

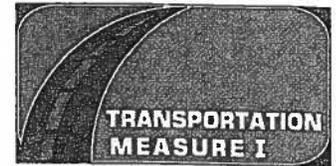


**San Bernardino Associated Governments**

1170 W. 3<sup>rd</sup> St., 2<sup>nd</sup> Fl., San Bernardino, CA 92410-1715

Phone: (909) 884-8276 Fax: (909) 885-4407

Web: [www.sanbag.ca.gov](http://www.sanbag.ca.gov)



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

**AGENDA**

***Commuter Rail and Transit Committee Meeting***

**July 19, 2012**

**NOTE TIME CHANGE**

**\*\*\* 10:00 a.m. \*\*\***

**Location**

SANBAG Office  
Super Chief Conference Room  
1170 West 3<sup>rd</sup> St., 2<sup>nd</sup> Fl.  
San Bernardino, CA

***Commuter Rail and Transit Committee Membership***

**Chair**

Mayor Patrick Morris  
*City of San Bernardino*

Mayor Larry McCallon  
*City of Highland*

**Vice Chair**

Mayor Paul Eaton  
*City of Montclair*

Mayor L. Dennis Michael  
*City of Rancho Cucamonga*

Mayor Peter Aguilar  
*City of Redlands*

Mayor Ray Musser  
*City of Upland*

Mayor Bill Jahn  
*City of Big Bear Lake*

Mayor Richard Riddell  
*City of Yucaipa*

Council Member Mike Leonard  
*City of Hesperia*

Council Member Alan Wapner  
*City of Ontario*

Supervisor Neil Derry  
*County of San Bernardino*

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

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

*The San Bernardino County Transportation Commission, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.*

*The San Bernardino County Transportation Authority, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.*

*The Service Authority for Freeway Emergencies, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.*

*The Congestion Management Agency, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.*

*As a Subregional Planning Agency, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.*

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

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

***Commuter Rail and Transit Committee Meeting***

**July 19, 2012**

**NOTE TIME CHANGE**

**\*\*\* 10:00 a.m. \*\*\***

**Location:** SANBAG Office, 1170 West 3<sup>rd</sup> St., 2<sup>nd</sup> Fl., San Bernardino  
The Super Chief Conference Room

**CALL TO ORDER – 10:00 a.m.**  
(Meeting Chaired by Mayor Patrick Morris)

- I. Pledge of Allegiance
- II. Attendance
- III. Announcements
- IV. Agenda Notices/Modifications – Denise Kadlec

**1. Possible Conflict of Interest Issues for the Commuter Rail and Transit Committee Meeting of July 19, 2012** Pg. 6

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

**Consent Calendar**

Consent Calendar items shall be adopted by a single vote unless removed by member request.

**Notes/Actions**

**2. Attendance Register**

Pg. 7

A quorum shall consist of a majority of the membership of each SANBAG Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.

**Discussion Items**

**3. Hellman Road At-Grade Railroad Crossing Safety Improvements**

Pg. 9

That the Committee recommend the Board:

- 1) Authorize staff to work with Southern California Regional Rail Authority (SCRRA) and the City of Rancho Cucamonga to submit a grant application for \$6,004,819 from the Proposition 1B Highway-Railroad Crossing Safety Account.
- 2) Authorize the use of State Transit Assistance funds in the amount of \$750,000 as a local match for the project should the grant be awarded to SCRRA. **Ryan Graham**

**4. Amendment No. 4 to Purchase Order 060108 with Allen Matkins Leck Gamble Mallory & Natsis LLP**

Pg. 15

That the Committee recommend the Board approve Amendment No. 4 to Purchase Order 060108 with Allen Matkins Leck Gamble Mallory & Natsis LLP for legal services relating to railroad right-of-way issues, increasing the total compensation by \$10,000 for a new total of \$210,000.  
**Monica Morales**

**5. Budget Amendment for Task 0379 for Fiscal Year 2012/2013**

Pg. 20

That the Committee recommend the Board approve Fiscal Year 2012/2013 budget amendment to increase task 0379 Commuter Rail Capital in the amount of \$1,459,313 funded by California Emergency Management Agency for a new task total of \$25,664,856.00.  
**Nancy Strickert**

