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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

### General Policy Committee Meeting

**September 11, 2013**

**9:00 a.m.**

**Location**

**SANBAG**

*Super Chief Conference Room*

1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor

San Bernardino, CA

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### *General Policy Committee Membership*

**Chair – SANBAG Vice President**

Mayor L. Dennis Michael  
City of Rancho Cucamonga

**SANBAG President**

Council Member Bill Jahn  
City of Big Bear Lake

**SANBAG Past President**

Supervisor Janice Rutherford  
County of San Bernardino

**Mt./Desert Representatives**

Mayor Edward Paget (*Chair-MDC*)  
City of Needles

Council Member Jim Harris  
City of Twentynine Palms

Supervisor Robert Lovingood  
County of San Bernardino

**East Valley Representatives**

Mayor Patrick Morris (*Chair-CRTC*)  
City of San Bernardino

Council Member Dick Riddell (*Chair-MVSS*)  
City of Yucaipa

Mayor Larry McCallon  
City of Highland

Supervisor James Ramos  
County of San Bernardino

**West Valley Representatives**

Vice Mayor Ed Graham  
City of Chino Hills

Mayor Dennis Yates  
City of Chino

Supervisor Gary Ovitt  
County of San Bernardino

*Ray Wolfe*  
*Executive Director*

*Eileen Teichert*  
*SANBAG Counsel*

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

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

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

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

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***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**

**AGENDA**

**General Policy Committee Meeting**

**September 11, 2013**

**9:00 a.m.**

**Location:** SANBAG, Super Chief Conference Room, 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino

CALL TO ORDER 9:00 a.m.  
(Meeting chaired by L. Dennis Michael)

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

**Notes/Actions**

- 1. **Possible Conflict of Interest Issues for the General Policy Committee Meeting September 11, 2013** Pg. 7

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

**Consent Calendar**

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

**Administrative Matters**

- 2. **Attendance Register** Pg. 8

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.

- 3. **August 2013 Procurement Report** Pg. 10

Receive August 2013 Procurement Report.  
William Stawarski

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

Consent Calendar Continued....Administrative Matters (Cont.)

4. **Budget to Actual Report for fourth quarter ending June 30, 2013** Pg. 16

Receive and file Budget to Actual Report for fourth quarter ending June 30, 2013. **William Stawarski**

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

Discussion ItemsAdministrative Matters

5. **Final Encumbrances for Fiscal Year 2013/2014** Pg. 20

That the Committee recommend the Board approve final encumbrances in the amount of \$14,773,427.74, listed in Table 1, to be formally incorporated into San Bernardino Associated Government's Fiscal Year 2013/2014 Budget. **William Stawarski**

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

6. **Approve Financing Team for Investment Banking Services** Pg. 22

1. Approve Bank of America Merrill Lynch, Barclays, Citigroup Global Markets Inc., Goldman Sachs, and RBC Capital Markets as the Financing Team for Investment Banking to serve in an underwriting pool to be used for future bond transactions.
2. Authorize the Executive Director or his designee to execute Bond Purchase Contracts at the time of the bond issuance. **William Stawarski**

**This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel and Contract Administrator have reviewed this item as to form.**

**Discussion Items Continued ....****Administrative Matters (Cont.)****7. Assistant General Counsel Contract Amendment**

Pg. 26

1. That the Committee recommend the Board approve the first amendment to legal services agreement C13036 with Robert D. Herrick to provide Assistant General Counsel legal services increasing the agreement amount by \$210,000 for a new not-to-exceed total of \$420,000 and extending the term to October 31, 2014, and authorize General Counsel to execute the agreement amendment on behalf of San Bernardino Associated Governments.
2. Approve Fiscal Year 2013/2014 Budget Amendment to increase task number 0120, Indirect-General, in the amount of \$79,000, and increase task number 0105, Indirect-Project Management in the amount of \$79,000 which will be funded by various funding sources through indirect cost allocation. **Eileen Tiechert**

**This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel and Contract Administrator have reviewed this item and the Contract as to form.**

**Transportation Fund Administration****8. Transportation Development Act Triennial Performance Audits for Fiscal Years 2008/2009 to 2010/2011 for San Bernardino Associated Governments (SANBAG)**

Pg. 32

Receive Triennial Performance Audit Reports for Fiscal Years 2008/2009 through 2010/2011 for San Bernardino Associated Governments. **Monica Morales**

**This item is scheduled for review by the Commuter Rail Transit Committee on September 12, 2013.**

**Council of Governments****9. Mobility 21 Update**

Pg. 93

Receive an update from Mobility 21 regarding their current activities and the upcoming summit. **Wendy Strack**

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

**Discussion Items Continued ....**

**Council of Governments (Cont.)**

**10. State and Federal Update**

**Pg. 95**

Adopt proposed principles related to the establishment of a San Gabriel Mountains National Recreation Area.  
**Wendy Strack**

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

**Regional/Subregional Planning**

**11. Budget amendment for Task 0495 Greenhouse Gas**

**Pg. 122**

That the Committee recommend the Board approve a Fiscal Year 2013-2014 budget amendment increasing Task No. 0495, Greenhouse Gas in the amount of \$100,000, funded by Measure I 1990-2010 Transportation Management and Environmental Enhancement (TMEE) funds. **Steve Smith**

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

**Comments from Committee Members**

**Brief Comments from Committee Members**

**Public Comment**

**Brief Comments by the General Public**

**ADJOURNMENT**

**Additional Information**

**Acronym List**

**Pg. 125**

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices. 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. Complete packages of this 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.

**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.

*Adopted By SANBAG Board of Directors January 2008*



- 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:** September 11, 2013

**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
7	C13036-01	Law Offices of Robert D. Herrick <i>Robert D. Herrick</i>	None

**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.

\*

	<p><i>Approved</i>  <i>General Policy Committee</i></p> <p>Date: _____</p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG	X	CTC	X	CTA	X	SAFE	X	CMA	X
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Check all that apply.

GPC1309z-dab

**GENERAL POLICY COMMITTEE ATTENDANCE RECORD – 2013**

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Ed Graham</b> City of Chino Hills	X	X	X	X	X		**	X				
<b>Jim Harris</b> City of Twentynine Palms	X	X	X	X	X	X	**	X				
<b>Bill Jahn</b> City of Big Bear Lake												
<b>Mike Leonard</b> City of Hesperia	X	X	X	X	X	X	**					
<b>Robert Lovingood</b> Board of Supervisors		X	X		X	X	**					
<b>Larry McCallon</b> City of Highland	X		X	X	X	X	**	X				
<b>Julie McIntyre</b> City of Barstow		X	X	X	X		**					
<b>L. Dennis Michael</b> City of Rancho Cucamonga						X	**	X				
<b>Patrick Morris</b> City of San Bernardino	X	X	X	X	X	X	**	X				
<b>Gary Ovitt</b> Board of Supervisors	X	X	X	X	X	X	**					
<b>Edward Paget</b> City of Needles												
<b>Dick Riddell</b> City of Yucaipa	X	X	X	X	X	X	**	X				
<b>Janice Rutherford</b> Board of Supervisors	X	X	X	X	X	X	**	X				
<b>James Ramos</b> Board of Supervisors	X	X	X	X	X		**	X				
<b>Dennis Yates</b> City of Chino	X	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. \*\* = The General Policy Committee did not meet this month

**\*\*\*GENERAL POLICY COMMITTEE ATTENDANCE RECORD - 2012**

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Rick Roelle</b> Town of Apple Valley	X	X	X			X						
<b>Julie McIntyre</b> City of Barstow							X	X		X		
<b>Bill Jahn</b> City of Big Bear Lake		X										
<b>Dennis Yates</b> City of Chino	X		X	X	X							X
<b>Mike Leonard</b> City of Hesperia	X		X	X	X	X	X	X		X	X	X
<b>Larry McCallon</b> City of Highland	X	X	X	X	X	X		X	X		X	X
<b>Rhodes Rigby</b> City of Loma Linda	X	X	X	X	X	X						
<b>Ed Scott</b> City of Rialto	X	X	X	X	X							
<b>Ed Graham</b> City of Chino Hills	X	X	X	X	X	X	X	X	X	X	X	X
<b>L. Dennis Michael</b> City of Rancho Cucamonga							X	X		X		X
<b>Patrick Morris</b> City of San Bernardino		X	X	X	X	X		X	X	X	X	
<b>Jim Harris</b> City of Twentynine Palms		X	X	X	X	X	X	X	X	X	X	X
<b>Dick Riddell</b> City of Yucaipa		X	X		X	X	X	X		X	X	
<b>Janice Rutherford</b> Board of Supervisors	X		X	X	X	X		X	X	X	X	X
<b>Josie Gonzales</b> Board of Supervisors	X	X	X	X	X	X						
<b>Brad Mitzelfelt</b> Board of Supervisors	X		X		X			X	X	X	X	
<b>Robert Lovingood</b> Board of Supervisors												X
<b>Gary Ovit</b> Board of Supervisors	X	X	X	X	X	X	X	X	X	X	X	
<b>Neil Derry</b> Board of Supervisors	(Self-Suspension as of 5/3/11)	X	X				X	X				
<b>James Ramos</b> Board of Supervisors												X

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

\*\*\*On October 3, 2012 the Board approved changing the name of the Administrative Committee to the General Policy Committee



- 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:** September 11, 2013

**Subject:** August 2013 Procurement Report

**Recommendation:** \* Receive August 2013 Procurement Report

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

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

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	<p><i>Approved</i>  <i>General Policy Committee</i></p> <p>Date: _____</p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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COG	X	CTC	X	CTA	X	SAFE	X	CMA	X
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Check all that apply.

GPC1309a-www

Attachments:

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2013/gpc1309/AgendaItems/GPC1309a1-www.docx>

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2013/gpc1309/AgendaItems/GPC1309a2-www.docx>

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

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

**Financial Impact:** This item imposes no impact on the Fiscal Year 2012/2013 or Fiscal Year 2013/2014 budget. Presentation of the monthly procurement report demonstrates compliance with the Contracting and Procurement Policy (Policy No. 11000).

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

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**Responsible Staff:** William Stawarski, Chief Financial Officer

**Attachment A**  
**August Contract/Purchase Order Actions**

**Contracts Executed:**

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

**Attachment A**  
**August Contract Amendment Actions**

**Contract Amendments Executed:**

Contract No. & Amendment No.	Reason for Amendment (include a description of the amendment)	Vendor Name	Amended Contract Total	Dollar Amount of Amendment
C10193 Amendment No. 3	Extended and increased for an additional year of DBE Annual Goal Preparation and Additional DBE Services.	GCAP	\$102,500.00	\$25,000.00
C09019 Amendment No. 4	TCIF programing update, Baseline Agreement for Lenwood Rd. Grade Separation project.	City of Barstow	\$0.00	\$0.00

## Attachment A

### June 19-August 22, 2013 Contract/Purchase Order Actions

**Purchase Orders:**

PO No.	PO Issue Date	Vendor Name	Description of Services	Dollar Amount
4000929	06/12/13	Web Tech Wireless, Inc.	Constructability review services work	\$50,000.00
4000988	07/09/13	Cognet Communications	Internet service provider. Amount includes installation fee of \$2,500 and monthly fee of \$1,277.	\$17,824.00
4001008	06/19/13	Caliper Corporation	Revised purchase order from \$9,000 to \$9,391.25 for purchase of second copy of TransCAD license.	\$9,391.25
4001019	07/19/13	Bernard, Arroyo	Provide consulting, technical support, data analysis and other assistance for the freeway service patrol program, as needed. Consultant also created and maintains the software and server for FSP program.	\$6,195.34
4001046	08/01/13	BNSF Railway Company	Due to the nature of railroad ownership and operations, BNSF is the only company in existence to perform signal and cable communication and is the only option to generate the map of signal communication locations.	\$15,000.00
4001048	08/06/13	TransTrack Systems	Maintenance and support agreement for TransTrack operating and performance reporting system.	\$12,360.00
4001049	08/19/13	WebTech Wireless, Inc.	GPS tracking devices for Fiscal Year 2014 for 16 FSP tow trucks. Communication is for data reporting and google mapping from the Webtech AVL modem installed in each FSP tow truck.	\$6,500.00

			Web Tech is the only vendor that provides GPS services.	
4001050	08/15/13	R.L. Banks & Associates	RL Banks was hired to conduct an appraisal for the purchase of land, Shortway, owned by BNSF. The Shortway is about 2 miles long and is owned by BNSF Railway, main Track 4 on the San Bernardino subdivision, running from under the Mt. Vernon bridge south towards Riverside.	\$60,000.00
<i>*Note: Sole Source justification is noted in the Purpose statement, if applicable.</i>				<b>Total</b> \$133,863.39

## Attachment B

### August RFPs and IFBs

#### Release of RFP's and IFB's

Release Date	RFP/IFB No.	Description of Services	Anticipated Dollar Amount	Anticipated Award Date	Description of Overall Program and Program Budget
				<b>Total</b>	<b>\$0.00</b>



- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
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*Minute Action*

AGENDA ITEM: 4

**Date:** September 11, 2013

**Subject:** Budget to Actual Report for fourth quarter ending June 30, 2013

**Recommendation:\*** Receive and file Budget to Actual Report for fourth quarter ending June 30, 2013.

**Background:** SANBAG's Budget for Fiscal Year 2012/2013 for new activity was adopted by the Board of Directors on June 6, 2012. This report provides a summary of program activity and task activity compared to budget. Budgetary information includes the original and revised budgets, and year to date expenditures. The expenditure amounts for Fiscal Year 2012/2013 may change due to year-end closing process.

**Financial Impact:** This item reports the status of expenditures against budget and imposes no financial impact on the Fiscal Year 2012/2013 Budget.

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

**Responsible Staff:** William Stawarski, Chief Financial Officer

\*

*Approved*  
*General Policy Committee*

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

*Moved:*      *Second:*

*In Favor:*      *Opposed:*      *Abstained:*

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

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

GPC1309b-www

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2013/gpc1309/AgendaItems/GPC1309b1-www.xlsx>

ATTACHMENT A

AIR QUALITY & TRAVELER SERVICES PROGRAM

TASK#	TASK DESCRIPTION	ORIGINAL		AMENDMENTS		ENCUMBRANCES		REVISED		TASK		% OF BUDGET	
		BUDGET	BUDGET			BUDGET	BUDGET	EXPENDITURES	BALANCE	EXPENDED			
0102	Air Quality Activities	3,457,701	784,410	-	4,242,111	4,156,415	85,696	97.98%					
0406	Rideshare Management	2,224,957	(218,625)	6,443	2,012,775	1,797,805	214,970	89.32%					
0702	Call Box System	1,026,258	(158,000)	-	868,258	791,957	76,301	91.21%					
0704	Freeway Service Patrol/State	1,914,260	(157,949)	-	1,756,311	1,689,376	66,935	96.19%					
0706	Intelligent Transportation Systems	96,587	(25,000)	-	71,587	4,829	66,758	6.75%					
<b>TOTAL AIR QUALITY &amp; TRAVELER SERVICES PROGRAM</b>		<b>8,719,763</b>	<b>224,836</b>	<b>6,443</b>	<b>8,951,042</b>	<b>8,440,382</b>	<b>510,660</b>	<b>94.29%</b>					

TRANSPORTATION PLANNING & PROGRAMMING PROGRAM

TASK#	TASK DESCRIPTION	ORIGINAL		AMENDMENTS		ENCUMBRANCES		REVISED		TASK		% OF BUDGET	
		BUDGET	BUDGET			BUDGET	BUDGET	EXPENDITURES	BALANCE	EXPENDED			
0110	Regional Transportation Planning	489,687	46,661	-	536,348	486,824	49,524	90.77%					
0203	Congestion Management	100,865	-	-	100,865	73,843	27,022	73.21%					
0213	High Desert Corridor Studies	228,191	-	-	228,191	8,584	219,607	3.76%					
0373	Federal/State Fund Administration	979,994	-	34,160	1,014,154	708,161	305,993	69.83%					
0404	Subregional Transportation Planning	1,092,886	121,689	-	1,214,575	1,019,718	194,857	83.96%					
0500	Transportation Improvement Program	358,424	-	-	358,424	290,417	68,007	81.03%					
0609	Strategic Planning/Delivery Planning	365,824	-	7,760	373,584	220,778	152,806	59.10%					
0701	Valley Signal Coordination	1,478,995	-	-	1,478,995	967,879	511,116	65.44%					
0941	Mt/Desert Planning & Project Development	227,201	(700)	-	226,501	133,493	93,008	58.94%					
<b>TOTAL TRANSPORTATION PLANNING &amp; PROGRAMMING PROGRAM</b>		<b>5,322,067</b>	<b>167,650</b>	<b>41,920</b>	<b>5,531,637</b>	<b>3,909,697</b>	<b>1,621,940</b>	<b>70.68%</b>					

MAJOR PROJECT DELIVERY PROGRAM

TASK#	TASK DESCRIPTION	ORIGINAL		AMENDMENTS		ENCUMBRANCES		REVISED		TASK		% OF BUDGET	
		BUDGET	BUDGET			BUDGET	BUDGET	EXPENDITURES	BALANCE	EXPENDED			
0803	SR 210 Baseline Road Interchange	-	320,000	-	320,000	38,601	281,399	12.06%					
0815	Measure I Program Management	5,120,049	(40,529)	62,249	5,141,768	4,126,178	1,015,590	80.25%					
0817	SR-60 Sound Wall	71,163	-	16,321	87,484	50,766	36,718	58.03%					
0819	Hwy 62 & Rotary Way Traffic Signal Project	450,000	(450,000)	-	-	-	-	0.00%					
0820	SR 210 Final Design	245,170	-	-	245,170	9,044	236,126	3.69%					
0822	SR 210 Right of Way Acquisition	3,298,494	(80,000)	-	3,218,494	(1,546,048)	4,764,542	48.04%					
0824	SR 210 Construction	8,947,468	-	-	8,947,468	4,099,278	4,848,190	45.81%					
0825	I-10 Corridor Project Development	4,123,966	400,000	-	4,523,966	4,323,799	200,167	95.58%					
0826	I-10 Citrus/Cherry Interchanges	71,708,739	(591,009)	-	71,117,730	38,844,119	32,273,611	54.62%					
0830	I-215 San Riv Project Development	15,804	-	-	15,804	-	15,804	0.00%					
0834	I-215 Final Design	366,579	-	-	366,579	27,229	339,350	7.43%					
0836	I-215 Right of Way Acquisition	2,901,919	(201,000)	-	2,700,919	310,708	2,390,211	11.50%					
0838	I-215 Construction	79,699,415	2,088,343	-	81,787,758	47,051,420	34,736,338	57.53%					
0839	I-215 Bi-County HOV Gap Closure Project	18,844,743	(1,360,324)	1,388	17,485,807	12,136,426	5,349,381	69.41%					
0840	I-215 Barton Road Interchange	10,771,111	(685,000)	-	10,086,111	743,225	9,342,886	7.37%					
0841	I-10 Riverside Interchange	3,200,247	-	-	3,200,247	634,559	2,565,688	19.83%					
0842	I-10 Tippecanoe Interchange	39,604,394	450,000	-	40,054,394	10,491,609	29,562,785	26.19%					

San Bernardino Associated Governments  
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**ATTACHMENT A**

**MAJOR PROJECT DELIVERY PROGRAM, Continued**

TASK#	TASK DESCRIPTION	BUDGET	AMENDMENTS	ENCUMBRANCES	BUDGET	EXPENDITURES	BALANCE	EXPENDED
0845	Mt. Vernon/Washington Interchange	466,087	94,530	-	560,617	553,799	6,818	98.78%
0850	Alternative Project Financing	3,661,056	-	-	3,661,056	2,044,043	1,617,013	55.83%
0862	I-10 Westbound Lane Addition - Yucaipa	9,906,181	(115)	-	9,906,066	5,977,866	3,928,200	60.35%
0869	Glen Helen Parkway Grade Separation	4,400,356	-	-	4,400,356	2,314,369	2,085,987	52.60%
0870	Hunts Lane Grade Separation	12,584,715	1,104,280	-	13,688,995	8,964,639	4,724,356	65.49%
0871	State St./University Parkway Grade Separation	328,306	820	-	329,126	11,862	317,264	3.60%
0874	Palm Avenue Grade Separation	9,899,031	17,000	5,000	9,921,031	6,691,765	3,229,266	67.45%
0876	South Milliken Avenue Grade Separation	6,840,456	(64,000)	-	6,776,456	4,321,515	2,454,941	63.77%
0877	Vineyard Avenue Grade Separation	1,732,673	(60,000)	-	1,672,673	1,187,272	485,401	70.98%
0879	Colton Crossing BNSF/UPRR Grade Separation	91,530,337	(1,210)	-	91,529,127	18,245,499	73,283,628	19.93%
0880	I-15/I-215 Devore Interchange	22,086,076	-	14,085	22,100,161	6,258,992	15,841,169	28.32%
0881	Lenwood Avenue Grade Separation	4,688,881	60,000	-	4,748,881	2,450,276	2,298,605	51.60%
0882	North Milliken Avenue Grade Separation	17,119,616	(3,983)	8,011,113	25,126,746	10,587,240	14,539,506	42.14%
0883	SR 210 Pepper Avenue Interchange	2,277,989	-	-	2,277,989	630,715	1,647,274	27.69%
0884	Laurel Avenue Grade Separation	4,216,173	(16,765)	-	4,199,408	10,116,594	5,731,009	63.84%
0885	9th Street Rail Improvements	3,147,427	(75,000)	-	3,072,427	203,343	3,937,830	4.91%
0886	Colton Quiet Zone Project	1,063,515	-	-	1,063,515	98,937	3,048,490	3.14%
0887	SR 210 Lane Addition	16,184,871	285,000	-	16,469,871	1,249,337	99,178	92.65%
0888	I-15 La Mesa/Nisqually Interchange	7,062,129	12,600,269	50,000	28,835,140	21,787,893	7,047,247	75.56%
0889	Yucca Loma Bridge	13,351,699	-	-	13,351,699	-	7,062,129	0.00%
0890	I-15 Rancho Interchange	-	65,757	-	65,757	10,403,513	3,013,943	77.54%
0892	I-15 Baseline Interchange Improvement	-	100,000	-	100,000	35,637	64,363	35.64%
0896	I-10 Pepper Avenue Interchange	-	400,000	-	400,000	26,206	373,794	6.55%
0965	2012 A Sales Tax Revenue Bond	5,916,411	-	-	5,916,411	3,853,458	2,062,953	0.00%
<b>TOTAL MAJOR PROJECT DELIVERY PROGRAM</b>		<b>503,697,614</b>	<b>14,357,063</b>	<b>8,160,156</b>	<b>526,214,833</b>	<b>239,355,685</b>	<b>286,859,148</b>	<b>45.49%</b>

