bernardino, Highland)	L. McCallon	L. McCallon		
District 8 (Rialto, Fontana)	D. Robertson		D, Robertson	
District 9 (Rancho Cucamonga, Upland, Montclair)	P. Eaton			P. Eaton
District 10 (Chino, Chino Hills, Ontario)	E. Graham		E. Graham	
District 11 (Barstow, Big Bear, Needles, Twentynine Palms, Yucca Valley)	B. Jahn	B. Jahn		
District 65 (Adelanto, Apple Valley, Hesperia, Victorville)	R. McEachron			R. McEachron
San Bernardino County	G. Ovitt			G. Ovitt
†SANBAG Acting as County Transportation Commission	A. Wapner			A. Wapner
SANBAG 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. SANBAG has a total of seven subregional appointees to the policy committees.		Julie McIntyre Ray Musser Ed Paget	Diane Williams Vacant (James Ramos)	F. Navarro B. Stanton

Rules of Appointment

1. SANBAG policy stipulates that all SANBAG appointees be SANBAG 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. †SANBAG's Regional Council Representative serves a two-year term from the date of appointment.

Stipend Summary

SCAG Regional Council members receive a $120 stipend for attendance and travel to SCAG sponsored meetings. Regional Council members may also receive reimbursement for public transit expenses or a mileage reimbursement. Parking is validated at SCAG's downtown Los Angeles office for RC members. RC members are eligible to receive up to six (6) per diem stipends per month. Both RC members and Subregional Appointees, if eligible, may receive reimbursement ($150 + taxes) for lodging (please review SCAG rules before making expenditure). Subregional Appointees shall receive a $120 stipend for up to four Policy or Task Force meetings per month.

Meeting Information

The regular meetings of SCAG Regional Council and Policy Committees are on the 1st Thursday of each month at the SCAG offices located at 818 West 7th Street, 12th Floor in 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 and Communications: 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.

SANBAG Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
General Policy Committee Membership consists of the following: SANBAG President, Vice President, and Immediate Past President 4 East Valley (3 City, 1 County) 4 West Valley (3 City, 1 County) 4 Mt/Desert (3 City, 1 County) City members shall be SANBAG Board Members elected by caucus of city SANBAG Board Members within the subarea. All Policy Committee and Board Study Session Chairs are included in this policy committee. All City members serving as Board officers, Committee chairs, or Board Study Session Chair, are counted toward their subareas City membership. Supervisors collectively select their representatives. The SANBAG Vice President shall serve as Chair of the General Policy Committee.	Makes recommendations to Board of Directors and: (1) Provides general policy oversight wh ch spans the multiple program responsibilities of the organization and maintains the comprehensive organizat on integrity; (2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization; (3) Serves as policy review committee for any program area that lacks active policy committee oversight. Committee has authority to approve contracts in excess of $25,000 with notification to the Board of Directors.	L. Dennis Michael, Rancho Cucamonga, Vice President (Chair) Bill Jahn, Big Bear Lake, President (Vice Chair) Janice Rutherford, Supervisor, Past President West Valley L. Dennis M chael, Rancho Cucamonga Ed Graham, Chino Hills Dennis Yates, Chino Gary Ovitt, Supervisor East Valley Pat Morris, San Bernardino (Chair - CRTC) Richard Riddell, Yucaipa (Chair – MVSS) Larry McCallon, Highland James Ramos, Supervisor Mountain/Desert Edward Paget, Needles (Chair - MDC) Bill Jahn, Big Bear Lake Jim Harris, Twentynine Palms Robert Lovingood, Supervisor	6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014 6/30/2014
Commuter Rail & Transit Committee Membership consists of 11 SANBAG Board Members: 9 Valley-members, two being Southern California Regional Rail Authority (SCRRA) primary (*) and two be ng SCRRA alternate (**) members. 2 Mountain/Desert Board Members who serve on the Board of a Mountain/Desert transit agency. SCRRA members and alternates serve concurrent with their term on the SCRRA Board of Directors as appointed by the SANBAG Board. Other members are appointed by the SANBAG President for 2-year terms.	Provides policy guidance and recommendations to the SANBAG Board of Directors and Southern California Regional Rail Authority (SCRRA) delegates with respect to commuter ra l and transit service. * SCRRA Primary Member ** SCRRA Alternate Member	Paul Eaton, Montclair* (Chair) James Ramos, Supervisor (Vice Chair) Pete Aguilar, Redlands Bill Jahn, Big Bear Lake Mike Leonard, Hesperia Larry McCallon, Highland** L. Dennis Michael, Rancho Cucamonga Pat Morris, San Bernardino Ray Musser, Upland Richard Riddell, Yucaipa Alan Wapner, Ontario**	Indeterminate (6/30/2014) 12/31/2014 (6/30/2014) 12/31/2014 12/31/2015 12/31/2015 Indeterminate 12/31/2015 Indeterminate 12/31/2015 12/31/2014 Indeterminate