**6. Fiscal Year 2012/2013 Transportation Development Act (TDA) Unmet Transit Needs Public Hearings** Pg. 22

That the Committee recommend the Board:

1. Adopt Definitions of “Unmet Transit Needs” and “Reasonable to Meet” as identified in Attachment A.
2. Set Times, Dates and Locations for TDA Unmet Transit Needs Public Hearings. **Nancy Stickert**

**Comments from Committee Members**

**Public Comment**

**ADJOURNMENT**

**Additional Information**

**Acronym List**

Pg. 26

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

## Meeting Procedures and Rules of Conduct

### **Meeting Procedures**

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

### **Accessibility**

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

**Agendas** – All agendas are posted at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> 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. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino and our website: [www.sanbag.ca.gov](http://www.sanbag.ca.gov).

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

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

**Public Testimony on an Item** – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the 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.

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 apply.*

**Disruptive Conduct** – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

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

**Basic Agenda Item Discussion.**

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

**The Vote as specified in the SANBAG Bylaws.**

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

**Amendment or Substitute Motion.**

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

**Call for the Question.**

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

**The Chair.**

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

**Courtesy and Decorum.**

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



- 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:** July 19, 2012

**Subject:** Information Relative to Possible Conflict of Interest

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

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

Item No.	Contract No.	Contractor/Agents	Subcontractors
4	PO060108-04	Allen Matkins Leck Gamble Mallory & Natsis LLP <i>Stephen R. Thames, Esq.</i>	N/A

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

**Reviewed By:** This item is prepared monthly for review by the Board of Directors and Policy Committee members.

\*

*Approved*  
 Commuter Rail and Transit Committee

Date:   July 19, 2012  

Moved: \_\_\_\_\_ Second: \_\_\_\_\_

In Favor: \_\_\_\_\_ Opposed: \_\_\_\_\_ Abstained: \_\_\_\_\_

Witnessed: \_\_\_\_\_

COG	CTC	CTA	SAFE	CMA
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Check all that apply.

**COMMUTER RAIL AND TRANSIT POLICY COMMITTEE ATTENDANCE RECORD – 2012**

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Patrick Morris</b> City of San Bernardino		X	X	X	X	X						
<b>Paul Eaton</b> City of Montclair		X		X	X	X						
<b>Neil Derry</b> County of San Bernardino (Self Suspension 5/3/2011)			X	X		X						
<b>Peter Aguilar</b> City of Redlands		X			X	X						
<b>Bill Jahn</b> City of Big Bear Lake					X	X						
<b>Mike Leonard</b> City of Hesperia			X	X		X						
<b>Larry McCallon</b> City of Highland		X	X	X	X	X						
<b>L. Dennis Michael</b> City of Rancho Cucamonga		X	X	X	X	X						
<b>Ray Musser</b> City of Upland		X	X	X	X	X						
<b>Richard Riddell</b> City of Yucaipa		X	X		X	X						
<b>Alan Wapner</b> City of Ontario			X	X	X	X						

X = Member attended meeting.      Empty box = Member did not attend meeting.      Crossed out box = Not a member at the time.

**COMMUTER RAIL AND TRANSIT POLICY COMMITTEE ATTENDANCE RECORD – 2011**

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Patrick Morris</b> City of San Bernardino	X	C	X	X	X	X	X	X	X	C	X	X
<b>Paul Eaton</b> City of Montclair	X	A		X	X	X	X	X	X	A	X	X
<b>Neil Derry</b> County of San Bernardino (Self Suspension 5/3/2011)	X	N								N		
<b>Peter Aguilar</b> City of Redlands	X							X	X	C		X
<b>Bill Jahn</b> City of Big Bear Lake	X	C	X	X	X	X	X	X	X	E		X
<b>Mike Leonard</b> City of Hesperia		E	X	X		X				L	X	X
<b>Larry McCallon</b> City of Highland		L	X	X	X	X			X	L	X	X
<b>L. Dennis Michael</b> City of Rancho Cucamonga								X		E		
<b>Ray Musser</b> City of Upland							X	X	X	D	X	X
<b>Richard Riddell</b> City of Yucaipa	X	E	X		X	X	X	X	X		X	X
<b>Alan Wapner</b> City of Ontario		D	X		X	X		X	X			X

X = Member attended meeting.      Empty box = Member did not attend meeting.      Crossed out box = Not a member at the time.