**TRANSIT & PASSENGER RAIL PROGRAM**

TASK#	TASK DESCRIPTION	ORIGINAL BUDGET	AMENDMENTS	ENCUMBRANCES	REVISED BUDGET	EXPENDITURES	TASK BALANCE	% OF BUDGET EXPENDED
0309	General Transit	872,459	210,915	7,333	1,090,707	985,855	104,852	90.39%
0310	Transit Operating	8,823,072	244,974	-	9,068,046	8,068,783	999,263	88.98%
0311	Transit Capital	5,332,307	5,032,135	-	10,364,442	4,726,887	5,637,555	45.61%
0352	General Commuter Rail	800,797	(90,374)	187	710,610	521,164	189,446	73.34%
0377	Commuter Rail Operating Expenses	12,133,858	(2,590,000)	18,312	9,562,170	8,364,463	1,197,707	87.47%
0379	Commuter Rail Capital Expenses	23,416,568	15,480,896	57,247	38,954,711	25,873,837	13,080,874	66.42%
0501	Federal Transit Act Programming	96,969	-	-	96,969	41,728	55,241	43.03%
<b>TOTAL TRANSIT &amp; PASSENGER RAIL PROGRAM</b>		<b>51,476,030</b>	<b>18,288,546</b>	<b>83,079</b>	<b>69,847,655</b>	<b>48,582,717</b>	<b>21,264,938</b>	<b>69.56%</b>

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TRANSPORTATION FUND ADMINISTRATION PROGRAM									
TASK#	TASK DESCRIPTION	ORIGINAL BUDGET	AMENDMENTS	ENCUMBRANCES	REVISED BUDGET	EXPENDITURES	TASK BALANCE	% OF BUDGET EXPENDED	
0502	TDA Administration	470,005	359,700	-	829,705	499,544	330,161	60.21%	
0504	Measure I Administration	426,634	-	-	426,634	349,261	77,373	81.86%	
0506	Local Transportation Fund	83,337,751	53,330,057	-	136,667,808	70,919,453	65,748,355	51.89%	
0507	State Transit Assistance Fund	26,330,985	48,035,188	-	74,366,173	15,768,130	58,598,043	21.20%	
0515	Measure I Valley Apportionment & Allocation	4,427,761	5,999	4,779,611	9,213,371	2,061,550	7,151,821	22.38%	
0516	Measure I Mountain/Desert Apportionment & Allocation	-	2,425,000	-	2,425,000	1,671,966	753,034	68.95%	
0610	Measure I 2010-2040 Project Advancement	16,846,857	(6,000)	655,517	17,496,374	6,451,317	11,045,057	36.87%	
0615	Measure I Local Stimulus	-	-	8,110,653	8,110,653	7,459,359	651,294	91.97%	
0918	Measure I Local Pass-through	34,453,800	-	-	34,453,800	31,931,809	2,521,991	92.68%	
	<b>TOTAL TRANSPORTATION FUND ADMINISTRATION PROGRAM</b>	<b>166,293,793</b>	<b>104,149,944</b>	<b>13,545,781</b>	<b>283,989,518</b>	<b>137,112,390</b>	<b>146,877,128</b>	<b>48.28%</b>	

GENERAL - COUNCIL OF GOVERNMENTS SUPPORT PROGRAM									
TASK#	TASK DESCRIPTION	ORIGINAL BUDGET	AMENDMENTS	ENCUMBRANCES	REVISED BUDGET	EXPENDITURES	TASK BALANCE	% OF BUDGET EXPENDED	
0104	Intergovernmental Relations	442,441	-	-	442,441	422,305	20,136	95.45%	
0490	Council of Governments New Initiatives	80,585	(19,803)	-	60,782	5,090	55,692	8.37%	
0492	Joint Solar Purchase Agreement	176,732	19,803	-	196,535	59,776	136,759	30.42%	
0495	Green House Gas	495,481	36,885	-	532,366	384,103	148,263	72.15%	
0503	Legislation	613,473	(11)	-	613,462	516,439	97,023	84.18%	
0601	County Transportation Commission-General	483,591	-	-	483,591	224,220	259,371	46.37%	
0605	Publications & Public Outreach	576,842	-	-	576,842	320,975	255,867	55.64%	
0708	Property Assessed Clean Energy	141,514	(1,064)	-	140,450	35,825	104,625	25.51%	
0805	Building Operations	89,115	-	-	89,115	40,297	48,818	45.22%	
0942	Financial Management	228,102	-	-	228,102	112,030	116,072	49.11%	
	<b>TOTAL COUNCIL OF GOVERNMENTS SUPPORT PROGRAM</b>	<b>3,327,876</b>	<b>35,810</b>	<b>-</b>	<b>3,363,686</b>	<b>2,121,061</b>	<b>1,242,625</b>	<b>63.06%</b>	
	<b>GRAND TOTAL ALL PROGRAMS</b>	<b>738,837,143</b>	<b>137,223,849</b>	<b>21,837,379</b>	<b>897,898,371</b>	<b>439,521,932</b>	<b>458,376,439</b>	<b>48.95%</b>	

CONSOLIDATED BY PROGRAM									
PROGRAM DESCRIPTION	ORIGINAL BUDGET	AMENDMENTS	ENCUMBRANCES	REVISED BUDGET	EXPENDITURES	PROGRAM BALANCE	% OF BUDGET EXPENDED		
AIR QUALITY & TRAVELER SERVICES PROGRAM	8,719,763	224,836	6,443	8,951,042	8,440,382	510,660	94.29%		
TRANSPORTATION PLANNING & PROGRAMMING PROGRAM	5,322,067	167,650	41,920	5,531,637	3,909,697	1,621,940	70.68%		
MAJOR PROJECT DELIVERY PROGRAM	503,697,614	14,357,063	8,160,156	526,214,833	239,355,685	286,859,148	45.49%		
TRANSIT & PASSENGER RAIL PROGRAM	51,476,030	18,288,546	83,079	69,847,655	48,582,717	21,264,938	69.56%		
TRANSPORTATION FUND ADMINISTRATION PROGRAM	166,293,793	104,149,944	13,545,781	283,989,518	137,112,390	146,877,128	48.28%		
GENERAL - COUNCIL OF GOVERNMENTS SUPPORT PROGRAM	3,327,876	35,810	-	3,363,686	2,121,061	1,242,625	63.06%		
<b>GRAND TOTAL ALL PROGRAMS</b>	<b>738,837,143</b>	<b>137,223,849</b>	<b>21,837,379</b>	<b>897,898,371</b>	<b>439,521,932</b>	<b>458,376,439</b>	<b>48.95%</b>		

\* Expenditure amount is negative due to reimbursements from legal firm and insurance company for the Colonies lawsuit.



- 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:** September 11, 2013

**Subject:** Final Encumbrances for Fiscal Year 2013/2014

**Recommendation:**\* That the Committee recommend the Board approve final encumbrances in the amount of \$14,773,427.74, listed in Table 1, to be formally incorporated into San Bernardino Associated Government's Fiscal Year 2013/2014 Budget.

**Background:** San Bernardino Associated Government's (SANBAG's) Budget for Fiscal Year (FY) 2013/2014 for new activity was adopted by the Board of Directors on June 5, 2013. The encumbrances (funding related to outstanding purchase orders for goods or services from the previous Fiscal Years) are presented for approval to be formally incorporated into SANBAG's FY 2013/ 2014 Budget.

The following attachment provides a summary of task activities, by fund that will have an encumbrance carried over and added to the previously approved budget.

**Financial Impact:** Encumbrances totaling \$14,773,427.74 (Table 1) will be formally incorporated into SANBAG's FY 2013/2014 Budget.

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

**Responsible Staff:** William Stawarski, Chief Financial Officer

\*

Approved  
 General Policy Committee

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

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

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

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

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

TABLE 1

Fund	Task	Amount	Fund Total
1040 Local Transportation Fund - Rail	0379 Commuter Rail Capital Expenses	99,988.29	99,988.29
1050 State Transit Assistance Fund - Rail	0379 Commuter Rail Capital Expenses	751,673.53	751,673.53
2520 Regional Improvement Program	0882 North Milliken Avenue Grade Separation	5,706,324.50	5,706,324.50
2610 Public Trans Modern, Improve & Svc Enhance	0311 Transit Capital	70,068.77	70,068.77
4110 MSI Valley Fund-Freeway Projects	0605 Publications and Public Outreach	337.50	337.50
4120 MSI Valley Fund-Fwy Interchange	0610 Measure I Project Advancement	288,085.31	
4120 MSI Valley Fund-Fwy Interchange	0815 Measure I Program Management	5,538.56	293,623.87
4130 MSI Valley Fund-Grade Separations	0815 Measure I Program Management	10,401.30	
	0874 Palm Avenue Grade Separation	5,000.00	
	0884 Laurel Avenue Grade Separation	5,000.00	20,401.30
4131 MSI Valley Fund-Arterials	0515 MSI Valley Apportionment & Allocation	6,538,198.35	6,538,198.35
4132 MSI Valley Fund-Project Adv Agreements	0610 Measure I Project Advancement	0.26	0.26
4330 MSI North Desert Fund-Major Local Hwy	0881 Lenwood Road Grade Separation	5,000.00	5,000.00
4580 MSI Morongo Basin Fund-Traffic Mgmt Sys	0516 MSI Mt/Desert Apportionment & Allocation	41,688.72	41,688.72
4630 MSI Mountain Fund-Traffic Mgmt Sys	0516 MSI Mt/Desert Apportionment & Allocation	286,345.20	286,345.20
4901 MSI 1990-Valley Fund-Major Projects	0609 Strategic Planning/Delivery Planning	7,760.00	
	0615 Measure I Local Stimulus - Project Only	717,182.45	
	0815 Measure I Program Management	1,888.49	
	0886 Colton Quiet Zone Project	5,000.00	731,830.94
4907 MSI 1990-Valley Fund-TMEE	0404 Subregional Transportation Planning	2,806.16	2,806.16
6010 Local Projects Fund	0881 Lenwood Road Grade Separation	50,000.00	
	0882 North Milliken Avenue Grade Separation	56,600.00	
	0888 I-15 La Mesa Road/Nisqualli Road Interchange	25,000.00	131,600.00
6012 Transit Center Project Fund	0311 Transit Capital	9,171.00	9,171.00
6230 Valley Major Street Bond Fund	0874 Palm Avenue Grade Separation	181.94	181.94
6310 Victor Valley Major Local Hwy Bond Fund	0888 I-15 La Mesa Road/Nisqualli Road Interchange	25,000.00	25,000.00
6810 Cajon Pass Bond Fund	0880 I-15/I-215 Devore Road Interchange	16,254.28	16,254.28
7110 Indirect Cost Allocation Fund	0105 Indirect-Project Management	24,253.13	
	0120 Indirect-General	856.00	
	0130 Indirect-Management Services	17,824.00	42,933.13
		<b>14,773,427.74</b>	<b>14,773,427.74</b>



- 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:** September 11, 2013

**Subject:** Approve Financing Team for Investment Banking Services

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

1. Approve Bank of America Merrill Lynch, Barclays, Citigroup Global Markets Inc., Goldman Sachs, and RBC Capital Markets as the Financing Team for Investment Banking to serve in an underwriting pool to be used for future bond transactions.
2. Authorize the Executive Director, or his designee, to execute Bond Purchase Contracts at the time of the bond issuance.

**Background:** The San Bernardino Associated Governments (SANBAG) requires the services of Investment Bankers to perform underwriting during bond transactions as part of the Financing Team including General Counsel ("Issuer Counsel"), financial advisor, bond counsel and disclosure counsel. The firms will assist in the execution of strategies for funding the Measure I program, analyze strategies that may involve public-private partnerships and assist in the development and implementation of the Measure I bond financing program.

On June 20, 2013, SANBAG's Executive Director approved the release of a Request for Proposals (RFP) 14008 for Investment Banking Services. The RFPs were posted on SANBAG's website, published in The San Bernardino Sun

\*

*Approved*  
*General Policy Committee*

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

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

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

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

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

GPC1309d-www

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2013/gpc1309/AgendaItems/GPC1309d1-www.pdf>

newspaper, and RFP notifications were sent to approximately one hundred twelve vendors who specialize in these services. A pre-proposal meeting was not conducted. One Addendum was issued in response to written questions received prior to the deadline specified in the RFP. On July 9, 2013, twenty-three proposals were received by the date and time specified in the RFP for Investment Banking Services. A review was conducted for all of the proposals received by the deadline. All of the proposals were found to be responsive to the RFP.

An Evaluation Committee, consisting of staff from City of Rancho Cucamonga, City of Fontana, SANBAG's Director of Management Services and Chief of Accounting and Procurement, reviewed the proposals. The proposals were evaluated based on the following criteria, which was identified in the RFP:

- Qualifications, Related Experience and References
- Proposed Staffing and Project Organization
- Work plan

Nine firms demonstrated significant experience in providing Investment Banking Services to the public sector, along with transportation taxes and toll revenue experience. The Evaluation Committee agreed to interview nine firms which are listed below in alphabetical order:

- Bank of America Merrill Lynch
- Barclays
- Citigroup Global Markets Inc.
- De La Rosa
- Goldman Sachs
- JP Morgan
- Loop Capital Markets
- RBC Capital Markets
- Wells Fargo

On August 19<sup>th</sup> and August 20<sup>th</sup> of 2013, the Evaluation Committee conducted an oral interview of the nine firms selected. The interviews allotted forty minutes and consisted of an opening presentation followed by a twenty-minute questions and answers session. The Evaluation Committee evaluated the nine firms and based on their interview and proposal rankings, they selected a pool of five firms for Investment Banking Services.

The Committee considered all nine firms qualified to perform the work specified in the Request For Proposals. The highest ranked firms were Bank of America Merrill Lynch, Barclays, Citigroup Global Markets Inc., Goldman Sachs, and RBC Capital Markets. These firms were selected for their extensive experience

with issuing sales tax bonds, Transportation Infrastructure Finance and Innovation Act (TIFIA) loan, and toll road bonds. They demonstrated strong analytical, innovative, and diagnostic skills. Bank of America Merrill Lynch is the national leader in underwriting transportation transactions and has developed a revolving credit facility for short-term financing needs. Barclays is the number one underwriter of transportation sales tax bonds in California and has been involved in toll revenue financing for the Orange County Transportation Authority (OCTA), San Diego Association of Governments (SANDAG) and the Riverside County Transportation Commission (RCTC). Citi Group demonstrates excellent experience in the TIFIA program for both sales tax and toll revenue programs to enhance debt capacity. Goldman Sachs is the third largest underwriter in California sales tax transportation and has a comprehensive distribution platform that reaches all retail, professional retail, and institutional buyers. RBC has broad national experience in both sales tax and toll revenue financing and identified several financing scenarios for SANBAG's consideration.

As a result of the scoring, the Evaluation Committee respectfully recommends that the Board approve Bank of America Merrill Lynch, Barclays, Citigroup Global Markets Inc., Goldman Sachs, and RBC Capital Markets to serve in an underwriting pool to be used for future bond transactions and to perform the scope of work as outlined in the Request For Proposals 14008. All the firms clearly demonstrated a thorough understanding of the scope of work and proposed an overall solid team. Evaluation forms and reference checks are located in the Contract Audit File.

Bond Purchase Contracts will be issued in amounts to be determined at the time of the bond issuance.

***Financial Impact:*** This item is consistent with SANBAG's Fiscal Year 2013/2014 budget. Underwriter costs will be financed with future bond proceeds.

***Reviewed By:*** This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel and Contract Administrator have reviewed this item as to form.

***Responsible Staff:*** William Stawarski, Chief Financial Officer

## **ATTACHMENT A - SCOPE OF WORK**

The Consultant shall provide the following services:

1. Present and assist in the execution of strategies for funding the Measure I program.
  2. Analyze and present strategies and assist in execution of strategies that may involve public-private partnerships.
  3. Assist in development and implementation of the Measure I bond financing program.
-



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

*Minute Action*

AGENDA ITEM: 7

**Date:** September 11, 2013

**Subject:** Assistant General Counsel Contract Amendment

**Recommendation:\*** 1. That the Committee recommend the Board approve the first amendment to legal services agreement C13036 with Robert D. Herrick to provide Assistant General Counsel legal services increasing the agreement amount by \$210,000 for a new not-to-exceed total of \$420,000 and extending the term to October 31, 2014, and authorize General Counsel to execute the agreement amendment on behalf of San Bernardino Associated Governments.

2. Approve Fiscal Year 2013/2014 Budget Amendment to increase Task Number 0120, Indirect-General, in the amount of \$79,000, and increase Task Number 0105, Indirect-Project Management in the amount of \$79,000 which will be funded by various funding sources through indirect cost allocation.

**Background:** On April 4, 2012, San Bernardino Associated Governments (SANBAG) Board of Directors approved the hiring of SANBAG's first in-house General Counsel, who commenced work May 19, 2012. General Counsel serves the legal needs of the five SANBAG entities (San Bernardino Associated Governments, San Bernardino County Transportation Authority, San Bernardino County Transportation Commission, San Bernardino County Service Authority for Freeway Emergencies and San Bernardino County Congestion Management Agency).

\*

*Approved*  
 General Policy Committee

*Date:*

*Moved:*                      *Second:*

*In Favor:*      *Opposed:*      *Abstained:*

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

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

GPC1309a-emt

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2013/gpc1309/AgendaItems/GPC1309a1-emt.doc>

General Counsel provides direct legal advice and counsel to SANBAG's 50 employees and 14 on-site contract staff which serve the freeway, major rail extension, interchange, grade separation, and numerous other projects and programs in SANBAG's fiscal year 2013/2014 \$733 million expenditure budget. The number and value of construction projects is the largest in SANBAG's history and is evidenced by the increasing volume of contracts and staff reports included in the monthly Board and policy committee agendas for which General Counsel must provide timely advice, review and approval.

General Counsel is responsible for representing SANBAG in litigation matters, for ensuring that lawsuits filed against SANBAG are tendered to the appropriate insurance carriers or responsible parties for defense and indemnity and for overseeing outside defense and right-of-way counsel. Additionally, General Counsel has identified a number of governance and contracting concerns that need to be addressed to further enhance SANBAG's compliance with the law.

General Counsel's staff consists of one-half of one full-time equivalent staff assistant. The volume, nature and complexity of the day-to-day General Counsel services, generally described above, exceed the capacity of one attorney. Accordingly, on October 3, 2012, the Board authorized General Counsel to enter into a one-year legal services agreement (C13036) with Robert D. Herrick, a highly qualified and experienced municipal law attorney to provide Assistant General Counsel services on a contract basis. The Assistant General Counsel agreement was for one year in an amount not-to-exceed \$210,000, compensating Mr. Herrick at an hourly rate of \$135 payable by retainer of \$5,000 per month applied toward the monthly billing for work performed.

General Counsel desires to provide prompt, excellent legal services to SANBAG and avoid causing delays to SANBAG's delivery of projects. To address SANBAG's continued burgeoning day-to-day legal demands, General Counsel respectfully requests that the Board approve an amendment to Mr. Herrick's agreement extending the term by slightly more than one year to October 31, 2014, and increasing the contract amount by \$210,000. All other terms and conditions of the agreement shall remain unchanged. Approval of this agreement amendment will continue to provide SANBAG with the presence of another in-house, on-site attorney providing up to approximately 1,600 hours of legal services per year, will assure provision of more timely excellent legal services, and will enable SANBAG to have backup attorney services in the absence of General Counsel, such as vacation or illness.

A budget amendment in the amount of \$158,000 is necessary to cover the cost of this contract amendment for the remaining nine months of Fiscal Year 2013/2014. The budget amendment will increase the two indirect cost allocation task numbers

to which the Assistant General Counsel services are typically charged by equal amounts—increasing Task Number 0120 Indirect-General by \$79,000 and Task Number 0105 Indirect-Project Management by \$79,000.

**Financial Impact:** A budget amendment for Fiscal Year 2013/2014 is needed in the amount of \$158,000 to cover the cost of nine months of the agreement amendment within this fiscal year, increasing Task Number 0120 Indirect-General by \$79,000, and Task Number 0105 Indirect-Project Management by \$79,000. Certain of the legal services costs under this agreement amendment may be charged to the budgets of specific projects to which the legal services relate.

**Reviewed By:** This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel and Contract Administrator have reviewed this item and the Amendment as to form.

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**Responsible Staff:** Eileen Monaghan Teichert, General Counsel

## CONTRACT SUMMARY SHEET

Contract No. C C13036 Amendment No. 01

By and Between

San Bernardino Associated Governments and Robert D. Herrick

Contract Description Legal Services – Assistant General Counsel

**Board of Director's Meeting Date:** October 2, 2013  
**Overview of BOD Action:** Approve and authorize General Counsel to execute legal services agreement in the amount not to exceed \$420,000 for assistant general counsel legal services.

