



San Bernardino Associated Governments

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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
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AGENDA
Commuter Rail & Transit Committee Meeting

February 11, 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 (SCRRRA Alternate)
County of San Bernardino

Mayor L. Dennis Michael
City of Rancho Cucamonga

Vice Chair

Mayor Pro Tem Bill Jahn (Mtn/Desert Board Member)
City of Big Bear Lake

Mayor Pro Tem Jon Harrison
City of Redlands

Vacant

*(Mountain/Desert Board Member who also serves on the Board of a
Mountain/Desert transit agency)*

Mayor Deborah Robertson
City of Rialto

Mayor Larry McCallon (SCRRRA Primary)
City of Highland

Mayor Ray Musser
City of Upland

Mayor Paul Eaton (SCRRRA Primary)
City of Montclair

Council Member Richard Riddell
City of Yucaipa

Council Member Alan Wapner (SCRRRA Alternate)
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

**February 11, 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 - Transit/Rail

3. Request for Proposals for Construction Management Services for the Redlands Passenger Rail Project

That the Commuter Rail and Transit Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Authority, approve the release of Request for Proposals (RFP) No. 16-1001440 for Construction Management services related to the construction of the Redlands Passenger Rail Project.

Presenter: Justin Fornelli

This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG's General Counsel and Procurement Manager have reviewed this item and the Scope of Services.

4. Award Contract 16-1001329 with Nossaman, LLP for the Redlands Passenger Rail Project Right-of-Way Legal Services

That the Commuter Rail and Transit Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Authority, approve Contract No. 16-1001329 with Nossaman, LLP for a five year term in an amount not-to-exceed \$3,000,000 for Legal Services for the Redlands Passenger Rail Project Right-of-Way Acquisitions.

Presenter: Justin Fornelli

This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG's General Counsel and Procurement Manager have reviewed this item and the associated Contract No. 16-1001329.

5. San Bernardino Transit Center Right-of-Way Allocation

That the Commuter Rail and Transit Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Commission, allocate \$882,400 of Local Transportation Funds to fund right-of-way purchases for the San Bernardino Transit Center.

Presenter: Carrie Schindler

This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG's General Counsel and Procurement Manager have reviewed and approved this item.

Discussion - Transportation Programming and Fund Administration

6. Local Transportation Fund Apportionment for Fiscal Year 2016/2017

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

A. Maintain Fiscal Year 2015/2016 Local Transportation Fund apportionment of \$98,090,287 as approved by the Board on March 4, 2015.

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

C. Approve a Local Transportation Fund Estimated Apportionment of \$106,202,805 for Fiscal Year 2016/2017 as detailed in Attachment A and based on \$95,196,700 in estimated receipts, \$11,006,105 from excess revenue in Fiscal Year 2014/21015 not yet apportioned.

Presenter: Nancy Strickert

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

7. Fiscal Year 2016/2017 State Transit Assistance Fund – Population Share Apportionment

That the Commuter Rail and Transit Committee recommend the Board, acting as the San Bernardino County Transportation Commission, approve a State Transit Assistance Fund-Population Share Apportionment for Fiscal Year 2016/2017 of \$11,202,954, to be apportioned \$8,139,366 to the Valley and \$3,063,588 to the Mountain/Desert Areas based on 2015 California Department of Finance Population Data.

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 March 10, 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: February 11, 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.
4	16-1001329	Nossaman, LLP <i>Rick Rayl</i>	None

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

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Approved
Commuter Rail & Transit Committee
Date: February 11, 2016
Witnessed By:

-
- 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: 2

Date: February 11, 2016

Subject:

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

Recommendation:

Receive and File Change Orders.

Background:

Contract Number C14001 with Shimmick Construction Company, Inc. for construction of the Downtown San Bernardino Passenger Rail Project had one Construction Change Order approved since the last report to the Commuter Rail and Transit Committee. CCO No. 5 (\$208,142.57 increase required for adjustment to various allowance bid items).

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: February 11, 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
5	Adjustments to the various allowance bid items (CN 26-\$208,142.57).	\$208,142.57
CCO TOTAL		\$638,829.69
APPROVED CONTINGENCY		\$2,981,464.00
REMAINING CONTINGENCY		\$2,342,634.31

Attachment: Rail and Transit CCOs Matrix_Attachment-For Committee Mtg (2520 : 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: *February 11, 2016*

Subject:

Request for Proposals for Construction Management Services for the Redlands Passenger Rail Project

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Authority, approve the release of Request for Proposals (RFP) No. 16-1001440 for Construction Management services related to the construction of the Redlands Passenger Rail Project.

Background:

San Bernardino Associated Governments (SANBAG) has commenced with the implementation of the Redlands Passenger Rail Project (RPRP) and has procured the services of several firms to assist in delivering the project; including project management, design, outreach, and legal services. As design of RPRP progresses, SANBAG staff is seeking approval to release a Request for Proposals (RFP) to procure a Construction Management Consultant (CMC) to assist with the implementation of the Project. The CMC will be tasked with not only managing the construction of the Project but also an early utility relocation project to accommodate the future construction of RPRP and performing reviews of design documents as they relate to constructability and construction estimates.

SANBAG is using lessons learned from the construction of the Downtown San Bernardino Passenger Rail Project (DSBPRP) and the Omnitrans sbX Project to implement a strategy of beginning utility relocations prior to awarding the construction contract for RPRP. Schedule delays and additional costs were realized on both of these projects due to complications with encountering unforeseen utilities and utility conflicts. Completion of a stand-alone utility relocation project reduces the risk of change orders, delays, and increased costs associated with encountering unforeseen or unidentified utilities during the construction of RPRP. Since the design work associated with the early utility relocation package is slated to be completed in the summer to fall of 2016, procurement of a CMC to provide oversight of the utility relocation contractor should begin immediately.

After completing the oversight of the early utility relocations, the CMC will transition to performing constructability reviews of the final design documents and provide assistance in developing detailed construction contract specifications and terms for RPRP. The CMC will provide assistance during the bidding of the construction contracts for RPRP and will ultimately provide oversight of all the contractors needed to construct RPRP, except those needed for the Vehicle Maintenance Facility. CMC services for the Vehicle Maintenance Facility will be procured separately.

Entity: CTA

Commuter Rail & Transit Committee Agenda Item

February 11, 2016

Page 2

SANBAG staff is requesting the authorization to release RFP No. 16-1001440 for CMC services using the attached Scope of Services in Exhibit A.

Financial Impact:

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

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG's General Counsel and Procurement Manager have reviewed this item and the Scope of Services.

Responsible Staff:

Justin Fornelli, Chief of Transit and Rail Programs

Approved
Commuter Rail & Transit Committee
Date: February 11, 2016

Witnessed By:

Exhibit A

**REDLANDS PASSENGER RAIL PROJECT
CONSTRUCTION MANAGEMENT SERVICES – SCOPE OF WORK
RFP No. 16-1001440**

INDEX

- A. DESCRIPTION OF SERVICES
- B. PERFORMANCE REQUIREMENTS
- C. DUTIES AND RESPONSIBILITIES
- D. DELIVERABLES
- E. EQUIPMENT AND MATERIALS TO BE PROVIDED BY CONSULTANT
- F. MATERIALS TO BE FURNISHED BY SANBAG
- G. AVAILABILITY AND WORK HOURS
- H. LIMITATIONS TO AUTHORITY
- I. THIRD PARTY RELATIONSHIPS
- J. CONSTRUCTION SITE SAFETY

A. DESCRIPTION OF SERVICES

The San Bernardino Association of Governments (SANBAG) will utilize the services of a Construction Management Consultant (CMC) to support the construction activities for the Project. The CMC will provide construction management, materials testing, and support SANBAG's public outreach for the Project. A description of the Project is given below.

A.1 Redlands Passenger Rail Project

The Redland Passenger Rail Project (RPRP) will be constructed and operate on the rail corridor near and along Interstate 10 (I-10) and is the segment of railroad in San Bernardino County stretching from the Downtown San Bernardino Transit Center (DSBTC), at MP 1.0, east to the University of Redlands, MP10.0. The project is located entirely in the County of San Bernardino and traverses the cities of San Bernardino and Redlands, California.