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

*Minute Action*

AGENDA ITEM:  3

**Date:** July 19, 2012

**Subject:** Hellman Road At-Grade Railroad Crossing Safety Improvements

**Recommendation:\*** That the Committee recommend the Board:

- 1) Authorize staff to work with the Southern California Regional Rail Authority (SCRRA) and City of Rancho Cucamonga to submit a grant application for \$6,004,819 from the Proposition 1B Highway-Railroad Crossing Safety Account.
- 2) Authorize the use of State Transit Assistance funds in the amount of \$750,000 as a local match for the project should the grant be awarded to SCRRA.

**Background:** Proposition 1B was approved by the voters of California in November 2006 and included \$250,000,000 to fund the Highway-Railroad Crossing Safety Account (HRCSA). The intent of the program is to provide money for safety and security improvements to at-grade rail crossings and the construction of grade separations.

The program guidelines adopted by the California Transportation Commission (CTC) split this program into two parts.

Part 1 - Proposition 1B provided that \$150 million from the HRCSA shall be made available for allocation to projects on the priority list established by the California Public Utilities Commission (CPUC) pursuant to the

\*

*Approved*  
*Commuter Rail and Transit Committee*

Date:  July 19, 2012

Moved: \_\_\_\_\_ Second: \_\_\_\_\_

In Favor: \_\_\_\_\_ Opposed: \_\_\_\_\_ Abstained: \_\_\_\_\_

Witnessed: \_\_\_\_\_

COG		CTC	X	CTA	X	SAFE		CMA	
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Check all that apply.

CRTC1207a-rpg  
 Attachment: CRTC1207a1-rpg

process established in Chapter 10 (commencing with Section 2450) of Division 3 of the Streets and Highways Code, with two exceptions: (1) a dollar for dollar match of non-state funds shall be provided for each project; and (2) the \$5 million maximum in Section 2454 shall not apply to HRCSA funds.

Part 2 - Proposition 1B provided that the other \$100 million from the HRCSA shall be made available to high-priority railroad at-grade crossing improvements, including grade separation projects, that are not part of the process established in Chapter 10 (commencing with Section 2450) of Division 3 of the Streets and Highways Code. These may include projects at any of the following:

- (a) Crossings where freight and passenger rail share the affected rail line.
- (b) Crossings with a high incidence of motor vehicle-rail or pedestrian-rail collisions.
- (c) Crossings with a high potential for savings in rail and roadway traffic delay.
- (d) Crossings where an improvement will result in quantifiable emission benefits.
- (e) Crossings where the improvement will improve the flow of rail freight to or from a port facility.

In June, staff was contacted by SCRRA staff with the request for SANBAG support of a project and grant application to include safety and security enhancements to the Hellman Road at-grade crossing of the San Gabriel Subdivision in the City of Rancho Cucamonga. The grade crossing improvements proposed by SCRRA include bringing Hellman up to current SCRRA Grade Crossing Safety Standards including, among other improvements, addition of pedestrian improvements, roadway widening, and advanced pre-emption timing. With advanced preemption, an advanced signal is sent to the roadway traffic signals for better clear-out of the crossing in advanced of the normal simultaneous gate activation. The work is scheduled to be completed by August 2013.

The Hellman Avenue crossing is on a segment of the Metrolink system that serves 42 weekday passenger trains and 12 weekday freight trains. The crossing has shown a higher than average incidence of motor vehicle/rail collisions. The Federal Railroad Administration (FRA) grade crossing safety model predicts the probability that a collision between a train and a highway vehicle will occur at the crossing in a year is 3%. Most of the incidents have been due to autos stopped on

crossing due to traffic signals at adjacent streets. The improvements at the crossing are designed to reduce this behavior.

With respect to the local match, the program guidelines require a local match. Projects to be funded from Part 1 require at least a one-to-one match of local, federal or private funds. In accordance with subdivision (d) of Section 2454 of the Streets and Highways Code, no allocation shall be made unless the railroad agrees to contribute 10% of the cost of the project. Projects to be funded from Part 2 do not require any specific match or railroad contribution. However, the CTC will give higher priority for funding from Part 2 to projects with a non-state match.

