

AGENDA

Commuter Rail & Transit Committee Meeting

January 14, 2016

9:00 AM

Location

SANBAG

First Floor Lobby

1170 W. 3rd Street, San Bernardino, CA 92410

Commuter Rail & Transit Committee Membership

Chair

Supervisor James Ramos
County of San Bernardino

Mayor L. Dennis Michael
City of Rancho Cucamonga

Vice Chair

Mayor Pro Tem Bill Jahn
City of Big Bear Lake

Mayor Pro Tem Jon Harrison
City of Redlands

Council Member Mike Leonard
City of Hesperia

Mayor Deborah Robertson
City of Rialto

Mayor Larry McCallon
City of Highland

Mayor Ray Musser
City of Upland

Mayor Paul Eaton
City of Montclair

Council Member Richard Riddell
City of Yucaipa

Council Member Alan Wapner
City of Ontario

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

AGENDA

Commuter Rail & Transit Committee Meeting

**January 14, 2016
9:00 AM**

**Location
SANBAG Office
First Floor Lobby
1170 W. 3rd Street, San Bernardino, CA 92410**

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

CALL TO ORDER

(Meeting Chaired by James Ramos)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
- iv. Agenda Notices/Modifications – Marleana Roman

Possible Conflict of Interest Issues

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

1. Information Relative to Possible Conflict of Interest

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

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

CONSENT CALENDAR

Items listed on the Consent Calendar are expected to be routine and non-controversial. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Members.

Consent - Transit/Rail

2. Construction Contract Change Orders to on-going SANBAG Construction Contract with Shimmick Construction Company, Inc.

Receive and File Change Orders.

Presenter: Carrie Schindler

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

DISCUSSION ITEMS

Discussion - Administrative Matters

3. Title VI Program, including the Public Participation Plan and Language Assistance Plan

That the Commuter Rail and Transit Committee recommend the Board approve the Title VI Program, including the Public Participation Plan and Language Assistance Plan in compliance with Federal Transit Administration (FTA) requirements.

Presenter: Duane Baker

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

Discussion - Transit/Rail

4. Repeal of Right-of-Way Policies

That the Commuter Rail and Transit Committee recommend the Board repeal Policy No. 31600, Baldwin Park Branch Continuity Policy and General Guidelines, and Policy 31601, Measure I Valley Commuter Rail Interim Use Policy for Baldwin Park Branch Right of Way (Fair Market Value).

Presenter: Carrie Schindler

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

5. Contract No. C12178 Amendment No. 5 with Parsons Brinckerhoff for the San Bernardino Transit Center

That the Commuter Rail and Transit Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

Approve Amendment No. 5 to Contract No. C12178 with Parsons Brinckerhoff for additional construction management services for the San Bernardino Transit Center, increasing the contract amount by \$127,491 for an amended not-to-exceed amount of \$1,577,717.

Presenter: Carrie Schindler

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

6. Redlands Passenger Rail Project - Programmatic Environmental Impact Reports for the Cities of San Bernardino and Redlands

That the Commuter Rail and Transit Committee recommend the Board remove work elements and reduce the budget accordingly from the SANBAG Fiscal Year 2015/2016 Budget, Task 0379 Commuter Rail Capital associated with the development of Programmatic Environmental Impact Reports for the Cities of Redlands and San Bernardino for Transit Oriented Development around the planned Redlands Passenger Rail station stops.

Presenter: Justin Fornelli

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

7. Final Design and Environmental Clearance for the Shortway Subdivision Quiet Zone Project

That the Commuter Rail and Transit Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Commission, authorize staff to proceed with completing design, environmental clearance, and construction improvements along the Shortway Subdivision to implement Quiet Zones at the West Rialto Avenue and West Walnut Street at-grade crossings in the City of San Bernardino.

Presenter: Justin Fornelli

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

8. Ontario Airport Rail Access Update

That the Commuter Rail and Transit Committee receive and file an update regarding rail access to the Ontario Airport.

Presenter: Justin Fornelli

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

Discussion - Transportation Programming and Fund Administration

9. Update from Unmet Transit Needs Hearings

That the Commuter Rail and Transit Committee receive and file an update on progress toward implementation of the findings from the Fiscal Year 2014/2015 Unmet Transit Needs Hearings.

Presenter: Nancy Strickert

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

Comments from Board Members

Brief comments from Board Members

Public Comment

Brief comments from the General Public

ADJOURNMENT

Additional Information

Attendance
SANBAG Entities
Acronym List
Mission Statement

The next Commuter Rail and Transit Committee Meeting will be February 11, 2016.

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, 1st Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3rd Street, 2nd Floor, San Bernardino and our website: www.sanbag.ca.gov.

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

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

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

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

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

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

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

**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.

Call for the Question.

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

The Chair.

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

Courtesy and Decorum.

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

*Adopted By SANBAG Board of Directors January 2008
Revised March 2014*

- 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: January 14, 2016

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
2	C14001	Shimmick Construction Company Inc. <i>Paul Camaur</i>	Allied Steel Co., Inc. Marina Landscape, Inc. Innovative Concrete & Engineering Giroux Glass Winegardner Masonry Excelsior Elevator Fencecorp Inc. Ellis Excavating Gerdau Eberhard EMC Rutherford Co., Inc. M.B. Herzog Electric Hardy & Harper, Inc.
5	C12178	Parsons Brinkerhoff Douglas B. Sawyer	Leighton Consulting Simon Wong Engineering

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.

Responsible Staff:
 Carrie Schindler, Director of Transit and Rail

Entity: CMA, COG, CTA, CTC, SAFE

Commuter Rail & Transit Committee Agenda Item

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Approved
Commuter Rail & Transit Committee
Date: January 14, 2016

Witnessed By:

Minute Action

AGENDA ITEM: 2

Date: *January 14, 2016*

Subject:

Construction Contract Change Orders to on-going SANBAG Construction Contract with Shimmick Construction Company, Inc.

Recommendation:

Receive and File Change Orders.

Background:

There were no contract change orders (CCOs) for Contract Number C14001 with Shimmick Construction Company, Inc. for construction of the Downtown San Bernardino Passenger Rail Project approved since the last report to the Commuter Rail and Transit Committee.

Financial Impact:

This item is consistent with the SANBAG Fiscal Year 2015/2016 Budget.

Reviewed By:

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

Responsible Staff:

Carrie Schindler, Director of Transit and Rail

Approved
 Commuter Rail & Transit Committee
 Date: January 14, 2016

Witnessed By:

Entity: CTC

Rail and Transit Construction Contracts

Downtown San Bernardino Passenger Rail Project (C14001)		
Executed Change Orders		
Number	Description	Amount
1	Replace Signals Mast at Depot for Tracks P5 and P6, (CN 5-\$60,761), Remove and Dispose of Debris (CN 6-\$27,000).	\$87,761.00
2	Build Temporary Mini-High (CN 4.1-\$81,320), Removal of Property Owner Debris (CN 6.1-\$52,000). Install Temp Fence adjacent to San Bernardino Transit Center (CN 12-\$5,000).	\$138,320.00
3	Reconstruct CMU block wall trash enclosure at the San Manuel stadium (CN 010-\$34,950), Additional tree removal along railroad right-of-way (CN 16-\$18,000); Relocate equipment and materials at the San Bernardino Transit Center parking lot (CN 17-\$40,000); Construction of temporary platform at Santa Fe Depot (CN 18-\$40,000).	\$132,950.00
4	Additional electrical work for power pedestal, rail lubricator and signal house (CN 2-\$45,179.50). Additional miscellaneous electrical work (CN 14-\$26,476.62).	\$71,656.12
CCO TOTAL		\$430,687.12
APPROVED CONTINGENCY		\$2,981,464.00
REMAINING CONTINGENCY		\$2,550,776.88

Attachment: Rail and Transit CCOs Matrix_Attachment-For Committee Mtg (2363 : Construction Contracts-CCOs)

Bold-Construction Change Orders approved since the last reporting to the Commuter Rail Transit Committee
 Amounts shown in parentheses represent a credit to the Agency

Minute Action

AGENDA ITEM: 3

Date: *January 14, 2016*

Subject:

Title VI Program, including the Public Participation Plan and Language Assistance Plan

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board approve the Title VI Program, including the Public Participation Plan and Language Assistance Plan in compliance with Federal Transit Administration (FTA) requirements.

Background:

Title VI of the Civil Rights Act of 1964 protects persons in the United States from being excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance.

Under the Department of Transportation, the Federal Transit Administration (FTA) requirements for implementing Title VI include the adoption of a Title VI Program report pursuant to FTA Circular 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. As, a recipient of Federal Department of Transportation (DOT) funds, San Bernardino Associated Governments (SANBAG) developed this Title VI Program to certify compliance with the FTA Circular 4702.1B. SANBAG is currently a subrecipient to Omnitrans. While SANBAG did explore a direct relationship with FTA as a grantee, it was determined that becoming a grantee would cause SANBAG to incur some significant added costs with limited benefits. The decision was made to not pursue that avenue at this time.

The Circular has general requirements for all recipients and additional guidelines for Fixed Route Transit Providers, States, and Metropolitan Planning Organizations (MPOs). Although it is a recipient of federal funds, SANBAG does not directly operate transit. Additionally, Southern California Association of Governments (SCAG) serves as the MPO for the region. As the Regional Transportation Planning Agency (RTPA), County Transportation Commission (CTC), and Council of Governments (COG) for San Bernardino County, only the general requirements and guidelines are applicable to SANBAG, and are as follows:

1. Title VI Notice to the Public – A notice shall be posted in public locations and the website, and include language that the recipient complies with Title VI and instructions on how to file a Title VI complaint to the Commission and directly to the FTA.
2. Title VI Complaint Procedures – Procedures on filing a complaint shall be developed for investigating and tracking Title VI complaints.
3. Title VI Complaint Form – A complaint form must be accessible and include the necessary information and questions to conduct an investigation.

Entity: *CTA, CTC, SAFE*

Commuter Rail & Transit Committee Agenda Item

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4. List of transit-related Title VI investigations, complaints, or lawsuits – FTA requires that files of investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, or national origin in transit-related activities and programs be maintained for three years and a list of cases be held for five years.
5. Public Participation Plan – An established process or plan shall promote inclusive public participation and describe the proactive strategies, procedures, and desired outcomes of a recipient’s public participation activities.
6. Language Assistance Plan – Recipients are required to take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of its programs or activities for persons who are limited-English proficient (LEP).
7. A table depicting the membership of non-elected committees and councils, broken down by race – This pertains to transit-related, non-elected planning boards, advisory councils or committees.
8. Monitoring procedures for subrecipients – Primary recipients are responsible for establishing monitoring procedures for its subrecipients who are extended federal funds, unless the subrecipient is also a direct recipient of FTA funds.
9. Title VI equity analysis for the site and location of facilities – “Facilities” included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. and excludes bus shelters, transit stations, and power substations. Recipients are required to complete an equity analysis, including the impacts of various site alternatives, during the planning stage with regard to where a project is located or sited to ensure that the location is selected without regard to race, color, or national origin.
10. Documentation that the governing board has reviewed and approved the Title VI Program – A copy of meeting minutes or a resolution must be submitted with the Title VI Program.