The Project extends along an existing railroad right-of-way (ROW) owned by SANBAG and commonly referred to as the Redlands Subdivision and proposes the operation of passenger rail service with five station stops. SANBAG also proposes the replacement of the existing railroad tracks and ties, reconstruction or rehabilitation of existing bridge structures, drainage improvements, at-grade roadway crossing and safety improvements, including the implementation of Quiet Zones, passenger stations, and improvements to pedestrian access. The RPRP construction project also involves building a new wayside signal and communications system that includes positive train control (PTC), procuring a fare collection system, and procuring diesel multiple unit (DMU) passenger train sets. Construction of these various improvements is anticipated to start in 2017 with operations beginning in 2020. The project will also include separate construction contracts to complete utility relocations and demolition of existing buildings to accommodate RPRP. The utility relocation and demolition construction contracts are anticipated to be released in the summer of 2016 and will be managed by the CMC.

A.2 Services

Services are anticipated to generally include, but are not limited to the following: participation in the evaluation of scheduling of the proposed project; constructability review; construction project advertising, bid analysis, and award; construction inspection; materials testing, landscape inspection, contractor interface and contract administration; office engineering; supporting SANBAG's public outreach services and other assorted duties as appropriate in managing construction of railroad passenger rail capital improvement project.

It is expected that the CMC will assign a full-time Project Manager to coordinate all contract and personnel activities for all phases of construction. Other Resident Engineer(s) and inspection personnel may be assigned to direct and coordinate all project specific field activities and responsibilities as needed for satisfactory performance on the project. Only the Project Manager is required to be licensed as a Professional Engineer in the State of California at the time of proposal submittal through the duration of the contract. The CMC is expected to provide the necessary personnel to administer the construction support services requested herein and to assign qualified field personnel to perform the requested services. Furthermore, the CMC shall provide a public outreach liaison to assist SANBAG's Public Information Office, and the Cities of Redlands, Loma Linda and San Bernardino in

implementing the Public Outreach Program established for this project.

Insofar as the CMC's approach described in the Proposal, the scope of responsibility and the total number of personnel assigned to each phase is left to the discretion of the CMC. The Proposal shall include a staffing plan, an organization chart and a resource loaded schedule that establish the firm's ability to adequately and appropriately staff and manage the project.

SANBAG anticipates that the total contract will be approximately 53 months in duration, with preconstruction services starting in June 2016, utility relocations and building demolition construction contracts beginning in the summer of 2016, and the mainline construction starting in 2017 and ending in 2020 followed by closeout activities not exceeding three months.

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

SANBAG has designated a Project Manager to coordinate all construction activities.

The CMC shall report to and receive direction from SANBAG through the Project Manager, or his/her designees. The SANBAG Project Manager is responsible for coordination of all SANBAG construction activities and for coordinating the efforts of the total construction team. The SANBAG Project Manager will be the main contact and primary source of information between the CMC and other SANBAG consultants working on the Project, and Project stakeholders; supporting- CMCs and the public for the construction projects.

B. PERFORMANCE REQUIREMENTS

Construction Management: CMC shall furnish a Project Manager to coordinate CMC operations with SANBAG. The Project Manager shall be responsible for all matters related to CMC personnel and operations. The Project Manager may also serve as the Resident Engineer. The Resident Engineer shall be assigned to direct and coordinate construction activities under this contract. Other Assistant Resident Engineers may be assigned to each specific project responsibility, as needed. The Resident Engineer shall be in responsible charge of construction management and construction activity within the Project.

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

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

Key CMC personnel as identified by SANBAG and the CMC shall not be transferred from the Project unless approved in writing by SANBAG. SANBAG shall have the authority to penalize the CMC up to \$25,000 for removal of key CMC staff from the Project without prior SANBAG approval.

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

The typical workday includes all hours worked by the construction Contractor. If necessary, overtime for CMC personnel may be required. The construction Contractor's operations may be restricted to specific hours during the week, which shall become the normal workday for CMC personnel. The Project Manager, with prior concurrence from SANBAG, shall have the authority to increase, decrease, or eliminate CMC personnel work hours dependent on the schedule and requirements of the construction Contractor. All overtime pre-planned by CMC personnel shall be approved and authorized by SANBAG prior to each occurrence. If extraordinary circumstances require CMC overtime, the time along with an explanation shall be submitted to SANBAG within five (5) working days of the incident.

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

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

CMC personnel shall assist SANBAG and local agencies in obtaining compliance with the safety and accident prevention provisions. CMC will coordinate traffic handling with local agencies.

All services required herein shall be performed in accordance with Southern California Regional Rail Authority (SCRRA), California Public Utilities Commission (CPUC), Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and where applicable, California Department of Transportation (Caltrans) guidelines, regulations, policies, procedures, manuals, and standards, except as noted in the special provisions.

B.1 Materials Testing & Source Inspection:

The number of field testing and source inspection personnel assigned to the Project will vary throughout the duration of the construction contracts. CMC certified materials testing and source inspection personnel will be assigned as needed by the Resident Engineer to meet the required numbers and frequencies of testing based on schedule of the construction contractors.

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

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

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

Resumes of materials testing/source inspection personnel must be submitted to SANBAG for review and approval prior to assignment to the Project. If, at any time, the level of performance of any testing personnel is below expectations, SANBAG may release that field person and request that another be assigned as needed.

CMC shall be responsible for drafting a Source Inspection Quality Management Plan (SIQMP) to match the Project requirements, which outlines the approach to source inspection and the roles and responsibilities of the source inspection personnel. CMC shall provide Structural Materials Representative (SMR), Steel inspectors, Non-destructive Steel Inspectors, Coating Inspectors, Precast Concrete Inspectors and other source inspectors as needed.

B.2 Construction Surveying

CMC shall review and provide Quality Assurance and Quality Control of the Contractor's construction surveys for the Project. All services required herein shall be performed in accordance with SCRRA guidelines, regulations, policies, procedures, manuals, and standards, except as noted in the special provisions.

C. DUTIES AND RESPONSIBILITES

The following scope of work is divided into three phases: Pre-Construction, Construction, and Post-Construction. This generalized scope of work does not list all of the CMC responsibilities. CMC shall provide complete and comprehensive construction management services for each phase of work, for each construction contract issued by SANBAG to complete the Project.

C.1 Phase 1 – Pre-Construction Services

Immediately following receipt of the NTP, the CMC shall establish the field office with staff that includes the full-time Project Manager and staff as directed by SANBAG to complete the following items.

- a. Create a complete Construction Management (CM) Procedures Manual modeled after similar mainline commuter rail projects, including but not limited to, the Downtown San Bernardino Passenger Rail Project. At a minimum, it should address the control and management of construction related documents, including: Requests for Information; Change Orders; Contractor Submittals; Construction Photos; Operations and Maintenance Manuals; As-built drawings and Project Record Documents. This document shall follow and implement appropriate guidelines in the latest FTA "Project and Construction Management Guidelines"
- b. Perform constructability analysis of the 65% and 90% complete construction documents. The Mainline Design Consultant (MDC) will support this analysis and coordinate with the CMC on