Is this a Sole-Source procurement?  Yes  No

CONTRACT OVERVIEW					
Original Contract Amount	\$	210,000	Original Contingency Amount	\$	0
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$	420,000	Revised Contingency Amount <i>Inclusive of prior amendments</i>	\$	0
Current Amendment Amount	\$	210,000	Contingency Amendment	\$	0
<b>TOTAL CONTRACT VALUE</b>	<b>\$</b>	<b>420,000</b>	<b>TOTAL CONTINGENCY VALUE</b>	<b>\$</b>	<b>0</b>
<b>TOTAL BUDGET AUTHORITY (contract value + contingency)</b>					<b>\$ 420,000</b>

<b>Contract Start Date</b> October 3, 2012	<b>Current Contract Expiration Date</b> October 3, 2013	<b>Revised Contract Expiration Date</b> October 31, 2014
Has the contract term been amended? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - please explain. Contract term will be extended to October 31, 2014		

FINANCIAL INFORMATION					
<input checked="" type="checkbox"/> Budget authority for this contract currently exists in Task No.					
<input checked="" type="checkbox"/> A Budget Amendment is required. 0105, 0120					
How are we funding current FY?					
<input type="checkbox"/> Federal Funds	<input type="checkbox"/> State Funds	<input type="checkbox"/> Local Funds	<input type="checkbox"/> TDA Funds	<input type="checkbox"/> Measure I Funds	
Provide Brief Overview of the <b>Overall Funding</b> for the duration of the Contract: The cost of legal services provided under this agreement amendment will be charged to and within the budgets of the projects and the funding sources to which the legal services relate.					
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable					

CONTRACT MANAGEMENT INFORMATION	
<b>Check all applicable boxes:</b>	
<input type="checkbox"/> Retention? If yes, indicate % _____.	
<input type="checkbox"/> Disadvantaged Business Enterprise (DBE) Goal _____ %	

Eileen Monaghan Teichert	8/30/13
Project Manager (Print Name)	Signature _____ Date 8/30/13
<u>MAVE BAKER</u>	Signature <u>Mave Baker</u> Date 8/30/13
Task Manager (Print Name)	Signature _____ Date 9/3/13
<u>W. S. THURSKI</u>	Signature <u>Andre Zureick</u> Date 8/30/13
Task Manager (Print Name)	Signature _____ Date 9/3/13
<u>Andre Zureick</u>	Signature <u>Jeffery Hill</u> Date 9/3/13
Dir. of Fund Admin. & Programming (Print Name)	Signature _____ Date 9/3/13
<u>Jeffery Hill</u>	Signature _____ Date 9/3/13
Contract Administrator (Print Name)	Signature _____ Date 9/3/13
<u>W. S. THURSKI</u>	Signature _____ Date 9/3/13
Chief Financial Officer (Print Name)	Signature _____ Date _____

**CONTRACT NO. C13036-01**

**SAN BERNARDINO ASSOCIATED GOVERNMENTS**

**AND**

**ROBERT D. HERRICK**

**(LEGAL SERVICES—ASSISTANT GENERAL COUNSEL)**

This First Amendment to Agreement No. C13036 (“Amendment”) is made and entered into by and between the San Bernardino Associated Governments, the San Bernardino County Transportation Authority, the San Bernardino County Transportation Commission, the San Bernardino County Service Authority for Freeway Emergencies, and the San Bernardino County Congestion Management Agency (hereafter referred to collectively as “SANBAG”) and Robert D. Herrick (“Attorney”). SANBAG and Attorney are each a “Party” and collectively the “Parties”.

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**RECITALS**

A. SANBAG hired its first in-house General Counsel in May, 2012; and

B. Due to the high volume of SANBAG projects, the need to timely provide legal review and advice for such projects so as to avoid project delivery delays, and the necessity to immediately address a number of legal compliance issues, the SANBAG Board approved Agreement No. C13036 (“Agreement”) on October 3, 2012, with Attorney under which Attorney agreed to provide SANBAG with Assistant General Counsel services for a one-year term; and

C. The Parties desire for Attorney to continue providing such services for an additional one-year term at the same rate of compensation and same terms and conditions in the Agreement.

Now, therefore the parties agree to amend the Agreement as follows:

1. Section 2 (Term of Agreement) is deleted.
2. Subsection D of Section 3 (Compensation) is deleted and replaced with the following:

“D. Not-to-exceed amount.

The total amount paid to Attorney as compensation for services and reimbursement of expenses hereunder shall not exceed \$420,000.”

First Amendment to Agreement for Legal Services

C13036-01

Page 1

3. Section 13 (Term of Agreement) is deleted and replaced with the following:  
“The term of this Agreement shall be from the Effective Date to October 31, 2014. This Agreement may be extended, renewed, amended or renegotiated by the mutual written consent of the parties.”
4. The Recitals and the Agreement are incorporated into this Amendment.
5. This Amendment is effective on the date executed by SANBAG.
6. Except as specifically amended herein, the Agreement shall remain in full force and effect.

IN WITNESS THEREOF, the parties have executed this Agreement below.

Dated: \_\_\_\_\_

ATTORNEY:

By: \_\_\_\_\_  
Robert D. Herrick  
Attorney-at-Law

Dated: \_\_\_\_\_

SAN BERNARDINO ASSOCIATED  
GOVERNMENTS:

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



- 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: 8

**Date:** September 11, 2013

**Subject:** Transportation Development Act Triennial Performance Audit for Fiscal Years 2008/2009 to 2010/2011 San Bernardino Associated Governments (SANBAG)

**Recommendation:**\* Receive Triennial Performance Audit Report for Fiscal Years 2008/2009 through 2010/2011 for San Bernardino Associated Governments.

**Background:** California Public Utilities Code Sections 99246(a) and 99248 require that San Bernardino Associated Governments (SANBAG), acting as the County Transportation Commission, designate an entity other than itself to prepare and submit an audit of its performance, and each of the transit operators to whom receive Transportation Development Act (TDA) funding, on a triennial basis to the California State Department of Transportation (Caltrans) in order to continue receiving TDA funding.

On November 2, 2011, the Board approved the release of Request for Proposals (RFP) No. 12100 which solicited proposals from qualified firms to execute the Transportation Development Act Triennial Performance Audits of SANBAG and the six transit operators within the County for Fiscal Years 2008/2009 through 2010/2011. The SANBAG Board awarded the contract to PMC on March 7, 2012.

Attached is the executive summary for SANBAG's audit, which includes a review of the administrative and planning obligations under the TDA requirements, status

\*

*Approved*  
 General Policy Committee

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

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

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

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

COG	CTC	X	CTA	SAFE	CMA
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Check all that apply.

GPC1309b-mmm

[http://portal.sanbag.ca.gov/mgmt/workgroups/transit/majortransit/auditsoperators/Shared%20Documents/FY2009 11%20SANBAG%20TDA%20Performance%20Audit.pdf](http://portal.sanbag.ca.gov/mgmt/workgroups/transit/majortransit/auditsoperators/Shared%20Documents/FY2009%2011%20SANBAG%20TDA%20Performance%20Audit.pdf)

of prior audit recommendations, as well as its organizations management and efficiency.

The audit contains seven new recommendations:

1. Update the checklist contained in the TDA claim form for submittal of required attachments – The audit found that some of the descriptions of the documentation requested by SANBAG were too vague. SANBAG will modify the claim form for Fiscal Year 2014/2015 to ensure that the required documentation is clearly identified.
2. Update the SANBAG TDA application manual – This is a prior audit recommendation, and SANBAG has included funding in the Fiscal Year 2013/2014 budget for preparation of an update to the TDA Manual.
3. Formalize the allocation procedures for State Transit Assistance Regional Funds – The State Transit Assistance (STA) Regional funds are currently allocated to the Valley and Mountain/Desert subareas on a 75/25 split. The audit states that the funds should be split based on actual population shares. Additionally, the funds are currently allocated to specific projects based on need with each operator guaranteed a minimum share. The audit recommends that a more formal allocation process be developed so that transit operators have a better estimation of anticipated revenue. Staff will work with the transit operators in conjunction with the Public and Specialized Transportation Advisory Coordination Counsel (PASTACC) to develop an allocation policy and procedure for presentation to the Committee and Board for approval.
4. Develop a TDA fund reserve policy – It is SANBAG practice to set-aside a reserve of TDA Local Transportation Funds (LTF) prior to the apportionment of funds for eligible uses. This reserve is intended to minimize the impact if receipts are less than anticipated and to provide funding for an unanticipated need. The audit recommends that SANBAG adopt a formal policy that outlines the reserve amount and eligible uses of the funds. Staff will work with transit operators in conjunction with PASTACC to develop a reserve policy for presentation to the Committee and Board for approval.
5. Develop and adopt TDA Article 4.5 evaluation criteria – The audit recommends adopting evaluation criteria for claims filed by Community Transit Services Agencies. This will be included in the TDA Manual referenced above.
6. Update and adopt the intermediate farebox ratio for Victor Valley Transit Authority (VVTA) – In March 1997 the SANBAG Board adopted Rules and Regulations for determining the required fare revenue to operating cost ratio for VVTA. In September 1997, the SANBAG Board approved the VVTA request that the ratio of fares to cost be set at 15%, which was lower than that determined by the Rules and Regulations, and the ratio has

not been revisited since that time. Because the service area and population has changed since 1997, the audit recommends that SANBAG and VVTA work together to evaluate options for determining the ratio and adopt an updated methodology and ratio. Although this process does not require that the ratio be changed, staff expects that the consolidation of Barstow Area Transit with VVTA, which is expected to be complete in early Fiscal Year 2014/2015, would impact the analysis. Therefore, upon completion of the consolidation, staff will work with VVTA to determine an appropriate methodology and ratio. If the ratio does change, SANBAG has the discretion to allow time for VVTA to meet the new standard.

7. Consider alternate methods to promote focused meeting structure in PASTACC – The audit recommends structuring the PASTACC meetings in a more focused manner that better responds to the diversity of transportation interests and geography of the members, such as alternating between a social service focus and a public transportation focus. Staff discussed this recommendation with the PASTACC in June 2013. The PASTACC believes that the purpose of PASTACC is to allow social services and public transportation to be informed of the varying issues and to work together to resolve them. Their recommendation was to hold special meetings if there were significant issues of special focus to be discussed but to continue the meetings as they are currently organized.

The status of the prior triennial performance audit recommendations:

- Enhance the transit productivity improvement program (PIP): **Implemented.**
- Require transit operators to consistently submit CHP inspection certificates with TDA claims: **Implemented.**
- Maintain transit staff development for TDA administration: **Implemented.**
- Updated the SANBAG TDA application manual: **Not Implemented** and is carried forward in this audit for full implementation.
- Develop orientation packet for new and existing PASTACC members: **Implemented.**
- Consider development of a broader transit policy committee in light of multimodal planning in the county and region: **Implemented.**

The departments of Finance, Fund Administration and Transit and Rail will be working through the audit recommendations with a goal of full implementation of all items by the end of Fiscal Year 2013/2014.

**Financial Impact:** This item is consistent with the current adopted FY2013/2014 budget, Task No. 0502 TDA Administration.

**Reviewed By:** This item is scheduled for review by the General Policy Committee on September 11, 2013 and the Commuter Rail Transit Committee on September 12, 2013. It is not scheduled for review by any other technical advisory committee or policy committee.

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



**FY 2009-2011  
Triennial Performance Audit  
of San Bernardino Associated  
Governments**

**Submitted to San Bernardino  
Associated Governments**

May 2013



*PATTI POST & ASSOCIATES*

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## Executive Summary

PMC, in association with CH2MHILL and Patti Post & Associates, was retained by the San Bernardino Associated Governments (SANBAG) to conduct its Transportation Development Act (TDA) performance audit for Fiscal Years (FY) 2008–09 through 2010–11. As a Regional Transportation Planning Agency (RTPA), SANBAG is required by Public Utilities Code (PUC) Sections 99246 and 99248 to prepare and submit an audit of its performance on a triennial basis to the California State Department of Transportation (Caltrans) to continue receiving TDA funding. TDA funding is used for SANBAG administration and planning, and distributed to local jurisdictions for motorized and non-motorized forms of transportation.

This performance audit is intended to describe how well SANBAG is meeting its administrative and planning obligations under TDA, as well as its organizational management and efficiency. The *Performance Audit Guidebook for Transit Operators and Regional Transportation Planning Entities, September 2008 (third edition)* published by the California Department of Transportation was used to guide in the development and conduct of the audit. To gather information for the TDA performance audit, PMC conducted interviews, reviewed various documents, and evaluated SANBAG's responsibilities, functions, and performance of the TDA guidelines and regulations. Interviews were conducted with agency staff, the transit operators within SANBAG's jurisdiction, and stakeholders that facilitate and serve on the SANBAG Public and Specialized Transportation Advisory and Coordination Council (PASTACC).

The audit comprises several sections, including compliance with TDA requirements, status of implementing prior audit recommendations, and review of functional areas. Findings from each section are summarized below, followed by recommendations based on our audit procedures.

### Compliance with TDA Requirements

SANBAG has satisfactorily complied with most State legislative mandates for Regional Transportation Planning Agencies. One compliance measure was not applicable during the audit period pertaining to the adoption of rules and regulations to evaluate TDA Article 4.5 claims. Such claims for funds have not been submitted to SANBAG although the relatively new CTSA, VTrans, would be an eligible claimant. Another compliance measure was partially met, and a separate measure was not met pertaining to timely submittal of audit reports.

While SANBAG remains in compliance with TDA state mandates, recommendations are made to revise, update, or develop certain functions under its purview to improve clarity and to reflect current conditions. Recommendations include updating the TDA checklist contained in the claim form, updating the intermediate farebox ratio for VVTA, begin

developing Article 4.5 evaluation criteria in light of potential eligible claimants, and formalizing the allocation procedures for State Transit Assistance Regional Funds.

### **Status of Prior Audit Recommendations**

SANBAG has responded to and implemented five of the six prior performance audit recommendations. The recommendation not yet implemented is to update its TDA application manual which is forwarded in this audit for full implementation.

### **Functional Review**

1. The agency has taken an increased perspective on multimodal investments and interconnectivity not only for highways, but for transit and non-motorized transportation. With the evolving nature of the transportation commission, the renewal of Measure I, and changes in top leadership, SANBAG has been progressing toward serving in a greater project funding and delivery role. The agency has seen notable departmental and staff changes particularly at the senior management and executive leadership level.
2. SANBAG commissioned Comprehensive Operations Analysis for each of the transit operators. An exception was Needles Area Transit which had not undergone a similar type study. Each COA provided detailed analyses of socioeconomic conditions and current service trends. Recommendations for alternative service provision and benchmark performance measures to gauge productivity were developed. Due to poor economic conditions from the recession resulting in lower TDA receipts (decline of 17 percent between FYs 2009 and 2010), COA recommendations with regard to service expansion were delayed from being implemented. During the tail end of this audit period, however, revenue was increasing and resulting in improved allocations of TDA funding.
3. SANBAG completed the San Bernardino County Long Range Transit Plan (LRTP) in October 2009 that establishes a vision for transit for the next 25 years. The LRTP prioritizes goals and projects for transit growth and connects land use and transportation strategies. The LRTP also meets legal mandates for planning and programming set by SB 375.
4. The uses of TDA revenues apportioned to San Bernardino County flow through a priority process prescribed in state law. SANBAG is able to claim TDA revenues for administration of the fund and for transportation planning and programming purposes. SANBAG has been responsible in the amount it claims, limiting its apportionment to 3 percent of Local Transportation Funds for Planning and Programming.
5. There was complete turnover of Transit and Rail Program staff during the audit period. Two of the prior staff retired in 2009 while the third prior staff departed in late 2011. With the hiring of a new Director of Transit and Rail Programs in 2009, the

other vacant positions were filled by in-house employees who transferred from other departments, as well as by outside staff with prior local transit experience. Priorities for staff have shifted and have been placed on supporting program and project implementation and delivery.

6. During this period of transition among the transit program staff, there was a learning curve with regard to TDA that carried over to the communication between SANBAG and the transit operators. Whereas in prior years SANBAG was more passive in its handling of the distribution and expenditure of TDA by the transit agencies, the new staff was more pro-active in aligning the expenditure of the revenue to the requirements of the statute. Also, SANBAG staff ensure that the transit operator TDA claims are clean and consistent with adopted rules and regulations.
7. The relatively new Fund Administration and Programming Department is anticipated to handle TDA administrative duties, among other roles. Several transit fund administrative and grant monitoring responsibilities are being transferred to this department, with Finance taking on additional roles as well in preparing external TDA reports and financial auditing.
8. A significant accomplishment agencywide was the production of the Annual SANBAG General Assembly. The General Assembly began in 2011 and includes SANBAG's "Year in Review" featuring the agency's accomplishments of the past year and presentations by panels on the outlook for the year ahead. The Year in Review publication highlights accomplishments by program area and completion of major construction projects and studies, as well as services provided to the local jurisdictions and community members.

**Recommendations**

Performance Audit Recommendation	Background	Timeline
#1 Update the checklist contained in the TDA claim form for submittal of required attachments.	<p>The checklist in the TDA claim form for submittal of materials for the Productivity Improvement Program only vaguely describes the necessary attachments that should be submitted with the claim. It is unclear what types of submittals would be acceptable to SANBAG. It is recommended that the checklist in the claim be modified and expanded to specifically identify what documentation would be acceptable for the Productivity Improvement Program. Each transit claimant would then indicate on the checklist which items are included in the claim for compliance. This would clarify for both the transit operators and SANBAG how this required submittal is being met.</p> <p>Examples of acceptable documentation include 1) table showing responses to and status of implementing prior performance audit recommendations; 2) budgetary actions and performance data that would result in increased productivity; 3) responses to and status of implementing short range plan and COA recommendations; 4) status update on issues and improvements in usage of TransTrack; and 5) additional specific claimant-initiated efforts to improve productivity. While some of this information is being provided by most of the transit claimants, it is beneficial that the acceptable types of documentation also be clearly identified in the checklist for SANBAG review and approval.</p>	High Priority
#2 Update the SANBAG TDA application manual.	As a carryover recommendation from the prior performance audit, the agency's guidebook should be updated to reflect changes to the administration of TDA. These include the updated TDA statute book (February 2009), the updated TDA performance audit guidelines (September 2008), utilization of TransTrack as a performance monitoring tool, intermediate farebox ratio formula, and utilization of the TDA claim form. In addition, the new roles served by different SANBAG departments (Transit and Rail Program, Funds Administration and Programming, and Finance) in the administration of TDA should be described in the updated manual.	High Priority
#3 Formalize the allocation procedures for State Transit Assistance Regional Funds.	<p>PUC 99313 STA Regional Funds are allocated based on a population proportion of 75 percent San Bernardino Valley and 25 percent High Desert/Mountain region. However, the current allocation proportions are general estimates and should be updated to reflect current population location data using Census 2010 data or more recent estimates. It is estimated that the Valley share would decrease by a small proportion while the High Desert/Mountain share would increase.</p> <p>The existing distribution of these funds is based on need with a</p>	High Priority

Performance Audit Recommendation	Background	Timeline
	<p>minimum amount for each transit operator. A more formal distribution formula should be developed to provide a better indicator of revenue that a transit operator could expect. An example of such a formula could be an allocation by jurisdictional area or transit service area on the basis of population in these areas compared to the population of the county as a whole. In a situation where there are two or more eligible claimants in the same area, SANBAG could work with the eligible claimants on a distribution amount, or develop evaluation criteria in scoring and determining an allocation. Potential evaluation criteria could include meeting regional goals such as reduction in vehicle miles traveled as directed by SB 375. Calculation of transit ridership, passenger miles, and net reduction in vehicle miles traveled for each eligible transit claimant could be used as an approximation for competing STA regional allocations.</p> <p>As significant levels of STA have been used in the past for large transit projects (e.g. VVTA operations facility), current policy does not preclude SANBAG from over allocating revenue to a jurisdiction in light of a significant transit project need. A regional STA pot of funds could still be a part of the formalized procedures, but should be accompanied by a set of rules in how the regional funds can be allocated and for which purposes. Examples include meeting a regional need beyond the service area of the transit operator, or to improve compliance with air quality measures. Both rolling stock and fixed assets (e.g. facilities) would be eligible.</p>	
<p>#4 Develop TDA fund reserve policy.</p>	<p>Beginning in FY 2011-12, SANBAG has set aside about \$5 million countywide during the TDA Local Transportation Fund apportionment process. The unrestricted set aside is made before apportionment for eligible uses and provides a reserve cushion to minimize the impact of a decline in revenue or an unexpected financial need. SANBAG should develop a fund reserve policy that outlines the reserve amount and eligible uses of the funds. The policy should be consistent with CCR 6655.1 that describes the retention of LTF. One aspect of the policy should limit the unrestricted reserve funds for eligible public transportation and specialized transit uses only (non street and roads). Equity could be achieved through basing the maximum allocation to each eligible claimant on a population and geographic basis, similar to the existing apportionment areas. This ensures that at a minimum, there will be available reserves for each transit system.</p> <p>LTF reserves should be available for transit services that have been funded through the annual TDA claim process, whether actual LTF revenues fall short of LTF budget allocations, or from circumstances that warrant an additional allocation. This would be on a case-by-case basis, and help to either minimize operating and/or capital shortfalls. An additional potential use would be to provide short term funding during a demonstration period to meet</p>	<p>High Priority</p>

Performance Audit Recommendation	Background	Timelime
	unmet transit needs that are found to be reasonable to meet.	
#5 Develop and adopt TDA Article 4.5 evaluation criteria.	In light of potential eligible CTSA claimants, SANBAG should develop the evaluation criteria and required findings for approval under this article section (PUC 99275.5). The article section contains the necessary steps and findings that must be made by SANBAG in approving a future claim submitted for TDA funds. The corresponding TDA claims forms and adopting resolutions should also be updated to accommodate such claim.	Medium Priority
#6 Review options for updating the farebox ratio for VVTA	<p>The current farebox recovery ratio of 15 percent for VVTA was adopted in September 1997. Over the years, the service area and population have changed. As the intermediate farebox ratio is intended to reflect the proportional services in rural and urban areas, it is recommended that SANBAG revisit the intermediate farebox formula described in a May 1997 board report that shows how the VVTA farebox ratio is calculated.</p> <p>An update to the farebox formula would result in a potential fare ratio between 10 and 20 percent depending on the current service breakdown between rural and urban areas. The current farebox ratio of 15 percent remains an option as well. As VVTA is an Article 8 claimant, SANBAG has the capacity to set reasonable standards for a transit operator. Should there be a change in the farebox standard, SANBAG could also provide a certain amount of time for VVTA to meet the new standard.</p> <p>SANBAG should work with VVTA in reviewing options how the farebox ratio is calculated, including using the same or similar formula methodology contained in that board report and using current VVTA service and performance data. SANBAG should then adopt both the methodology and the updated farebox ratio, and submit to Caltrans District 8 for approval. This sequence is required by Public Utilities Code (PUC) 99270.1 and California Code of Regulations (CCR) 6645. Because VVTA currently claims TDA funds under Article 8, PUC 99405 would also apply that references back to the other statute sections.</p>	Medium Priority
#7 Consider alternate methods to promote focused meeting structure in PASTACC.	<p>While we applaud the activities and general enhancements made to PASTACC over the last several years, the diversity of transportation interests and geography of the voting and non-voting members create challenges for SANBAG to develop a program that furthers the objectives and interest of all committee members.</p> <p>Consideration should be given to alternative meeting structures that may be vetted for feasibility and consistency with the updated PASTACC goals and bylaws. One such structure is that in-lieu of holding bi-monthly meetings intended for all members, the bi-monthly meetings would focus on topics pertaining primarily to either specialized transit or public transit in an alternate meeting</p>	Medium Priority

Performance Audit Recommendation	Background	Timeline
	<p>format. Agenda materials would be customized to fit the needs for each group for their respective meeting. All members would be invited to every meeting and provided the full agenda, but with the understanding that the particular meeting will be focused on social service or public transit issues. This alternating format could be conducted for a few meetings throughout the year. For the remaining meetings, the full membership would meet for required business such as during the unmet transit needs process, discussion of regional transportation issues, and receipt of updates from the more focused meetings.</p>	

## Section I

### Introduction – Initial Review of RTPA Functions

The San Bernardino Associated Governments (SANBAG) has retained the PMC team to conduct its Transportation Development Act (TDA) performance audit covering the most recent triennial period, Fiscal Years (FY) 2008-09 through 2010-11. As a Regional Transportation Planning Agency (RTPA), SANBAG is required by Public Utilities Code (PUC) Sections 99246 and 99248 to prepare and submit an audit of its performance on a triennial basis to the California Department of Transportation (Caltrans) in order to continue receiving TDA funding. This performance audit is intended to describe how well SANBAG is meeting its administrative and planning obligations under TDA as well as its organizational management and efficiency.