The report documents how SANBAG is in compliance with each requirement. Recent FTA workshops and FTA Circular 4702.1B have stressed the institution-wide application of Title VI requirements. Chapter II, page 1 of the Circular states that *“Title VI covers all of the operations of covered entities without regard to whether specific portions of the covered program or activity are federally funded... In other words, a recipient may engage in activities not described in the Circular, such as ridesharing program, roadway incident response program, or other programs not funded by FTA, and those programs must also be administered in a nondiscriminatory manner.”* (Chapter II-1). In order to ensure full compliance and transparency, SANBAG provides programs and services in a non-discriminatory manner, whether federally-funded or not.

SANBAG utilized the services of AMMA Transit Planning to complete the Title VI Program, which is attached. The report details SANBAG’s actions taken to implement FTA’s Title VI requirements in its services and programs.

Council of Government - COG

County Transportation Commission - CTC

Commuter Rail & Transit Committee Agenda Item

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Upon approval of the Title VI Program by the Board of Directors, staff will submit the report to FTA via the Transportation Electronic Award Management (TEAM) system. Concurrence and approval of the report by the FTA Regional Civil Rights Office is anticipated within 30 days. The Title VI Program will be updated every three years, or as necessary, when guidelines are revised or as compliance reviews require.

Financial Impact:

There is no financial impact to SANBAG's budget with the adoption of this program. Upon adoption of the Title VI Program, any expenses incurred to implement Title VI Program will be part of the Commuter Rail and Transit annual budget.

Reviewed By:

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

Responsible Staff:

Duane Baker, Director of Management Services

Approved
Commuter Rail & Transit Committee
Date: January 14, 2016

Witnessed By:

Council of Government - COG
County Transportation Commission - CTC

Minute Action

AGENDA ITEM: 4

Date: *January 14, 2016*

Subject:

Repeal of Right-of-Way Policies

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board repeal Policy No. 31600, Baldwin Park Branch Continuity Policy and General Guidelines, and Policy 31601, Measure I Valley Commuter Rail Interim Use Policy for Baldwin Park Branch Right of Way (Fair Market Value).

Background:

In July 2014, the San Bernardino Associated Governments (SANBAG) Board approved a comprehensive Rail Property Policy, Policy No. 31602, setting forth policies, procedures, delegations of authority, and bases for imposing fees and charges, associated with ownership, management and grants of rights of use of SANBAG's Rail Property. Since July 2014, staff has been administering management of SANBAG railroad right of way in accordance with Policy No. 31602. As part of the recent internal audit of overall policies two other rail right of way policies were discovered specifically for the Baldwin Park Branch dating back to 1993 and 1995 that are inconsistent with Policy No. 31602 and are no longer needed.

In May 1993, Policy No. 31601, Measure I Valley Commuter Rail Interim Use Policy for Baldwin Park Branch Right of Way (Fair Market Value), was approved setting forth the following: public agencies agree to accept maintenance of the surface portion of the right of way subject to the easement, public agencies acknowledge in the easement agreement that the intended public use of this right of way is for rail transit purposes, and public agencies agree to work with SANBAG staff in identifying mutually agreeable actions which the public agency can undertake which have a present or future value in the development of rail service in the county.

In June 1995 and as revised in February 2001, Policy No. 31600, Baldwin Park Branch Continuity Policy and General Guidelines, was approved at a time when the immediate implementation of rail service was not planned. However, SANBAG did not wish to permit any activity which would either preclude or make difficult the future implementation of rail service on the Baldwin Park Branch but did want to encourage compatible uses within the right of way which further public purposes and improve the quality of life.

With approval of Policy No. 31602 in July of 2014 providing the structure necessary to administer SANBAG's rail right of way, staff is recommending that Policy No. 31600 and Policy 31601 be repealed.

Financial Impact:

This item is consistent with the Fiscal Year 2015/2016 SANBAG Budget.

Entity: CTC

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Reviewed By:

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

Responsible Staff:

Carrie Schindler, Director of Transit and Rail

Approved
Commuter Rail & Transit Committee
Date: January 14, 2016

Witnessed By:

San Bernardino Associated Governments	Policy	31602
Adopted by the Board of Directors July 2, 2014	New	7/2/14
SANBAG Rail Property Policy	Revision No.	0

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

Table of Contents
 Purpose Definitions Policy Specific Uses Fees and Charges Appeals Revision History

I. PURPOSE

The purpose of this Rail Property Policy is to set forth the policies, procedures, delegations of authority, and bases for imposing fees and charges, associated with ownership, management and grants of rights of use of SANBAG Rail Property. This policy shall not affect existing grants of right of use, entered into prior to the effective date of this Policy but shall apply to amendments, extensions, terminations, assignments or other material changes to such pre-existing grants.

II. DEFINITIONS

- “**AMTRAK**” – means the National Railroad Passenger Corporation.
- “**BNSF**” – means Burlington Northern Santa Fe Railway, or any applicable related entity or affiliate.
- “**Board of Directors**” – means the legislative body of SANBAG.
- “**Board**” – means the Board of Directors or such committee other body comprised of members of the Board of Directors as the Board of Directors may designate.
- “**Encroachment**” – means any use of, or entry upon, any property without a written grant of right of use from SANBAG.
- “**Executive Director**” – means the Executive Director of SANBAG and shall be deemed to include any designee specified by the Executive Director to act in his or her place.
- “**Grant of right of use**” – means any permit, license, lease, or easement duly authorized, executed and issued by SANBAG in writing, that expressly authorizes a specific use of Rail Property. A grant of right of use is valid only for that specific kind, quantity, time, duration, and quality of use, and only by the Permittee, as expressly set forth in the grant of right of use. Any use exceeding or differing from that set forth in the grant of right of use is an encroachment.
- “**Longitudinal use**” – means the installation of aerial or subsurface wires, pipes, conduits, fibers or other facilities or improvements that are placed lengthwise along the right-of-way, rather than transverse (i.e. across) it.
- “**Permittee**” – means the person, or entity, to whom the grant of right of use is issued.
- “**Rail Property**” – means any real property, in which a SANBAG Entity has any right, title or interest, related to or in connection with SANBAG’s current and future railroad functions and operations.
- “**Railroad operating envelope**” – means the right-of-way area within 50 feet of the centerline of any railroad tracks used or useable for railroad operations.
- “**Railroad Operator**” – means any and all applicable persons or entities having any right to operate any railroad service over or along any Rail Property, including but not limited to BNSF, UPRR, SCRRRA, and AMTRAK, any successor in interest to any of them, and any other person or entity with a present right, or a right hereafter acquired or created, to operate a railroad service on Rail Property.

Attachment: Policy 31602 (2410 : Repeal of Right-of-Way Policy 31600 & 31601)

“**SANBAG**” – means the SANBAG Entity(ies) with legal right, title or interest in the applicable Rail Property.

“**SANBAG Entity(ies)**” – means the San Bernardino County Transportation Commission, the San Bernardino County Transportation Authority or their successor(s) in interest ..

“**SANBAG Authority**” – means the officer, official or body possessing or delegated authority to approve or execute the respective grants of right-of-use as set forth in this policy.

“**SCRRA**” – means Southern California Regional Rail Authority, also known as Metrolink.

“**Temporary Construction Easement**” or “**TCE**” – means an easement granted in favor of an adjoining landowner for a limited duration of time for the purpose of carrying out construction of a project on adjoining property.

“**UPRR**” – means Union Pacific Railroad, or any applicable related entity or affiliate.

III. POLICY

A. Title to Rail Property

1. **Form of Title.** Except where otherwise required by law, where necessary or desirable for available funding programs or in cases where the General Counsel has advised otherwise for legal or liability protection purposes, title to all Rail Property should be held or acquired only in the name of the San Bernardino County Transportation Commission.
2. **Transfer of Title.** The Executive Director is hereby authorized to take all actions and execute all documents necessary or desirable to transfer any Rail Property currently held or hereafter acquired in the name of any other SANBAG Entity to the San Bernardino County Transportation Commission, with the approval of the General Counsel.

B. Policy Principles And Authority To Execute Grants Of Right Of Use

1. **Limitations on Authority.** No SANBAG employee, officer or agent, or any other person has any authority to promise, commit or bind SANBAG to any grant of right of use, or to execute or issue any written grant of right of use except as specifically set forth in this policy. Any grant of right of use promised, executed or issued without strict compliance with this policy shall be void, unless authorized by a valid action of the Board. Notwithstanding any delegation of authority in this policy, no grant of right of use involving the closure of operating rail lines, for any period of time, may be granted or issued except by a valid action of the Board.
2. **Approved Forms of Documents.** All grants of rights of use shall be issued on the form documents approved by the General Counsel. The Executive Director, with the approval of the General Counsel, shall have power to alter or amend the form documents for a particular transaction where necessary or desirable to protect SANBAG’s interests, including but not limited to the imposition of conditions as set forth in Section III, subsection D below, but shall not have the power to lessen or waive SANBAG’s protections, except as specifically authorized in this policy or by the Board. Any agreement to lessen or waive SANBAG’s protections set forth in the form documents shall require Board approval and the payment of a fee to cover the cost of processing the request to the Board.
3. **Easements Disfavored.** Easements are generally disfavored. With respect to railroad right-of-way, easements will be granted only when compelled by law, or when necessary to protect SANBAG from liability. Only easements in favor of a public utility for the sole purpose of providing utility service to SANBAG property; easements needed to relocate an existing public utility easement having prior rights as against SANBAG’s interest in the property, where the need for relocation was caused by a project of a SANBAG Entity, San Bernardino Associated Governments, or San Bernardino County Service Authority for Freeway Emergencies; and TCEs in favor of a public agency for the purpose of construction of a public project on adjoining public property and having a term of one year

or less, may be approved and executed by the Executive Director. All other easements may be approved only by the Board.

4. **Leases.** Leases are disfavored in operating railroad right-of way, but may be considered on a case-by-case basis for station areas, buildings and other property that is not within the railroad operating envelope, and that will not be needed for transportation purposes within three years. Leases may be approved and executed by the Executive Director where all findings and requirements of this policy have been met, the term of the lease is not more than 5 years, and the fair market rental value of the property subject of the lease, as determined according to the provisions of Section V of this policy, does not exceed \$5,000 per month.
5. **Licenses.** Licenses are the favored document for grants of rights of use where the proposed use is expected to continue longer than 30 days. Licenses may be granted and executed by the Executive Director. However, where the use proposed is a longitudinal use of more than 1,000 feet in length, the license shall require Board approval.
6. **Permits.** Permits are the favored document for grants of rights of use where the proposed use is reasonably expected to continue for less than 30 days, or for a longer period if being granted to a contractor for the purpose of conducting work necessary to establish a longer-term use allowed by license agreement to another party, such as the construction of an underground pipeline or conduit crossing of the property. Permits may be approved and executed by the Executive Director. There are three kinds of permits issued by SANBAG:
 - a. **Right-of-Entry Permit.** A Right-of-Entry permit is issued where temporary access to property is needed for short-term activities such as, but not limited to environmental studies, property surveys, the construction, maintenance, or renovation of an improvement or facility, either on the SANBAG Rail Property pursuant to a license, lease, or easement, or on adjoining property belonging to another party.
 - b. **Special Event Permit.** A Special Event Permit is issued where the applicant will be using Rail Property to conduct a special event, such as but not limited to a party, sale, show, festival, sporting event, or motion picture or television filming. It shall be issued in substantially the same form as a Right-of-Entry Permit. However, the Executive Director is authorized to condition, add to, delete from and/or modify the Right-of-Entry Permit form to address the special circumstances and/or risks presented by the particular Special Event, with the advice and approval of General Counsel.
 - c. **Special Right-of-Entry Permit.** A Special Right-of-Entry permit is issued when an adjoining property owner needs access to SANBAG Rail Property for mutually beneficial purposes not involving significant risks and hazards, such as but not limited to lot-line fence repair, graffiti removal, vegetation removal, minor maintenance, etc. Where meeting the minimum insurance requirements would be an economic hardship on the applicant and the Risk Manager and/or General Counsel determines that the level of risk involved does not require more protection for SANBAG, a Special Right-of-Entry Permit may be issued with a release of liability and indemnity agreement and the insurance requirements may be reduced or waived.
7. **Extensions, Renewals and Amendments.** Any extension, renewal or amendment of any grant of right of use may be granted and executed by the same level of SANBAG Authority authorized to initially grant such right of use if the extension, renewal or amendment would have qualified as an initial grant of right of use under this policy, whether or not the initial grant of right of use predates the adoption of this policy.
8. **Termination of Grant of right of use.** Any grant of right of use may be terminated in accordance with its terms by the same level of SANBAG Authority as is authorized to grant such right of use under this policy whether or not the grant of right of use predates the adoption of this policy.