- appropriate plan, specification and bid item revisions.
- c. Participate in risk management sessions to identify and mitigate against construction risk and hazards.
 - d. Per the specifications, create a project construction schedule detailing phasing and tasks and sub-tasks for each phase. Include all work items from contractor, SANBAG, 3rd parties and CMC work items.
 - e. Support Bid/Award Process – Assist SANBAG and MDC in responding to bid addenda, and bid analysis, pre-qualification of contractors, and recommend award of the construction contracts to the Board.
 - f. Prior to construction and during the constructability reviews, coordinate with MDC in conducting an existing conditions surveys identifying potential adverse impacts to schedule and costs and report theses to SANBAG.
 - g. Assist SANBAG with coordination of the pre-bid meeting. Assist in responses to contractor’s questions during the bid period.
 - h. Attend Pre-construction meetings as requested.
 - i. Document existing conditions through digital still photography and submit all photos in digital format to SANBAG prior to start of construction.
 - j. Perform site reconnaissance and review contract document provisions for site access, staging, parking, utilities, etc. and make recommendations for items to be included in the construction contract documents.
 - k. Review utility relocation requirements and provide recommendations for structuring the relocation scope of work that will be included in the construction contract documents.
 - l. Monitor all Construction Environmental Control Plan requirements (address all NEPA/CEQA mitigation and permit requirements as listed in the specifications) with the MDC.
 - m. Prior to construction, assist MDC with environmental surveys (prior to start of construction).
 - n. Prepare a CM Quality Assurance/Quality Control (QA/QC) Plan, including review and audits of construction contractor QA/QC plan. The CMC’s QA/QC Plan shall be developed in accordance with “FTA-MA-06-0189-92-1 Quality Assurance and Quality Control Guidelines” and shall be consistent with SANBAG’s Program Management Plan (PMP) and Quality Assurance Program. See Section C.01.2.7 Quality Assurance/Quality Control (QA/QC) Requirements for additional requirements.
 - o. Review contract requirements for Contractor Safety Plan used to govern job-site safety during the construction process.
 - p. Review project specific testing requirements to be included in the construction contract documents. These will be utilized to ensure that all job materials and construction activities are being reviewed and tested.
 - q. Review contract specific and overall project start-up and test procedures that will be included in the construction contract documents. These procedures shall comply with all state and federal agency requirements necessary to make the completed project ready for revenue service.
 - r. Review systems verification, testing and start-up plan.
 - s. Review hazardous material identification, notification and remediation policy referenced in the construction contract documents and used to facilitate prompt and legal disposal of job-site hazardous materials during the construction process.
 - t. Review the draft Storm Water Pollution Prevention Plan (SWPPP), in accordance with the State Water Resource Control Board requirements.
 - u. Verify that all required permits, easements, utility relocation agreements, cooperative

agreements, and memorandums of understanding (MOU's) are complete and the associated requirements are incorporated into the construction plans and special provisions.

- v. Review PMP to assist in understanding federal requirements for construction management procedures and reporting.

C.2 Phase 2 – Construction Services

C.2.1 General Requirements

a. Progress Management:

1. Submittals, Nonconformance Reports, (NCR) and RFIs: Review for quality and completeness, process and track. The MDC has a supporting role in responding to RFIs and reviewing non-conformance reports and also reviewing contractor submittals and shop drawings for adherence to design and specifications. Coordinate and transmit RFIs and submittals to the MDC as directed by SANBAG. Facilitate timely review of these.
2. Progress Payments: Review/approve/reject contractor's monthly progress payment requests. Measure and track quantities installed for all unit rate items and maintain Schedule of Values progress payment in FTA format.
3. Monitor permits, submittals, shop drawings, material procurement, RFIs, bulletins, change requests, change orders, schedules, and recovery plans, coordination with agencies, jurisdictions, utilities, and Engineer of Record.
4. Changes/Claims: Recommend and implement change orders and claim avoidance practices. Analyze, negotiate, facilitate settlement of claims, and process change orders in a timely manner in accordance with the approved PMP procedures. The MDC will revise design documents as required.
5. Track/analyze/report on contractor/subcontractor lien releases.
6. Railroad Force Account: Record any SCRRRA and possibly BNSF force account work and review invoice documents within the specified contract duration.
7. Document Control: Adhere to SANBAG procedures and maintain hard copies. All documents are to be scanned and saved electronically in the field with weekly backups maintained off site.
8. Contractor Insurance: Track policies and renewals including subcontractors.
9. Labor Compliance and Disadvantaged Business Enterprise (DBE) Monitoring: Support SANBAG by obtaining certified payrolls; ensure that DBEs and UDBEs are performing designated work. Obtain contractor's DBE compliance reports. Track and document contractor compliance with prevailing wages and Equal Employment Opportunity (EEO) including performing field interviews of contractor personnel. See Section C.01.2.11 Prevailing Wage Monitoring for additional requirements.

b. Documents:

1. Construction Safety and Security: Review contractor's site-specific Safety and Security Plans. Monitor, document, and prepare accident reports. Observe and document in an incident log contractor's compliance with the project safety plan.
2. Storm Water Pollution Prevention (SWPPP): Track compliance with the project SWPPP (and/or Water Quality Control Plan (WQCP)). Perform site inspections to ensure Best Management Practices (BMPs) have been implemented as outlined in the SWPPP/WPQP and that they are properly installed and performing correctly. Perform weekly or daily inspections during the rainy season. Perform run-on/run-off sampling

- and testing if required by the SWPPP/WQCP.
3. Review of Traffic Plans (Detours and Lane Closures): Review construction contractor plans, assist with resolution of issues, and assist with coordination of the traffic plans with the roadway agencies (City of San Bernardino, City of Redlands, City of Loma Linda, and CALTRANS) and adjacent property owners.
 - c. Provide construction related geotechnical services necessary to monitor compliance with contract requirements, and as described elsewhere.
 - d. Systems Inspection, Testing, Commissioning, and Start-up: perform factory visits, complete manufacturers quality audits, test reports, safety certifications, and verify as-built drawings and calculations. The CMC shall also coordinate with SANBAG and SCRRA in implementing both construction phase and start-up phase testing in achieving acceptance and approval by appropriate agencies and authorities. The CMC shall submit timely reports on problems, progress, and completion of the start-up testing shall be submitted to SANBAG. The CMC shall also provide technical assistance to SANBAG and coordinate the interface between construction and operations personnel for the start of revenue services, and assist SANBAG with obtaining the Project System Safety Certification from the CPUC.
 - e. Survey Support (QA/QC) Services: Monitor construction contractor compliance with surveying requirements; verify layout and controls, perform independent survey checks of line and grade, spot check contractor reference points and verify location and preservation of the critical baseline survey points prior to and after construction (SANBAG provides construction control surveys). The CMC shall include a California licensed surveyor on the CMC team to provide these services and additional 1 baseline surveys in the event that the contractor's survey cannot be relied upon. CMC will provide one set of construction staking for all aspects of the construction. Additional staking will be at the contractor's expense.

C.2.2 Communication

- a. CMC is responsible for interfacing, coordination, and communication of all activities during construction, and to keep SANBAG well informed at all times. This effort of interfacing, coordination, and communication includes but is not limited to: utility companies; community relations (SANBAG and CMC); labor organizations; cities and the County; SCRRA, BNSF, and Omnitrans; Esri and the University of Redlands; Army Corps of Engineers; U.S. Fish and Wildlife; Engineer of Record; architects, artist and other agencies; CMCs; and other entities associated with the project.
- b. Coordinate with MDC to facilitate prompt resolution to design and construction related issues.
- c. Utility Coordination: Assist construction contractor and coordinate project utility requirements with MDC. Assist SANBAG with coordination of utility owners for required utility relocation work. Provide knowledgeable utility field inspectors to oversee utility design, and integration of required changes to resolve utility conflicts. These inspectors will be required to coordinate interface milestones, work windows, and monitor the overall efforts of construction contractors.
- d. Coordinate Flagging: Schedule SCRRA flagging, assign watch persons for protection of workers and equipment not required by SCRRA and under CMC purview, assure that all CMC and Contractor field personnel complete and stay current with railroad safety training requirements. Coordination may be required with BNSF for their customers.
 1. Coordinate instruction classes in FRA Railroad Worker Safety Protection, Safety Rules and Regulations. In addition, coordinate SCRRA General Safety Regulations for Third Party Contractors and Utilities Workers for contractors, and other third parties

performing work within SANBAG right-of-way. Maintain an updated log of all on-track safety certified staff and contractors for the purpose of allowing only certified people on railroad job site.