#### Audit Methodology

To gather information for this performance audit, PMC accomplished the following activities:

- **Document Review:** PMC conducted an extensive review of documents including various SANBAG files and internal reports, committee agendas and public documents.
- **Interviews:** PMC interviewed key SANBAG management staff as well as the transit operators under SANBAG's jurisdiction. Interviews were also conducted with stakeholders that facilitate and serve on the SANBAG Public and Specialized Transportation Advisory and Coordination Council (PASTACC).
- **Analysis:** PMC evaluated the responses from the interviews as well as the documents reviewed about SANBAG's responsibilities, functions and performance to TDA guidelines and regulations.

The remainder of this report is divided into four chapters. In Chapter II, PMC provides a review of the compliance requirements of the TDA administrative process. Chapter III describes SANBAG's responses to the recommendations provided in the previous performance audit. In Chapter IV, PMC provides a detailed review of SANBAG's functions. The last section summarizes our findings and recommendations.

#### Overview of SANBAG

SANBAG was established in 1973 as a Joint Powers Agency (JPA) of the County of San Bernardino and the incorporated cities in the county. Today, SANBAG's membership has expanded to include 24 cities plus the County. The member jurisdictions include the following entities:

City of Adelanto	City of Montclair
Town of Apple Valley	City of Needles
City of Barstow	City of Ontario
City of Big Bear Lake	City of Rancho Cucamonga
City of Chino	City of Redlands
City of Chino Hills	City of Rialto
City of Colton	City of San Bernardino
City of Fontana	City of Twentynine Palms
City of Grand Terrace	City of Upland
City of Hesperia	City of Victorville
City of Highland	City of Yucaipa
City of Loma Linda	Town of Yucca Valley
County of San Bernardino	

San Bernardino County is located in the Inland Empire region of Southern California, stretching nearly 200 miles across. The county is bordered by Inyo County to the north, Kern and Los Angeles counties to the west, Riverside County to the south, Orange County to the southwest, the State of Nevada to the northeast and the Colorado River to the east. San Bernardino County was created in 1853 from parts of Los Angeles County. The county is geographically the largest in the continental United States encompassing over 21,160 square miles and is traversed by 2,834 miles of County-maintained roadways. Population growth has seen a marked increase in recent years. Based upon the 2010 U.S. Census, the county's population was 2,035,210, the fifth largest in the state. The 2012 California Department of Finance (DOF) estimate reports a countywide population of 2,063,919. Based on the 2010 U.S. Census data, the most populous cities within the county include the county seat of San Bernardino (209,924), Fontana (196,069), Rancho Cucamonga (165,269), Ontario (163,924), and Victorville (115,903).

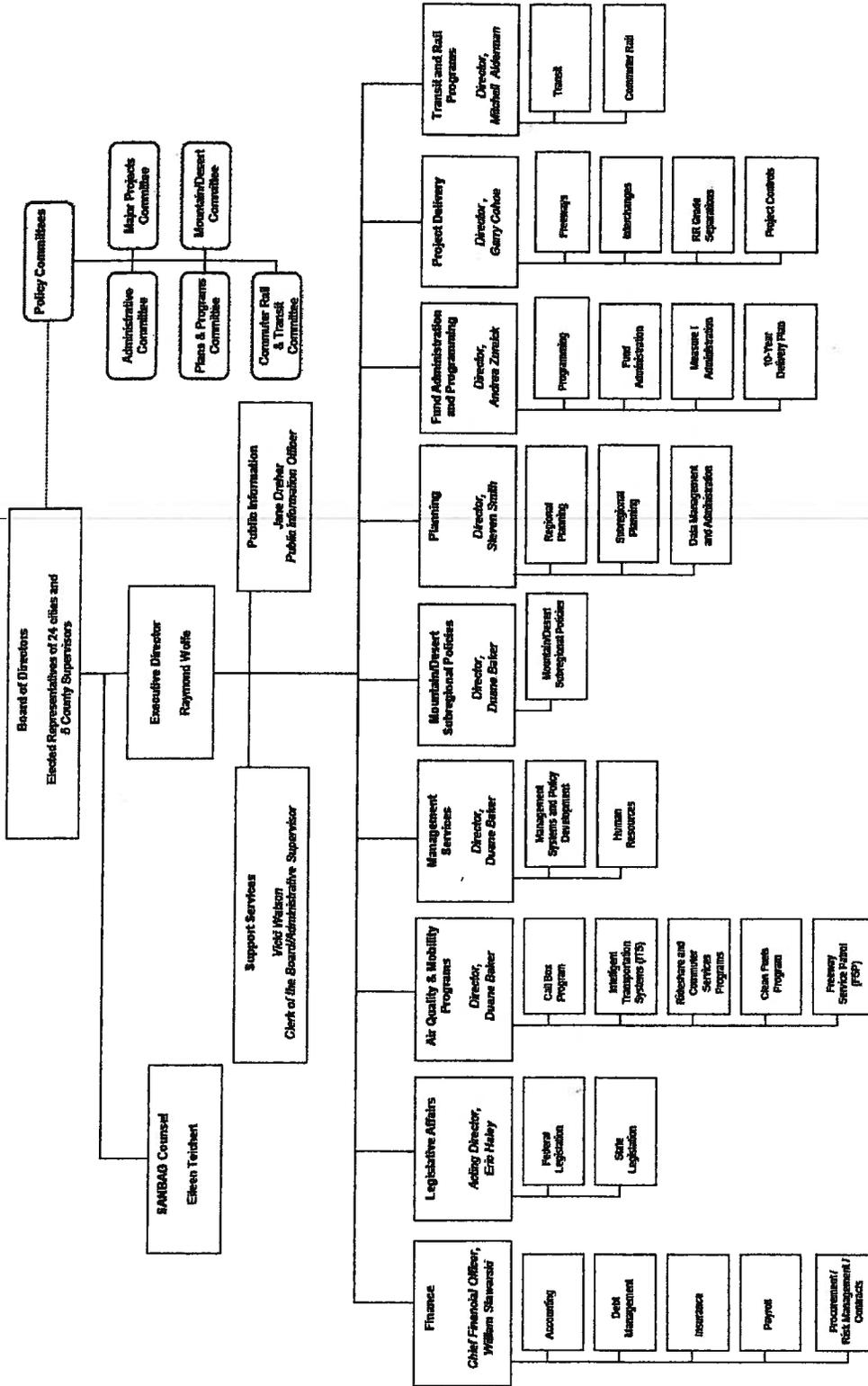
Against this backdrop of rapid population growth, San Bernardino County's economy has become increasingly diverse and robust. This is attributed to the large amount of goods movement and distribution facilities in the region. The Interstate 10 (I-10), I-15 and I-215 corridors have become major development areas for such activities. However, the recent economic challenges facing the county due to prolonged recession have resulted in contractions in the housing market and increased unemployment.

The current economic and population trends have created the need to plan and implement a myriad of transportation projects encompassing all modes including toll roads, commuter rail and enhanced bus transportation. SANBAG has committed itself to be an effective project planning and delivery agency for the county.

Role of SANBAG

Similar to many other large regional transportation planning agencies in California, SANBAG has a complex legal structure, which delineates its responsibilities in the areas of transportation, planning, programming, project delivery, and investment decision-making. SANBAG's original 1973 JPA has served as the foundation upon which several additional responsibilities have been added in later years by the state legislature. In addition to its primary role as a Council of Governments, SANBAG also serves as the County Transportation Commission, County Transportation Authority for Measure I, County Congestion Management Agency, Service Authority for Freeway Emergencies (SAFE), and Sub-Regional Planning Agency. Figure I-1 depicts the organization chart of SANBAG as of mid-2012.

Figure I-1 Organization Chart



County Transportation Commission

In 1976, State Assembly Bill (AB) 1246 was enacted designating SANBAG as a county transportation commission. This statute broadened SANBAG's range of responsibilities to include coordination and approval of all public mass transit services, approval of all capital development projects for transit and highway systems, and determination of staging possibilities for near-term transportation planning and programming.

With AB 1246, SANBAG, in essence, became the transportation programming agency for San Bernardino County. In addition, SANBAG assumed responsibility for the five-year capital outlay program, the regional transportation improvement program (RTIP) for the county. The RTIP is submitted to the California Transportation Commission (CTC) for inclusion in the statewide five-year transportation investment program referred to as the State Transportation Improvement Program (STIP).

In 1990, the state legislature assigned to SANBAG the responsibility for managing all aspects of the TDA program. This action ensured that the agency had multimodal transportation planning responsibilities.

Until the passage of State Senate Bill (SB) 45 in 1997, the STIP was directed by the CTC. However, the enactment of SB 45 made significant changes to the STIP process. Specifically, SB 45 made SANBAG (as well as other regional agencies) the final arbitrator of the projects in its jurisdiction that are to be chosen for inclusion in the STIP. Thus, under the terms of SB 45, SANBAG became responsible for prioritizing 75 percent of the state transportation capital outlay funds available to San Bernardino County during each two-year STIP cycle. Before SB 45, the individual projects in the RTIP that SANBAG and other regional transportation planning agencies submitted to the CTC for inclusion into the STIP were subject to negotiations with the Commission.

County Transportation Authority

SANBAG's designation as a county transportation authority allows it to administer Measure I, the countywide half-cent transportation sales tax initiative. The twenty-year funding program for transportation projects won voter approval in November 1989. In 2004, county voters overwhelmingly approved the 2010-2040 Measure I Extension for an additional 30 years. During the first 20 years of Measure I, \$1.8 Billion was collected and utilized toward the delivery of major regional roadway and commuter rail projects. Based on conservative forecasts, an estimated \$4.5 Billion would be generated over the life of the 30-year Measure extension. As administrator of the Measure I program, SANBAG is responsible for determining which projects receive Measure I funding and ensuring that transportation projects are implemented.

County Congestion Management Agency

In its role as the county's congestion management agency, SANBAG manages the performance level of the regional transportation system, which takes into consideration development impacts and air quality conformity. To this end, SANBAG develops a Congestion Management Program (CMP), which defines a network of state highways and arterials, level of service standards and related procedures, and provides technical justification for the approach. The most recent CMP was approved by the SANBAG Board in 2009, which serves as the current version until next major update in 2012. In the interim, the SANBAG Board approved updates in November 2011 to the CMP's Development Mitigation Nexus Study and the Development Mitigation Implementation Language.

Service Authority for Freeway Emergencies (SAFE)

SANBAG serves as the Service Authority for Freeway Emergencies or SAFE, which develops and operates a system of approximately 1,300 call boxes on highways and arterials throughout the county. Each call box is a battery-powered, solar-charged roadside cellular telephone. Call boxes are usually placed in pairs across from each other at approximately one-half mile to one mile intervals in urbanized areas, with greater spacing in rural areas. The SAFE program is funded through a \$1 vehicle registration fee levied on San Bernardino County motorists collected by the California Department of Motor Vehicles and forwarded to SANBAG for administration. The SAFE call box network is operated in close coordination with both the California Highway Patrol (CHP) and Caltrans.

Sub-Regional Planning Agency

As a sub-regional planning agency, SANBAG represents the San Bernardino County region and assists the Southern California Association of Governments (SCAG) in its role as the federally designated metropolitan planning agency (MPO) for the county. SANBAG staff actively participates on various committees of SCAG, which make technical recommendations to SCAG's policy makers.

An important feature of SANBAG is that it operates in a complex intergovernmental environment, which requires ongoing communications and coordination with agencies at the local, regional, state and federal levels of government. This means, for example, that its transportation plan and RTIP must be coordinated with the regional transportation planning and programming process managed by SCAG. SANBAG must also coordinate its highway development programs with the Riverside County Transportation Commission (RCTC), Orange County Transportation Authority (OCTA), Los Angeles County Metropolitan Transportation Authority (LACMTA) and Caltrans. SANBAG interacts regularly with county government, municipalities and the county's transit operators to

ensure coordination between SANBAG policies and programs and the member agencies' programs and services.

In addition, in collaboration with Los Angeles, Orange, Riverside and Ventura counties, SANBAG is a founding partner of the Southern California Regional Rail Authority (SCRRA), the region's Metrolink commuter rail service provider. Metrolink operates the San Bernardino Line, which runs between San Bernardino and Los Angeles Union Station. The San Bernardino Line is one of the most heavily traveled lines in the Metrolink network. The Riverside Line operates between the City of Riverside and Union Station with a Metrolink Station located in East Ontario. In addition, the Inland Empire-Orange County line runs between San Bernardino and various Orange County destinations. Two members from SANBAG's Board of Directors serve on SCRRA's governing board.

In a partnership with the Riverside County Transportation Commission (RCTC), the Commuter Assistance Program provides assistance to all of the Inland Empire through the [www.IE511.org](http://www.IE511.org) website (a one-stop shop for commuters) and its ride-matching functionality.

**Organizational Structure**

SANBAG's governing body is the Board of Directors comprising 29 voting members, the SANBAG Executive Director and one ex-officio member, currently Caltrans' District 8 Director, who represents the governor. Of the 29 members, 5 are members of the County Board of Supervisors and the remaining 24 members are elected officials from each of the incorporated jurisdictions in the county. The SANBAG Board meets on the first Wednesday of every month. The Board is augmented by five policy committees and various advisory and ad-hoc committees to assist in providing policy recommendations in its decision-making process. The committees consist of the following:

<b>Committee</b>	<b>Purpose and Function</b>
<p><b>General Policy Committee</b> <i>(formerly the Administrative and Plans &amp; Programs Committee)</i></p>	<p>This committee makes recommendations to the Board of Directors and</p> <ul style="list-style-type: none"> <li>• Provides general policy oversight that spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity.</li> <li>• Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization.</li> <li>• Serves as the policy review committee for any program area that lacks active policy committee oversight.</li> </ul>

Committee	Purpose and Function
	Meetings convene at 9 a.m. on the second Wednesday of the month and comprise 12 SANBAG Board members (4 East Valley, 4 West Valley, 4 Mountain/Desert). The Committee has authority to approve contracts up to \$25,000 with Board ratification to follow.
<b>Commuter Rail &amp; Transit Committee</b>	This committee provides policy guidance and recommendations to the SANBAG Board and SCRRA delegates with respect to commuter rail and transit service in San Bernardino County. The Commuter Rail Committee, comprising 9 Valley-members and 2 Mountain/Desert Board Members, convenes at 12 noon on the third Thursday following the SANBAG Board meeting.
<b>Metro Valley Committee (formerly the Major Projects Committee)</b>	This committee provides policy guidance and recommendations to the Board of Directors on issues related to Measure I Major Projects in the Valley region. The Committee meets at 9 a.m. on the second Thursday of every month following the SANBAG Board meeting.
<b>Mountain/Desert Committee</b>	<p>This committee provides ongoing policy-level oversight related to the full array of SANBAG responsibilities as they pertain specifically to the Mountain/Desert region.</p> <p>The committee also meets as the Mountain/Desert Measure I Committee as it carries out responsibilities for the Measure I Mountain/Desert Region Expenditure Plan. Membership consists of SANBAG Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First and Third Districts. The committee regularly meets at 9 a.m. on the third Friday of every month in Apple Valley.</p>
<b>City/County Manager Technical Advisory Committee</b>	<p>The City/County Manager Technical Advisory Committee (CCM-TAC) was created along the JPA that established SANBAG. The primary role of the committee is to provide a forum for the chief executives of SANBAG's member agencies to become informed about and discuss issues facing SANBAG. It also provides a forum for the discussion of items of mutual concern and a way to cooperate regionally in addressing those concerns.</p> <p>The committee includes two representatives from the County Administrative Office and the city manager or city administrator from each of the 24 cities in San Bernardino County. The committee generally meets on the first Thursday of the month at 10 a.m. and is subject to the</p>

Committee	Purpose and Function
	Brown Act.

In addition to the CCM-TAC, four other TACs review and discuss selected regional and technical issues before these items are presented to policy committees and the Board of Directors. These TACs include the Transportation Technical Advisory Committee, Public and Specialized Transportation Advisory and Coordination Council, Planning and Development Technical Forum, and Project Development Teams.

The Transportation Technical Advisory Committee (TTAC) was formed by SANBAG management to provide input on the technical aspects of transportation-related policy recommendations to the SANBAG Board of Directors. Membership is comprised of technical representatives from each member agency designated by the City Manager or County Administrative Officer. The TTAC meets on the first Monday of the month.

The Public and Specialized Transportation Advisory and Coordination Council (PASTACC) is the SANBAG-sponsored advisory body established under the California Transportation Development Act Section 99238. PASTACC members examine a wide range of topics for purposes of assisting SANBAG on matters related to social service transportation or public transportation services in San Bernardino County for the elderly, persons with disabilities or persons of limited means. Amendments to the PASTACC bylaws were adopted in September 2011 that grants three classes of membership, with two of these appointed by the SANBAG Executive Director as voting members. The third class is comprised of invited non-voting membership. PASTACC's voting membership consists of 13 total appointed members with at least 3 from the Mountain and Desert areas and up to 8 from the San Bernardino Valley. Of the 13 members, 6 are representatives from public transit agencies, 5 representatives from social services providers, 1 representative from the County Public Works Department, and 1 representative from the Consolidated Transportation Services Agency (CTSA). The PASTACC generally meets every other month.

The Planning and Development Technical Forum (PDTF) was formed by SANBAG management to provide dialogue amongst planning and development representatives from member agencies on planning issues of a multi-jurisdictional significance. Membership is comprised of planning representatives from each member agency designated by the City Manager or County Administrative Officer. The TTAC meets on the fourth Wednesday of the month.

Project Development Teams (PDTs) are formed for all major project development activities by SANBAG staff and comprise technical representatives from SANBAG and member jurisdictions associated with the project. The PDTs could also include representatives from Caltrans and other stakeholder agencies and groups. PDTs make recommendations related to project development, alternatives and technical solutions. PDTs meet on an as needed basis.

There are five ad-hoc committees that have been created and convene for specific purposes. These committees include the Audit Subcommittee of the Administrative Committee, Ad Hoc Committee on Litigation with the San Bernardino County Flood Control District (Colonies Development/Cactus Basin in Rialto), Contracting Process, Bylaws and Budget Process. Three of these committees (Contracting, Bylaws & Budget) were appointed in July 2012 and the remaining two ad-hoc committees were appointed in January 2007 (Litigation with the San Bernardino County Flood Control District) and November 2008 (Audit Subcommittee).

#### Agency Budget

According to the annual audited financial statements<sup>1</sup>, SANBAG's annual revenue for the fiscal years covered by this audit ranged from \$493.0 million in FY 2009 to \$252.1 million in FY 2010 to \$293.3 million in FY 2011. The higher revenues in FY 2009 reflect the issuance of \$250 million in Measure I sales tax revenue notes, which matured in May 2012. The issuance of notes was used to finance certain projects in the Measure I 2010-2040 Expenditure Plan.

Excluding the Measure I notes, FY 2009 revenue was \$243.0 million. Overall, annual revenues increased 21 percent over the last three years. This was a result of an increase in federal funds in FY 2011 as well as significant refunds to the Local Transportation Fund Account during the same fiscal year. However, in terms of sales tax related growth, a recessionary economy continued to impact sales tax revenues for Measure I and the Local Transportation Fund, as well as fluctuations in state and federal revenues.