9. **Consent to Assignment, Assumption or Sublease.** Consent to Assignment, Assumption or Sublease of any grant of right of use may be granted by the same level of SANBAG Authority as is authorized to grant such right of use under this policy, whether or not the grant of right of use predates the adoption of this policy provided that the assignee/assumer/sublessee and its proposed use meet all requirements of this policy independently of the original Permittee and all required findings for the original approval of a grant of right of use are met.
 10. **Exceptions.** Where the Board has approved or authorized exceptions to or deviations from the requirements of this policy, the Executive Director shall have authority to execute any grant of right of use document implementing such Board approval or authorization, when approved by the General Counsel.
 11. **Encroachment/Trespass/Nuisance.** Any encroachment is hereby declared to be a trespass and a public nuisance and the Executive Director, with the advice and approval of General Counsel, is hereby authorized to take all actions, including but not limited to the filing of court actions, necessary or appropriate to enforce SANBAG's rights and remedies, and, when, where and to the extent legally permitted, to abate or eject any and all such trespasses/nuisances. In appropriate cases, where the encroaching use would have qualified, or could be corrected to qualify, for a grant of right of use under this policy, all required findings set forth in this policy can be made, and the encroacher/trespasser satisfactorily demonstrates trustworthiness and willingness to comply with all requirements, the encroachment/trespass may be remedied by compliance with required corrections and subsequent granting of a right of use, payment of fees and charges in accordance with and subject to all of the provisions of this policy and payment of costs incurred by SANBAG in enforcing its rights. The Executive Director is authorized to negotiate and compromise the amounts of back fees and charges owed and costs to be collected, up to the amount of his or her contract authority, with the advice and approval of General Counsel.
 12. **Emergency Expenditures.** In the event of an emergency or discovery of a dangerous condition of Rail Property, the Executive Director is authorized to expend or authorize expenditures of funds from grant of right of use revenues or other available funds, up to \$100,000 in any single instance, for immediate repairs and/or safety measures needed to assure public health and/or safety and to take or authorize all other immediate actions necessary to protect public health and/or safety, including without limitation hiring contractors, laborers, and/or undertaking force account work without competitive selection processes where consistent with state and federal law for such emergency circumstances. This subsection is not intended to limit the Executive Director's authority under California Public Utilities Code Section 130235 regarding immediate remedial expenditures.
 13. **Discretionary Actions.** Wherever any grant of right of use, regardless of the level of SANBAG Authority originally approving it, provides or implies that SANBAG has any discretion to take or refrain from any action or give any notice, the Executive Director, with the advice and approval of General Counsel, is hereby authorized to exercise such discretion on SANBAG's behalf.
- C. Executive Director Approval.** The Executive Director shall not approve, grant or execute a grant of right of use without first doing all of the following:
1. Make all of the following findings concerning the proposed use and user, based upon reliable, verified information and evidence:
 - a. It is in the best interest of SANBAG to issue the grant of right of use.
 - b. The prospective user is credit worthy, meets the insurance requirements of SANBAG, and demonstrates sufficient financial responsibility to fulfill all obligations under the grant of right of use.
 - c. Neither the use nor any work needed to establish the use, including but not limited to grading, excavation, boring, paving, etc., will interfere with or adversely affect any

present or future City, County, Caltrans, Railroad Operator, or SANBAG transportation uses, projects or operations, or any property or facilities of any SANBAG Entity, whether or not rail or transportation related.

- d. Any and all required building and/or occupancy permits or other governmental authorizations have been obtained by the proposed user under the current applicable zoning regulations and code requirements.
 - e. The proposed use is not illegal, would not constitute a public or private nuisance, is not contrary to public or SANBAG policy, would not create a dangerous or unsafe condition, and is compatible with nearby properties.
 - f. The proposed use does not create a park or recreational use of the Rail Property subjecting the Rail Property to federal Rule 4(f) requirements, as set forth in 49 U.S.C. §303, 23 U.S.C. §138, and/or Title 23 Code of Federal Regulations 774, or otherwise change the nature of the primary use of the Rail Property.
 - g. The proposed use conforms to SANBAG policies and requirements affecting either the proposed use or the Rail Property, and to all applicable government permits, approvals, and regulations, and complies with any agreements affecting the Rail Property, including those with railroad operators or adjoining landowners.
 - h. The proposed use is not intended to meet any city, county, state, federal, or other regulatory code requirements imposed on the tenants of adjoining or nearby property or public facility.
 - i. It has been found by the responsible lead agency, or otherwise proven, to be exempt from the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA), or the requirements of CEQA and NEPA have been previously fulfilled, such that SANBAG shall have no responsibility or liability for compliance with CEQA or NEPA.
 - j. It does not pose an environmental risk from hazardous materials or violate environmental laws.
 - k. The fees and charges required to be paid by the Permittee constitute a fair market return on the property, or that SANBAG is precluded by law from charging a higher fee.
2. Verify that the prospective Permittee has delivered to SANBAG all of the following:
 - a. Valid insurance certificates documenting compliance with all applicable SANBAG and Railroad Operator insurance requirements, including required additional insured endorsements.
 - b. Proof that all other applicable requirements of any Railroad Operator have been met, including but not limited to, roadway worker protections, safety training, flagging, permits, and indemnity.
 - c. All required fees and charges, including use fees for the initial period of use.
 3. Verify that the form of the grant of right of use has been approved by General Counsel, and evidence of insurance has been reviewed and approved by SANBAG's Risk Manager.

D. Conditions. The Executive Director is empowered to impose conditions on any grant of right of use to assure that the necessary findings, standards, specifications, and other regulations will be met and that SANBAG's best interests and public safety are adequately protected.

E. Board Approval. Where the Executive Director believes that the facts and circumstances of the application or the use raise policy questions best decided by the Board, the application may be presented to the Board for their determination without first denying the application.

F. Insurance requirements

1. **Minimum requirements.** Except as to Special Right of Entry Permits granted waivers of insurance as set forth above, the insurance requirements for any grant of right of use shall not be less than the following minimum insurance coverage and limits:
 - a. Commercial General Liability (CGL) – \$1 million per incident, \$2 million aggregate
 - b. Worker’s Compensation – not less than \$1 million
 - c. If hazardous materials are or may be involved, Pollution Liability – \$1 million
 - d. If operational railroad right-of-way is involved or potentially affected, Railroad Protective Liability Insurance (RPLI) – \$2 million per incident, \$6 million aggregate. CGL that is approved by the SANBAG Risk Manager and General Counsel as including equivalent coverage to the required RPLI may be used to satisfy this requirement. This requirement may be waived by the Executive Director where he or she finds, in writing, upon advice of the Risk Manager and with the advice and consent of the General Counsel, that the allowed uses and operations on the Rail Property would present no reasonable risk of a liability that would be covered by RPLI.
 2. These coverage requirements may be increased by the Executive Director with the advice and approval of the Risk Manager and/or General Counsel where the risks associated with a particular use warrant increased coverage. The minimum requirements may also be increased from time to time by the Executive Director upon advice of the Risk Manager and/or General Counsel to reflect changing circumstances, claims history, changes in the law, and other relevant factors.
 3. All insurance policies shall be issued by insurance carriers either admitted in California or approved by the Risk Manager, and having an A.M. Best rating of A-VII or better, and all policies and insurance certificates shall be in form and content acceptable to the Risk Manager and General Counsel.
 4. All insurances, except Worker’s Compensation, shall contain endorsements naming SANBAG and the SANBAG Entities, their officers, employees, contractors, volunteers and agents as additional insured parties and providing for a waiver of subrogation acceptable to the Risk Manager or General Counsel.
- G. Inspections.** After the grant of right of use has been approved and is being used, SANBAG may, but shall not be required to, conduct an annual or other periodic inspection of the Rail Property to verify the Permittee’s compliance with the terms and conditions of the grant of right of use and that the use has not created unforeseen safety or use compatibility issues. The cost of the periodic inspection shall be included in the Annual Administrative Fee described below. However, SANBAG may inspect as frequently as it deems necessary or desirable, in its sole discretion, where the nature of the use or the results of a prior inspection indicate that it is in SANBAG’s best interests, or those of the public, to do so. The user shall pay a fee, set by the Board from time to time, for each such subsequent inspection within 30 days of the applicable inspection. Failure to submit to any inspection or to pay the Inspection Fee shall result in termination of the grant of right of use.

IV. SPECIFIC USES

These additional requirements apply to the following specific uses.

- A. Signs.** Only the Board may approve a grant of right of use for a permanent sign structure.
- B. Roads and Pathways.** Only the Board may approve a grant of right of use for a long-term (longer than sixty (60) days) road, driveway, bikeway, pathway or similar use. Additional insurance may be required by the Risk Manager.

- C. **Uses Open to Invitees or the Public.** Uses open to invitees of the Permittee or to the public, may be subject to additional insurance requirements by the Risk Manager, special conditioning by the Executive Director, and liability review by General Counsel prior to approval.
- D. **Filming.** Permittees of grants of rights of use for purposes of filming shall not engage in or stage dangerous stunts, pyrotechnical scenes, explosions, etc. Additional insurance may be required by the Risk Manager.

V. FEES AND CHARGES

A. Application Fee

1. **Payment of Fee.** Each potential Permittee shall pay, at the time of filing the application, a non-refundable Application Fee in an amount set by the Board from time to time by resolution. The Application Fee shall be for the purpose of recovering the full estimated cost for all processing, reviews, and analysis of applications for, issuance of, and management of Rail Property grants of rights of use, including but not limited to the cost of employees' and contractors' time, attorney and engineering review, for the protection of SANBAG's interests over the term of the grant of right of use, and for all anticipated SANBAG administrative and overhead costs for the initial 12 month (or part thereof) period of use.
2. **Separate Fee for Subsequent Reviews.** If the application is rejected or withdrawn, and is resubmitted for a new review, with or without changes, after the application has been processed for submittal to the Executive Director for approval/rejection, the applicant shall separately pay the Application Fee for each such subsequent review.
3. **Complex Reviews/Additional Fees.** Where the nature of the proposed use, and/or other facts and circumstances relative to the application make it clear that the cost of the amount of time or level of expertise, including but not limited to legal and/or engineering expertise, needed to properly review the application will significantly exceed the estimated full cost recovery as set forth in the adopted Application Fee, the Executive Director may require the applicant to pay the full actual cost of processing and reviewing the application. The adopted Application Fee shall then be a deposit against such full actual cost, and the Executive Director may require the deposit of such additional amounts as are reasonably calculated to estimate the full actual cost prior to processing the application or at any time prior to approval or denial. Upon approval or denial of the application, an accounting shall be made and any overpayment returned to the applicant, and any deficiency shall be paid to SANBAG prior to issuance of any grant of right of use. Failure to deposit any such amounts shall be grounds for denial of the application without further processing.
4. **Consent Assignment, Assumption, Subleases Fee.** At the time of submittal of a request for Consent to an assignment or assumption of a license or lease, or a sublease, the applicant shall pay a non-refundable Application Fee.