- e. Prepare weekly progress reports to include daily dairies, project/contract status, deficiency logs, field change notices, new and outstanding issues, actions to be taken, schedule update, calendar days spent and remaining, claims evaluation, and status of all logs including submittals, RFIs, contract change order documents, drawing registers/control logs, etc.
- f. Prepare Monthly Progress Summary Reports indicating CMC and Contractor's contract status, job site conditions, specific conditions encountered, corrective measure taken, progress and record photos, manpower reports, construction schedule update (including narrative), current project cost, and projection of cost including potential change orders, issues and resolutions, itemize all to-date project costs and forecast project costs by totaling base contract payments. It should also include any critical issues requiring action by discussing and prioritizing issues and setting action responsibilities identifying any significant problems with the budget or staffing. Submit the reports to SANBAG.
- g. The CMC Resident Engineer shall immediately notify SANBAG of any significant construction problem that may impact cost, schedules, relations with other entities, or accidents. This notification shall, as soon as practicable, include written recommendations on options to resolve the problem.
- h. Conferences/Meetings:
 1. Conduct weekly progress, pre-work, weekly safety, and third party coordination meetings.
 2. Conduct and produce meeting minutes and action item lists for weekly contractor progress review meetings for submittal to SANBAG. Provide agendas to include the weekly progress report elements.
 3. Prepare, coordinate, facilitate and participate in Partnering Program and conferences at the onset of construction and throughout the duration of construction activities with SANBAG, MDC, all construction contractors, and other key Project stakeholders. This Program shall promote teamwork and open lines of communication to facilitate the successful completion of the Project.

Public Affairs: Assist SANBAG in providing community meetings to educate the public on the impact of construction work in their local area. Provide support for preparing presentations to cities, agencies, municipalities, SANBAG Board, the public and others as directed. Prepare all agendas, record meeting minutes, and distribute copies to attendees and interested parties.

C.2.3 Scheduling Control

- a. Review and monitor contractor's schedule for accuracy, compliance, completed work, and forecast reasonableness.
- b. Expand and maintain the Primavera CPM Master Project planning and construction overview schedule to include individual construction contracts with milestones and start-up activities.
- c. Review and approve baseline construction schedules, monthly schedule updates, and 3-week look-ahead schedules submitted by contractors for compliance with the construction contract specifications.
- d. Provide assistance to develop work-around schedules or recommend other measures required to mitigate delays or expedite the schedule.
- e. Review and approve delay analyses submitted by contractors for change order work.
- f. Prepare monthly report summarizing contractor progress, critical path analysis, and contractual

milestone comparisons of baseline versus current schedule, and resource and cash flow projections.

C.2.4 Cost Control/Estimating

- a. Cost Engineering/Estimating: Maintain an up-to-date trend system which identifies all potential cost (and cost of schedule) impacts and forecast to complete.
- b. The CMC is responsible for construction contract administration activities, field review and verification of work in place, review and approval of contractor' payment requests, and the negotiation and recommended approval of certain change orders in accordance with approved guidelines. Develop and maintain logs at the field office sites of all-active contract change orders, claims, trends, bid item adjustments, and incurred cost. At the end of each reporting period, CMC will provide a summary of these logs. The summary will show the cumulative totals of the above logs for each contract.
- c. Prepare monthly, a three-month look ahead Project Staffing Projections to effectively monitor and compare the CMC costs to the original proposed Work Plan and Budget.
- d. The CMC will assist in, or participate in negotiations for contract change orders, including but not limited to preparing an independent cost estimate to help establish a price for extra work and delays. The fair and reasonable cost estimate will be used as a basis for the change order negotiations, and as backup documentation.
- e. In preparing cost estimates, the CMC will prepare and maintain complete documentation establishing the basis of the estimates. This documentation prepared in accordance with FTA requirements shall include the basis for all labor, material and equipment costs. Costs shall include all applicable direct and indirect costs, including negotiated profit margins. Any cost necessary to reflect the unique or unusual characteristic of the change order shall be included.

C.2.5 Inspection Control

Provide on-site daily inspections and thorough documentation to check the quality and quantity of the work performed by all trades and guard SANBAG against defects and deficiencies in the work of the contractors. Inspect workmanship, quality, construction means, methods, techniques, and sequences to evaluate the contractor's compliance with the requirements of the construction documents and recommend necessary remedial action to SANBAG and the Contractor.

Prepare daily field reports detailing weather conditions, status of work, and the location and type of work performed by the Contractor. For each daily work activity, document the number and classification of craft labor, supervision, equipment and materials used.

Any construction work not properly inspected and tested shall be grounds for removal of the CMC or specified personnel.

Routine responsibilities associated with providing inspection during construction include, but are not limited to, the following:

- a. Provide daily inspection and documentation of job related activities.
- b. Prepare and maintain thorough daily inspection reports.
- c. Provide continual review of plans and specifications to identify discrepancies, and ambiguities, omissions, or conflicts in plans, specifications, and bid schedules that may generate misinterpretations and/or lead to disagreements.
- d. Provide inspection oversight for utility relocations performed by non-SANBAG contractors.

- e. Coordinate work schedule with contractor for testing and surveying.
- f. Document information related to manpower, equipment, and time for extra or force account work or claim monitoring.
- g. Attend and document contractor tailgate safety meetings.
- h. Observe and enforce safety attire compliance requirements and on-track safety certification.
- i. Confirm accurate measured quantities and review pay estimates submitted by the contractor.
- j. Provide electronic pictorial and video logbook of construction activities.
- k. Report all discrepancies requiring corrective actions to SANBAG.
- l. Meet with contractor to review proposed work and schedule required inspection.
- m. Provide monthly inspection of contractor's As-Built drawings.
- n. Maintain separate As-Built drawings.
- o. Develop "Punch List" items and follow-up with corrective measures.

C.2.6 Material Sampling and Testing

CMC will provide QC, obtain laboratory testing services, and provide independent verification of contractor compliance with specifications.

The CMC shall maintain primary responsibility for verification testing for contract compliance of rail welding, and the final trackwork inspection, including communications and train control signaling systems (including wayside Centralized Traffic Control/CTC and Positive Train Control/PTC). The Construction Contractors have the primary responsibility for materials sampling and testing. The CMC shall satisfy themselves that the Construction Contractor's test, frequency of test, re-tests, and results comply with contract specifications. All materials sampling and testing documentation shall be reviewed by the CMC. A copy of all tests shall be maintained in the project file.

CMC shall provide verification tests as deemed necessary. The Testing Laboratory personnel shall be qualified and certified as applicable (ASTM, Caltrans, ACI, AWS, etc.) with field testing capabilities for soil, concrete, asphalt, welding, NDE procedures for metal including rail welding, and materials testing to complement the CMC's field inspection staff. The scope of testing shall include, but not be limited to on-site inspections and sampling, laboratory materials testing, and off-site source testing and inspection as needed. All test results shall be timely and accurate, so that the contractors work is not impacted.

The following represents the minimum anticipated Field Materials Sampling and Testing Requirements:

- a. Soil – Compaction/Density/Moisture/Resistivity
- b. Fill Material – Gradation/AD/Ballast/Backfill
- c. Concrete – Materials/Cylinders/Slump/Air Entrainment
- d. Asphalt Concrete – Yield
- e. Rail Welding – Ultrasonic/Plant & Field
- f. Rail End Hardening – Brinell Hardness (@Insulated Joints)
- g. Masonry – Grout/Mortar Test/Reinforcing Steel
- h. Coring – Asphalt/Concrete

The Trackwork including communication and train control signaling systems inspector shall have detailed knowledge of applicable SCRRA, American Railway Engineering and Maintenance-of-Way Association (AREMA), CPUC General Orders, and Federal Railroad Administration track and signal

requirements, including but not limited to, 49CFR Parts 213, 236 and 237 requirements. Trackwork inspectors shall coordinate all field rail welding testing.