SANBAG Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Mountain/Desert Committee Membership consists of 11 SANBAG Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First, Second, and Third Districts.	Provides ongoing policy level oversight related to the full array of SANBAG 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.	Edward Paget, Needles (Chair) Ryan McEachron, Victorville, (Vice Chair) Curt Emick, Apple Valley Jim Harris, Twentynine Palms George Huntington, Yucca Valley Bill Jalm, Big Bear Lake Mike Leonard, Hesperia Robert Lovingood, Supervisor Julie McIntyre, Barstow James Ramos, Supervisor Janice Rutherford, Supervisor Cari Thomas, Adelanto	Indeterminate (6/30/2014) Indeterminate (6/30/2014) Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate

Policy Committee Meeting Times

General Policy Committee	Second Wednesday, 9:00 a.m., SANBAG Office
Commuter Rail & Transit Committee	Third Thursday, 12:00 noon, SANBAG Office
Mountain/Desert Committee	Third Friday, 9:30 a.m., Apple Valley

NOTE: Policy Committee meetings will not be held in July of each year (effective 9/5/12).

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 SANBAG 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.	Board of Directors Richard Riddell, Yucapa (Chair) Michael Tahan, Fontana (Vice Chair)	 6/30/2014 6/30/2014

Meeting Time: Second Thursday, 9:00 a.m., SANBAG Office

Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Independent Taxpayer Oversight Committee (ITOC) Review of Measure I Expenditure Plan 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 provison of the Expenditure Plan and Ordinance No. 04-01.	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. 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.	Richard Haller Rod Johnson Norman Orfall Craig Scott Larry Sharp Ray Wolfe, Ex-Officio In addition to the appointed members, the SANBAG Executive Director will serve as an ex officio member.	12/31/16 12/31/16 12/31/14 12/31/14 12/31/14

SANBAG Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
Audit Subcommittee of the General Policy Committee In November 2008, the Board approved the creation of an Audit Subcommittee of the General Policy Committee to strengthen the financial oversight function of the Board. Additional SANBAG Board Members may be appointed annually at the discretion of the Board President.	The responsibilities of the Audit Subcommittee shall be to: • Provide a direct contact between the independent auditor and the Board of Directors before, during and after the annual audit. • Work with the auditor and SANBAG staff on reviewing and implementing practices and controls identified in the annual audit.	Audit Subcommittee (for FY 2012-2013 Audit) - SANBAG President – Bill Jahn, Big Bear Lake - Vice President – L. Dennis Michael, Rancho Cucamonga - Immediate Past President – Janice Rutherford, Supervisor - Presidential Appointment – Walt Stanckiewitz, Grand Terrace
Ad Hoc Committee on Litigation with San Bernardino County Flood Control District In January 2007, the SANBAG President was authorized to appoint an ad hoc review committee of SANBAG Board Members who do not represent local jurisdictions party to the San Bernardino County Flood Control District vs. SANBAG litigation relative to the Colonies Development. In April 2008, the role of this committee was expanded to include the Cactus Basin litigation.	Review and provide guidance on litigation with San Bernardino County Flood Control District regarding the Colonies Development and the Cactus Basin in Rialto.	Pat Morris, San Bernardino, Chair Larry McCallon, Highland Richard Riddell, Yucaipa
Bylaws In July 2012, the SANBAG Board President appointed this ad hoc committee to review SANBAG's bylaws and recommend changes to modernize SANBAG's governance document.	Review SANBAG's bylaws and make recommendations to the Board on any necessary changes.	Rhodes "Dusty" Rigsby, Loma Linda - Chair Mike Leonard, Hesperia Larry McCallon, Highland Pat Morris, San Bernardino
Budget Process In July 2012, the SANBAG Board President appointed this ad hoc committee to review SANBAG's budget preparation process and final budget document and make recommendations to help improve communication and transparency of SANBAG's budget to elected officials and the general public.	Review SANBAG's budget adoption process and final budget document and make recommendations on changes to improve the process and the final budget document to make them more useful and informative to Board Members and the public.	Ray Musser, Upland – Chair Mike Podegracz, P.E. – City Manager, City of Hesperia Sam Racadio – Council Member, City of Highland Kevin Ryan - Principal Transportation Planner, City of Fontana
Contracting Process In July 2012, the SANBAG Board President appointed this ad hoc committee to strengthen SANBAG's procurement policies and procedures.	Review SANBAG's contracting policies and procedures and make recommendations to improve them.	Michael Tahan, Fontana - Chair Robert Lovingood, Supervisor Julie McIntyre, Barstow Walt Stanckiewicz, Grand Terrace Alan Wapner, Ontario Dennis Yates, Chino