The funds that SANBAG has identified for local match are State Transit Assistance funds (STAF). While discussing the match with SCRRA staff, SCRRA staff indicated that although the funds are state funds, they are discretionary for the project and would receive favorable treatment for including them as a match. The City of Rancho Cucamonga is also including a contribution in the amount of \$2,073,494. With both the SANBAG and City of Rancho Cucamonga matches, the project has a 47% local match.

**Financial Impact:** Approval of this item would authorize a commitment of funding in the amount of \$750,000 by SANBAG using State Transit Assistance funds should the grant application by SCRRA be successful. If SANBAG is informed that the grant application was successful, staff would bring another agenda item back to the Board for approval authorizing a budget amendment at that time.

**Reviewed By:** This item is scheduled for review by the Commuter Rail and Transit Committee on July 19, 2012.

**Responsible Staff:** Ryan Graham, Transit Analyst

# **Hellman Road Grade Crossing Safety Improvements**

Application for Proposition 1B Highway-Railroad Crossing Safety Account

Project Narrative

## Project Scope

This project is the construction of rail-highway grade crossing improvements at the Hellman Road crossing of the San Gabriel Subdivision. The project is located in the City of Rancho Cucamonga. The rail line serves Metrolink and freight rail trains. This project reduces the opportunity for collisions thereby increasing safety and reducing delays to passenger and freight rail traffic and motor vehicles traveling through the crossing. Geometry of adjacent streets precludes grade separation at this location. The proposed improvements are needed to improve safety as both motor vehicle and passenger and freight rail traffic continue to increase. The improvements will implement SCRRRA's latest highway-rail grade crossing safety standards which may include one or more of the following features: new raised median islands; additional gate arms and cantilevered flashing signals; improved curbs, gutters, and sidewalks with pedestrian enhancements; crossing widening to improve truck turning radii; right-of-way swing gates; and advanced signal preemption and other traffic signal improvements. Specifically, this project will provide addition of pedestrian improvements, roadway widening, and advanced preemption.

## Anticipated benefits (outputs and outcomes)

The crossing is on the Metrolink system on a segment that serves 42 weekday passenger trains and 12 weekday freight trains. The crossing has shown a high incidence of motor vehicle-rail collisions. The FRA grade crossing safety model predicts the probability that a collision between a train and a highway vehicle will occur at the crossing in a year is 3%. Since 3/1/1977, there have been 2 FRA-reportable highway-train incident(s) resulting in 0 death(s), multiple injuries and damage to rail and highway vehicles. Most of the incidents have been due to autos stopped on crossing. The improvements at the crossing are designed to reduce this behavior.

The benefits of this project are improved safety at the crossing due to reduction of collisions with the associated property damage, potential injuries and loss of life as well as reductions of delays to both train and street traffic resulting from collisions and near-misses. Based on current locomotive operations, each accident contributes to an idle time of approximately 2 hours, burning 25 gallons per hour (GPH). This additional 50 gallons creates 0.445 metric tons of CO<sub>2</sub>. Construction of the proposed safety improvements has shown to significantly reduce the number of accidents, thus reducing the train idle time. This reduction will then cause significantly less diesel particulates and other air pollutants.

## Non HRCSA Funding

Non-HRCSA funding includes \$2,073,494 in City of Rancho Cucamonga funding and \$750,000 in SANBAG funding for a total of \$2,823,494.

## Project Delivery Plan

SCRRRA has been working with the City of Rancho Cucamonga on the scope for this crossing and both parties believe the project is deliverable. There are no major engineering issues expected and no resistance is expected from the community. No issues are expected related to funding commitments.

### Function of the Crossing within the Rail Corridor

The proposed project is included in a system-wide Sealed Corridor strategy for improving safety in this rail corridor. A Sealed Corridor approach is a cost-effective alternative to enhance rail safety through a comprehensive strategy to enhance the safety of trains, passengers, motorists, pedestrians, and neighboring land uses within and among Metrolink's railroad corridors. Typical safety measures include median barriers, four-quad gates, signal, signage and striping improvements, and fencing to systematically reduce the opportunity for accidents at grade crossings or elsewhere within the corridor.