- B. **Administration Fee.** Each Permittee shall pay annually on or before the anniversary of the date of issuance of the grant of right of use, an Administration Fee in an amount set by the Board from time to time by resolution. The Administration Fee shall be for the purpose of full cost recovery for all staff time, consultant costs, legal services, overhead, inspection, insurance and compliance reviews, and other anticipated administrative costs of the grant of right of use for the following 12 month period of use.

- C. **Use Fee.**

In addition to the Administration Fee, each Permittee shall pay a Use Fee upon the issuance of the grant of right of use and each year thereafter on the anniversary of the issuance date throughout the term of the grant of right of use. In the case of leases, the Use Fee may be denominated as "Rents", and the terms "Use Fee" and "fee" or "fees" as used in this Policy where including Use Fees, shall include Rents for leases. Depending upon the type of use, the Use Fee shall be either a Fixed Use Fee or a Fair Market Use Fee.

1. **Fixed Use Fee.** The Board may approve by resolution Fixed Use Fees for certain permitted uses where the Board determines a fair market-based fee may be reasonably calculated in advance of receipt of an application for a grant of right of use.
 2. **Fair Market Use Fee.** The Board may designate by resolution the imposition of Fair Market Use Fees for certain uses of Rail Property, and the establishment of minimum amounts for such Fair Market Use Fees. Where the Board has by resolution approved a Fair Market Use Fee for certain uses, the Executive Director shall establish the annual Fair Market Use Fee for each specific grant of right of use based upon a consideration of each of the following information sources, to the extent available, which shall be documented in the file for the grant of right of use:
 - a. appraisal data related to the acquisition of property for SANBAG projects;
 - b. rent/use fees of other nearby and comparable SANBAG grants of rights of use;
 - c. comparable sales and/or rents of adjacent properties;
 - d. right-of-way rent/use fees charged by railroads, utilities, and other private entities and public agencies (e.g., transit agencies, cities, counties and state) that have comparable rights of way near the subject Rail Property;
 - e. relevant value and rate information and opinions gathered from qualified local real estate professionals, such as brokers, property managers and agents; and
 - f. appraised value of neighboring properties (commonly referred to as “Across the Fence” or ATF values) as determined by a periodic appraisal of SANBAG’s ROW properties.
 3. Fair Market Use Fees for Transverse or Longitudinal uses shall be based on a minimum 10’ wide facility corridor.
 4. Where insufficient information is available upon which to base a determination of Fair Market Use Fee, or where the information that is available is inconsistent or contradictory, the Executive Director may negotiate a Fair Market Use Fee value at a rate intended to maximize SANBAG’s economic return on the Rail Property. The Executive Director shall document the considerations used in setting or agreeing to the value.
 5. Where more than one potential user is or could be interested in pursuing an exclusive grant of right of use (such as, but not limited to, a commercial parking lot, a pumpkin or Christmas tree lot or other sales outlet) the Executive Director may authorize a competitive bid or proposal process to determine which party receives a grant of right of use, and the highest bid/proposal from an acceptable applicant meeting all criteria of this policy shall be considered the Fair Market Use Fee.
 6. The principles set forth in this Subsection C shall apply to Rents charged for Lease Agreements under this policy.
 7. Revenue Sharing. For commercial uses generating revenue on SANBAG Rail Property, and where the Board has designated the use by resolution to be subject to a Fair Market Use Fee, the Executive Director may authorize or negotiate a use fee in the form of a percentage of the user’s earned revenue as part of, an offset to, in addition to, or in lieu of the applicable fee or rent when the Executive Director determines it is in SANBAG’s best interests to do so and all other requirements of this Policy have been met.
- D. Extension Fee.** Each Permittee shall pay SANBAG upon submittal of a request for an extension of a grant of right of use, an Extension Fee in an amount set by the Board from time to time by resolution. The Extension Fee shall be for the purpose of full cost recovery for all staff time, consultant costs, legal services, overhead, and document preparation of the extension.
- E. Appeal Fee.** The cost to appeal an Executive Director decision to the Board or to apply to the Board for a waiver or reduction of a requirement set by this policy shall be set by the Board from time-to-time by resolution at estimated full cost recovery. The appeal fee shall be paid

by the Appellant at the time of submitting an Appeal to SANBAG. The appeal fee shall also be paid by the applicant whenever an application for a grant of right of use is referred to the Board for consideration at the request of the applicant. This fee shall be in addition to the applicable Application Fee.

- F. Adjustments.** Fees shall be adjusted annually to reflect the increase in the Consumer Price Index and, where applicable, shall be studied and adjusted periodically to reflect changes in fair market rates.
- G. Waivers.** The Executive Director may approve waivers or reductions of, or off-sets against, the Board-approved fees and charges to the extent that SANBAG receives value, consideration and/or benefit from the use or the Permittee; or that the Executive Director determines it is in the best interests of SANBAG to do so.
- H. Reporting.** The Executive Director shall report to the Board at a duly noticed public meeting at least once each year regarding all grants of right of use issued, amended, denied, and/or terminated, including all fees and charges for each, the bases on which all Fair Market Use Fees were established, and the amounts and bases for any reductions or waivers approved.

VI. APPEALS

- A.** The following decisions by the Executive Director (Executive Director Decision) are appealable by a Permittee or applicant for a grant of right of use: (1) to deny an application for issuance, amendment, extension, or assignment of a grant of right of use; (2) to establish a Fair Market Use Fee; (3) to terminate a grant of right of use; (4) to impose a condition; or (5) to make any other discretionary decision permitted under this Policy.
- B.** An appeal of a Executive Director Decision by a Permittee or applicant shall comply with the following procedures.
 1. Permittee or applicant (Appellant) shall submit a written appeal to the SANBAG Board addressed to the SANBAG Board President, 1170 West Third Street, Second Floor, San Bernardino, California 92410, within five business days of the Executive Director Decision, and shall include the Appeal Fee. The appeal shall set out in specific detail the factual basis for appeal of the Executive Director Decision and include all supporting evidence and documentation, and shall be submitted under penalty of perjury.
 2. The Board President shall have authority to, in his or her sole discretion, act as the impartial Hearing Officer and hear the appeal; refer it to an impartial Hearing Officer who may be a SANBAG officer or employee, but may not be the Executive Director or any other employee who has participated in the review of the application or the decision being appealed; or refer it to the full Board, the Board Commuter Rail and Transit Committee, the Board General Policy Committee, or the Board Metro Valley Study Session, which shall then act as the Appeal Board. Such determination shall be made based upon the need for timely resolution of the appeal, complexity of the facts and circumstances or issues raised by the appeal, the nature of policy issues to be decided, and other relevant facts and circumstances.
 - a. If a Hearing Officer is used, the hearing shall be set for no more than 10 business days after receipt of the appeal, and the Appellant shall be given not less than 5 business days' notice of the time and place of the appeal hearing.
 - b. If an Appeal Board is used, the hearing shall be set for the next regular meeting of the body designated as the Appeal Board which will take place at least 15 business days after the filing of the appeal.
 3. The Hearing Officer or Appeal Board shall consider only such facts, evidence and documentation as is submitted in the form of a declaration under penalty of perjury or is provided under oath at the appeal hearing.
 4. The Hearing Officer or Appeal Board shall render a decision and provide notice of the decision to the Appellant within 15 business days after the conclusion of the appeal hearing. The decision of the Hearing Officer or Appeal Board shall be final.

Adopted by Board of Directors: July 2, 2014

VII. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted.	07/02/14

Attachment: Policy 31602 (2410 : Repeal of Right-of-Way Policy 31600 & 31601)

San Bernardino Associated Governments	Policy No.	31601
Adopted by the Board of Directors May 5, 1993	Revised	New 5/5/93
Measure I Valley Commuter Rail Interim Use Policy for Baldwin Park Branch Right of Way (Fair Market Value)	Revision No.	0

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Table of Contents Request by the City of Upland Review of Request and Proposed Policy Direction Revision History
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In 1991 SANBAG acquired the approximately 19.1 miles of the Southern Pacific Railroad Baldwin Park branch within this county. At the time of its purchase it appeared uncertain whether SANBAG would be able to acquire its preferred commuter rail route on the Santa Fe. The purchase price for the Baldwin Park was considered very reasonable at \$10.4 million.

The Santa Fe Railway has since concluded an agreement with SANBAG to purchase its Pasadena Subdivision and work is currently underway to initiate commuter rail service to Upland, Rancho Cucamonga, Fontana, Rialto and San Bernardino using the Santa Fe route.

The only remaining freight service on the SANBAG Baldwin Park branch occurs at the eastern end of the line in Rialto. The balance of the line either receives no freight service or is, in fact, formally abandoned per Interstate Commerce Commission rules on freight service. At its western end within this county the rail line has been severed in order to construct the Monte Vista Avenue extension within the City of Montclair.

There is general agreement that the integrity of this linear right of way should be preserved and not sold off piecemeal. Some SANBAG Board Members have even suggested that it might be feasible to institute some form of light rail service in the future on this corridor.

Request by the City of Upland

The City of Upland is seeking an underground easement for a portion of that right of way within its corporate limits to construct a reinforced concrete box structure to carry flood waters. The City is willing to construct the underground facility to the engineering requirements of SANBAG (and the Southern California Regional Rail Authority) to permit the re-construction of rail on the surface of the right of way and eventual operation of rail service without damage to its flood control facility.

The policy issues facing SANBAG include the following:

- 1) Whether to charge fair market value for granting this easement to another public agency;
- 2) Whether to require the public agency seeking the easement to maintain the surface portion of the right of way subject to the surface or underground easement;
- 3) In lieu of a cash transaction whether to require public agencies to provide offsetting actions of value to the SANBAG commuter rail program.

Review of Request and Proposed Policy Direction

Since the objective of SANBAG is to preserve the integrity of the linear right of way in this corridor for possible future use, its interim use by either a public agency or private party for purposes consistent with

preserving the continuity of the right of way should be permitted. Examples of private party uses might include parking or landscaping if otherwise permitted by local agency codes. Such private uses would be granted only under a lease agreement with reasonable termination clauses in the lease.

Public agency uses for such purposes as underground flood channel or surface bikeways could also be permitted provided that the proposed use was designed in such a fashion that eventual conversion of the surface right of way to a transit project would not incur added capital costs to the transit project as a result of the ongoing interim use developed by the public agency. In this respect the proposed design standards for the Upland underground flood channel appear to be consistent with the objective of developing a rail system on the surface without expending additional funds to compensate for the existence of an underground facility. Thus the proposed underground facility should be approved.

The issue of charging fees for a public agency use which is technically compatible with future rail development is the most vexing question. On the side of charging for an easement is the undeniable fact that SANBAG has paid \$10.4 million for this right of way and a return on this investment could benefit the commuter rail program whose funds were used to acquire the right of way.

On the other side of the equation is the fact, equally undeniable, that SANBAG intends to maintain the property as a right of way for the foreseeable future with no intention to sell and consequently very limited opportunities to earn a return on investment through leasing this land to any private parties.