SANBAG's annual expenditures ranged from \$249.5 million in FY 2009 to \$278.8 million in FY 2010 to \$305.5 million in FY 2011. This reflects a 12 percent increase between FYs 2009 and 2010, and a 10 percent increase between FYs 2010 and 2011.

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<sup>1</sup> Statement of Revenues, Expenditures, and Changes in Fund Balances.

## Section II

### RTPA Compliance Requirements

Fourteen key compliance requirements are suggested in the *Performance Audit Guidebook for Transit Operators and Regional Transportation Planning Agencies, September 2008 (third edition)*, which was developed by the Department of Transportation (Caltrans) and used to assess SANBAG's conformance with TDA. Our findings concerning SANBAG's compliance with State legislative requirements are summarized in Table II-1.

TABLE II-1 SANBAG Compliance Requirements Matrix		
SANBAG Compliance Requirements	Reference	Compliance Efforts
All transportation operators and city or county governments which have responsibility for serving a given area, in total, claim no more than those Local Transportation Fund (LTF) monies apportioned to that area.	Public Utilities Code, Section 99231	<p>SANBAG accounts for its claimants' areas of apportionment and has not allowed those claimants to claim more than what is apportioned for their area. SANBAG makes this finding in each adopted resolution approving LTF claims.</p> <p>Each claimant's apportionments follow the population formula prescribed by law.</p> <p>To note, during the audit period, SANBAG required operators that received more LTF than expended but remained under the apportionment amounts to return the unused portion for future reallocation.</p> <p><b>Conclusion: Complied.</b></p>
The RTPA has adopted rules and regulations delineating procedures for the submission of claims for facilities provided for the exclusive use of pedestrians and bicycles.	Public Utilities Code, Sections 99233.3 and 99234	As described in the SANBAG TDA Application Manual, SANBAG has an adopted set of policies governing the Article 3 Bicycle and Pedestrian Facilities Program and Transit Access Improvement Projects. In August 1999, the SANBAG Board approved a policy that 20 percent of TDA Article 3 funds would be

TABLE II-1 SANBAG Compliance Requirements Matrix		
SANBAG Compliance Requirements	Reference	Compliance Efforts
		<p>made available for projects that improve access to bus stops for pedestrians and persons with disabilities. The remaining 80 percent would be available for pedestrian and bicycle facilities. Funds are allocated through a Call for Projects process. The last call for projects during the audit period occurred in May 2011. LTF funds provide between 50 to 90 percent of funding for selected projects with the balance coming from the applicant's local match. Upon project approval, applicants have up to three years to complete the project and request reimbursement.</p> <p><b>Conclusion: Complied.</b></p>
<p>The RTPA has established a social services transportation advisory council. The RTPA must ensure that there is a citizen participation process which includes at least an annual public hearing.</p>	<p>Public Utilities Code, Sections 99238 and 99238.5</p>	<p>To meet compliance, SANBAG established the Public and Specialized Transportation Advisory and Coordination Council (PASTACC) as an advisory body to serve as the Citizens Advisory Committee (CAC) required under PUC 99238.5 and the Social Services Transportation Advisory Council required under PUC 99238. It serves as a forum where public transit operators and social service transportation providers can discuss mobility issues that confront seniors, persons with disabilities, or persons with limited means.</p> <p><b>Conclusion: Complied</b></p>
<p>The RTPA has annually identified, analyzed and recommended potential productivity improvements which could lower the operating costs of those operators which operate at least 50 percent of their vehicle</p>	<p>Public Utilities Code, Section 99244</p>	<p>In the annual resolutions authorizing allocation of TDA funds, SANBAG makes a finding that transit claimant make reasonable effort to implement productivity improvement recommendations pursuant the</p>

TABLE II-1 SANBAG Compliance Requirements Matrix		
SANBAG Compliance Requirements	Reference	Compliance Efforts
<p>service miles within the RTPA's jurisdiction. Recommendations include, but are not limited to, those made in the performance audit.</p> <ul style="list-style-type: none"> <li>• A committee for the purpose providing advice on productivity improvements may be formed.</li> <li>• The operator has made a reasonable effort to implement improvements recommended by the RTPA, as determined by the RTPA, or else the operator has not received an allocation which exceeds its prior year allocation.</li> </ul>		<p>the Public Utilities Code. This finding is made through SANBAG's review and approval of the claimant's TDA claim form and required attachments.</p> <p>As an attachment to the annual TDA claim, SANBAG requires each transit operator or claimant to annually submit a Productivity Improvement Program (PIP) progress report on its productivity efforts. The PIP consists of three elements: 1) specific initiated efforts by the operator to improve productivity; 2) status on implementing prior audit recommendations; and 3) improvement in TransTrack usage.</p> <p>During the audit period, productivity reports in the claims have included responses to prior performance audit recommendations and budgetary actions to increase efficiency. Most operators submitted some form of evidence of their respective PIP progress report.</p> <p>On the claim form, since the checklist for submittal of the Productivity Improvement Program only vaguely describes the necessary attachments that should be submitted with the claim, it is unclear what types of submittals would be acceptable to SANBAG. It is recommended that the checklist in the claim be modified and expanded to specifically identify what documentation would be acceptable for the Productivity Improvement Program. Each transit claimant would then indicate on the checklist which items are included in the claim</p>

TABLE II-1 SANBAG Compliance Requirements Matrix		
SANBAG Compliance Requirements	Reference	Compliance Efforts
		<p>for compliance. This would clarify for both the transit operators and SANBAG how this required submittal is being met. Examples of acceptable documentation include 1) table showing responses to and status of implementing prior performance audit recommendations; 2) budgetary actions and performance data that would result in increased productivity; 3) responses to and status of implementing short range plan and COA recommendations; 4) status update on issues and improvements in usage of TransTrack; and 5) additional specific claimant-initiated efforts to improve productivity. While some of this information is being provided by most of the transit claimants, it is beneficial that the acceptable types of documentation also be clearly identified in the checklist for SANBAG review and approval.</p> <p>In addition, to meet compliance with this PUC area, SANBAG commissions short-range transit plans and Comprehensive Operations Analysis (COAs) that assess operator performance and make recommendations for service improvement and updated goals. These documents also serve to provide annual productivity improvements.</p> <p><b>Conclusion: Complied, with recommendation for modifying the checklist for the Productivity Improvement Program in the TDA claim form.</b></p>

TABLE II-1 SANBAG Compliance Requirements Matrix		
SANBAG Compliance Requirements	Reference	Compliance Efforts
<p>The RTPA has ensured that all claimants to whom it allocates Transportation Development Act (TDA) funds submit to it and to the state controller an annual certified fiscal and compliance audit within 180 days after the end of the fiscal year (December 27). The RTPA may grant an extension of up to 90 days as it deems necessary (March 26).</p>	<p>Public Utilities Code, Section 99245</p>	<p>For the three-year audit period, SANBAG has not generally received fiscal and compliance audits of the TDA claimants by the established dates set by the State Controller. SANBAG transmittal letters to the Controller's Office with completed fiscal and compliance audits range from a few months up to over a year past the extension period.</p> <p><b>Conclusion: Not in compliance</b></p>
<p>The RTPA has designated an independent entity to conduct a performance audit of operators and itself (for the current and previous triennium).</p> <p>For operators, the audit was made and calculated the required performance indicators, and the audit report was transmitted to the entity that allocates the operator's TDA monies and to the RTPA within 12 months after the end of the triennium. If an operator's audit was not transmitted by the start of the second fiscal year following the last fiscal year of the triennium, TDA funds were not allocated to that operator for that or subsequent fiscal years until the audit was transmitted.</p>	<p>Public Utilities Code, Sections 99246 and 99248</p>	<p>For the current three-year audit period covering FY's 2009-2011, SANBAG has retained PMC to conduct the audit of SANBAG and the six transit operators. The operator audits include calculation of the required TDA performance indicators.</p> <p><b>Conclusion: Partial compliance – SANBAG has retained an independent auditor to conduct the performance audit, and the operator audits include calculation of required performance indicators; however, the performance audits are submitted to the State after the statutory timeline. Communication of extended timeline was made between SANBAG and appropriate Caltrans personnel.</b></p>
<p>The RTPA has submitted a copy of its performance audit to the Director of the California Department of Transportation. In addition, the RTPA has certified in writing to the Director that the performance audits of the operators located in the area under its jurisdiction</p>	<p>Public Utilities Code, Section 99246(c)</p>	<p>SANBAG submitted a written letter to Caltrans on July 20, 2009 certifying compliance with this requirement. The letter was enclosed with the FY 2005-06 through 2007-08 performance audit of SANBAG.</p> <p><b>Conclusion: Complied</b></p>

TABLE II-1 SANBAG Compliance Requirements Matrix		
SANBAG Compliance Requirements	Reference	Compliance Efforts
have been completed.		
The performance audit of the operator providing public transportation service shall include, but not be limited to, a verification of the operator's operating cost per passenger, operating cost per vehicle service hour, passengers per vehicle service mile, and vehicle service hours per employee, as defined in Section 99247. The performance audit shall include, but not be limited to, consideration of the needs and types of passengers being served and the employment of part-time drivers and the contracting with common carriers of persons operating under a franchise or license to provide services during peak hours, as defined in subdivision (a) of Section 99260.2.	Public Utilities Code, Section 99346(d)	The performance audits of the operators include all required TDA performance measure plus additional indicators to further assess each operator's efficiency, effectiveness and economy with the use of TDA funds.  <b>Conclusion: Complied</b>
The RTPA has established rules and regulations regarding revenue ratios for transportation operators providing services in urbanized and new urbanized areas.	Public Utilities Code, Section 99270.1 and 99270.2	The PUC provision applies to a transit claimant under Article 4. There is one transit operator under SANBAG's jurisdiction, Victor Valley Transit Authority (VVTA), which serves both urbanized and non-urbanized areas. VVTA claims LTF funds under Article 8 in which SANBAG developed and adopted rules and regulations in 1997 with Caltrans' approval for determining the minimum fare ratios for the transit operators. For VVTA, the minimum farebox recovery ratio is 15 percent for fixed route service and 10 percent for ADA demand response. Since that time, the VVTA service area demographics have changed, as has the level and types of transit services to meet these changes.

TABLE 11-1 SANBAG Compliance Requirements Matrix		
SANBAG Compliance Requirements	Reference	Compliance Efforts
		<p>While PUC 99270.1 pertains to Article 4 claimants, transit operators under Article 8 are held to similar performance criteria specified under PUC 99405. SANBAG, as the RTPA, has authority to review and, as necessary, update its rules and regulations in determining the required farebox ratio. Caltrans must approve the update. While the VVTA fixed route farebox standard has been set at 15 percent for the past 16 years, the ratio of services provided by VVTA in rural and urban areas has likely changed warranting an update to the fixed route farebox ratio to reflect current service. It is suggested that SANBAG undertake a review of the methodology used to develop the "blended" or "intermediate" ratio and update the VVTA fixed route farebox ratio under current operating conditions.</p> <p><b>Conclusion: Complied, with recommendation for updating the intermediate farebox ratio for VVTA.</b></p>
The RTPA has adopted criteria, rules and regulations for the evaluation of claims under Article 4.5 of the TDA and the determination of the cost-effectiveness of the proposed community transit services.	Public Utilities Code, Section 99275.5	Not applicable, as SANBAG only allocates transit funds through Article 4 and Article 8 claims at the time of the audit. It is recognized, however, that a relatively new transit agency, VTrans, is a designated consolidated services agency (CTSA) eligible as a claimant for these funds. Although VTrans is currently funded primarily through Measure I sales tax revenues, SANBAG should become familiar with and begin development of criteria, rules and regulations for the evaluation of

TABLE II-1 SANBAG Compliance Requirements Matrix		
SANBAG Compliance Requirements	Reference	Compliance Efforts
		<p>potential claims under Article 4.5.</p> <p><b>Conclusion: Not Applicable during audit period, with recommendation for SANBAG to begin development of rules and regulations for potential transit claims under Article 4.5.</b></p>
<p>State transit assistance funds received by the RTPA are allocated only for transportation planning and mass transportation purposes.</p> <p>(Note: The June 5, 1990, passage of Proposition 116 no longer allows the use of state transit assistance funds for street and road purposes, as had been permitted in certain cases under PUC Section 99313.3.)</p>	<p>Public Utilities Code, Sections 99310.5 and 99313.3 and Proposition 116</p>	<p>SANBAG allocates State Transit Assistance (STA) funds for transit services only. Per SANBAG policy, STA is primarily used to fund transit capital projects. PUC 99313 STA Regional Funds are allocated based on a population proportion of 75 percent San Bernardino Valley and 25 percent High Desert region. However, SANBAG staff indicated that the current allocation proportions are general estimates and that a more formalized program for allocation of these funds could be developed.</p> <p><b>Conclusion: Complied, with recommendation to establish a formalized allocation procedure for STA Regional Funds under PUC 99313.</b></p>
<p>The amount received pursuant to Public Utilities Code, Section 99314.3, by each RTPA for state transit assistance is allocated to the operators in the area of its jurisdiction as allocated by the State Controller's Office.</p>	<p>Public Utilities Code, Section 99314.3</p>	<p>SANBAG administers STA Revenue based funds in accordance with the relevant PUC requirements (i.e., on the basis of population and operator revenues).</p> <p><b>Conclusion: Complied</b></p>
<p>If TDA funds are allocated to purposes not directly related to public or specialized transportation services, or</p>	<p>Public Utilities Code, Section 99401.5</p>	<p>TDA funds are used exclusively for public transit in the San Bernardino Valley (Omnitrans and Metrolink). In the mountain</p>

TABLE II-1 SANBAG Compliance Requirements Matrix		
SANBAG Compliance Requirements	Reference	Compliance Efforts
<p>facilities for exclusive use of pedestrians and bicycles, the transit planning agency has annually:</p> <ul style="list-style-type: none"> <li>• Consulted with the Social Services Transportation Advisory Council (SSTAC) established pursuant to Public Utilities Code, Section 99238;</li> <li>• Identified transit needs, including: <ul style="list-style-type: none"> <li>○ Groups that are transit-dependent or transit-disadvantaged,</li> <li>○ Adequacy of existing transit services to meet the needs of groups identified, and</li> <li>○ Analysis of potential alternatives to provide transportation services;</li> </ul> </li> <li>• Adopted or re-affirmed definitions of “unmet transit needs” and “reasonable to meet”;</li> <li>• Identified the unmet transit needs and those needs that are reasonable to meet;</li> <li>• Adopted a finding that there are no unmet transit needs; that there are no unmet transit needs that are reasonable to meet; or that there are unmet transit needs including needs that are reasonable to meet.</li> </ul> <p>If a finding is adopted that there are unmet transit needs, these needs must have been funded before an allocation was made for streets and roads.</p>		<p>and high desert regions, TDA revenues may be used for streets and roads, as is the case for local jurisdictions comprising VVTA and MBTA, as well as City of Needles. City of Big Bear Lake and City of Barstow currently use all TDA for transit. SANBAG conducts the unmet transit needs hearings in concert with each of the transit operators and in consultation with the PASTACC.</p> <p>During the audit period, SANBAG streamlined the number of annual unmet needs hearings from five to three. The five locations have included Victorville (upper desert region), Big Bear Lake/Crestline (mountain region), and Joshua Tree (lower desert region), as well as at a SANBAG Mountain/Desert committee meeting in Victor Valley and at a SANBAG Board meeting in San Bernardino. Hearings at the Big Bear Lake and SANBAG Mountain/Desert committee locations have been discontinued and consolidated with the remaining locations. The Big Bear Lake location ended in part because MARTA uses all LTF allocations for transit. However, SANBAG is working to have each local jurisdiction outside the San Bernardino Valley and each transit agency hold their own unmet needs hearings that are paired with existing regular meetings such as at Board or City Council meeting. This broadens the reach of the unmet transit needs process.</p> <p>Findings of the unmet needs process are reaffirmed by the entire SANBAG Board. The</p>

TABLE II-1 SANBAG Compliance Requirements Matrix		
SANBAG Compliance Requirements	Reference	Compliance Efforts
		<p>definitions of “unmet transit needs” and “reasonable to meet” are reaffirmed annually, and findings of the unmet needs process are adopted through Board resolution.</p> <p>LTF funds have only been allocated to streets and roads after completion of the unmet needs process.</p> <p><b>Conclusion: Complied</b></p>
<p>The RTPA has caused an audit of its accounts and records to be performed for each fiscal year by the county auditor or a certified public accountant. The RTPA must transmit the resulting audit report to the State Controller within 12 months of the end of each fiscal year and must be performed in accordance with the Basic Audit Program and Report Guidelines for California Special Districts prescribed by the State Controller. The audit shall include a determination of compliance with the transportation development and accompanying rules and regulations. Financial statements may not commingle the state transit assistance fund, the local transportation fund, or other revenues or funds of any city, county or other agency. The RTPA must maintain fiscal and accounting records and supporting papers for at least four years following the fiscal year close.</p>	<p>California Administrative Code, Section 6662</p>	<p>The accounting firm of Vavrinek, Trine, Day &amp; Co., LLP conducted the SANBAG fiscal audit for the three year period. The Comprehensive Annual Financial Report was submitted to the State Controller within 12 months of the end of each fiscal year. Submittal dates were January 8, 2010, for the FY 2009 audit; January 10, 2011, for the FY 2010 audit; and February 3, 2012, for the FY 2011 audit.</p> <p><b>Conclusion: Complied</b></p>

### **Findings and Observations from RTPA Compliance Requirements Matrix**

SANBAG has satisfactorily complied with most State legislative mandates for Regional Transportation Planning Agencies. One compliance measure was not applicable during the audit period pertaining to the adoption of rules and regulations to evaluate TDA Article 4.5 claims. Such claims for funds have not been submitted to SANBAG although the relatively new CTSA, VTrans, would be an eligible claimant.

The requirement for SANBAG to retain an independent auditor to conduct the performance audit has been met, as well as ensuring that the operator performance audits include the necessary performance indicators. However, the performance audits are submitted after the statutory timeline of 12 months after the end of the triennial period, resulting in a partial compliance with the relevant PUC sections. A compliance area not met was the timely submittal of the TDA fiscal and compliance audits of all TDA claimants. The annual fiscal audits during the three year period were transmitted to the State from a few months late to over a year late past the extension period.

SANBAG has streamlined its outreach during the annual unmet transit needs process by holding at least two public hearings, one in Victor Valley and one in Morongo Basin, for the Mountain/Desert Region to take public testimony and by accepting written and Internet correspondence. The public hearings are held where public transit services are provided in each subregion. TDA statute requires at least one public hearing whereas SANBAG sponsors three including the primary one at a SANBAG Board meeting.

While SANBAG remains in compliance with TDA state mandates, recommendations are made to revise, update, or develop certain functions under its purview to improve clarity and to reflect current conditions. Recommendations include updating the TDA checklist contained in the claim form, updating the intermediate farebox ratio for VVTA, begin developing Article 4.5 evaluation criteria in light of potential eligible claimants, and formalizing the allocation procedures for STA Regional Funds.

## Section III

### Prior Triennial Performance Audit Recommendations

This chapter describes SANBAG's response to the recommendations included in the prior triennial performance audit prepared by PMC. For this purpose, each prior recommendation for the agency is described, followed by a discussion of the agency's efforts to implement the recommendation. Conclusions concerning the extent to which the recommendations have been adopted by the agency are then presented.

#### Prior Recommendation 1

Enhance the Transit Productivity Improvement Program (PIP).

Actions taken by SANBAG: The transit PIP, which comprises three components, was recommended in the prior audit to be strengthened in several areas. One area is for SANBAG to ensure that the transit operators submit their specific initiated efforts to improve productivity along with their TDA claims. A second area is for development of a brief form or table to attach to the TDA claim for the operators to describe their status and actions to implement the performance audit recommendations. The third area is ongoing work with the operators to improve their usage of TransTrack, whether through additional instruction or training, identifying and communicating data errors, or validating the method to enter the data consistently.

A review of evidence such as TDA claims submitted during the audit period, TransTrack data entered by the operators, and interviews with SANBAG and transit operator staff shows improvement. Most operators have provided the status of prior performance audit recommendations in a separate attachment to their respective TDA claims. TransTrack has become more useful to the operators as a data tracking and analysis tool which is also used for reporting information to external agencies (e.g. State and Federal transit entities). For this audit project, several operators provided TransTrack printouts as a primary source of performance data indicating their use of the software as an integrated part of their operations. In addition, with Comprehensive Operations Analysis completed for most of the operators during the audit period, these documents serve as productivity improvement resources for improving service in the near term.

The preceding section of this audit report recommends further improvement to the PIP as part of the TDA claims process. However, SANBAG has made effort to implement the prior audit recommendation.

Conclusion: This recommendation has been implemented.

Prior Recommendation 2

Require transit operators to consistently submit CHP inspection certificates with TDA claims.

Actions taken by SANBAG: A review of submitted TDA claims by the transit operators shows that they have been including a copy of the CHP terminal inspection report and driver pull notice participation during the audit period. Each operator signs off on the TDA checklist that the driver pull notice is attached to their claim. The CHP inspections have rated the operators' facilities and pull notices as being satisfactory for the past several years.

Conclusion: This recommendation has been implemented.

Prior Recommendation 3

Maintain transit staff development for TDA administration.

Actions taken by SANBAG: In anticipation of a significant turnover of transit staff at SANBAG, the prior recommendation was provided to ensure that SANBAG put in place adequate training on TDA administration and compliance through the ranks. New hires with local transit background and experience were made, as well as staff transfers from other SANBAG departments who had prior experience with TDA. Although new desk procedures were not explicitly developed as a training tool, the new staff were able to take on full responsibility with TDA administration and maintain a high level of competency within the agency. SANBAG staff have been implementing a practice of being two-deep, meaning that at least two people are knowledgeable of each function and responsibility.