### Description and Quantification of Project Benefits

- a. The proposed improvements will result in savings in both rail and roadway traffic delay due to elimination of the above collisions.
- b. The proposed improvements will result in emissions reductions due to the elimination of the above collisions with the associated idling of motor vehicle and rail vehicles.
- c. The improvements will improve the flow of 12 weekday freight trains serving the Ports of Long Beach and Los Angeles due to the reduction/elimination of the above collisions.

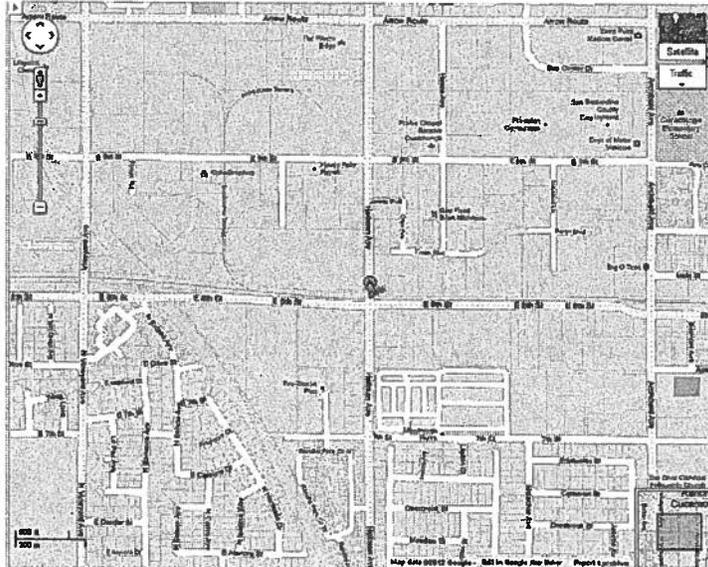
### Useful Life

The useful life of the project is at least 30 years.

# Hellman Road Grade Crossing Safety Improvement

## HRCSA Fact Sheet

Project Location: San Gabriel Subdivision, Mile Post. 39.60, in Rancho Cucamonga, CA



**Project Scope:** To bring the highway-rail crossings up to current SCRRRA Grade Crossing Safety Standards including, among other improvements, addition of pedestrian improvements, roadway widening, and advanced preemption.

**Useful Life:** The useful life of the project is at least 30 years.

**Funding Plan:**

City of Rancho Cucamonga	\$2,073,494
SANBAG	\$750,000
HRCSA	\$3,181,325
<b>TOTAL PROJECT COST</b>	<b>\$6,004,819</b>

**Delivery Milestones**

Environmental Clearance (Statutory Exemption/Categorical Exclusion)	Completed
Land Acquisition	NA
Design	Completed
Construction Bid Award	3/31/2013
Construction Completion	8/28/2013
Project Closeout	11/26/2013

**Major Project Benefits:**

The proposed improvements will:

1. Increase the safety of the crossing for pedestrians and vehicles
2. Reduce the probability of collisions at the crossing which will result:
  - a. In fewer delays to trains and vehicles
  - b. Emissions reductions with fewer idling vehicle and locomotive motors



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

*Minute Action*

AGENDA ITEM: 4

**Date:** July 19, 2012

**Subject:** Amendment No. 4 to Purchase Order 060108 with Allen Matkins Leck Gamble Mallory & Natsis LLP

**Recommendation:\*** That the Committee recommend the Board approve Amendment No. 4 to Purchase Order 060108 with Allen Matkins Leck Gamble Mallory & Natsis LLP for legal services relating to railroad right-of-way issues, increasing the total compensation by \$10,000 for a new total of \$210,000.

**Background:** In August 2004, the Board approved an easement with the City of Rancho Cucamonga for the construction of a storm drain within the former Southern Pacific Railroad right-of-way acquired in 1991, also known as the Pacific Electric Trail. Portions of the right-of-way through Rancho Cucamonga and Fontana were granted to the Pacific Electric Railroad as easement for railroad purposes only. The same restriction was passed on to Southern Pacific and then to SANBAG.

On February 9, 2006, James Banks Jr. and Marsha Meek Banks filed a lawsuit against SANBAG and the City of Rancho Cucamonga contesting SANBAG's authority to grant a storm drain easement allegedly across their property.