SANBAG staff is proposing a policy which combines features of a revenue easement with the practical effect of a "no charge" license. SANBAG proposes that public agency requests be accommodated to the maximum extent feasible consistent with the following general principles:

1. Public agencies agree to accept maintenance of the surface portion of the right of way subject to the easement.
2. Public agencies acknowledge in the easement agreement that the intended public use of this right of way is for rail transit purposes.
3. Public agencies agree to work with SANBAG staff in identifying mutually agreeable actions which the public agency can undertake which have a present or future value in the development of rail service in the county.

In the case of Upland, the City has indicated a willingness to discuss closing some street crossings which currently cross the Baldwin Park branch. The value of a closed crossing for a future rail line is approximately \$100,000 in avoided signalling costs. The annualized cost of right of way maintenance can also be calculated to offset the fair market easement cost. In the case of Upland the estimated fair market value for an easement would be approximately \$700,000-\$800,000.

Adopted by Board of Directors: May 5, 1993

REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted.	05/05/93

Attachment: Policy31601 (2410 : Repeal of Right-of-Way Policy 31600 & 31601)

San Bernardino Associated Governments	Policy No.	31600
Adopted by the Board of Directors	June 4, 1995	Revised
Baldwin Park Branch Continuity Policy and General Guidelines		Revision No.
		2/7/2001
		1

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Table of Contents
Primary Use General Guidelines Revision History

The primary use for the Baldwin Park Branch right of way is for rail transit purposes. The immediate implementation of rail service is not planned but SANBAG does not wish to permit any activity which would either preclude or make difficult the future implementation of rail service on this important and irreplaceable 20-mile corridor. Notwithstanding this, SANBAG wishes to encourage compatible uses within the right of way which further public purposes and improve the quality of life.

General Guidelines for Implementing the Policy:

1. All improvements, whether perpendicular or parallel to the right of way, shall be constructed in such a fashion that rail service could be implemented without material change to the non-rail improvement. Thus all pipelines, flood control facilities and other utilities either crossing or within the right of way shall be constructed as if rail service were currently operating and built to the appropriate standards to manage rail loadings.
2. Existing railroad bridges may be removed to facilitate road widening subject to the following provisions:
 - a) The design of the roadway shall be such that a new two-track railroad bridge could be built at substantially the elevation as the present structure. A preliminary design shall be performed to assure that a future railroad bridge can be constructed without interfering with the improvements constructed as part of the road-widening project.
 - b) A project agreement granting an easement for roadway use will be required and that agreement will require: 1) the construction of a new bridge by the entity receiving the easement that is adequate for bikeway and/or pedestrian purposes; 2) is built between the two severed portions of the railroad right of way on an alignment which would not conflict with a future rail bridge and; 3) a binding commitment to fund the construction of all bridge abutments and support column footings required either at the time an easement is granted or at such time SANBAG identifies that rail service in the corridor is imminent.
 - c) The sponsor of the roadway widening project agrees waive all future fees and not impose additional requirements for the replacement of the railroad bridge.
 - d) Where SANBAG owns the underlying land in fee, the easement granting use of the land to the project sponsor shall include these conditions.
3. Public bikeways and trails shall be permitted within the rail right of way subject to the following conditions:
 - a) Where rail freight service exists, a fence shall be provided between the established operating rail right of way (minimum ten feet from centerline of track) and the trail; no vegetation or other physical improvement shall extend into the operating rail right of way.
 - b) Where insufficient right of way exists, to provide both minimum acceptable rail right of way and the desired trail width, the public agency sponsor shall demonstrate that the project can be feasible without more railroad right of way. Absent a feasible plan, SANBAG may deny the application under the theory that the trail project may encroach upon the future use of the right of way for rail purposes without acquiring additional right of way.
 - c) On abandoned portions of the rail right of way landscaping and other "non-hard" improvements may be permitted on all portions of the right of way subject to a specific acknowledgement that such

Attachment: Policy31600 (2410 : Repeal of Right-of-Way Policy 31600 & 31601)

- improvements located within a defined 42-46 foot rail right of way are subject to removal at the discretion of SANBAG upon a decision to construct a public transportation improvement.
- d) On abandoned portions of the right of way, fixed improvements such as paving material for walkways and/or bikeways will only be permitted outside the defined rail operating corridor.
 - e) On abandoned portions of the right of way, the public agency sponsoring the trail or bikeway agrees to provide all maintenance, including weed and trash removal for the entire width and length of the right of way within the limits of the trail project. In active portions of the rail right of way, the public agency agrees to maintain the entire non-rail portion of the right of way.
 - f) The public agency sponsoring the trail or bikeway agrees to defend and indemnify SANBAG against all claims for the use of the specified portion of the right of way and/or the encroachment into other portions of the right of way by persons using the trail or bikeway. In order to minimized liability exposure, SANBAG will cause the removal of all rail and ties within the right of way used for trail and/or bikeway facilities.
 - g) In consideration of the agreement to maintain the affected right of way, SANBAG agrees to waive all fees for the use of the right of way.
4. Private lease of the rail right of way for "non-hard" purposes such as parking, landscaping and storage will be considered subject to the priority of other public purposes and all the other conditions noted above pertaining to the maintenance of a viable rail operating corridor.

Adopted by Board of Directors: June 4, 1995

REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted.	06/04/95
1	Revised par. 2.a) to replace "All bridge abutments and support column footings shall be designed as part of the roadway widening project." with "A preliminary design shall be performed to assure that a future railroad bridge can be constructed as part of the road-widening project."	02/07/01

Attachment: Policy31600 (2410 : Repeal of Right-of-Way Policy 31600 & 31601)

Minute Action

AGENDA ITEM: 5

Date: *January 14, 2016*

Subject:

Contract No. C12178 Amendment No. 5 with Parsons Brinckerhoff for the San Bernardino Transit Center

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

Approve Amendment No. 5 to Contract No. C12178 with Parsons Brinckerhoff for additional construction management services for the San Bernardino Transit Center, increasing the contract amount by \$127,491 for an amended not-to-exceed amount of \$1,577,717.

Background:

The San Bernardino Transit Center (SBTC) is a multimodal facility serving Omnitrans fixed route services and providing connections to sbX and in the near future Metrolink. Victor Valley Transit Authority, Mountain Area Regional Transit Authority, and Pass Transit from the City of Beaumont also operate services out of SBTC and it is the future westerly terminus of the Redlands Passenger Rail Project.

Construction of SBTC began in February 2014 and was completed in September 2015. While under construction, Omnitrans requested an emergency generator be installed and that an alternative landscape/hardscape plan be designed and implemented for the Transit Oriented Development (TOD) lots immediately adjacent to the SBTC facility. As such, a separate procurement is being done to construct these improvements and an invitation for bids is expected to be released in spring 2017.

Staff is recommending for consistency purposes that an amendment to the existing construction management contract with Parsons Brinckerhoff for SBTC, Contract No. 12178, be approved to assist in administration of the additional construction at the SBTC site. The following is a general description of additional scope required for the generator and landscape construction:

- **Pre-Construction Services:**
 PB will perform a constructability review of the contract documents, assist during advertising period, and document existing conditions at the project site.
- **Construction Phase:**
 PB will provide construction management services typically required during construction such as schedule management, material testing, change order management, submittal management, Request for Information (RFI) review, review of progress payments, labor compliance monitoring and construction inspection. PB's scope of work also includes survey services to lay out the various project features.

Entity: CTA

Commuter Rail & Transit Committee Agenda Item

January 14, 2016

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- **Post-Construction Services:**

PB will provide post construction services such as commissioning of the generator and irrigation controller as well as other various close-out activities typically required for a construction contract.

Prior amendments to this contract include increasing the contract value, additional scope of work, and a time extension. Currently there is sufficient balance in the SBTC funding agreement, Contract No. R14070, to fund the \$127,491 amendment. However, it is anticipated that an amendment to Contract No. R14070 will be necessary as final right of way settlement and construction costs are realized.

Financial Impact:

This item is consistent with the current adopted Fiscal Year 2015/2016 SANBAG Budget under Task No. 0322- San Bernardino Transit Center Project.

Reviewed By:

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

Responsible Staff:

Carrie Schindler, Director of Transit and Rail

Approved
Commuter Rail & Transit Committee
Date: January 14, 2016

Witnessed By:

Contract Summary Sheet
General Contract Information

Contract No: C12178 (00-1000584) Amendment No.: 5 Vendor No.: 1610
 Vendor/Customer Name: Parsons Brinckerhoff, Inc. Sole Source? Yes No
 Description: Construction Management Services for the Omnitrans Bus Facility
 Start Date: 01/04/2012 Expiration Date: 12/31/2015 Revised Expiration Date: 12/31/2017
 Has Contract Term Been Amended? No Yes - Please Explain Amendment #4 extended contract term to 12/31/2017.
 List Any Related Contracts Nos.: _____

Dollar Amount			
Original Contract	\$ 683,755.00	Original Contingency	\$ -
Revised Contract (Inclusive of Prior Amendments)	\$ 1,450,226.00	Revised Contingency (Inclusive of Prior Amendments)	\$ -
Current Amendment	\$ 127,491.00	Contingency Amendment	\$ -
TOTAL CONTRACT VALUE	\$ 1,577,717.00	TOTAL CONTINGENCY VALUE	\$ -
		TOTAL DOLLAR AUTHORITY (Contract Value and Contingency)	\$ 1,577,717.00

Contract Authorization

Executive Director Date: _____
 Executive Director Action: _____
 Board of Directors Date: 02/03/2015
 Board of Directors Action: Approve Amendment No. 5 to Contract No. C12178 with Parsons Brinckerhoff (PB) for additional construction management services for the Omnitrans Bus facility, increasing the contract amount by \$127,491 for an amended not-to-exceed amount of \$1,577,717.

Contract Management: Payable/Miscellaneous

Invoice Warning: 20% Renewals: _____ Type: Capital PAA Other
 Retention: _____ % Maximum Retention: \$ _____
 Services: Construction Intrgrnt/MOU/COOP A & E Services Other Professional Services
 Disadvantaged Business Enterprise (DBE) Goal _____ %

Contract Management: Receivable

E-76 and/or CTC Date _____ (Attach Copy) Program Supplement No.: _____
 Finance Letter Reversion Date: _____ EA No.: _____

All of the above MUST be submitted to FINANCE including originals, amendments and miscellaneous transaction changes

Additional Information

Project Manager: Victor Lopez

Attachment: C12178-5_CSS [Revision 1] (2260 : Parsons Brinckerhoff Contract No C12178 Amendment No 5)

AMENDMENT NO. 5 TO CONTRACT NO. C12178

FOR

**CONSTRUCTION MANAGEMENT SERVICES FOR THE
OMNITRANS BUS FACILITY**

(PARSONS BRINCKERHOFF, INC.)

This Amendment No. 5 to Contract No. C12178 is made by and between the San Bernardino County Transportation Authority (“AUTHORITY”) and the firm of Parsons Brinckerhoff, Inc. (“CONSULTANT”):

RECITALS

- A. AUTHORITY, under Contract No. C12178 engaged CONSULTANT to provide construction management services for the Omnitrans bus facility (“Contract”); and
- B. On February 12, 2013, AUTHORITY and CONSULTANT entered into Amendment No. 1 increasing the Contract price by \$32,135 to reflect agreed upon changes to the direct cost of the Project and to extend the indemnification provision of the Contract to the benefit of the Southern California Regional Rail Authority (SCRRA); and
- C. On February 5, 2015, AUTHORITY and CONSULTANT entered into Amendment No. 2 increasing the Contract price by \$515,701 for additional construction management services; and
- D. On July 28, 2015, AUTHORITY and CONSULTANT entered into Amendment No. 3 increasing the Contract price by \$218,635 to provide for additional construction management services.
- E. On December 14, 2015, AUTHORITY and CONSULTANT entered into Amendment No. 4 to amend the period of performance through December 31, 2017.
- F. AUTHORITY and CONSULTANT desire to amend the contract increasing the contract amount by \$127,491 to provide for additional construction management services.