C.2.7 Quality Assurance/Quality Control (QA/QC) Requirements

- a. The CMC will submit to SANBAG for approval a QA/QC Plan within 45 calendar days after NTP. The CMC's QA/QC Plan shall identify the individual(s) responsible for QA/QC activities for this contract. The representative shall be responsible for monitoring all construction quality activities for the project and have the authority to act in all issues relating to quality. The representative shall be fully qualified by certification and/or experience and technical training to perform the necessary quality review and monitoring activities and fully implement the QA/QC Plan. The CMC's QA/QC Plan shall be developed in accordance with "FTA-MA-06-0189-92-1 Quality Assurance and Quality Control Guidelines" and shall be consistent with SANBAG's Program Management Plan (PMP) and Quality Assurance Program.
- b. Review and accept construction contractors' QA/QC plan. Audit the contractor's compliance with the accepted QA/QC Plan.
- c. The QA section of the CMC's program will identify all planned and systematic actions necessary to ensure that the scope of work requirements are met to ensure quality throughout all phases of construction. The QA Plan shall identify actions ensuring that equipment and staffing are capable of performing tasks related to the Contract, and documenting the quality efforts.
- d. The QC section of the CMC's program shall identify the operational techniques and activities, inspections, tests, documentation and other processes that will be used to fulfill requirements specified in the QA section. Provide Resident Engineers, QC inspection, and materials compliance with QA/QC plan and specifications.

C.2.8 Project Liaison and Coordination

The CMC will support SANBAG staff in coordinating program activities and maintaining good working relationships with the following:

- a. The general public
- b. FTA
- c. FRA
- d. Caltrans
- e. Other state agencies
- f. CPUC
- g. Policy Advisory Boards
- h. Cities and special districts along the Project route
- i. University of Redlands
- j. Esri
- k. Utility companies
- l. Private companies and entities that might be affected by Project construction or implementation

C.2.9 Environmental Mitigation Compliance Inspection and Reporting

- a. Follow construction environmental control plan requirements, ensure contractor compliance with environmental permits such as discharge permits and erosion and sedimentation control requirements, mitigations, monitoring and sound management practices. Provide other environmental compliance services requested by SANBAG
- b. The MDC will be responsible for Environmental Mitigation Compliance per the previously prepared and submitted Mitigation Monitoring and Reporting Program. The MDC shall have available on an on-call basis, all resources necessary including but not limited to environmentalist, biologist, archaeologist, paleontologist, arborists, and others to provide prompt attention to mitigating matters as they develop.
- c. MDC shall provide Worker Environmental Awareness Program (WEAP) training information to all field personnel as part of their ongoing field responsibilities. For construction workers (or visitors) new to the project, the MDC will provide video and/or other materials to introduce construction personnel (or visitors) to the environmental issues on the project and to establish the environmental ground rules for working on the project.
- d. MDC shall also conduct tailgate briefings on select environmental topics, prior to construction in sensitive areas or in response to ongoing compliance issues. These tailgate briefings should generally be held in coordination with construction tailgate briefings and should simply serve as reminders of key environmental concerns or requirements

The CMC will coordinate and monitor the need for tailgate briefings based on the construction schedule. The CMC will schedule the briefings between the Contractor and the MDC. Additionally, the CMC will notify SANBAG of the need for a briefing and include SANBAG in the briefing.

C.2.10 Prevailing Wage Monitoring

- a. All contracts are subject to Federal and State prevailing wage laws. The CMC shall be responsible for the day-to-day administration of all Prevailing wage requirements on all construction contracts for the project.
- b. The CMC shall have procedures and processes to verify that the weekly certified payrolls are received for all covered construction workers, including all prime and sub-contractors.
- c. The CMC shall notify SANBAG of any irregularities in the construction contractors' adherence to prevailing wage requirements. In the event of contractor noncompliance with payroll submittal and any other prevailing wage requirements, the CMC shall prepare written notifications to the Prime Contractors itemizing any deficiencies, defining the remedies and noticing of applicable progress payment withholdings and penalties associated with the noncompliance.

C.3 – Phase 3 – Post-Construction Services Contract Closeout:

1. Perform final inspection and testing.

2. Prepare comprehensive punch list, resolve outstanding issues, address changes and deficiencies and monitor corrections to completion.
3. Coordinate and schedule final inspections.
4. Balance Change Orders and prepare proposed final estimate. Review and process final payment request.
5. Receive, review, approve, and transmit O&M Manuals from contractor to SANBAG.
6. Produce and issue relief of maintenance and responsibility letter to contractor when authorized.
7. Receive, review, correct, and transmit As-Built Drawings from contractor to SANBAG.
8. Coordinate completion of final reproducible record set of drawings.
9. Receive, review and transmit Warranty/Guarantee documents from contractor to SANBAG.
10. Obtain final acceptance from SCRRA, BNSF, Cities of San Bernardino and Redlands, Esri, University of Redlands, OmniTrans, utility companies, and any other relevant Project stakeholders.
11. Produce and issue Final Acceptance to contractor when authorized by SANBAG.
12. Continue claims support in the event that issues are not resolved prior to construction completion.
13. Assess liquidated damages in the event that the contractor exceeds his allowable number of working days.
14. Expedite closeout process and prepare final closeout report.
15. As-Built Drawings: Ensure construction contractor maintains as-builts and coordinate with MDC. Document and track all design changes. Review final as-built drawings prepared by MDC to ensure all changes have been incorporated. Verify that all work was completed in conformance with the plans and specifications and provide a letter to SANBAG to this effect.

Warranties: Monitor and track warranties.

D. DELIVERABLES

1. Inspector daily reports, extra work daily diaries and Resident Engineers' daily diaries.
2. Monthly Project Activity Summary Reports.
3. Monthly Contractor progress payments, back-up documentation, and Contractor payment records.
4. Contractor final payment documents, delivered to SANBAG no later than ten (10) working days after acceptance by SANBAG of the completed construction Project.
5. All Project files, Project reports, correspondence, memoranda, shop drawings, Project logs, project photo and logs, change order data, claims and claim reports, and Contractor payment records.
6. Certified payrolls and fringe benefit statements for all employees, CMC and Contractor, who are subject to the State and/or Federal prevailing wage rates.

7. All material test results will be provided in accordance with the applicable Standard Specifications and Special Provisions, and test methods. Failing tests will be immediately reported to the Resident Engineer or Structures Representative. All test results will be recorded on the appropriate forms. The test documents will be legible and show the identity of the tester where appropriate. A notebook containing all test results and reports will be maintained by CMC throughout the duration of the Project and delivered to SANBAG with the Project files.

E. EQUIPMENT AND MATERIALS TO BE PROVIDED BY CMC

1. CMC shall provide all necessary equipment including software, materials, supplies, miscellaneous tools, phones, vehicles, and safety equipment required for its personnel to perform the services accurately, efficiently, and safely. The above noted items shall be considered part of the CMCs overhead.
2. CMC personnel shall be provided with vehicles suitable for the location and nature of the work involved.
3. CMC personnel shall be provided with a mobile radio, cellular phone, or other means to assure full-time communication. If a radio system is to be used, CMC shall provide a base station at the field office.
4. CMC personnel shall be provided with all applicable standard plans, specifications, and other standards as appropriate.
5. For Materials Testing, CMC and its staff will be fully equipped at all times to perform the services required, including but not limited to the following:
 - a. An on-site mobile laboratory or laboratory in close proximity to the Project will be required. The type and location of the lab should be such that it can meet the needs of the Project in an efficient, time effective manner. The laboratory is to be fully staffed, equipped, and supplied to conduct all required soils, materials, and concrete breaking tests in a timely manner.
 - b. Field personnel will be provided with all necessary safety equipment to permit work to be performed safely and efficiently within operating rail, highway and construction zone environments.
 - c. All equipment to be calibrated as per Section 3-10 and 3-11 of Caltrans' Quality Assurance Program Manual.

F. MATERIALS TO BE FURNISHED BY SANBAG

1. SANBAG will provide three (3) copies of all Project construction documents including plans, and special provisions, and one (1) copy of all other reports, designer prepared

resident engineer files, and contracts. In addition, SANBAG will provide one (1) full size (24" x 36") sets of plans for use in the construction field office as record documents.