In February 2006, SANBAG general counsel sought out informal proposals from three law firms to represent SANBAG in the lawsuit. In March 2006, Allen

\*

	<p><i>Approved</i>          Commuter Rail &amp; Transit Committee</p> <p>Date: <u>July 19, 2012</u></p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG		CTC	X	CTA		SAFE		CMA
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*Check all that apply.*

Matkins Leck Gamble Mallory & Natsis, LLP ("Firm") was selected to represent SANBAG, and was retained via a purchase order issued in the amount of \$25,000. In May 2006, the Board approved Amendment No. 1 to the purchase order increasing the amount by \$50,000 to a not-to-exceed total of \$75,000. The increase was necessary so that the Firm could continue to provide the agency advice and representation in its defense of the lawsuit.

Due to the necessity of commencing eminent domain proceedings against James Banks Jr. and Marsha Meek Banks, the Board approved Amendment No. 2, on October 3, 2007, to the purchase order increasing the amount by \$75,000 for a new not-to-exceed amount of \$150,000.

In 2008, the Firm was in the process of negotiating and preparing a settlement agreement. In order to complete this process the Board approved Amendment No. 3 on February 6, 2008. The amendment increased the purchase order by \$50,000 for a new total of \$200,000.

By April 9, 2008, a settlement had been reached for the amount of \$226,703.87 with SANBAG paying the agreed amount. During the next few years, it was determined that a narrow strip of land was missed for the appraisal and may need to be acquired from Mr. Banks. As a result, steps were taken to amend the settlement agreement and the judgment. In early 2011, SANBAG Counsel and the Firm worked with the City of Rancho Cucamonga to amend the stipulated judgment. However, Mr. Banks and his attorney filed a final judgment that excludes the narrow strip of land that was missed. During early 2012, a final determination was made that SANBAG did not require this narrow strip of land since the storm drain was constructed within the original easement accepted by the City.

When the final judgment was accepted staff estimated that the purchase order with Allen Matkins Leck Gamble Mallory & Natsis LLP contained an available balance in order for the Firm to complete its work on the litigation. Unfortunately the estimate was not sufficient when staff received its final billing. This amendment increase of \$10,000 is necessary for the Firm to finalize any work and documentation, and to process a final billing.

**Financial Impact:** This item is consistent with the SANBAG fiscal year 2012/2013 budget. Funding for this purchase order will be provided under Task No. 0352. The funding source is Local Transportation Fund Planning.

**Reviewed By:** This item is scheduled for review by the Commuter Rail and Transit Committee on July 19, 2012. SANBAG General Counsel and Contract Administrator are reviewing this item and Amendment.

**Responsible Staff:** Monica Morales, Transit Specialist

**PURCHASE ORDER NO. 060108  
AMENDMENT NO. 4**

**BY AND BETWEEN**

**SAN BERNARDINO ASSOCIATED GOVERNMENTS**

**AND**

**ALLEN MATKIN LECK GAMBLE MALLORY & NATSIS LLP**

**FOR**

**LEGAL SERVICES**

This Purchase Order Amendment No. 4, by and between the San Bernardino Associated Governments ( "Agency") whose address is: 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, California 92410-1715; and the firm of Allen Matkins Leck Gamble Mallory & Natsis LLP whose address is: 1900 Main Street, Fifth Floor, Irvine, CA 92614-37321 ( "Attorneys"). Agency and Attorneys are each a "Party" and collectively "Parties" herein.

**RECITALS:**

**WHEREAS**, Agency requires certain legal services as described in the area of real property law and;

**WHEREAS**, Attorneys have confirmed that they have the requisite personnel and experience and is fully capable and qualified to do the work described herein; and

**WHEREAS**, Agency and Attorneys have previously entered into an agreement, Purchase Order No. 060108 ("Agreement"), under which Attorneys agreed to advise, defend, and assist in the representation of Agency in connection with the case of *James Banks, Jr., et al. v J.T. Storm Development, LLC, et al.* San Bernardino Superior Court Case No. RCV-093000 ("Banks Litigation"), and other matters relating to the railroad right-of-way formerly known as the Baldwin Park Branch of the Southern Pacific railroad purchased by Agency; and

**WHEREAS**, Agency desires to amend the Agreement to increase compensation so that Attorneys may be compensated for their final work on behalf of Agency;

**NOW, THEREFORE**, in consideration of mutual covenants and conditions, the parties agree to amend the following terms and conditions of the Agreement:

1. Paragraph 2(c). Delete the current language and replace with the following:
  - c. For services performed under this agreement, Attorneys' compensation shall not exceed \$210,000 unless prior approval is obtained from the SANBAG Board.
2. All other terms and conditions shall remain in full force and effect.