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

1. The Scope of Services for Contract No. C12178 shall be amended to reflect the changes and additions described in Attachment “A.3” to this Amendment No. 5, all to be performed to AUTHORITY’s satisfaction. Except as specifically amended in

Attachment: C12178-5_Amendment 5 [Revision 1] (2260 : Parsons Brinckerhoff Contract No C12178 Amendment No 5)

Attachment "A.3", the current provisions of the Scope of Services, as previously amended, shall remain in force and effect.

- 2. ARTICLE 3. The first sentence of paragraph 3.2 is deleted and replaced in its entirety to read as follows:

“The total not-to-exceed amount is One Million Five Hundred Seventy-Seven Thousand Seven Hundred Seventeen Dollars (\$1,577,717) for the services to be provided under this Contract.”

- 3. The Fee Schedule for Contract No. C12178, as contained in Attachment B to the original Contract and previously amended is hereby amended to reflect the additions described in Attachment "B.3" to this Amendment No. 5. Except as specifically added in Attachment "B.3", the current fees of the Fee Schedule, as previously amended, shall remain in force and effect.
- 4. The Recitals set forth above are incorporated herein by this reference.
- 5. Except as amended by this Amendment No. 5, all other provisions of the Contract, and amendments thereto, shall remain in full force and effect and are incorporated herein by this reference.
- 6. This Amendment No. 5 is effective on the date executed by AUTHORITY.

-----Signatures are on the following page-----

Attachment: C12178-5_Amendment 5 [Revision 1] (2260 : Parsons Brinckerhoff Contract No C12178 Amendment No 5)

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 5 below.

PARSONS BRINCKERHOFF, INC.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Douglas B. Sawyer
Sr. Vice President

By: _____
Ryan McEachron
Board President

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Robert D. Herrick
Assistant General Counsel

CONCURRENCE:

By: _____
Jeffery Hill
Procurement Manager

Attachment: C12178-5_Amendment 5 [Revision 1] (2260 : Parsons Brinckerhoff Contract No C12178 Amendment No 5)

Attachment A.3

Amendment No. 5 to Construction Management Services SANBAG Contract No. C12178 with Parsons Brinckerhoff

Parsons Brinckerhoff (PB) will provide construction management services for the installation of an emergency generator and landscape modifications at the San Bernardino Transit Center. PB will provide the following services:

1. Pre-Construction Services:

1.1. Constructability Review and Front-End Specifications Review

Pre-construction services will start with the constructability review. PB will use all relevant documents including, but not limited to, plans, specifications, and bid quantities to provide a comprehensive review of the project for potential issues. A list of the constructability issues and comments will be developed for review with the designer. Satisfactory resolution of each issue, as well as comments, will be tracked and documented. The front-end specifications will be reviewed. A list of comments will be developed for review with the designer.

1.2. Assistance during Advertising Period

PB will assist SANBAG in responding to questions received from contractors during the advertising period.

1.3. Pre-construction Conference

PB will lead the pre-construction conference. Meeting notes will be recorded and distributed as appropriate.

1.4. Pre-construction Photo Documentation

PB will document the entire project with digital photos before work begins. Special attention will be paid to facilities that are to be protected.

2. Construction Phase Services:

2.1. Schedule Management

- PB will review progress attained against the contractor's approved schedule to accurately record work completed, detect any potential delays, and review the contractor's plan for implementation of remedial measures, when appropriate, to maintain progress.
- PB will carefully review the critical path method (CPM) schedules and require that all changes be explained.
- PB will negotiate schedule adjustments, which may be required due to weather, change orders, or other impacts for which schedule adjustments may be allowed.

2.2. QA Materials Testing

Leighton will provide QA materials testing as a subconsultant to PB. Leighton will assign a Materials Manager who will be responsible for supervising and coordinating the materials acceptance testing program. Off-site testing, if required, will be performed at Leighton's local materials laboratory. All sampling and testing will be performed in accordance with the accepted materials test methods.

2.3. Construction Progress Meetings

PB will conduct weekly (or as-needed) construction progress meetings with the Contractor, SANBAG, designer, and other agencies/utility providers. The meetings will cover new items of business, project schedule, submittals, requests for information (RFI), requests for clarification (RFC), non-conformance reports (NCR), pay requests, and Stormwater Pollution Prevention Plan (SWPPP) compliance.

2.4. Change Order Management

PB will advise SANBAG of change impacts and make recommendations regarding the resulting change order costs. PB will:

- Obtain concurrence from the designer for change orders that modify the design
- Evaluate any price proposals for reasonableness and accuracy of construction quantities, rates and unit prices, and time and schedule impacts
- Prepare change orders and attachments after obtaining approval from SANBAG
- Maintain a change order log as a means of tracking change order proposals through the review/approval process

2.5. Submittal Management

Parsons Brinckerhoff will maintain a log and manage the shop drawings and sample/submittal process. We will routinely review the log and ascertain that:

- All look-ahead schedules contain critical submittal dates
- Submittals from the contractor are received, logged, and processed on time
- Submittals are reviewed in a timely fashion and returned to the contractor to minimize or eliminate lost production time
- Logs are continuously updated
- All disapproved submittals receive prompt review by SANBAG staff and that SANBAG is made aware of any potential or actual technical or schedule impacts
- Shop drawings have been approved and returned before associated work has begun
- All submittals are maintained in files

2.6. Requests for Information

PB will maintain a log and manage the RFIs received from the contractor. RFIs which require a response from the designer will be forwarded and tracked. All RFIs and their responses will be maintained in the files.

2.7. Progress Pay Estimate

On a monthly basis, we will review the contractor's progress pay estimates. Payments on progress estimates must be traceable to checked source documents which are field-measured or calculated quantities. A complete and accurate pay estimate will be submitted to SANBAG for payment.

2.8. Reports, Records, Document Control

PB will establish a filing system that covers all aspects of the project, including reports, records, inspections, RFIs, change orders, submittals, pay requests, and meetings.

2.9. Labor Compliance Monitoring

PB will review the contract's Certified Payroll Records for compliance with all applicable labor laws.

2.10 Construction Inspection

PB will provide qualified inspectors for monitoring the quality of the contractor's work. Inspectors will understand the construction drawings and specifications, as well as the Special Provisions and Standard Plans. In addition, they will be required to be familiar with a variety of other information, including permits and the project schedule. The inspectors will notify the Resident Engineer immediately upon witnessing any materials, erection or installation process, or levels of quality that do not meet the requirements of the contract documents. Using a Non-conformance Report, we will immediately notify the contractor of such deviation and recommend corrective action. Copies will be forwarded to SANBAG.

2.11 Record Drawings

PB will keep an up-to-date set of Record Drawings during the construction phase of the project. Final red-lined record drawings will be prepared and transferred to the designer so that electronic drawings can be prepared.

3. Survey Services:

3.1. Construction Staking

PB will provide survey services to lay out the project, including the generator, fencing, planting areas, irrigation lines, and other project items.

4. Post-Construction Phase Services:

4.1. Commissioning

PB will perform commissioning of the generator and ensure the irrigation controls are operating properly. This will ensure the new equipment operates as intended and that building staff are prepared to operate and maintain it.

4.2. Final Inspection, Punch Lists and Closeout

PB will inspect the near-completed facilities to identify discrepancies and deficiencies in the work and will subsequently prepare the necessary punch lists. PB will perform all of the necessary project closeout activities, including recommending to SANBAG project acceptance, and approving the final payment.

PARSONS BRINCKERHOFF, Inc.
CONSTRUCTION MANAGEMENT SERVICES FOR SBTC GENERATOR AND LANDSCAPING
Amendment No. 4

Fully Loaded Hourly Rate (Direct Labor, overhead, and profit)	\$247.46	\$214.12	\$211.15	\$101.16	\$48.02	\$130.04	\$150.78	\$163.75	\$290.51	\$121.39	\$277.95						
Staff Classification	Project Principal	Resident Engineer	Constructability Review / Front-End Specifications	Senior Office Engineer	Office Administration	Inspector	SWPPP/BMPs	Survey -Office	Survey- Field	Project Accountant	Commissioning	Additional Services	FIELD VEHICLES (Including Gasoline)	SUBS: Leighton \$8,000	TOTAL FULLY BURDENED COST	TOTAL BY TASK	
	\$8,909	\$30,833	\$8,446	\$12,139	\$2,305	\$28,088	\$3,619	\$983	\$5,810	\$2,913	\$4,447	\$ 10,000	\$ 1,000	\$8,000	\$127,491	\$127,491	
	HOURS														HOUR TOTAL		
Total Hours	36	144	40	120	48	216	24	6	20	24	16				694		
1 Pre-Construction Services	6	22	40	18	0	8					16				94	\$ 17,503.00	
1.1 Constructability Review and Front-End Specifications Review	2	12	40	10											64	\$ 12,522.00	
1.2 Assistance During Advertising Period	2	6		4											12	\$ 2,184.00	
1.3 Pre-Construction Conference	2	4		2											8	\$ 1,554.00	
1.4 Pre-Construction Photo Documentation				2		8									10	\$ 1,243.00	
2 Construction Phase Services	26	106		86	42	180	22			24					486	\$ 70,484.00	
2.1 Schedule Management	2	10		8											20	\$ 3,445.00	
2.2 QA Materials Testing				8		8	12								28	\$ 3,659.00	
2.3 Construction Progress Meetings	16	30		24											70	\$ 12,811.00	
2.4 Change Order Management	2	14		2											18	\$ 3,695.00	
2.5 Submittal Management		12		10	4		2								28	\$ 4,075.00	
2.6 Requests for Information	2	14		10	4										30	\$ 4,696.00	
2.7 Progress Pay Estimate	2	14		10	8	8									42	\$ 5,929.00	
2.8 Reports, Records, Document Control	2	8		2	10		8			24					54	\$ 7,010.00	
2.9 Labor Compliance Monitoring				8	12										20	\$ 1,385.00	
2.10 Construction Inspection						160									160	\$ 20,806.00	
2.11 Record Drawings		4		4	4	4									16	\$ 1,973.00	
2.12 Field Vehicles/Gas													\$ 1,000		0	\$ 1,000.00	
3 Survey Services								6	20						26	\$ 6,793.00	
3.1 Construction Staking								6	20						26	\$ 6,793.00	
4 Post Construction Phase Services	4	16		16	6	28	2				16				88	\$ 14,713.00	
4.1 Commissioning	2			8		4					16				30	\$ 6,272.00	
4.2 Final Inspection, Punch Lists and Closeout	2	16		8	6	24	2								58	\$ 8,441.00	
5 Additional Services												\$ 10,000				\$ 10,000.00	
6 Subconsultant Tasks - Leighton Consulting														\$ 8,000		\$ 8,000.00	

Attachment: C12178-5 Attachment B.3 Fee (2260 : Parsons Brinckerhoff Contract No C12178 Amendment No 5)

Minute Action

AGENDA ITEM: 6

Date: *January 14, 2016*

Subject:

Redlands Passenger Rail Project - Programmatic Environmental Impact Reports for the Cities of San Bernardino and Redlands

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board remove work elements and reduce the budget accordingly from the SANBAG Fiscal Year 2015/2016 Budget, Task 0379 Commuter Rail Capital associated with the development of Programmatic Environmental Impact Reports for the Cities of Redlands and San Bernardino for Transit Oriented Development around the planned Redlands Passenger Rail station stops.