New transit staff complied with the TDA law in a manner that was slightly different from past SANBAG transit staff with additional emphasis placed on ensuring RTPA statutory responsibilities were enforced. An adjustment period between SANBAG and the claimants in communicating and meeting new expectations occurred during the transition. Although there was further transit staff turnover after the audit period, new experienced personnel has been hired.

Conclusion: This recommendation has been implemented.

Prior Recommendation 4

Update the SANBAG TDA application manual.

Actions taken by SANBAG: As a carryover recommendation from the past two performance audits, the agency's guidebook has not yet been updated to formally reflect changes to the administration of TDA. These include the updated TDA statute book (February 2009), the updated TDA performance audit guidelines (September 2008),

utilization of TransTrack as a performance monitoring tool, and utilization of TDA claim form. The updated TDA application manual would support the current practices by SANBAG and create a common reference platform by which all claimants could follow.

Conclusion: This recommendation has not been implemented and is carried forward in this audit for full implementation.

Prior Recommendation 5

Develop orientation packet for new and existing PASTACC members.

Actions taken by SANBAG: A PASTACC Appointed Member Notebook was developed in September 2011. The document includes a series of eight sections detailing many key aspects of the committee, including:

- Purpose and description of the committee
- PUC statutory section requiring such committee
- Bylaws and goals
- Policies and procedures
- Members and staff contacts
- Reference list of transit related resources
- Unmet transit needs
- Other resources, meeting agendas and minutes.

With the diversity of participating voting and invited non-voting members, the notebook provides a baseline reference for each member's involvement on the committee.

Conclusion: This recommendation has been implemented.

Prior Recommendation 6

Consider development of a broader transit policy committee in light of multimodal planning in the county and region.

Actions taken by SANBAG: The former SANBAG Commuter Rail Committee was renamed the Commuter Rail and Transit Committee in 2011. Committee agendas integrate both commuter rail and public transit items that enable policy makers to make recommendations to the Board and provide direction to staff. Items for public transit have included unmet transit needs, grant applications, transit studies, and TDA claims. The Director of Rail and Transit Programs provides staff lead for the committee.

Conclusion: This recommendation has been implemented.

## Section IV

### Detailed Review of RTPA Functions

In this section, a detailed assessment of SANBAG's functions and performance as a RTPA during this audit period is provided. Adapted from Caltrans' *Performance Audit Guidebook for Transit Operators and Regional Transportation Planning Agencies, September 2008 (third edition)*, SANBAG's activities can be divided into the following activities:

- Administration, Management and Coordination
- Transportation Planning and Programming
- TDA Claimant Relationships and Oversight
- Public Information and External Affairs
- Grant Application and Management

#### Administration, Management and Coordination

SANBAG's mission is to enhance the quality of life for all residents in San Bernardino County by:

- Improving cooperative regional planning
- Developing an accessible, efficient, multimodal transportation system
- Strengthening economic development efforts
- Exerting leadership in creative problem solving

The SANBAG Board of Directors approved this mission statement on June 2, 1993, and reaffirmed it on March 6, 1996.

During the audit period, there were notable changes within the organizational structure of the agency as well as in senior management and executive leadership. They are summarized in the subsections below titled *Departmental Changes* and *Staffing*.

#### Departmental Changes

With the evolving nature of the transportation commission and changes in top leadership, SANBAG has been progressing toward serving in a greater project funding and delivery role. Following board direction, the agency has taken an increased perspective on

multimodal investments and interconnectivity not only for highways, but for transit and non-motorized transportation. In addressing current conditions combined with staff changes at the agency in recent years, departmental re-organization is being implemented for increased efficiency and responsiveness.

The relatively new organizational flow is designed to help deliver projects in a timely manner and implement the Measure I Strategic Plan that was approved by the Board in April 2009. With the local self help sales tax measure renewed for 30-years, SANBAG has an on-going responsibility to deliver projects contained in the plan while enhancing its funding and programming capability.

During the audit period, and extending beyond, several departmental changes occurred. To illustrate these changes, the table below shows the former program areas and the current programs:

**Table IV-1  
Changes to SANBAG Program Areas**

<i>Former Program Areas</i>	<i>New Program Areas</i>
Transit and Rail Programs	Transit and Rail Programs
Air Quality and Mobility Programs	Air Quality & Mobility Programs
Intergovernmental and Legislative Affairs	Legislative Affairs
Freeway Construction	Project Delivery
Planning and Programming	Planning
	Fund Administration and Programming
Mountain/Desert Subregional Policies	Mountain/Desert Subregional Policies
Management Services	Management Services
Finance	Finance

The Planning and Programming department was divided into two separate program areas, Planning and Fund Administration and Programming. Significant to the agency, and administration of TDA, is the planned transition of several administrative and funding responsibilities to the new Fund Administration and Programming Department. This new program area is designed to be the central point for all fund administration and programming responsibilities for the agency. This would include transitioning several aspects of TDA responsibilities from the Transit and Rail Programs to the new department as well as to other program areas such as Finance. A more detailed description of the planned transition of TDA functions is contained in the TDA Claimant Relationships and Oversight section of this functional review.

Staffing

The former Executive Director retired in August 2011 and was replaced on an interim basis by the former Director of Plans and Programs. The Interim Executive Director served in that capacity until the agency recruited a new permanent Executive Director in

April 2012 (the interim Executive Director retired in May 2012). The current Executive Director formerly served as the District 8 Director of Caltrans which encompasses Riverside and San Bernardino counties.

Also, the Transit and Rail Program underwent several staff changes in the last three years. Each of the three program staff members who were with SANBAG prior to the audit period separated from the agency. The former Director of Transit and Rail Programs retired in January 2009 and was replaced by the current Director. The Senior Transit Analyst also retired within six months while the Transit Planner was recruited to the newly formed CTSA in FY 2011-12. The entire Transit and Rail Program staff was essentially turned over and has been replaced with a combination of new hires from the outside as well as existing SANBAG personnel who transferred from other program areas.

In all, there were 11 new hires and 8 separations at SANBAG between FY's 2008-09 and 2010-11. Although beyond the audit period, it is worth noting that in FY 2011-12 alone, there were 10 new hires and 9 separations (excluding contract and temporary staff), indications of an active human resource transition for an agency of its size. The pace of hiring and separations slowed significantly the following year.

#### *Capital Project Development*

Projects are prioritized on a regional basis and documented through expenditure plans and programming documents that have been approved through review and consensus building. Through the development of comprehensive planning documents and compliance with state and regional transportation programming requirements, the agency is able to stimulate project development. The collaboration among the departments within SANBAG and its partners has enabled capital projects to receive funding and be delivered, especially projects funded through the Measure I local sales tax and the local transportation fund. SANBAG had continued work on completing major projects contained in the expenditure plan.

Guidance on implementation of Measure I is provided through the Measure I Strategic Plan which provides for the allocation and administration of local, state and federal transportation revenues. As the original Measure I sales tax program expired and the renewed program commenced in 2010, SANBAG has evolved from its freeway project delivery orientation to a more multimodal project perspective. SANBAG also acts as the pass-through agency for Measure I and LTF funding and disperses the funds to cities, subareas, transit operators and other claimants. Pass-through funds have ranged from \$92.0 million to \$ 97.7 million per year between FYs 2009 through 2011, a decrease from prior years due to the economic recession.<sup>2</sup>

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<sup>2</sup> FYs 2009-2011 SANBAG Basic Financial Statements, Statement of Revenues, Expenditures, and Changes in Fund Balances.

### Internal Controls

The SANBAG annual budget is a working document that is task driven and identifies the specific work elements that SANBAG will undertake for the coming fiscal year. During the audit period, SANBAG budgeted for 42 employees in FY 2009, 45 in FY 2010, and 45 in FY 2011. As SANBAG continues to grow in staff, the interaction between the departments as well as with its stakeholders also becomes more complex.

SANBAG has continued use of the EDEN financial management software since going live in November 2011. The more sophisticated software includes core financial, budgeting and human resource applications. In addition to software licenses, the contracts include related professional services, ongoing maintenance and support. The software features Project Fund Accounting and Contract Management applications that respond to specific needs. Project Accounting will provide the agency with multi-year, multi-phase project tracking and reporting, as well as the ability to carry forward from one budget year to the next.

The EDEN software package supports multiple internal and external funding, including local measures and federal and state grants. SANBAG has the ability to prioritize funding sources and define percentages with the revenue allocation feature. The system also simplifies the reimbursement process by automating the creation of general journal entries and accounts receivable invoices for reimbursement requests.

In conjunction with the financial system overhaul in 2011, the finance department is documenting financial policy changes and moving toward a process to conduct TDA administrative tasks including preparation of State Controller Reports and coordinating the annual TDA fiscal and compliance audits.

### Personnel Management

Personnel management at SANBAG is the charge of the Director of Management Services. The current director has been with SANBAG since August 2008. SANBAG's Policies Manual is kept current and posted on the agency's Intranet system. Approved changes in personnel policies during the audit period included for work requirements, leaves, and absences in August and November of 2008, and in July and August of 2009. Approved changes for compensation administration occurred in June and October of 2010. The changes in work requirements, leaves, and absences include corrections of errors, and clarification and revisions to specific language in the document such as to the flexible work schedule known as the "9/80". The changes in compensation administration include new authority for the Executive Director to authorize pay increases above 5 percent for exceptional staff work, and change in performance evaluation timelines.

## **Transportation Planning and Programming**

This functional area addresses planning functions required of SANBAG, including development of the Regional Transportation Improvement Program and the Congestion Management Program, Bicycle and Pedestrian Facilities Program, and Transit Planning. Additional transportation programs administered by the agency are also discussed, including Freeway/Roadway Construction, Local Stimulus Program, Commuter Assistance Program and the Motorist Assistance Program.

### **Regional Transportation Improvement Program (RTIP)**

SANBAG is responsible for preparing the Regional Transportation Improvement Program (RTIP) for San Bernardino County projects that have been approved for federal and state funding. The RTIP is a listing of all capital improvement projects spanning a six-year period. Federal fund sources that SANBAG allocates include those prescribed through the former SAFETEA-LU, while State fund sources include programs created through the Proposition 1B Bond, State Transportation Improvement Program (STIP) and Regional Improvement Program (RIP).

Federal regulations require that all projects funded with state and federal funds be included in a RTIP in order to receive the funds. In addition, projects that are regionally significant but locally funded are also required to be included in the RTIP.

The RTIP is prepared to implement projects and programs in the Regional Transportation Plan (RTP), a 30-year, financially constrained, long-range planning document. SANBAG submits the county RTIP to the Southern California Association of Governments (SCAG), the Metropolitan Planning Organization (MPO) for the six-county region (Orange, Los Angeles, Imperial, Riverside, San Bernardino, and Ventura counties). SCAG is responsible for ensuring that the RTIP is consistent with the Regional RTP and adopted air plans. SCAG is the responsible agency for submittal of the RTIP to federal agencies for approval. The RTIP is generally updated every two years with amendments occurring between updates.

### **Congestion Management Program**

SANBAG is the designated Congestion Management Agency (CMA) for San Bernardino County. As a CMA, SANBAG is responsible for developing a program that better links land use, transportation and air quality that prompt growth management strategies. The Congestion Management Plan (CMP) identifies deficiencies in the County transportation network that inhibit these growth strategies. The CMP involves the monitoring of congestion along a designated system that includes all highway facilities and selected major arterials. The system is monitored to ensure that the level of service along these roadways does not fall below the adopted level of service. Should a roadway fall to a deficient level of service, a deficiency plan would be required to identify mitigation measures including cost and a schedule of the recommended mitigation measures.

Bicycle and Pedestrian Facilities Program

As an important piece of the County transportation system, non-motorized transportation is encouraged by SANBAG. In its efforts, the agency administers a biennial Call for Projects process for bicycle and pedestrian facilities. Article 3 of TDA provides that 2 percent of LTF be set aside for the implementation of bicycle and pedestrian facilities.

As described in the compliance section of this audit, 20 percent of TDA Article 3 funds would be made available for projects that improve access to bus stops for pedestrians and persons with disabilities. The remaining 80 percent would be available for pedestrian and bicycle facilities. Upon approval of a project list by the SANBAG Board, Article 3 funds will be allocated to the project sponsor agency. Allocated funds remain available for three full fiscal years after the year of Board approval.

Proposed projects are reviewed by an evaluation committee. The evaluation committee, using the criteria contained in the Call for Projects, assigns each proposed project a score. The evaluation committee comprises two SANBAG staff, engineering, public works or parks and recreation representatives from two cities/towns and the County, and one member from an adjacent county transportation commission. The evaluation committee presents its recommendation to the SANBAG General Policy Committee who in turn forwards its recommendation to the full SANBAG Board.

The allocations are based on 2 percent of TDA fund apportionments, as allowed by law, plus carryover funds from prior years. According to a SANBAG staff report in December 2011 recommending award of funds, about \$3.8 million was allocated for Pedestrian and Bicycle Facilities projects and another \$800,000 for Transit Access Improvement projects.

Transit Planning

SANBAG is responsible for the coordination of transit among all of the operators in the county to ensure an efficient delivery of services. In this capacity, the agency has provided a regional perspective to facilitating the provision of public transit by the six transit operators and SCRRA. As the County Transportation Commission, SANBAG requires each transit operator to prepare a multi-year operating and capital plan.

During the audit period, SANBAG commissioned Comprehensive Operations Analysis for each of the transit operators. An exception was Needles Area Transit which had not undergone a similar type study. Each COA provided detailed analyses of socioeconomic conditions and current service trends. Recommendations for alternative service provision and benchmark performance measures to gauge productivity were developed. Due to poor economic conditions from the recession resulting in lower TDA receipts (decline of 17 percent between FYs 2009 and 2010), COA recommendations with regard to service expansion were delayed from being implemented. During the tail end of this audit period, however, revenue was increasing and resulting in improved allocations of TDA funding.

Short Range Transit Plans that are developed following the COA are guided by the COA's general goals and policies in forming a financially constrained five-year financial and service plan.

SANBAG completed the San Bernardino County Long Range Transit Plan (LRTP) in October 2009 that establishes a vision for transit for the next 25 years. The LRTP prioritizes goals and projects for transit growth and connects land use and transportation strategies. The LRTP also meets legal mandates for planning and programming set by SB 375.

Coordination with transit agencies, local governments and input from the community led to the development of four alternatives in the LRTP. They include the Baseline Alternative, which includes existing transit service only; the Plan Alternative, which includes existing service and currently planned transit improvements designed to serve the future growth in the region; the Vision Alternative, which includes existing transit, currently planned improvements and rapid bus and rail, and; the Sustainable Land Use Alternative (for San Bernardino Valley only), which redistributes population and employment growth to transit corridors and creates transit oriented development at station areas for implementation of SB 375. This alternative also allows the study of potential ridership benefits of public policy efforts to shape the transit/land use connection in the region.

#### Freeway/Roadway Construction

SANBAG serves as the lead agency for many construction projects, and provides funding support for projects overseen by other agencies. Major roadway projects are funded by a variety of revenue sources, including local Measure I and state and federal funds. SANBAG's Program Management Consultant develops a Major Projects Quarterly Project Status Briefing document. The document is intended to communicate project information between SANBAG staff and the SANBAG Board. Projects are organized by type – mainline project, segment project, interchange project, and grade separation project – the current phase of the project, and the roadway corridor. Most highway projects include improvements along the I-10 and I-215 corridors, while grade separation projects are on local streets.

#### Local Stimulus Program

On July 1, 2009, the Board of Directors approved a \$31.4 million Local Stimulus Program (LSP) for local jurisdictions (cities, towns, and county). The Local Stimulus Program is for eligible roads and streets projects defined in the Measure I 2010-2040 Strategic Plan for local street programs. SANBAG issued procedures for administration of the LSP as well as guidance on the funding breakdown in which \$2.05 million was designated for rural areas (less than 5,000 population) and \$29.35 million designated for non-rural areas. Projects were submitted during FY 2009-10 and local jurisdictions were given 36 months to complete them generally by the end of 2012.

Commuter Assistance Program

The focus of the Commuter Assistance Program is to improve mobility throughout the transportation system by encouraging commuters to make a mode-shift decision away from solo vehicle commuting. SANBAG offers a comprehensive list of programs and outreach under the umbrella of Commuter Assistance which helps foster more efficient use of the transportation system and reduces congestion and vehicle emissions.

In addition to outreach to employees through employer channels, SANBAG promotes the Commuter Assistance Program online and in print. SANBAG, in partnership with the Riverside County Transportation Commission (RCTC), is marketing and promoting the IE 511 program as the primary tool for commuter and travel assistance. IE511.org and 511 phone service is a one-stop phone and web service for transportation information in Southern California's Inland Empire. Both the website and telephone service are owned and operated through the partnership of RCTC and SANBAG. The marketing efforts will help to steer the public away from the older commuter assistance site [www.commutersmart.info](http://www.commutersmart.info).

IE511 provides:

- Real-time traffic information with incidents and driving times for Southern California
- Links to construction information for Southern California
- Links to CHP incident information for Southern California
- Bus/Rail trip planning for Southern California
- Links to Southern California bus/rail providers
- Specialized Transit information for Riverside and San Bernardino counties
- Rideshare information for Riverside and San Bernardino counties
- Park & Ride lot map and information for Southern California
- Carpool lane map for Southern California
- Employer services for Riverside and San Bernardino county businesses interested in rideshare programs

Motorist Assistance Program

Service Authority for Freeway Emergencies

SANBAG has served as the designated Service Authority for Freeway Emergencies (SAFE) for San Bernardino County since 1990. SAFE is known for the call boxes along major highways that enable stranded motorists to phone for assistance. The digital signal

at the call boxes was upgraded with TTY devices which are ADA compliant and help resolve signal receiver consistency. The number of call boxes decreased between FY 2010 and 2011 but then increased in FY 2012 from call box expansion from Fort Irwin along the I-15 corridor. The number of calls followed the same pattern, with overall declines due to the expansion in the use of cellular phones. Most calls for a disabled vehicle although other calls were made for such events as road hazards and accidents. Table IV-2 shows the trend in usage over the last three years.

**Table IV-2  
SAFE Program Usage**

Fiscal Year	Number of Calls	Number of Call Boxes	Annual Change in Calls
2010	1,253	1,245	
2011	916	1,192	-27%
2012	1,062	1,224	16%

Source: SANBAG

Freeway Service Patrol

SANBAG administers the Freeway Service Patrol (FSP) in conjunction with the CHP and Caltrans. The FSP provides quick motorist assistance during peak traffic conditions and in construction zones. Five tow truck contractors are used to provide 16 roving tow trucks along major freeways covering over 67 miles, an increase of about 7 miles from the prior audit period. Several beats were extended in length including Beats 2, 5, 7 and 8. The service corridors and corresponding eight beats are shown in Table IV-3.

**Table IV-3  
San Bernardino County Beat Summary**

Beat Number	Description	Length in Miles
Beat 1	I-10 Indian Hill Blvd. to Haven Avenue	8.16
Beat 2	I-10 Haven Avenue to Sierra Avenue	8.6
Beat 3	I-10 Sierra Avenue to Waterman Avenue	9.04
Beat 4	SR-60 Reservoir Street to Milliken Avenue	9.96
Beat 5	I-15 Jurupa Street to I-15 Summit Avenue	9.61
Beat 6	I-215 Center Street to 2 <sup>nd</sup> Street	6.79
Beat 7	I-215 2 <sup>nd</sup> Street to Palm/Kendall Avenue	7.3
Beat 8	I-10 Waterman Avenue to University St.	7.9
<b>Total Mileage Covered</b>		<b>67.36</b>

Source: SANBAG

The FSP operates during peak commute hours from 5:00 a.m. to 8:30 a.m. and between 3:00 p.m. and 7:00 p.m., which amounts to 7.5 hours per day. FSP is also utilized in construction zones. More than one-third of all FSP assists involve information and general assistance calls, followed by flat tires and mechanical failures. Table IV-4 shows the number of incidents for all corridors during the audit period. The number of incidents was fairly stable each year, growing by 3.5 percent between FYs 2009 and 2010, then declining by 1.3 percent between FYs 2010 and 2011.

**Table IV-4  
FSP Program Assists**

<b>Incident</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
Flat Tire	5,619	6,062	5,788
Out of gas	2,961	3,263	3,441
Other*	13,260	13,578	13,008
Abandoned vehicle	2,009	1,705	1,309
Accident	1,937	2,243	2,152
Debris removal	1,631	2,010	3,014
Electrical problem	7,01	862	736
Mechanical problem	4,892	5,042	4,937
Overheated	1,440	1,601	1,508
<b>Total</b>	<b>35,151</b>	<b>36,366</b>	<b>35,893</b>

\*other assist type includes driver safety checks (for drivers pulled over on the side of the road) and providing information

Source: SANBAG

## **TDA Claimant Relationships and Oversight**

As the designated County Transportation Commission, SANBAG is responsible for the administration of the TDA program. This functional area addresses SANBAG's interaction with the transit operators in San Bernardino County and its administration of the provisions of TDA. The sub-functions described include costs to administer the program, technical and managerial assistance to operators, TDA claims processing and the unmet transit needs process.

### *SANBAG Administration and Planning*

The uses of TDA revenues apportioned to San Bernardino County flow through a priority process prescribed in state law. Prior to apportionment of funds to the Bicycle and Pedestrian Facilities Program and the transit operators, SANBAG is able to claim TDA revenues for administration of the fund and for transportation planning and programming purposes. SANBAG apportions 3 percent of LTF for Planning and Programming as

allowed by statute. The limit does not apply to fund administration, but SANBAG has been responsible in the amount it claims. In addition, SANBAG allocates revenues to SCAG for planning purposes as a member of the regional agency. During the audit years of 2009 through 2011, SANBAG apportioned the following LTF amounts (Table IV-5):

**Table IV-5  
Adopted LTF Apportionments for  
SANBAG Administration,  
Planning and Programming**

<b>Fiscal Year</b>	<b>Total LTF Available <sup>(1)</sup></b>	<b>SANBAG Administration of TDA</b>	<b>SANBAG Planning &amp; Programming</b>	<b>Total SANBAG Allocations</b>
2009	\$64,991,500	\$425,000	\$1,949,745	\$2,374,745
2010	\$54,232,188	\$450,000	\$1,626,965	\$2,076,965
2011	\$60,805,959	\$450,000	\$1,907,554	\$2,357,554

(1) Total annual LTF receipts estimated per SANBAG/County Auditor. Does not include annual carryover. Excludes State Transit Assistance Funds.