**IN WITNESS WHEREOF**, the Parties hereto have executed this Amendment on the day and year written below, and this Amendment is effective as of the day and year executed by Agency.

**ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLC  
("Attorneys")**

**SAN BERNARDINO ASSOCIATED  
GOVERNMENTS ("Agency")**

By: \_\_\_\_\_  
Stephen R. Thames  
Partner

By: \_\_\_\_\_  
Janice Rutherford  
President, Board of Directors

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Eileen Monaghan Teichert  
General Counsel

**CONCURRENCE**

By: \_\_\_\_\_  
Jeffery Hill  
Contract Administrator



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

*Minute Action*

AGENDA ITEM:   5  

**Date:** July 19, 2012

**Subject:** Budget Amendment for Task 0379 for Fiscal Year 2012/2013

**Recommendation:\*** The Committee recommends the Board approve Fiscal Year 2012/2013 budget amendment to increase task 0379 Commuter Rail Capital in the amount of \$1,459,313 funded by California Emergency Management Agency for a new task total of \$25,664,856.00.

**Background:** The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, was approved by the voters as Proposition 1B at the November 2006 General Election. This included a program of funding in the amount of \$1 billion to be deposited into the Transit System Safety, Security and Disaster Response Account (TSSDRA).

In the Fiscal Year (FY) 2010/2011, the budget act included \$100 million for the TSSDRA by which Sixty percent (60%) of those funds (\$60 million) is being made available for eligible transit system safety and security projects under the California Transit Security Grant Program – California Transit Assistance Funds (CTSGP-CTAF).

\*

*Approved*  
*Commuter Rail and Transit Committee*

*Date:*   July 19, 2012  

*Moved:* \_\_\_\_\_ *Second:* \_\_\_\_\_

*In Favor:* \_\_\_\_\_ *Opposed:* \_\_\_\_\_ *Abstained:* \_\_\_\_\_

*Witnessed:* \_\_\_\_\_

COG		CTC	X	CTA		SAFE		CMA	
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*Check all that apply.*

On March 17, 2011 the Commuter Rail and Transit Committee adopted Resolution 11-009 allocating Proposition 1B TSSDRA Government Code 8879.58(a)(2) – Population Funds totaling \$1,597,404 to the following lead Project Sponsors:

Morongo Basin Transit Authority	\$ 26,633
Mountain Area Regional Transit Authority	\$ 56,713
Needles Area Transit	\$ 75,000
SANBAG	\$1,459,313

In June 2012, SANBAG received their apportionment in the amount of \$1,459,313 from California’s Emergency Management Agency to be used in SANBAG’s Downtown San Bernardino Passenger Rail Project. This funding needs to be amended into the FY2012/2013 budget to ensure proper expenditures for this funding source.

**Financial Impact:** This item is not consistent with the FY2012/2013 budget and requires a budget amendment to increase task 0379 Commuter Rail Capital in the amount of \$1,459,313 funded by California Emergency Management Agency for a new task total of \$25,664,856.00.

**Reviewed By:** This item is scheduled for review by the Commuter Rail and Transit Committee on July 19, 2012.

**Responsible Staff:** Nancy Strickert, Transit Analyst



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

*Minute Action*

AGENDA ITEM:   6  

**Date:** July 19, 2012

**Subject:** Fiscal Year 2012/2013 Transportation Development Act (TDA) Unmet Transit Needs Public Hearings

**Recommendation:**\* That the Committee recommend the Board:

1. Adopt Definitions of “Unmet Transit Needs” and “Reasonable to Meet” as identified in Attachment A.
2. Set Times, Dates and Locations for TDA Unmet Transit Needs Public Hearings.