Background:

As part of the initial development of the Redlands Passenger Rail Project (RPRP) beginning in 2010, SANBAG staff identified a potential benefit to the future ridership of RPRP and the ability to help support sustainable economic and community development along the RPRP corridor with Transit Oriented Development (TOD) occurring at and around the proposed RPRP station stops. The synergy between transportation and land use fosters ridership through TOD in which a compact mix of moderate to higher density residential and non-residential uses within walking distance of a transit station promotes community benefits by reducing traffic, improved air quality and health benefits, and promoting economic and community development opportunities.

SANBAG's consultant contract for Preliminary Engineering and Environmental Clearance of RPRP included scope and budget to assist the Cities of San Bernardino, Loma Linda, and Redlands in preparing visioning plans, guidelines, and standards for overlay district zoning or other land use mechanisms for the implementation of TODs at the future RPRP stations. To coordinate these efforts SANBAG created a TOD Working Group, consisting of staff from SANBAG and the cities, which was used to determine the most appropriate and economically feasible TODs along the RPRP corridor that would also be compatible with one another. The Working Group also helped to educate other project stakeholders on TODs and how they could benefit both RPRP and each individual city and community.

The Working Group met over a 3 year period, from 2010 through 2013, culminating in Proposed Transit Supportive Land Use Updates within a half-mile radius of the five initially planned RPRP stations and at five additional future station locations in the Cities of San Bernardino and Redlands. SANBAG's consultant also completed supporting reports identifying land use and economic development strategies at all ten of these station locations. SANBAG expended a total of \$771,963 to complete these efforts to identify these TOD improvements and strategies.

Entity: *CTC*

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The next step to implement TODs and build upon the work completed under the TOD Working Group is to complete Programmatic Environmental Impact Reports (PEIRs) for each city, which would provide an assessment of the Proposed Transit Supportive Land Use Updates relative to the potential effects on the surrounding environment. Each PEIR would include an evaluation of TOD related impacts and environmental effects, both positive and negative, that would occur as a result of the TODs.

SANBAG's Fiscal Year 2015/2016 Budget under Task 0379 Commuter Rail Capital included \$800,000 to complete PEIRs for both the Cities of San Bernardino and Redlands to support land use changes along the RPRP corridor. After further consideration, SANBAG staff has identified concerns about a regional agency, such as SANBAG, leading efforts to create land use changes in individual cities. Ideally these types of land use, zoning, and General Plan Amendment revisions should be lead and managed by each individual municipality, who are directly responsible for addressing their residents' concerns about these types of changes and are responsible for the long-term economic viability of the municipality. The individual cities are also better equipped and will better understand the specific needs and desires of the communities where the proposed changes are identified to occur. Based on these concerns, SANBAG staff is proposing to eliminate the PEIRs for both the Cities of San Bernardino and Redlands from the SANBAG Fiscal Year 2015/2016 Budget. The reports, analysis, and other work products completed to date as part of the TOD Working Group have been made available to the Cities of San Bernardino and Redlands to assist them in moving forward with any land use changes that they deem fit.

Financial Impact:

Approval of this item will reduce Task 0379 by \$524,681. The remaining \$275,319 has been allocated to pay contract obligations with the Los Angeles County Metropolitan Transportation Authority for the Metrolink San Bernardino Line Infrastructure Improvement Strategic Study. This study was previously approved by the SANBAG Board but the necessary funding was not included in the SANBAG Fiscal Year 2015/2016 Budget.

Reviewed By:

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

Responsible Staff:

Justin Fornelli, Chief of Transit and Rail Programs

Approved
Commuter Rail & Transit Committee
Date: January 14, 2016

Witnessed By:

Minute Action

AGENDA ITEM: 7

Date: *January 14, 2016*

Subject:

Final Design and Environmental Clearance for the Shortway Subdivision Quiet Zone Project

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Commission, authorize staff to proceed with completing design, environmental clearance, and construction improvements along the Shortway Subdivision to implement Quiet Zones at the West Rialto Avenue and West Walnut Street at-grade crossings in the City of San Bernardino.

Background:

San Bernardino Associated Governments (SANBAG), in cooperation with the City of San Bernardino, is proposing to construct improvements to the at-grade crossings of West Rialto Avenue and West Walnut Street along the Shortway Subdivision to implement a Quiet Zone for each crossing. Presently, only eight daily Metrolink Inland Empire-Orange County (IEOC) Line trains use the Shortway Subdivision to provide service between San Bernardino and Riverside. As the construction of the Downtown San Bernardino Passenger Rail Project progresses and is completed, layover and maintenance functions that presently occur at the existing depot and the Inland Empire Maintenance Facility will be relocated to the Eastern Maintenance Facility, located on the Shortway Subdivision in the City of Colton. A vicinity map is attached to this report for to provide further clarification on the location of the Shortway and the at-grade crossings.

Due to this relocation, train movements along the Shortway and through the at-grade crossings of West Rialto Avenue and West Walnut Street will increase from the current eight per day to 24 per day, including both deadhead and revenue trains. The Federal Railroad Administration (FRA), which enforces rail safety regulations, requires that locomotive horns be sounded at all public at-grade crossings before entering a crossing. The pattern for sounding the horn is two long blasts, one short blast, and one long blast until the lead locomotive fully occupies the crossing. Due to the increased number of trains traversing the at-grade crossings on the Shortway the local residents will experience a drastically increased level of noise due to the train horns.

The establishment of a Quiet Zone allows for the routine sounding of train horns, as required by the FRA for trains approaching at-grade crossings, to no longer be required. Implementation of Quiet Zones is accomplished by completing specific safety enhancements to the crossings such as installation of raised medians, pedestrian channelization, additional railroad warning devices, signage, and striping. A railroad engineer is still allowed the discretion to sound their train horn

Entity: CTC

Commuter Rail & Transit Committee Agenda Item

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within a Quiet Zone if a perceived safety hazard exists, such as a trespasser or a vehicle fouling the tracks.

Official approval for this project is being requested from the Board of Directors since it was not previously identified as a priority project. SANBAG's Fiscal Year 2015-2016 Budget identified \$1.5 million of Valley Local Transportation Funds (LTF) to complete the design of this project in Task 0325 San Gabriel Subdivision Line Improvements. Pending SANBAG Board approval, an additional \$2.5 million of LTF will be included in the Fiscal Year 2016-2017 Budget to construct the Quiet Zone improvements. It should be noted that expenditures related to the Shortway are now accounted for under Task 0327.

Financial Impact:

There is no financial impact associated with this item. The SANBAG Fiscal Year 2015-2016 Budget currently includes funding to complete the design required for this project. Funding for construction of this project will be requested in the SANBAG Fiscal Year 2016-2017 Budget.

Reviewed By:

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

Responsible Staff:

Justin Fornelli, Chief of Transit and Rail Programs

Approved
Commuter Rail & Transit Committee
Date: January 14, 2016

Witnessed By:



7.a

Legend

-  Metrolink/Amtrak Station
-  Shortway Grade Crossings
-  SCAX Shortway Subdivision
-  SCAX San Gabriel Subdivision
-  BNSF San Bernardino Subdivision
-  BNSF Cajon Subdivision
-  Eastern Maintenance Facility
-  Inland Empire Maintenance Facility
-  BNSF Rail Yards



Minute Action

AGENDA ITEM: 8

Date: *January 14, 2016*

Subject:

Ontario Airport Rail Access Update

Recommendation:

That the Commuter Rail and Transit Committee receive and file an update regarding rail access to the Ontario Airport.

Background:

In November of 2014, SANBAG completed the *Ontario Airport Rail Access Study*; reviewing options, costs, and ridership estimates to provide a rail connection from the Ontario International Airport (ONT) to existing or planned passenger rail corridors. Since operational control of ONT is estimated to transfer to the City of Ontario in July of 2016, the SANBAG Commuter Rail and Transit Committee requested additional analysis comparing the results of the Study to existing rail connections with other airports, specifically the Oakland Airport-BART Connector system. SANBAG staff is also investigating other transit options that could connect ONT to rail stations that could be implemented prior to the rail connection being made, including ride shares or shuttle buses.

The two preferred rail alternatives to access ONT identified in the Study was an extension of the Gold Line Light Rail Transit service from Montclair or a separate Light Rail Transit (LRT) or Diesel Multiple Unit (DMU) service from the Metrolink Rancho Cucamonga Station. Capital and operating cost estimates were completed for all three of these scenarios. SANBAG staff researched the Oakland Airport-BART Connector system and found that the system constructed was an automated people mover (APM) system using cable-car technology that spans 3.2 miles at a cost of \$484.1 million when completed in November 2014. Funding sources for this project consisted of 57% from local sources such as sales tax measures, tolls, and local use taxes; 16% from state sources, primarily from the State Transportation Improvement Program and Proposition 1B Transportation Bond Program; 5% from Federal Transit Administration Small Starts Grant; and the remaining 22% from a Federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan.

Since the infrastructure required for an APM system is significantly different from the infrastructure required for a DMU or LRT system, staff proceeded to research costs for additional rail systems that were somewhat similar in nature to the system proposed for Ontario, the summary of which can be seen in Attachment A.

Staff identified and researched the following five LRT or passenger rail systems:

- Portland Trimet - Redline
- Seattle Central Link – Project 1
- Seattle Central Link – Project 2
- Washington Metro – Dulles Silver Line Phase 2
- San Francisco International Airport (SFO) – BART

Entity: CTC

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Staff also researched the following APM systems:

- San Francisco International Airport (SFO) AirTrain
- Oakland International Airport BART Connector
- JFK International Airport – AirTrain

While these projects are similar in nature to the proposed Ontario system, it must be stated that the numerous variables involved in each project prohibit an exact comparison between the various systems. These variables, such as the amount of elevated track, the number of stations, and the amount of double track versus single track can all have a profound effect on the overall cost of the project. Additionally, the location and date of construction can also have a significant effect on any comparison. Because of these variables, definitive conclusions regarding the cost comparisons cannot be made. However, the following general observations can be presented.

- In general, the Ontario estimates for the DMU systems appear to be equal to or less than the costs for similar passenger rail projects that were researched.
- In general, the Ontario estimates for the LRT systems appear to be 15 to 30 percent less than costs for similar LRT projects that were researched.

Staff also attempted to research the Operations and Maintenance (O&M) costs for similar rail systems. Obtaining comparable data proved to be very difficult due to the fact that transit agencies typically do not track O&M cost by project but, rather, report total O&M costs for their entire system. Due to the nature of O&M costs it was impossible to interpolate researched costs into data that could be compared to the estimated O&M costs presented in the Ontario study.

With regard to the Oakland Airport – BART Connector, the operations and maintenance cost of \$3.7 million per year was obtained from BART's Fiscal Year 2015 Budget Pamphlet dated March 31, 2014. This document was provided by BART and represents estimated (budget) costs rather than actual costs. The per-mile O&M costs for a cable-car system such as the BART Connector are higher than what is estimated for an LRT or DMU system due to the to the number of pulleys and cables needed to operate a cable-car system that are inherently more labor intensive and require more frequent servicing. In addition, since the BART Connector is elevated along its entire route with limited maintenance access, specialized equipment and training is needed to perform maintenance activities. The estimated O&M costs presented for LRT and DMU systems in the Ontario Study were derived from O&M data from similar projects in Southern California.