Source: SANBAG Board adopted apportionments and fund estimate.

Technical and Managerial Assistance to Operators

As presented earlier in the discussion of staffing, there was complete turnover of Transit and Rail Program staff during the audit period. Two of the prior staff retired in 2009 while the third prior staff departed in late 2011. With the hiring of a new Director of Transit and Rail Programs in 2009, the other vacant positions were filled by in-house employees who transferred from the former Planning and Programming section and from the Finance department. The transferred employees essentially learned on-the-job about SANBAG's TDA responsibilities and were cross-trained in TDA, transit and rail. Toward the end of the audit period, an additional employee who previously worked for Omnitrans joined the transit program staff.

Direct interface with the operators has been through communications on TDA claims, transit funding, and other transit matters. Attendance at unmet transit needs hearings and PASTACC meetings, and review of findings and recommendations made in the Comprehensive Operations Analysis also presented opportunities for discussion.

During this period of transition among the transit program staff, there was a learning curve with regard to TDA that carried over to the communication between SANBAG and the transit operators. A change in focus within the Transit and Rail Program also had to be communicated to the operators. Whereas in prior years SANBAG was more passive in its review of the distribution and expenditure of TDA by the transit agencies, the new staff was more pro-active in aligning the expenditure of the revenue to the requirements of the statute. For example, SANBAG required Omnitrans to return a large sum of unused LTF

revenue that the transit operator had been allocated over a number of years. Although Omnitrans retained a small portion for cash flow purposes, the agency returned about \$16 million to SANBAG which reverts to the unallocated TDA reserves for transit uses in the San Bernardino Valley.

Ensuring that the transit operator TDA claims are clean and consistent with adopted rules and regulations, SANBAG has communicated with the operators about their funding applications. In one instance, SANBAG worked closely with Barstow Area Transit on its TDA claim to reconcile various financial assumptions contained in the claim. Because of inconsistencies found among the data shown in the claim as well as missing attachments, SANBAG posed multiple questions to the operator before approving its claim.

As part of implementing the Productivity Improvement Plan, SANBAG continues to work with the operators and the vendor on the implementation of TransTrack. Software upgrades are made to enhance the dashboard module and use of the system as a performance monitoring tool, and to gain further compliance with reporting consistent performance measures. While a few transit operators continue to have data entry issues with the various modules when comparing data across various reporting sources, the influence TransTrack has had in serving as the primary data performance program is recognized.

#### TDA Claim Processing

SANBAG was responsible for managing and disbursing \$65 million in Local Transportation Fund revenues in FY 2009, \$54 million in FY 2010, and \$61 million in FY 2011. In addition, according to the annual financial statements, the agency disbursed \$5.8 million in State Transit Assistance funds in FY 2009, \$5.6 million in FY 2010, and \$6.1 million in FY 2011. As described earlier, prior to apportionment to the transit operators and other claimants, LTF revenues are claimed by SANBAG for administration and planning purposes. Claims are also made for bicycle and pedestrian projects under the appropriate claim process.

During the audit period, the Transit Analyst oversaw and administered the TDA claims in addition to responsibilities related to commuter rail. The Transit Analyst sided on the conservative when working with TDA estimates that are used by the transit operators when completing their claims. As a result, an unallocated reserve balance of about \$5 million in LTF has been established for countywide uses. The unrestricted fund balance is reserved to minimize the impact of a decline in revenue or an unexpected financial need. There are no current in-house procedures that specify how this reserve is to be used when needed. Suggestions are made in the recommendations section of this audit for SANBAG's consideration.

The SANBAG TDA Application Manual is planned to be updated pending staff resources. The updated document will be made available online and contain the updated claim forms.

SANBAG prepares and distributes the TDA claims packets electronically along with funding information needed to prepare TDA claims. Included in the packet is a checklist of items to be filed. The claims checklist used during the audit period contained a listing of 14 items to include with the claim that allows each claimant to submit and justify their need for TDA funds.

The claims are prepared by each operator, adopted by the operator's governing board or council, and must include a signoff on the implementation of a number of TDA requirements. These requirements are contained in a "Standards Assurances" form that is separate from the checklist and includes compliance with revenue ratios, attachment of specific documentation, and submittal of compliance audits and reports. Each submitting claimant certifies that all conformance requirements are satisfied to receive both LTF and STA funds. Once the claims are processed and funds are allocated by SANBAG, operators can amend claims during the fiscal year as actual transit service is delivered.

STA funds are claimed using the same form and comply with the procedures and formulas established in the TDA statute. SANBAG is required to make annual findings prior to allocation of STA funds to the transit operators. These findings are part of the standard assurances checklist and are integrated with the claims for LTF revenues. Measure I elderly and disabled claims are a third aspect of the claims process.

The regional share of STA that SANBAG receives under PUC 99313 is distributed based on need. SANBAG transit staff indicated that the split of annual funding of about \$11 million is based on the relative population proportions between the Valley and Desert regions. The historic split has been 75 percent to the Valley and 25 percent to the Desert although updated population shifts show a slightly different percentage. A minimum level of funding is approved for each operator request. However, there is no formal policy by SANBAG guiding how these funds are to be allocated or the evaluation of the request for funds. A recommendation is made to establish a formalized allocation procedure for STA Regional Funds under PUC 99313.

Under the new Transit and Rail Program Director, priorities for staff have shifted and have been placed on supporting program and project implementation and delivery, as opposed to administration of funds. This is consistent with SANBAG's creation of a new Fund Administration and Programming Department that will eventually handle TDA administrative duties, among other roles. With regard to TDA, by FY 2013-14, this new department will assume responsibility from the Transit and Rail Program for the following:

- Monitoring of LTF receipts versus estimates
- Apportionment and allocation disbursement instructions and status
- Monitoring of federal transit grant expenditure by operators to ensure timely use

Also, several administrative tasks will be transitioned from the Transit and Rail program to the Finance Department, including

- Preparation of State Controller Reports of the LTF and STA funds
- Coordination of fiscal and compliance audits of TDA claimants
- Maintenance of LTF and STA interest earnings and balance sheets
- Coordination of invoices and fund disbursement
- Contracting for federal single audits for small urban and rural operators.

Transit and Rail Program staff will continue to provide technical assistance on federal funding applications and recommendations for awarding funding.

#### Unmet Transit Needs and PASTACC

Unmet transit needs hearings are required by TDA where claims can be made for streets and roads. This occurs only for the mountain and desert region of San Bernardino County since TDA is dedicated to transit in the San Bernardino Valley area. SANBAG conducts the annual unmet needs process in consultation with the Public and Specialized Transportation Advisory and Coordinating County (PASTACC), which serves as the statutorily required Social Services Transportation Advisory Council (SSTAC). Members of the PASTACC participate in the review of the comments.

Definitions of “unmet transit needs” and “reasonable to meet” are adopted by the County Transportation Commission Board of Directors during the unmet needs process. Unmet transit needs are defined as “any deficiency in the provision of public transit service, specialized transit service or private for-profit and non-profit transportation.” Transit needs that are “reasonable to meet” are based on the following criteria: (1) community acceptance; (2) timing; (3) equity; (4) cost effectiveness; and (5) operational feasibility.

Unmet transit needs hearings are coordinated by SANBAG transit staff and are generally held during the month of September. Given the vast geography of the mountain and desert region, public hearings were held in various locations during the audit period in cooperation with the local transit agencies in the upper desert (Victorville and Barstow), lower desert (Joshua Tree) and mountain region (Big Bear Lake/Crestline). To note, in FY 2008-09 SANBAG held four public hearings in the mountain/high desert region at Big Bear Lake/Crestline, Barstow, Victorville and Morongo Basin. Three hearings were held in FY 2009-10 (no mountain region,) and two hearings in FY 2010-11 (Victorville and Morongo). As MARTA began using all LTF for transit in the mountain region, the unmet needs hearings are no longer held. An additional public hearing during a SANBAG Board meeting in San Bernardino serves as the main hearing under state law.

The hearings are duly noticed in local print publications, such as the San Bernardino County Sun, Hi-Desert Star, and Desert Dispatch. Flyers announcing the public hearings are posted on transit vehicles serving the region and notices are mailed to social service agencies, transit advocates and interested citizens. Testimony gathered from the hearings

and subsequent analysis is coordinated between SANBAG staff and the contractor retained to facilitate PASTACC. Unmet transit needs findings were reviewed for the audit period, and although no unmet transit needs were found to be reasonable to meet, SANBAG has worked with the operators to address service needs recommended in the Comprehensive Operations Analysis, expand some weekend service hours, and implement new trial services such as connecting Barstow and Victor Valley with San Bernardino as well as non-emergency medical demand responsive service from Needles to Bullhead City, Arizona.

PASTACC serves as the primary group through which the unmet transit needs process is reviewed and testimony and findings discussed. PASTACC underwent several changes during the audit period as described earlier in this audit including an update to its bylaws, development of a member resource binder, and a more formalized and defined role in transportation decision making. As the committee discusses a broad range of transit and specialized transit issues, the bi-monthly meeting agendas contain a variety of discussion items that revolve around several primary areas including reporting on items of interest to voting members and the general membership, unmet transit needs, updates on transit grants and initiatives, and other items of current interest impacting transit and transportation. Other SANBAG staff and public members also participate on agendas as necessary, while ad-hoc subcommittees are created to focus on particular issues.

An initiative being developed is increasing the capacity of social service transportation providers in filling deficiencies in the transportation network. This includes providing travel training, supporting the goals of local social service transportation agencies, and identifying and surveying specific travel needs such as for veterans.

Interviews conducted with PASTACC members and staff revealed positive sentiment about the committee and its progress to promote transit and specialized transportation. Members appreciated the opportunity to learn and share information about current transportation issues. With the turnover in SANBAG transit staff that participate in PASTACC, it was observed that new staff made effort to retain the continuity. Because of the relatively large membership base and diversity of issues and needs countywide among both public transit and specialized services, it was indicated that there are some challenges to developing a program that furthers the interest among all the committee members. SANBAG has been working to better define the purpose, role and work scope of the committee with anticipation of retaining the interest level and involvement from all participants. This audit makes suggestions for consideration in the recommendations section to assist SANBAG with its efforts.

## **Public Information and External Affairs**

A significant accomplishment in this functional area during the audit period was the production of the Annual SANBAG General Assembly. This public event showcases transportation and COG activities, and recognizes local elected officials for their contribution to the development of the region. The General Assembly began in 2011 and

includes SANBAG's "Year in Review" featuring the agency's accomplishments of the past year and presentations by panels on the outlook for the year ahead. The Year in Review publication highlights accomplishments by program area and completion of major construction projects and studies, as well as services provided to the local jurisdictions and community members. A video commemorating SANBAG's 40th year was also produced.

In its COG capacity, SANBAG hosts a conference each spring for city and county representatives near Lake Arrowhead. The County, in partnership with SANBAG, created the Countywide Vision Report that sets countywide goals to improve local and regional prosperity. Elements of the Vision include Jobs/Economy, Education, Housing, Public Safety, Infrastructure, Quality of Life, Environment, Wellness, and Image.

SANBAG has continued to develop a comprehensive outreach effort to elicit support for its mission and to educate the public of its role in the delivery and maintenance of transportation infrastructure. SANBAG's media relations efforts are conveyed through the agency's Public Information Officer, its website, publications and public presentations. A consultant is used for public relations activities. The Public Information Officer reports directly to the Executive Director.

SANBAG produces a number of publications as part of its public information and outreach efforts. The two-page "Street Smart" newsletter is the monthly meeting summary of the SANBAG Board of Directors that features key agenda highlights and a calendar of upcoming Board and committee meetings. Another publication is the "Inland Empire Quarterly Economic Report," which contains a snapshot of economic conditions and forecasts in Riverside and San Bernardino counties. Other publications are more project-specific, such as those containing information on the progress of major construction projects including on Interstates 10 and 215. SANBAG has produced a multi-fold color brochure on Transportation Measure I, the Freeway Service Patrol, and about the role SANBAG plays in improving mobility in San Bernardino County. For legislative affairs, the Public Information Officer develops a publication titled "Building Tomorrow" as part of SANBAG's package of information to present on visits with State and Federal legislators.

Outreach has included the use of social media (Twitter) to reach a broad digital oriented audience in relative real time. SANBAG's website (<http://www.sanbag.ca.gov/>) also serves a digital portal for information and updates. The website is divided into seven main sections: About SANBAG, Projects, Commuter Info, Planning, Funding, News and Publications, and Resources. The left-hand margin entitled "Down the Road" contains a listing of upcoming Board and committee meetings as well as a link to Measure I, IE511, and San Bernardino 211 information and referral service. The right-hand margin entitled "Quick Picks" contains links to bid and career opportunities, major road construction projects, and recent publications. The Publications page has links to current newsletters, reports and studies, and informational brochures in Adobe Acrobat PDF format. There is also a link at the bottom of the page for the County Vision project.

## **Grant Application and Management**

SANBAG serves as the clearinghouse for federal grant applications that are reviewed to determine if there is any duplication of effort among agencies and to ensure that there is no conflict with local plans and policies. SANBAG's role for San Bernardino County is to review and be an integral part in state and federal funding assistance that promotes inter-jurisdictional coordination.

The agency assists the transit operators with obtaining both state and federal grants by ensuring the programming of resources and projects in the appropriate state and federal transportation implementation plans. Funding sources such as State Proposition 1B position SANBAG to provide the conduit and information for grant availability. State funding through the California Transit Security Grant Program for security cameras on board transit vehicles and at transit facilities is an example of the type of funding that has become available. Federal grants have also played an important role in funding continued operations and capital replacement of the transit operators. For example, in the revised TDA claims, SANBAG requires the operators to submit a listing of capital projects approved in the prior year's budget but not yet completed. This is in addition to the listing of capital projects requested in the current budget year.

With the formation of the new Fund Administration and Programming department, some grant functions such as transit grant monitoring and use will be transferred from the Transit and Rail program. In addition, contracting for the annual federal single audits for small urban and rural operators will be transferred to the Finance department. Most federal transit grant programming will remain with the Transit and Rail program including preparation of FTA 5311 and 5307 Program of Projects (POP) and grant assistance, call for projects for federal transit grants, and review and recommendation of FTA 5310 and 5311(f) applications.

## Section V

### Findings

The following material summarizes the major findings obtained from the Triennial Audit covering fiscal years 2009 through 2011. A set of audit recommendations is then provided.

1. SANBAG has satisfactorily complied with most State legislative mandates for Regional Transportation Planning Agencies. One compliance measure was not applicable during the audit period pertaining to the adoption of rules and regulations to evaluate TDA Article 4.5 claims. Such claims for funds have not been submitted to SANBAG although the relatively new CTSA, VTrans, would be an eligible claimant. Another compliance measure was partially met, and a separate measure was not met pertaining to timely submittal of audit reports.
2. SANBAG has responded to and implemented five of the six prior performance audit recommendations. The recommendation not yet implemented is to update its TDA application manual.
3. The agency has taken an increased perspective on multimodal investments and interconnectivity not only for highways, but for transit and non-motorized transportation. With the evolving nature of the transportation commission, the renewal of Measure I, and changes in top leadership, SANBAG has been progressing toward serving in a greater project funding and delivery role. The agency has seen notable departmental and staff changes particularly at the senior management and executive leadership level.
4. SANBAG commissioned Comprehensive Operations Analysis for each of the transit operators. An exception was Needles Area Transit which had not undergone a similar type study. Each COA provided detailed analyses of socioeconomic conditions and current service trends. Recommendations for alternative service provision and benchmark performance measures to gauge productivity were developed. Due to poor economic conditions from the recession resulting in lower TDA receipts (decline of 17 percent between FYs 2009 and 2010), COA recommendations with regard to service expansion were delayed from being implemented. During the tail end of this audit period, however, revenue was increasing and resulting in improved allocations of TDA funding.
5. SANBAG completed the San Bernardino County Long Range Transit Plan (LRTP) in October 2009 that establishes a vision for transit for the next 25 years. The LRTP prioritizes goals and projects for transit growth and connects land use and transportation strategies. The LRTP also meets legal mandates for planning and programming set by SB 375.

6. The uses of TDA revenues apportioned to San Bernardino County flow through a priority process prescribed in state law. SANBAG is able to claim TDA revenues for administration of the fund and for transportation planning and programming purposes. SANBAG has been responsible in the amount it claims, limiting its apportionment to 3 percent of Local Transportation Funds for Planning and Programming.
7. There was complete turnover of Transit and Rail Program staff during the audit period. Two of the prior staff retired in 2009 while the third prior staff departed in late 2011. With the hiring of a new Director of Transit and Rail Programs in 2009, the other vacant positions were filled by in-house employees who transferred from other departments, as well as by outside staff with prior local transit experience. Under the new Transit and Rail Program Director, priorities for staff have shifted and have been placed on supporting program and project implementation and delivery.
8. During this period of transition among the transit program staff, there was a learning curve with regard to TDA that carried over to the communication between SANBAG and the transit operators. Whereas in prior years SANBAG was more passive in its handling of the distribution and expenditure of TDA by the transit agencies, the new staff was more pro-active in aligning the expenditure of the revenue to the requirements of the statute. Also, SANBAG staff ensure that the transit operator TDA claims are clean and consistent with adopted rules and regulations.
9. The relatively new Fund Administration and Programming Department is anticipated to handle TDA administrative duties, among other roles. Several transit fund administrative and grant monitoring responsibilities are being transferred to this department, with Finance taking on additional roles as well in preparing external TDA reports and financial auditing.
10. A significant accomplishment agencywide was the production of the Annual SANBAG General Assembly. The General Assembly began in 2011 and includes SANBAG's "Year in Review" featuring the agency's accomplishments of the past year and presentations by panels on the outlook for the year ahead. The Year in Review publication highlights accomplishments by program area and completion of major construction projects and studies, as well as services provided to the local jurisdictions and community members.

## Recommendations

1. Update the checklist contained in the TDA claim form for submittal of required attachments.  
(High Priority)

The checklist in the TDA claim form for submittal of materials for the Productivity Improvement Program only vaguely describes the necessary attachments that should be submitted with the claim. It is unclear what types of submittals would be acceptable to SANBAG. It is recommended that the checklist in the claim be modified and expanded to specifically identify what documentation would be acceptable for the Productivity Improvement Program. Each transit claimant would then indicate on the checklist which items are included in the claim for compliance. This would clarify for both the transit operators and SANBAG how this required submittal is being met.

Examples of acceptable documentation include 1) table showing responses to and status of implementing prior performance audit recommendations; 2) budgetary actions and performance data that would result in increased productivity; 3) responses to and status of implementing short range plan and COA recommendations; 4) status update on issues and improvements in usage of TransTrack; and 5) additional specific claimant-initiated efforts to improve productivity. While some of this information is being provided by most of the transit claimants, it is beneficial that the acceptable types of documentation also be clearly identified in the checklist for SANBAG review and approval.

2. Update the SANBAG TDA application manual.  
(High Priority)

As a carryover recommendation from the prior performance audit, the agency's guidebook should be updated to reflect changes to the administration of TDA. These include the updated TDA statute book (February 2009), the updated TDA performance audit guidelines (September 2008), utilization of TransTrack as a performance monitoring tool, intermediate farebox ratio formula, and utilization of the TDA claim form. In addition, the new roles served by different SANBAG departments (Transit and Rail Program, Funds Administration and Programming, and Finance) in the administration of TDA should be described in the updated manual.

3. Formalize the allocation procedures for State Transit Assistance Regional Funds.  
(High Priority)

PUC 99313 STA Regional Funds are allocated based on a population proportion of 75 percent San Bernardino Valley and 25 percent High Desert/Mountain region. However, the current allocation proportions are general estimates and should be

updated to reflect current population location data using Census 2010 data or more recent estimates. It is estimated that the Valley share would decrease by a small proportion while the High Desert/Mountain share would increase.

The existing distribution of these funds is based on need with a minimum amount for each transit operator. A more formal distribution formula should be developed to provide a better indicator of revenue that a transit operator could expect. An example of such a formula could be an allocation by jurisdictional area or transit service area on the basis of population in these areas compared to the population of the county as a whole. In a situation where there are two or more eligible claimants in the same area, SANBAG could work with the eligible claimants on a distribution amount, or develop evaluation criteria in scoring and determining an allocation. Potential evaluation criteria could include meeting regional goals such as reduction in vehicle miles traveled as directed by SB 375. Calculation of transit ridership, passenger miles, and net reduction in vehicle miles traveled for each eligible transit claimant could be used as an approximation for competing STA regional allocations.

As significant levels of STA have been used in the past for large transit projects (e.g. VVTA operations facility), current policy does not preclude SANBAG from over allocating revenue to a jurisdiction in light of a significant transit project need. A regional STA pot of funds could still be a part of the formalized procedures, but should be accompanied by a set of rules in how the regional funds can be allocated and for which purposes. Examples include meeting a regional need beyond the service area of the transit operator, or to improve compliance with air quality measures. Both rolling stock and fixed assets (e.g. facilities) would be eligible.