**Background:** Each year the San Bernardino County Transportation Commission is required by Public Utilities Code Sections 99238.5 and 99401.5 to hold public hearings for obtaining testimony regarding unmet transit needs that can be reasonably met and must adopt findings prior to making an allocation of Local Transportation Funds (LTF) for street purposes. Per the Board action of 1993, a public hearing will not be held in the Valley as all LTF revenues are committed to transit. The information obtained at these hearings will be used in the planning and budget development of the affected transit operators for the subsequent fiscal year, as recommend in the transit operators’ performance audit.

In January 2003, the Board approved the definitions of “unmet transit needs” and “reasonable to meet”. An amendment to Section C – Equity, under the definition

\*

	<p><i>Approved</i>  <i>Commuter Rail and Transit Committee</i></p> <p>Date: <u>  July 19, 2012  </u></p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG		CTC	X	CTA		SAFE		CMA	
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*Check all that apply.*

of “reasonable to meet”, was approved by the Board in September 2004. These definitions were the result of an extensive effort to update them, with input from organizations representing the transit dependent and the affected transit operators during 2002. The California Department of Transportation has suggested that the definitions be reviewed and adopted on a periodic basis. The definitions were again approved by the Board on July 2008. Attachment A contains the current definitions and no change is being proposed at this time. These definitions will be used to respond to the testimony received.

Two public hearings are proposed for this year with the locations being the Morongo Basin and Victor Valley. The Boards of the Morongo Basin Transit Authority (MBTA) and the Victor Valley Transit Authority (VVTA) will serve as the hearing boards at their respective locations.

The schedules for the proposed hearings are as follows:

**Upper Desert Region**

Monday, September 17, 2012 at 9:30am  
Victor Valley Transit Authority  
17150 Smoketree Street  
Hesperia, California 92345

**Lower Desert Region**

Thursday, September 27, 2012 at 5:00 pm  
HELEN GRAY CENTER  
6601 White Feather Road  
Joshua Tree, California 92252

**Financial Impact:** This item is consistent with the adopted FY 2012/2013 Budget. Funding for the public hearings is provided under Task No. 0309 the funding source is LTF Planning

**Reviewed By:** This item is scheduled for review by the Commuter Rail and Transit Committee on July 19, 2012

**Responsible Staff:** Nancy Strickert, Transit Analyst

## Attachment A

### Definitions of “Unmet Transit Needs” and “Reasonable to Meet” adopted by the San Bernardino County Transportation Commission Board of Directors on July 19, 2012

**Unmet Transit Needs:** Unmet transit needs are any deficiency in the provision of public transit services, specialized transit service or private for-profit and non-profit transportation.

**Reasonable to Meet:** Reasonable to meet is a determination to be made based upon the following guidelines, performance and financial standards:

**A. Community acceptance** – The proposed service has community acceptance and support as determined by the Unmet Transit Needs public hearing record, the inclusion of adopted programs and plans, the adoption of governing board positions and other existing information.

**B. Timing**

1. The proposed service shall be in response to an existing rather than future need
2. The proposed service shall be implemented consistent with the timing for federal and state grant approval if such a grant is the most appropriate primary method of funding.

**C. Equity** – the proposed service shall:

1. Not unreasonably discriminate against or in favor of any particular segment of the community.
2. Not result in reduced service levels for other parts of the transit system that have equal or higher priority.
3. Require a subsidy per passenger generally equivalent to a 120% of similar services being operated within the first two full fiscal years of operation unless overriding reasons so justify.

**D. Cost effectiveness** – the proposed service shall:

1. Not duplicate other existing transportation services or resources.

2. Consider opportunities for coordinating amount adjoining public entities or with private transportation providers and/or funding agencies in order to maximize existing resources (including financial) as well as legal or customary responsibilities of other entities such as social service agencies, religious organizations and schools.

3. Not adversely affect the operator's ability to meet the required ratio of fare revenue to operating cost after two full fiscal years of operations.

4. Meet a productivity level of 80% of the average number of passengers per hour for similar services being operated within the first two full fiscal years of operation unless overriding reasons so justify.

**E. Operational feasibility** – The proposed service must be safe to operate, including the operation of vehicles on adequately maintained roadways.

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. SANBAG staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IIEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 <sup>st</sup> 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