2. SANBAG will provide copies of all previously secured permits and Project authorizations.

G. AVAILABILITY AND WORK HOURS

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

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

H. LIMITATIONS TO AUTHORITY

CMC does not have the authority to:

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

I. THIRD PARTY RELATIONSHIPS

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

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

J. CONSTRUCTION SITE SAFETY

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

1. CMC will conform to the safety provisions of the SCRRA Manuals, Rules, and Requirements.
2. CMC's field personnel will wear hard hats with proper suspension, orange vests with reflective tape, sleeved shirt, long pants, and leather boots with ankle support and rubber soled shoes (with steel toes within the railroad right of way) at all times while working in the field.
3. CMC will provide appropriate safety training for all CMC's personnel, including work on and near highways and railroad right-of-way.
4. All safety equipment will be provided by CMC.

Minute Action

AGENDA ITEM: 4

Date: *February 11, 2016*

Subject:

Award Contract 16-1001329 with Nossaman, LLP for the Redlands Passenger Rail Project Right-of-Way Legal Services

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Authority, approve Contract No. 16-1001329 with Nossaman, LLP for a five year term in an amount not-to-exceed \$3,000,000 for Legal Services for the Redlands Passenger Rail Project Right-of-Way Acquisitions.

Background:

With the San Bernardino Associated Governments (SANBAG) Board of Directors identifying the Redlands Passenger Rail Project (RPRP) as one of its priority projects and RPRP having cleared environmental review in March 2015, staff is moving forward with the delivery of the project. As SANBAG staff begins the final design efforts for RPRP it is important to also begin the right-of-way acquisition process for parcels needed to implement the project.

Procuring legal services to support the acquisition of right-of-way early in the process allows a project to progress more seamlessly with final design and reduces the amount of legal work that is ultimately required at the end of the acquisition process. Early action with regard to right-of-way acquisition greatly reduces the risk of construction delays.

The firm recommended by the Evaluation Committee for contract award based on technical abilities and interviews is Nossaman, LLP.

The Request for Proposals (RFP) 16-1001329 was released on September 29, 2015, and was sent electronically to approximately sixteen (16) consultants registered on Planet Bids. The solicitation was issued in accordance with current SANBAG policies and procedures for procurement of professional services. Eight (8) proposals were received and were all deemed responsive after a review conducted by the Procurement Analyst.

The Evaluation Committee members met on November 18, 2015 and discussed each proposal according to the evaluation criteria, including the proposals' strengths and weaknesses. At the completion of discussions the committee members individually scored the proposals based on the following evaluation criteria: Qualifications, Related Experience and References of the Firm - 20%; Proposed Staffing and Projection Organization - 30%; Work Plan - 30%; and Price 20%. Because of the scoring, the firms were ranked in order of technical merit, and a short-list was developed. Four (4) firms were short-listed and invited to interview.

Interviews were conducted with the short-listed firms on December 3, 2015. Interviews were 50 minutes in length; which consisted of a 15 minute 'opening statement/presentation' by the firms, followed by 30 minutes of questions and answers, and 5 minutes of 'closing statements'

Entity: CTA

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by the firms. At the completion of the interviews, the Evaluation Committee separately scored the interviews. The assigned weighting between the technical proposal and interviews was 40% for proposals, and 60% for interviews.

The highest ranked firm, Nossaman, LLP, is being selected due to their thorough understanding of the scope of work and knowledge of the critical right-of-way needs of the Redlands Passenger Rail Project. The firm also presented a depth of key staff that will contribute to the project.

As a result of the scoring, the Evaluation Committee recommends that the contract to perform the scope of work as outlined in the Request for Proposals 16-1001329, be awarded to Nossaman, LLP in an amount of \$3 million to be funded with Measure I Metrolink-Rail Program funds. The firm clearly demonstrated a thorough understanding of the scope of work and proposed an overall solid team; and therefore ranked first in overall score. Evaluation forms are located in the Contract Audit File.

Financial Impact:

This item is consistent with the Fiscal Year 2015/2016 SANBAG Budget. Additional budget authorization will be requested in future fiscal years to account for this contract.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG's General Counsel and Procurement Manager have reviewed this item and the associated Contract No. 16-1001329.

Responsible Staff:

Justin Fornelli, Chief of Transit and Rail Programs

Approved
Commuter Rail & Transit Committee
Date: February 11, 2016

Witnessed By:

Contract Summary Sheet

General Contract Information

Contract No: 16-1001329 Amendment No.: n/a Vendor No.: 01519
 Vendor/Customer Name: Nossaman, LLP Sole Source? Yes No
 Description: Right-of-Way Legal Services for the Redlands Passenger Rail Project
 Start Date: 03/02/2016 Expiration Date: 06/30/2021 Revised Expiration Date: _____
 Has Contract Term Been Amended? No Yes - Please Explain _____
 List Any Related Contracts Nos.: _____

Dollar Amount			
Original Contract	\$ 3,000,000.00	Original Contingency	\$ -
Revised Contract (Inclusive of Prior Amendments)	\$ -	Revised Contingency (Inclusive of Prior Amendments)	\$ -
Current Amendment	\$ -	Contingency Amendment	\$ -
TOTAL CONTRACT VALUE	\$ 3,000,000.00	TOTAL CONTINGENCY VALUE	\$ -
		TOTAL DOLLAR AUTHORITY (Contract Value and Contingency)	\$ 3,000,000.00

Contract Authorization

Executive Director Date: _____
 Executive Director Action: _____
 Board of Directors Date: 03/02/2016
 Board of Directors Action: Approve Contract 16-1001329

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: Justin Fornelli

Attachment: Contract Summary Sheet [Revision 1] (2526 : Award Contract 16-1001329 with Nossaman LLP for RPRP Right-of-Way Legal

EXHIBIT A
SCOPE OF SERVICES

PROJECT OVERVIEW

The San Bernardino Associated Governments (SANBAG), acting as the County Transportation Authority (“Authority”), will seek legal support from Attorney to assist with the acquisition of the right-of-way for the Redlands Passenger Rail Project (RPRP).

The Authority has completed the preliminary engineering and obtained environmental clearance for RPRP through the NEPA and CEQA processes and is set to begin the final engineering of the project, which will include the identification of properties needed to be acquired to implement the project. The RPRP will extend approximately nine miles along right-of-way owned by SANBAG from the San Bernardino Transit Center, currently under construction at the intersection of Rialto Ave and E Street in San Bernardino, to the University of Redlands in the City of Redlands.

As part of the right-of-way acquisition process, Attorney must fully advise the Authority as to the effects and applicability of, and ensure that the Authority is in compliance with, all applicable state and federal laws relating to its acquisition, use, activities upon, and disposal of any real property interests, whether permanent or temporary, related to the RPRP project, including, but not limited to:

- i. California Constitution Art. I, § 19;
- ii. The California Eminent Domain Law (Code Civ. Proc., §§1230.010 et. seq.);
- iii. The Uniform Relocation Assistance Act and Real Property Acquisition Policies for Federal and Federally Assisted Programs, as amended (42 U.S.C § 4601 et seq.); and
- iv. State relocation laws and implementing regulations (Gov. Code, §§ 7260 et seq., Cal. Code Regs., tit. 25, §§ 6000 et seq.)

(hereinafter collectively referred to as the “Acquisition Regulations”).