At the SANBAG Board of Directors Strategic Planning Workshop held on September 17 and 18, 2015, the Board identified providing rail access to ONT as a high priority. However, the 2014 Measure I Ten-Year Delivery Plan does not identify funding for the ONT rail connection and sets the future transit priorities as completing the Redlands Passenger Rail Project, double track of the Metrolink San Bernardino Line, and the extension of the Gold Line to Montclair. In order to be competitive in pursuing other funding sources such as grants, the ONT rail project would need to have completed preliminary engineering and environmental clearance. The original Ontario Rail Access Study estimated the cost to complete the preliminary engineering and environmental clearance as \$11,241,000 in 2014 dollars. Factoring in escalation, that cost increases to \$11,926,000 in current year dollars, and as high as \$13,825,000 five years from now in 2021.

Due to the long lead time to realize a rail connection to ONT and in an effort to implement a phased approach to provide transit connectivity between existing rail stations and the ONT as suggested in the Study, staff has begun researching the possibility of using ride share services such as Uber and Lyft to provide a seamless connection from rail service to ONT. During the

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initial research and outreach, staff was informed that the Southern California Regional Rail Authority (SCRRA) is currently in discussions with ride share companies to provide these types of services throughout the Metrolink system. SCRRA is researching the ability of Metrolink passengers to access the ride share services via the Metrolink mobile ticketing application. The initial mobile ticketing application is estimated to be in service by February 2016. An addition to the application allowing direct access to ride share companies could be released six months later depending on SCRRA's negotiations with the ride share companies.

In addition to ride share coordination, staff has been working with Omnitrans staff to identify more traditional transit connections via shuttle buses from the Rancho Cucamonga Station to ONT. Omnitrans has been in discussions with the Ontario Visitors Bureau to determine the feasibility of negotiating with hotels that provide existing shuttle bus service to the airport to include stops at the Metrolink Rancho Cucamonga Station. In order to support this effort, an item was presented to the SANBAG Board of Directors at the January meeting, to approve an allocation of \$554,435 of Low Carbon Transit Operations Program – Population Share (LCTOP) be allocated to Omnitrans to fund the operations of a shuttle service. SANBAG staff will continue to work with Omnitrans to support this effort.

Financial Impact:

This item has no financial impact on the Fiscal Year 2015/2016 Budget.

Reviewed By:

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

Responsible Staff:

Justin Fornelli, Chief of Transit and Rail Programs

Approved
Commuter Rail & Transit Committee
Date: January 14, 2016

Witnessed By:

Attachment A – ONT Rail Access Comparable Projects Summary

Airport/Project		Mode	New Stations	Length (mile)	Aerial Length (mile)	Capital Cost (\$M)	Estimated Project Cost/Foot	Estimated Operations & Maintenance Costs (\$M/Year)
Ontario Airport Alternatives	Rancho	DMU	5	4.8	3.01	\$699	\$27,300	\$5.32
	Rancho	LRT	5	4.8	3.01	\$503	\$19,900	\$1.93
	Gold Line	LRT	4	7.7	2.42	\$731	\$18,000	\$6.59
Portland – TriMet Redline		LRT	4	5.5	0.75	\$125	\$4,300	\$7.3
Seattle – Central Link	Project 1	LRT	1	4.9	4.2	\$232	\$9,000	\$13.6
	Project 2	LRT	1	1.7	0.9	\$150	\$17,000	
Dulles – Silver Line Phase II (Washington Metro).		HRT	6	11.4	3.5	\$1,177	\$20,000	\$88.6
SFO	BART	HRT	5	8.7	1.2	\$1,552	\$34,000	\$43.9
	AirTrain	APM	9	2.8	2.8	\$430	\$29,000	\$11.9
OAK – BART Connector		APM	2	3.2	3.2	\$484	\$29,000	\$3.7
JFK - AirTrain		APM	10	8.1	6.75	\$1,900	\$44,500	\$21

Attachment: Ontario Cost Estimate Staff Report 16nov15 - Revised table (2275 : Rail Access to Ontario)

Minute Action

AGENDA ITEM: 9

Date: *January 14, 2016*

Subject:

Update from Unmet Transit Needs Hearings

Recommendation:

That the Commuter Rail and Transit Committee receive and file an update on progress toward implementation of the findings from the Fiscal Year 2014/2015 Unmet Transit Needs Hearings.

Background:

Under the Transportation Development Act (TDA), San Bernardino Associated Governments (SANBAG) acting as the San Bernardino County Transportation Commission is required by Public Utilities Code Sections 99238.5 and 99401.5 to hold public hearings for obtaining testimony regarding unmet transit needs and must adopt findings concerning whether the needs are reasonable to meet prior to making an allocation of Local Transportation Funds (LTF) for street purposes.

During Fiscal Year 2014/2015 there were two public hearings which were held at Victor Valley Transit Authority and Morongo Basin Transit Authority (Helen Grey Center). At the April 9, 2015, Commuter Rail and Transit Committee (CRTC) meeting, an agenda item was presented concerning the unmet transit needs findings, which were that “no unmet transit needs were reasonable to meet”. Staff was asked at that time to report back to the committee regarding one key issue in the Morongo Basin. Subsequently, another concern has arisen, after the approval of the findings, in the Victor Valley area. The following is the update for each of these areas:

Morongo Basin Transit Authority (MBTA)

At the April CRTC, it was noted that a major topic at the Morongo Basin public hearing was the limited service to Pioneertown and Johnson Valley. Staff stated that MBTA would be working with various social service groups to identify alternatives for providing transportation to these remote locations.

In September 2015, through MBTA’s Short Range Transit Plan (SRTP) process, a workshop was held to specifically discuss these issues. The following agencies were in attendance:

San Bernardino County Department of Aging and Adult Services
 Reach Out Morongo Basin
 VTrans
 United Way 211
 San Bernardino Associated Governments
 Morongo Basin Transit Authority

Entity: CTC

From that workshop the following alternatives were identified:

1. *Flex route services operated by transit providers* –

Examples of these services are operating in several Yuba-Sutter routes and on the Sage Stage in northern California. MBTA does this currently with its Landers Route 21, providing deviated fixed route service to pick up individuals who live within a defined distance – generally up to $\frac{3}{4}$ of a mile – from the published route.

2. *Specialized dial-a-ride services operated by human service organizations* –

Imperial County's MedExpress, Placer County's Health Express and Southern Trinity County's Health Services are examples of human service organizations receiving transportation funds to provide trips for some number of residents to specific medical destinations. Hi Desert Medical Center has a version of this, supported by Federal Transit Administration (FTA) Section 5310 funding from Caltrans. Reach Out Morongo has a version of this, receiving some support from MBTA's Transportation Assistance Grant (TAG) program.

3. *Mileage reimbursement program to volunteer drivers*

The existing Transportation Reimbursement Escort Program (TREP) is the most cost-effective model for the outlying areas. However the remote location does potentially make it difficult to locate volunteers willing to transport individuals.

The consultants for the MBTA's SRTP are currently developing general costs and examining the relative feasibility of implementing some version of these three alternatives for the outlying areas of the Morongo Basin. MBTA will continue discussions with the stakeholders of the area to examine the feasibility of operators taking on new, additional responsibilities and the possibility of securing new funds – such as through the FTA Section 5310 program. The formalized recommendations from the SRTP will be presented to the MBTA Board of Directors as well as CRTC and the SANBAG Board of Directors.

Victor Valley Transit Authority (VVTA)

At the April CRTC, it was also noted that there were no unmet transit needs that could be reasonably met within the Victory Valley, High Desert Region of San Bernardino County. This determination was made as the majority of comments would be resolved by the upcoming changes that were outlined in VVTA's Comprehensive Operational Analysis (COA). VVTA's COA was approved by their Board of Directors on June 10, 2014.

There were two new routes that were planned to start service in Fiscal Year 2015/2016: Route 24 New Oak Hills and Route 49 Apple Valley Road. Through the COA and unmet needs processes there were several comments advocating for these new services. With the COA approval by VVTA's Board, staff was comfortable to have no unmet needs findings as the implementation was scheduled.

SANBAG staff participates in a monthly Technical Advisory Committee (TAC) meeting made up of representatives from each of VVTA's Joint Powers Authority (JPA) members, VVTA and SANBAG. These TAC members work closely with the Board Members to ensure that they are

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informed of any important information that will assist them in making a decision on behalf of VVTA. Through this process, and after the action taken by the SANBAG Board relative to unmet needs in the VVTA service area, SANBAG staff was informed that Route 24 and Route 49 would not be implemented. Route 24 was not implemented because of a concern about the transfer point location, and there was general concern on both routes about the lack of ridership on the new service relative to the financial impact of LTF that is typically returned to the jurisdictions for local streets and roads purposes when not needed to meet transit needs. SANBAG staff expressed concerns to TAC members that the SANBAG Board had adopted a resolution stating that there were no needs that could reasonably be met with the understanding that service would be implemented. In June 2015, the VVTA Board of Directors approved their Fiscal Year 2015/2016 budget, noting specifically that both of these new services were recommended in the COA but were excluded from the budget. The budget document did not state why they were excluded or if there were plans for future inclusion.

TDA was “enacted by the California legislature to improve existing public transportation services” (TDA Statutes and California Code of Regulations April 2013). Within the statutes and regulations there are provisions that allow funding to be used for street and roads purposes; however, transit purposes are to receive priority. Staff will continue to work with VVTA staff to determine why these routes are no longer necessary or have been deprioritized. Additionally, to avoid this in the future, while reviewing the testimony received during the Fiscal Year 2015/2016 and future unmet needs hearings, SANBAG staff will meet with transit operator and local jurisdiction staff to ensure that planned service changes or expansions are going to be implemented before preparing findings for SANBAG Board approval.

Financial Impact:

This item is consistent with the SANBAG Fiscal Year 2015/2016 Budget.

Reviewed By:

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

Responsible Staff:

Nancy Strickert, Management Analyst III

Approved
Commuter Rail & Transit Committee
Date: January 14, 2016

Witnessed By:

COMMUTER RAIL AND TRANSIT POLICY COMMITTEE ATTENDANCE RECORD – 2015

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Paul Eaton City of Montclair	X	X	X	X	X	X		X	X	X	X	
James Ramos County of San Bernardino	X	X	X	X	X	X		X	X	X	X	
Jon Harrison City of Redlands	X	X	X	X*	X	X		X	X	X	X*	
Bill Jahn City of Big Bear Lake	X	X	X	X	X	X		X	X		X	
Mike Leonard City of Hesperia	X	X	X									
Larry McCallon City of Highland	X			X				X	X	X	X	
L. Dennis Michael City of Rancho Cucamonga	X		X	X	X				X	X	X	
Ray Musser City of Upland		X	X	X	X	X		X		X	X	
Richard Riddell City of Yucaipa	X	X	X	X	X	X		X	X	X	X	
Alan Wapner City of Ontario		X	X	X	X			X	X	X	X	
Deborah Robertson City of Rialto	X	X		X	X	X		X	X			

X = Member attended meeting.

* = Alternate member attended meeting

Empty box = Member did not attend meeting.

Crossed out box = Not a member at the time.

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.

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
IIEP	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
S RTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



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