SANBAG Ad Hoc Committees

COMMITTEE	PURPOSE	MEMBERSHIP
Legislative In March 2013, the SANBAG Board President appointed this ad hoc committee. This committee will consist of the SANBAG Board Officers.	Review proposed legislation at the state and federal level. Provide direction to staff on positions consistent with the Board-adopted legislative platform.	President – Bill Jahn, City of Big Bear Lake Vice President – L. Dennis Michael, Rancho Cucamonga Immediate Past President – Janice Rutherford, Supervisor
Right of Way In February 2013, the SANBAG Board President appointed this ad hoc committee.	Review Right of Way policies and make recommendations on changes and signature authority limits.	Curt Emick, Apple Valley James Ramos, Supervisor Deborah Robertson, Rialto Michael Tahan, Fontana
Transit Review Ad Hoc Committee In July 2013, the SANBAG Board President appointed this ad hoc committee.	Review transit agency efficiencies and maximize transit funding.	Janice Rutherford, Supervisor – Chair Jim Harris, Twentynine Palms Robert Lovingood, Supervisor Ryan McEachron, Victorville L. Dennis Michael, Rancho Cucamonga Dusty Rigsby, Loma Linda Alan Wapner, Ontario

SANBAG Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
Transportation Technical Advisory Committee (TTAC) Committee membership consists of a primary staff representative of each SANBAG member agency designated by the City Manager or County Administrative Officer.	SANBAG's Transportation Technical Advisory Committee was formed by SANBAG management to provide input to SANBAG staff on technical transportation-related matters and formulation of transportation-related policy recommendations to the SANBAG 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 SANBAG.
City/County Manager's Technical Advisory Committee (CCM TAC) The committee is made up 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.	SANBAG's City/County Manager's Technical Advisory Committee was established in the Joint Powers Authority that established 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. It also provides a forum for the discussion of items of mutual concern and a way to cooperate regionally in addressing those concerns. The CCM TAC is a Brown Act Committee.	Meets on the first Thursday of each month at 10:00 AM, at SANBAG.
Public and Specialized Transportation Advisory and Coordinating Council (PASTACC) Membership consists of 13 members appointed by the SANBAG Board of Directors 6 representing Public Transit Providers 1 representing County Dept. of Public Works 1 representing the Consolidated Transportation Services Agency 5 representing Social Service Providers	Subject to the Transportation Development Act (TDA) Section 99238 – establishes PASTACC's statutory responsibilities: (1) Review and make recommendations to SANBAG on annual Unmet Transit Needs, Federal Transit Administration and Measure I Program applications and reports. (2) Assist SANBAG in developing public outreach approach on updating the Coordinated Public Transit/Human Services Transportation Plan and disseminate information in reference to State law and recommendations as they relate to transit and specialized transit. (3) Monitor and make recommendations on Federal regulatory processes as they relate to transit and specialized transit. (4) Address any special issues of PASTACC voting and non-voting members. The PASTACC is a Brown Act committee.	Meets the second Tuesday every other even month at 10:00 AM, at SANBAG.
Planning and Development Technical Forum (PDTF) Committee membership consists of a primary staff representative of each SANBAG member agency designated by the City Manager or County Chief Executive Officer.	The SANBAG Planning and Development Technical Forum was formed by SANBAG 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 Depot (in the SCAG Office).

SANBAG Technical Advisory Committees

COMMITTEE	PURPOSE	MEETING SCHEDULE
Project Development Teams	Project Development Teams (PDTs) are assembled for all major project development activities by SANBAG staff. Teams are generally composed of technical representatives from SANBAG, member jurisdictions appropriate to the project, Caltrans, and other major stakeholder entities that have significant involvement in the project. PDTs make recommendations related to approaches to project development, evaluation of alternatives, and technical solutions. PDTs meet on a regular basis throughout the project phase to review progress and to provide technical input required for project development. The PDTs are not Brown Act Committees.	Varies with the PDT, at SANBAG.

SANBAG Acronym List

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG 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. SANBAG 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 21st 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

San Bernardino Associated Governments

Governments
SANBAG
Working Together

MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning

- Develop an accessible, efficient, multi-modal transportation system

- Strengthen economic development efforts

- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993
Reaffirmed March 6, 1996