SCOPE OF SERVICES

The legal services to be provided to the Authority concerning the right-of-way acquisition related to the RPRP are to include all customary, necessary and/or desirable services related to negotiated purchases and/or eminent domain proceedings at the direction of, and coordinated with the Authority’s General Counsel. The Authority reserves the right to engage other firms or attorneys to perform the same or similar work for the RPRP project and therefore the services shall also include full professional cooperation and coordination with such other firms or attorneys, if any. The services may include but shall not be limited to any or all of the following:

- Review of property title of potential or actual Alignment Property (or be available to answer questions) with appraiser before appraisal takes place to address any legal issues that the appraiser might have – e.g., valid easements, title issues;
- Review appraisals and legal descriptions provided by right-of-way/design consultant, when finished;
- Review, prepare, and present SANBAG Board items that are requesting approval of appraisals and authorize purchase of Alignment Property;

- Review offers to be made to property owners and assist right-of-way/design consultant with property negotiations, as requested;
- Review all purchase and sale documents, possession and use documents and right-of-entry documents required for acquisition of the Alignment Property;
- If needed, prepare Resolution(s) of Necessity and any supporting documents required for said Resolution(s);
- If needed, review, prepare, and present materials to Authority's Board for all hearings on Resolution(s) of Necessity;
- If needed, prepare eminent domain complaint and all necessary documents to obtain prejudgment possession;
- If needed, litigate and conduct trial for any portion of the right-of-way acquisition process that occurs within the court system, including but not limited to right-to-take challenges, stipulated orders for possession/judgment, and valuation;
- Provide overview (and general advice) of property acquisition procedures and ensure compliance with the federal and state Acquisition Regulations;
- If needed, provide overview (and general advice) of eminent domain procedure and ensure compliance with the federal and state Acquisition Regulations;
- Prepare and present support materials to the Authority's Board of Directors' meetings (closed or open sessions);
- Prepare or review any contracts and conveyance documents that may be required to ensure that all necessary right-of-way has been acquired and is ready and useable for the purposes of the RPRP project, including but not limited to, contracts with property owners, tenants, other private individuals and entities, local jurisdictions such as cities, the County of San Bernardino, and public utility agencies, California Department of Transportation (Caltrans), BNSF Railway, Southern California Regional Rail Authority (Metrolink), private utility companies, and state and federal agencies, and;
- Such other matters as may be assigned by the Authority or its General Counsel.

Minute Action

AGENDA ITEM: 5

Date: *February 11, 2016*

Subject:

San Bernardino Transit Center Right-of-Way Allocation

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board, acting in its capacity as the San Bernardino County Transportation Commission, allocate \$882,400 of Local Transportation Funds to fund right-of-way purchases for the San Bernardino Transit Center.

Background:

Although construction of the San Bernardino Transit Center (SBTC) is complete and construction of Downtown San Bernardino Passenger Rail Project (DSBPRP) is underway, the right-of-way (ROW) activities continue. As the two projects are located next to each other, there are many right-of-way activities that affect both projects.

In December 2012 the SANBAG Board of Directors allocated \$6,587,000 to fund ROW activities related to DSBPRP and \$2,000,000 related to SBTC. Subsequently, in February 2013 the Board of Directors allocated another \$1,957,573 to fund additional properties not originally part of the ROW acquisition process. In July 2013, an additional \$1,500,000 was allocated to ROW activities resulting in a total allocation today of \$12,044,573.

As ROW activities and negotiations continue, staff has determined additional funding is needed specifically for the SBTC share of costs associated with one outstanding parcel. As such, staff is requesting an additional \$882,400 of Valley Local Transportation Funds be allocated. If the requested allocation is approved, the total allocation will be increased to \$12,926,973. Staff anticipates amending the SBTC Funding Agreement, Contract No. R14070, with Omnitrans in order to memorialize the additional funding required, including this additional SANBAG contribution to the SBTC project.

Financial Impact:

This item is not consistent with Fiscal Year 2015/2016 adopted budget. An administrative budget transfer of \$545,000 is needed from Task No. 323-Downtown San Bernardino Passenger Rail Project to Task No. 0322-San Bernardino Transit Center.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG's General Counsel and Procurement Manager have reviewed and approved this item.

Responsible Staff:

Carrie Schindler, Director of Transit and Rail

Entity: CTC

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Approved
Commuter Rail & Transit Committee
Date: February 11, 2016
Witnessed By:

Minute Action

AGENDA ITEM: 6

Date: *February 11, 2016*

Subject:

Local Transportation Fund Apportionment for Fiscal Year 2016/2017

Recommendation:

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

- A. Maintain Fiscal Year 2015/2016 Local Transportation Fund apportionment of \$98,090,287 as approved by the Board on March 4, 2015.
- B. Maintain a Fund Reserve of \$7,250,000 for unexpected financial need.
- C. Approve a Local Transportation Fund Estimated Apportionment of \$106,202,805 for Fiscal Year 2016/2017 as detailed in Attachment A and based on \$95,196,700 in estimated receipts, \$11,006,105 from excess revenue in Fiscal Year 2014/2015 not yet apportioned.

Background:

As required by the Transportation Development Act (TDA) SANBAG must analyze and evaluate the total amount of Local Transportation Fund (LTF) revenue anticipated to be available and relative needs and annually determine the amount to be allocated to each claimant. The first step in this process is to determine how much apportionment each area receives based on population data.

Pursuant to Section 6620 of the California Code of Regulations (CCR), the San Bernardino County Auditor/Controller (Auditor) is to provide SANBAG, acting as the County Transportation Commission, with an estimate of LTF revenue available for apportionment and allocation during the ensuing year (Fiscal Year (FY) 2016/2017) and, if requested, a revised or updated estimate of revenues for the current fiscal year (FY 2015/2016) prior to February 1st. Section 6644 of the CCR requires that SANBAG determine and advise all prospective claimants of the amount of all area apportionments for the next fiscal year by March 1st.

The total annual LTF apportionment is a function of three components.

1. Projected annual revenue
2. Prior audited, unapportioned fund balance
3. Fund Reserve

Annually, SANBAG staff presents the County Auditor/Controller with an estimate of current year and subsequent year LTF receipts. The revenue component of the proposed FY 2016/2017 apportionment is \$95,196,700, which was calculated using FY 2014/2015 actual receipts with a 5% escalation for FY 2015/2016 and 6% for FY 2016/2017.

Entity: CTC

Commuter Rail & Transit Committee Agenda Item

February 11, 2016

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Any excess revenue above and beyond the estimated annual LTF receipts is captured in the financial audit and taken into account in the second component of the annual apportionment calculation, which is the unrestricted fund balance. In this case SANBAG received \$11,006,105 above the FY 2014/2015 apportionment revenue estimate in FY 2014/2015.

Finally, the third component of the apportionment is the fund reserve. In the proposed FY 2016/2017 LTF apportionment staff is recommending that a fund reserve of \$7,250,000 be maintained and made available to operator's based on a population share.

The total proposed FY 2016/2017 LTF apportionment is included in Attachment A to this item. The three components of revenue are included at the top of the table. The total apportionment is \$106,202,805. If that total level of apportionment is approved, the individual amounts of apportionment that would be provided to eligible claimants are included in the three sections below. The first section pertains to administration and planning; the second section pertains to non-motorized transportation; and the third section pertains to the Valley and Mountain/Desert jurisdictions for eligible expenditures.

Pursuant to Sections 99233.1, of the California Public Utilities Code, (CPUC), SANBAG and the County Auditor shall allocate such sums as are necessary for the administrative responsibilities under the TDA. The Auditor's staff is requesting an allocation of \$33,768, a decrease of \$252 from the amount allocated in FY 2015/2016. SANBAG's administrative cost includes conducting the LTF and State Transit Assistance Funds (STAF) financial audits and staff time associated with processing disbursement and fiscal tracking and unmet needs hearings. Because staff anticipates a fund balance from prior year administrative funds; therefore staff is requesting only \$250,000 for SANBAG's administrative cost in FY 2016/2017.

Pursuant to Section 99233.2(b)(1) of the CPUC, up to 3% of the annual LTF revenues may be allocated to SANBAG for its transportation planning and programming functions. The amount of LTF planning funds available to the Commission for FY 2016/2017 is \$3,186,084.

Further, pursuant to Section 99233.2(b)(2) of the CPUC and amended by AB1403 signed into law by the Governor in October 2009, Southern California Association of Governments (SCAG) is to be allocated up to 3/4% of the annual LTF revenues. For FY 2016/2017, the allocation to SCAG is \$796,521.

Lastly, in accordance with Section 99233.3 of the CPUC (Article 3), 2% of the remaining balance following allocations for administration and planning is made available to counties and cities, through a competitive grant process, for facilities provided for the exclusive use of pedestrians and bicycles. The allocation for pedestrian and bicycle related projects for FY 2016/2017 is \$2,038,729. SANBAG conducts an Article 3 call for projects every two years. The next call for projects is scheduled for February 2018.

The balance of LTF is available for apportionment to the Valley and to each individual city and County area in the Mountain/Desert subareas based on the population estimates approved by the Board for Fiscal Year 2015/2016 in July 2015. While apportionments are made to individual jurisdictions in the Mountain/Desert subareas, the funds are first allocated to the respective

Commuter Rail & Transit Committee Agenda Item

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transit operators for transit purposes, and any unused apportionment is returned to the local jurisdictions for streets and roads purposes.

SANBAG has received concurrence on Attachment A from San Bernardino County Auditor-Controller Larry Walker.

Financial Impact:

The Commission is the designated agency responsible for the administration of the LTF for San Bernardino County. Adoption of the LTF apportionment will provide SANBAG, SCAG, transit agencies, and local jurisdictions with revenue estimates to use for FY 2016/2017 budgeting purposes. This item has no financial impact on the FY 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: February 11, 2016

Witnessed By:

ATTACHMENT A
San Bernardino County Local Transportation Fund
Fiscal Year 2016/2017 Apportionment

			APPORTIONMENT
Prior Year Audited Unrestricted Fund Balance ¹			\$ 11,006,105
Estimated Annual LTF Receipts ²			\$ 95,196,700
Returned FY 2015/2016 Fund Reserve			\$ 7,250,000
Proposed FY 2016/2017 Fund Reserve			\$ (7,250,000)
<i>Allocation of Transit Reserves</i>			
<i>Omnitrans/MetroLink</i>	\$ 5,267,343		
<i>VVTA</i>	\$ 1,542,510		
<i>MARTA</i>	\$ 174,073		
<i>MBTA</i>	\$ 249,038		
<i>City of Needles</i>	\$ 17,038		
Total Estimated Funds Available			\$ 106,202,805
Auditor's Administrative Cost ³			\$ 33,768
SANBAG's Administrative Cost Set-Aside ⁴			\$ 250,000
County Transportation Commission Planning ⁵			\$ 3,186,084
SCAG Planning ⁶			\$ 796,521
Resulting Balance			\$ 101,936,432
Article 3 (SB821) Program ⁷			\$ 2,038,729
Balance Available for Apportionment			\$ 99,897,703
Apportionment Area	Population ⁸	Percentage	APPORTIONMENT
Valley	1,528,823	72.65%	\$ 72,578,678
Adelanto	33,084	1.57%	\$ 1,570,392
Apple Valley	71,396	3.39%	\$ 3,389,529
Barstow	23,407	1.11%	\$ 1,110,862
Big Bear Lake	5,165	0.25%	\$ 244,749
Hesperia	92,177	4.38%	\$ 4,375,519
Needles	4,940	0.24%	\$ 234,760
Twentynine Palms	25,846	1.23%	\$ 1,226,744
Victorville	121,168	5.76%	\$ 5,752,110
Yucca Valley	21,355	1.02%	\$ 1,013,962
County - Unincorporated			\$ -
<i>Colorado River (VVTA/BAT)</i>	2,191	0.10%	\$ 103,894
<i>Morongo Basin (MBTA)</i>	25,079	1.19%	\$ 1,190,781
<i>Mountains (MARTA)</i>	45,363	2.16%	\$ 2,153,794
<i>North Desert (VVTA/BAT)</i>	33,533	1.59%	\$ 1,592,369
<i>Victor Valley (VVTA)</i>	70,764	3.36%	\$ 3,359,560
Total	2,104,291	100.00%	\$ 99,897,703

¹ Includes excess revenue from FY 2015 not yet apportioned.

² Est. calculated using FY15 actual receipts, with a 5% escalation for FY16 and 6% for FY17

³ Estimate provided by County Auditor on January 05, 2016.

⁴ SANBAG's administrative cost includes staff time associated with administration of TDA funds, audits, TDA update work and unmet needs hearings.

⁵ County Transportation Commission Planning set-aside is 3% of Total Estimated Funds Available.

⁶ SCAG Planning set-aside is 3/4% of Total Estimated Funds Available.

⁷ Article 3 (SB821) Program set-aside is 2% of Resulting Balance.

⁸ Population Source: California Department of Finance and County Demographic Research Unit January 2015

Minute Action

AGENDA ITEM: 7

Date: *February 11, 2016*

Subject:

Fiscal Year 2016/2017 State Transit Assistance Fund – Population Share Apportionment

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board, acting as the San Bernardino County Transportation Commission, approve a State Transit Assistance Fund-Population Share Apportionment for Fiscal Year 2016/2017 of \$11,202,954, to be apportioned \$8,139,366 to the Valley and \$3,063,588 to the Mountain/Desert Areas based on 2015 California Department of Finance Population Data.

Background:

Pursuant to the California Public Utilities Code (CPUC) Section 99312, SANBAG receives State Transit Assistance (STA) funds, which are derived from the statewide sales tax on diesel fuel, from the State Controller's Office. This funding is allocated as follows: 1) 50% for PUC 99313 STA-Population Share based on the ratio of the population of the area under its jurisdiction to the total population of the state and 2) 50% for PUC 99314 STA–Operator Share, which is specific moneys for operators and allocated based on the ratio of the total region's prior year transit operator passenger fare and local support revenues, as well as member agencies, to the total revenue of all operators in the state and member agencies. The amount of STA-Operator Share funds available to each transit operator on an annual basis is determined by the State, and SANBAG functions as a pass through agency for this portion of STA.

SANBAG apportions STA-Population Share funds to the Valley and Mountain/Desert areas based on the population of these larger subareas to the population of the county as a whole. Because STA funds are largely intended for capital purposes, the STA-Population Share funds are not further apportioned to the jurisdiction level, as is the case with the Local Transportation Fund, but are instead allocated to specific projects as the need is identified. These allocations will be presented to the Board for approval after the transit operators have developed their Fiscal Year (FY) 2016/2017 budgets.

As shown in Table 1, staff recommends an estimated apportionment for FY 2016/2017 of \$11,202,954. In reviewing the past four year's receipts and a very low first quarter for FY 2015/2016, staff is recommending a conservative forecast of a 1% increase based on the FY 2015/2016 State Controller's Office estimates. The resulting apportionments to the Valley and Mountain/Desert areas based on the population estimates for FY 2015/2016 approved by the Board in July 2015 are \$8,139,366 and \$3,063,588, respectively.

Entity: CTC

TABLE 1
San Bernardino County State Transit Assistance Fund – Population Share
Fiscal Year 2016/2017 Apportionment

			APPORTIONMENT
Prior Year Audited Unrestricted Fund Balance ¹			\$ 549,526
Estimated Annual STA-Population Receipts ²			\$ 10,653,428
Total Estimated Funds Available			\$ 11,202,954
Apportionment Area	Population³	Percentage	APPORTIONMENT
Valley	1,528,823	72.65%	\$ 8,139,366
Mountain/Desert	575,468	27.35%	\$ 3,063,588
Total	2,104,291		

¹ This is derived from the difference between actuals & estimates of FY14/15 plus excess revenue from FY13/14 not yet apportioned.

² Estimated Annual STA Receipts based SCO estimate from FY15/16 plus 1% increase

³ Population Source: California Department of Finance and County Demographic Research Unit January 2015

Financial Impact:

The Commission is the designated agency responsible for the administration of the STA-Population Share Apportionment for San Bernardino County. Adoption of the STA Population apportionment will provide SANBAG and the transit operators with revenue estimates to use for Fiscal Year 2016/2017 budgeting purposes. 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:

Nancy Strickert, Management Analyst III

Approved
 Commuter Rail & Transit Committee
 Date: February 11, 2016

Witnessed By:

COMMUTER RAIL AND TRANSIT POLICY COMMITTEE ATTENDANCE RECORD – 2016

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

X = Member attended meeting.

* = Alternate member attended meeting

Empty box = Member did not attend meeting.

Crossed out box = Not a member at the time.

CRTC-ATT16

Communication: Attendance (Additional Information)

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
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
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