4. Develop TDA fund reserve policy.  
(High Priority)

Beginning in FY 2011-12, SANBAG has set aside about \$5 million countywide during the TDA Local Transportation Fund apportionment process. The unrestricted set aside is made before apportionment for eligible uses and provides a reserve cushion to minimize the impact of a decline in revenue or an unexpected financial need. SANBAG should develop a fund reserve policy that outlines the reserve amount and eligible uses of the funds. The policy should be consistent with CCR 6655.1 that describes the retention of LTF. One aspect of the policy should limit the unrestricted reserve funds for eligible public transportation and specialized transit uses only (non street and roads). Equity could be achieved through basing the maximum allocation to each eligible claimant on a population and geographic basis, similar to the existing apportionment areas. This ensures that at a minimum, there will be available reserves for each transit system.

LTF reserves should be available for transit services that have been funded through the annual TDA claim process, whether actual LTF revenues fall short of LTF

budget allocations, or from circumstances that warrant an additional allocation. This would be on a case-by-case basis, and help to either minimize operating and/or capital shortfalls. An additional potential use would be to provide short term funding during a demonstration period to meet unmet transit needs that are found to be reasonable to meet.

5. Develop and adopt TDA Article 4.5 evaluation criteria.  
(Medium Priority)

In light of potential eligible CTSA claimants, SANBAG should develop the evaluation criteria and required findings for approval under this article section (PUC 99275.5). The article section contains the necessary steps and findings that must be made by SANBAG in approving a future claim submitted for TDA funds. The corresponding TDA claims forms and adopting resolutions should also be updated to accommodate such claim.

6. Review options for updating the farebox ratio for VVTA.  
(Medium Priority)

The current farebox recovery ratio of 15 percent for VVTA was adopted in September 1997. Over the years, the service area and population have changed. As the intermediate farebox ratio is intended to reflect the proportional services in rural and urban areas, it is recommended that SANBAG revisit the intermediate farebox formula described in a May 1997 board report that shows how the VVTA farebox ratio is calculated.

An update to the farebox formula would result in a potential fare ratio between 10 and 20 percent depending on the current service breakdown between rural and urban areas. The current farebox ratio of 15 percent remains an option as well. As VVTA is an Article 8 claimant, SANBAG has the capacity to set reasonable standards for a transit operator. Should there be a change in the farebox standard, SANBAG could also provide a certain amount of time for VVTA to meet the new standard.

SANBAG should work with VVTA in reviewing options how the farebox ratio is calculated, including using the same or similar formula methodology contained in that board report and using current VVTA service and performance data. SANBAG should then adopt both the methodology and the updated farebox ratio, and submit to Caltrans District 8 for approval. This sequence is required by Public Utilities Code (PUC) 99270.1 and California Code of Regulations (CCR) 6645. Because VVTA currently claims TDA funds under Article 8, PUC 99405 would also apply that references back to the other statute sections.

7. Consider alternate methods to promote focused meeting structure in PASTACC.  
(Medium Priority)

While we applaud the activities and general enhancements made to PASTACC over the last several years, the diversity of transportation interests and geography of the voting and non-voting members create challenges for SANBAG to develop a program that furthers the objectives and interest of all committee members.

Consideration should be given to alternative meeting structures that may be vetted for feasibility and consistency with the updated PASTACC goals and bylaws. One such structure is that in-lieu of holding bi-monthly meetings intended for all members, the bi-monthly meetings would focus on topics pertaining primarily to either specialized transit or public transit in an alternate meeting format. Agenda materials would be customized to fit the needs for each group for their respective meeting. All members would be invited to every meeting and provided the full agenda, but with the understanding that the particular meeting will be focused on social service or public transit issues. This alternating format could be conducted for a few meetings throughout the year. For the remaining meetings, the full membership would meet for required business such as during the unmet transit needs process, discussion of regional transportation issues, and receipt of updates from the more focused meetings.



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

*Minute Action*

AGENDA ITEM: 9

**Date:** September 11, 2013

**Subject:** Mobility 21 Update

**Recommendation:\*** Receive an update from Mobility 21 regarding their current activities and the upcoming summit.

**Background:** Mobility 21 is an organization of public, business, and community stakeholders pursuing solutions to the transportation challenges facing Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties. The Board of Directors includes the Chief Executive Officers (CEO) of the five county transportation commissions, the Southern California Association of Governments, the Automobile Association of Southern California, and the major regional Chambers of Commerce.

Mobility 21 leads multiple advocacy efforts at the regional, state, and federal levels on major transportation initiatives including goods movement, state and federal funding structures, environmental and process streamlining, and job creation. The collaborative effort between the public sector and private enterprise allows for an integrated and comprehensive response to the regional challenges we face. Mobility 21's unique structure enables our region to have a cohesive and powerful voice in advocating for our needs.

Mobility 21 is also preparing for their 12<sup>th</sup> Annual Southern California Transportation Summit on October 29, 2013, entitled "Connecting the Dots: Linking Infrastructure, Education, & Healthcare" to be held at the J.W. Marriott at

\*

*Approved*  
*General Policy Committee*

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

*Moved: Second:*

*In Favor: Opposed: Abstained:*

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

COG	X	CTC		CTA	SAFE		CMA
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Check all that apply.  
 GPC1309a-wvs

L.A. Live. Speakers are expected to cover a diverse set of topics including goods movement, active transportation, and connectivity.

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

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

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



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

*Minute Action*

AGENDA ITEM: 10

**Date:** September 11, 2013

**Subject:** State and Federal Legislative Update

**Recommendation:\*** Adopt proposed principles related to the establishment of a San Gabriel Mountains National Recreation Area.

**Background:** State Update

The Legislature is nearing the end of session, with both houses having until September 13th to pass bills before they adjourn for the year. The Governor will then have until October 13th to sign or veto legislation sent to his desk. Staff continues to monitor and engage in several bills of interest and a verbal update will be given to the Committee on the status of key bills and end of session actions. A matrix of legislation being monitored by SANBAG is included as Attachment #1.

Federal Update

In 2003, the San Gabriel River Watershed Study Act directed the National Park Service (NPS) to conduct a study of the San Gabriel River and San Gabriel Mountain areas to determine whether the 700,000 acre study area, or a portion thereof, should be considered for inclusion in the national parks system. After years of study, NPS released their final report on April 10, 2013

\*

*Approved*  
 General Policy Committee

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

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

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

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

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

GPC1309b-wvs

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2013/gpc1309/AgendaItems/GPC1309b1-wvs.docx>

<http://portal.sanbag.ca.gov/mgmt/committee/gpc/gpc2013/gpc1309/AgendaItems/GPC1309b2-wvs.pdf>

recommending the establishment of a “San Gabriel Unit” of the Santa Monica Mountains National Recreation Area (NRA). The recommendation largely limited the NRA designations to portions of the San Gabriel Valley with the exclusion of national forest land, despite the more extensive land area originally studied.

For San Bernardino County, the draft study originally contemplated the inclusion of portions of Chino Hills and sections of national forest land within the County in the proposed NRA. Ultimately, the study’s recommended alternative concluded that the national forest land, including that in San Bernardino County, would remain under the control of the United States Forest Service. In addition, the final recommendation concluded that the Chino Hills lands were not suitable for inclusion in the NRA at this time. However, the study does currently contemplate the inclusion a small portion of unincorporated land north of the City of Upland. A more detailed map of the project study area is included for your information as Attachment #2.

An NRA designation would ideally bring the NPS, as well as a number of other federal agencies, to the area to collaborate on ways to protect significant ecological, recreational, and cultural resources; work to expand open space opportunities; and offer educational and interpretive opportunities. Given the ongoing federal budget challenges, it is unlikely that additional resources would be immediately available through the NPS. However, one of the stated benefits of an NRA designation is a formal structure that provides increased opportunities to seek grants and the ability to seek direct appropriations from Congress for this area.

In order for any new NRA designations to be made, Congress must act and they are not bound by the study’s recommendations, and as such, the ultimate proposal is still being developed. Congresswoman Judy Chu (D-CA) has led a series of stakeholder meetings as part of a desire to author potential legislation but specific proposals have not yet been released and draft legislation is not yet available. Staff understands that the goal is to introduce legislation before the end of the calendar year.

It is recommended that SANBAG continue to participate in discussions surrounding this designation. Several public comments were offered during the NPS study process to expand the NRA into portions of San Bernardino County and have continued to be elements of the ongoing conversation regarding potential legislation. These discussions have ranged from including additional portions of Chino Hills and Rancho Cucamonga to including the entire San Gabriel mountain range east to Interstate 15 and urban areas bordering that range.

To that end, staff is recommending the adoption of the following principles to guide discussions on this topic:

- Any governance structure contemplated for an NRA designation that includes any portion of San Bernardino County should include representatives from at least the impacted cities, as well as the County and/or the San Bernardino Associated Governments.
- Ensure the protection of existing land use authorities, water rights, transportation needs, and ability to develop future infrastructure as needed.
- Fully understand the potential impacts of including any additional designations such as a Wilderness or Wild and Scenic designation before these new layers are included in legislation.

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SANBAG will continue to monitor the issue, engage in the various stakeholder meetings, and work with our congressional delegation to ensure the needs of our region are met in any proposed legislative effort. Once a legislative proposal is formally introduced, we will return to the Board of Directors with additional information and recommendations, if appropriate.

***Financial Impact:*** This item has no fiscal impact on the FY2013/2014 SANBAG Budget.

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

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

**CA AB 14****SANBAG Position: Support in Concept**

**AUTHOR:** Lowenthal B (D)  
**TITLE:** State Freight Plan  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/03/2012  
**LAST AMEND:** 05/06/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Third Reading File  
**SUMMARY:** Requires the Transportation Agency to prepare a state freight plan with specified elements to govern the immediate and long-range planning activities and capital investments of the state with respect to the movement of freight. Requires the agency to establish a freight advisory committee.  
**STATUS:** 07/02/2013 In SENATE. Read second time. To third reading.

**CA AB 21**

**AUTHOR:** Alejo (D)  
**TITLE:** Safe Drinking Water Small Community Grant Fund  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/03/2012  
**LAST AMEND:** 02/14/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)  
**SUMMARY:** Authorizes the assessment of a specified annual charge in lieu of interest on loans for water projects made pursuant to the Safe Drinking Water State Revolving Fund, and the deposit of that money into the Safe Drinking Water State Small Community Emergency Grant Fund. Authorizes the expending of the money in the fund for grants for specified water projects that serve disadvantaged and severely disadvantaged communities.  
**STATUS:** 06/26/2013 From SENATE Committee on HEALTH: Do pass to Committee on APPROPRIATIONS. (9-0)

**CA AB 39**

**AUTHOR:** Skinner (D)  
**TITLE:** Energy: Conservation: Financial Assistance  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/03/2012  
**LAST AMEND:** 06/24/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)  
**SUMMARY:** Extends the operation of the Energy Conservation Assistance Act of 1979 that requires the State Energy Resources Conservation and Development Commission to administer the State Energy Conservation Assistance Account, a continuously appropriated account to

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provide grants and loans to local governments and public institutions to maximize energy use savings.

07/02/2013

From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Do pass to Committee on APPROPRIATIONS. (9-2)

**STATUS:**

**CA AB 114**

**AUTHOR:** Salas (D)

**TITLE:** Proposition 39: Implementation: Workforce Development

**FISCAL**

**COMMITTEE:** yes

**URGENCY**

**CLAUSE:** no

**INTRODUCED:**01/14/2013

**LAST AMEND:** 07/09/2013

**DISPOSITION:** Pending

**LOCATION:** Senate Appropriations Committee

Amends existing law that appropriates funds to the State Workforce Development Board to develop and implement a competitive grant program for eligible community-based and other training workforce organizations prepared disadvantaged youth or veterans for employment. Requires the Board to require a grant recipient to report to the Board specified information, and to review and assess the program in achieving the training and workforce development goals, identify problems and barriers, and provide solutions.

**SUMMARY:**

07/09/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**STATUS:**

**CA AB 164**

**AUTHOR:** Wieckowski (D)

**TITLE:** Infrastructure Financing

**FISCAL**

**COMMITTEE:** no

**URGENCY**

**CLAUSE:** no

**INTRODUCED:**01/23/2013

**LAST AMEND:** 06/05/2013

**DISPOSITION:** To Governor

**LOCATION:** Enrolled

Requires a lease agreement between a governmental agency undertaking an infrastructure project and a private entity to include performance bonds as security to ensure the completion of the construction of the facility and payment bonds to secure the payment of claims of laborers, mechanics, and materials suppliers employed on the work under contract.

**SUMMARY:**

**STATUS:**

07/01/2013 Enrolled.

**CA AB 179**

**AUTHOR:** Bocanegra (D)

**TITLE:** Electronic Transit Fare Collection Systems

**FISCAL**

**COMMITTEE:** yes

**URGENCY**

**CLAUSE:** no

**INTRODUCED:**01/24/2013

**LAST AMEND:** 06/19/2013

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**DISPOSITION:** Pending  
**LOCATION:** Senate Second Reading File  
**SUMMARY:** Makes provisions of existing law regarding the prohibition of a transportation agency selling or providing personally identifiable information from an electronic toll collection system or use of toll facility using such system applicable to an agency that employs an electronic transit fare system. Allows a person's consent to share that information with a third party to be written or oral. Exempts photographic or video footage from the definition of such information, unless it was used for assessing a fare.  
**STATUS:** 07/11/2013 From SENATE Committee on APPROPRIATIONS: To second reading without further hearing pursuant to Senate Rule 28.8.

**CA AB 195**

**AUTHOR:** Hall (D)  
**TITLE:** Counties: Construction Projects: Design-Build  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**01/28/2013  
**LAST AMEND:** 05/20/2013  
**DISPOSITION:** To Governor  
**LOCATION:** To enrollment  
**SUMMARY:** Extends provisions of existing law that authorizes counties to use alternative procedures, known as design-build, for bidding on specified types of construction projects in the county in excess of a specified amount, in accordance with specified procedures, and provides that the procedures include a requirement for contracts awarded after a certain date that a county board of supervisors pay a fee into the State Public Works Enforcement Fund.  
**STATUS:** 07/08/2013 In SENATE. Read third time. Passed SENATE. To enrollment. (33-0)

**CA AB 205**

**AUTHOR:** Pan (D)  
**TITLE:** Public Employees' Retirement: Pension Fund  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:**01/30/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Third Reading File  
**SUMMARY:** Extends the authorization to prioritize investment in an in-state infrastructure project to the board of retirement or the board of investments of a retirement system established pursuant to the County Employees Retirement Law of 1937.  
**STATUS:** 06/12/2013 In SENATE. Read second time. To third reading.

**CA AB 209**

**AUTHOR:** Perez J (D)  
**TITLE:** Infrastructure and Revitalization Financing Districts  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**02/04/2013

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**LAST AMEND:** 06/11/2013

**DISPOSITION:** Pending

**LOCATION:** Senate Third Reading File

**SUMMARY:**

Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases.

**STATUS:** 06/25/2013 In SENATE. Read second time. To third reading.

**Priority:** High

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**CA AB 23**

**AUTHOR:** Dickinson (D)

**TITLE:** Local Government: Infrastructure Financing Districts

**FISCAL  
COMMITTEE:** yes

**URGENCY  
CLAUSE:** no

**INTRODUCED:**02/06/2013

**LAST AMEND:** 06/18/2013

**DISPOSITION:** Pending

**LOCATION:** Senate Third Reading File

Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes a district to finance projects in

**SUMMARY:**

redevelopment project areas and former redevelopment project areas and former military bases if special conditions are met. Authorizes a district to fund various projects, including watershed land used for the collection and treatment of water for urban uses, flood management, open space, habitat restoration and development purposes.

**STATUS:** 07/02/2013 In SENATE. Read second time. To third reading.

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**CA AB 250**

**AUTHOR:** Holden (D)

**TITLE:** State Innovation Initiatives

**FISCAL  
COMMITTEE:** yes

**URGENCY  
CLAUSE:** no

**INTRODUCED:**02/06/2013

**LAST AMEND:** 06/26/2013

**DISPOSITION:** Pending

**COMMITTEE:** Senate Appropriations Committee

**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)

**SUMMARY:** Creates the State Innovation Hub Program, which requires the Governor's Office of Business and Economic Development to designate Innovation Hubs. Authorizes the office to use vacant or underused state-owned or leased property that is controlled by the Department of General Services. Authorizes specified state property, when authorized by law, to be used as matching funds to meet federal funding requirements. Requires the office to issue a request for proposals. Relates to iHub partnerships.

**STATUS:** 06/26/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**CA AB 266**

**AUTHOR:** Blumenfield (D)  
**TITLE:** Vehicles: High-Occupancy Vehicle Lanes  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**02/07/2013  
**LAST AMEND:** 07/10/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)  
**SUMMARY:** Extends the operation of existing law that authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles to include certain low-emission vehicles or until the Secretary of State receives a specified notice, whichever comes first. Authorizes until a specified date or a specified condition, the Department to issue a valid identifier to a vehicle that meets the state's transitional zero-emission vehicle standard.  
**STATUS:** 07/10/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**CA AB 268****SANBAG Position: Support in Concept**

**AUTHOR:** Holden (D)  
**TITLE:** Transit: Metro Gold Line Extension  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**02/07/2013  
**LAST AMEND:** 04/16/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Rules Committee  
**SUMMARY:** States the intent of the Legislature to enact legislation that would enable the Metro Gold Line extension to be completed at the terminus of Ontario Airport with intermediate stops in San Dimas, La Verne, Pomona, Claremont, and Montclair, and for regional cooperation to continue.  
**STATUS:** 04/18/2013 Re-referred to ASSEMBLY Committee on RULES.

**CA AB 380**

**AUTHOR:** Dickinson (D)  
**TITLE:** California Environmental Quality Act: Notice  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**02/14/2013  
**LAST AMEND:** 05/24/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:** Amends the California Environmental Quality Act. Requires that notices regarding environmental impact reports filed by lead agencies need to be filed with the Office of Planning and Research and the county clerk and posted by the clerk for public review. Provides notice requirements for projects that are determined to be exempted from the Act.

**STATUS:** 06/13/2013 To SENATE Committee on ENVIRONMENTAL QUALITY.

**CA AB 392**

**AUTHOR:** Jones-Sawyer (D)  
**TITLE:** State Mandates: Prorated Claims  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/15/2013  
**LAST AMEND:** 06/05/2013  
**DISPOSITION:** To Governor  
**LOCATION:** Enrolled  
**SUMMARY:** Amends existing law requiring the Controller to prorate mandated claims, including school claims, if the amount appropriated for reimbursement is not sufficient to pay all of the claims approved by the Controller, and requiring the controller to report to the Department of Finance when it is necessary to prorate claims. Deletes that reporting requirement. Requires the Controller to determine the most cost-effective allocation method if a specified amount is appropriated. Makes a conforming statutory change.  
**STATUS:** 07/10/2013 Enrolled.

**CA AB 405**

**AUTHOR:** Gatto (D)  
**TITLE:** High-Occupancy Vehicle Lanes: County of Los Angeles  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/15/2013  
**LAST AMEND:** 06/27/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)  
**SUMMARY:** Prohibits the establishment of any high-occupancy land on specified state highway routes in the County of Los Angeles, unless the lane is established as such land only during the hours of heavy commuter traffic. Requires any such lane to be modified to conform to those requirements. Authorizes the Department of Transportation to reinstate 24-hour high-occupancy vehicle lanes on the specified portions of these routes if the department makes a specified determination. Requires a related report.  
06/27/2013 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.  
**STATUS:** 06/27/2013 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**CA AB 431****SANBAG Position: Oppose**

**AUTHOR:** Mullin (D)  
**TITLE:** Transportation: Sustainable Communities: Funding  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/15/2013  
**LAST AMEND:** 04/15/2013

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**DISPOSITION:** Pending  
**LOCATION:** Assembly Transportation Committee  
**SUMMARY:** Authorizes a transportation planning agency that is designated as a metropolitan planning organization to impose a transactions and use tax at a rate that is no more than a specified percentage, if certain requirements are met. Require a related ordinance to contain a specified expenditure plan to be spent on each of three categories of transportation, affordable housing, and parks and open space, with remaining net revenues to be spent to attain sustainable communities strategy.  
**STATUS:** 04/15/2013 In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION.

**CA AB 466**

**SANBAG Position: Support**

**AUTHOR:** Quirk-Silva (D)  
**TITLE:** Federal Transportation Funds  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**02/19/2013  
**LAST AMEND:** 03/14/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Third Reading File  
**SUMMARY:** Requires the Department of Transportation to allocate federal transportation funds to regional agencies under the federal Congestion Mitigation and Air Quality Improvement Program based on a weighted formula that considers population and pollution in a given area.  
**STATUS:** 07/02/2013 In SENATE. Read second time. To third reading.

**CA AB 481**

**AUTHOR:** Lowenthal B (D)  
**TITLE:** High-Speed Rail.  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**02/19/2013  
**LAST AMEND:** 06/12/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Unfinished Business - Concurrence in Senate Amendments  
**SUMMARY:** Enacts exceptions and authorizations relative to real property obtained for high-speed rail purposes by the High-Speed Rail Authority. Enacts new provisions governing acquisition or disposal of right-of-way property by the authority. Requires payments for leases, sales or other conveyances of property controlled by the authority to be deposited in the High-Speed Rail Property Fund created by the bill. Provide that the funds shall be available to the authority upon appropriation for specified purposes.  
**STATUS:** 07/08/2013 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY for concurrence. (21-9)

**CA AB 493**

**AUTHOR:** Daly (D)  
**TITLE:** Toll Facilities  
**FISCAL COMMITTEE:** no

**URGENCY**  
**CLAUSE:** no  
**INTRODUCED:**02/20/2013  
**LAST AMEND:** 04/17/2013  
**DISPOSITION:** To Governor  
**LOCATION:** Enrolled  
**SUMMARY:** Authorizes operators of toll facilities on federal-aid highways to fully implement technologies or business practices that provide for the interoperability of electronic toll collection programs on and after the date specified in the Moving Ahead for Progress in the 21st Century Act. Limits the information that may be disclosed through participation in an interoperability program.  
**STATUS:** 07/10/2013 Enrolled.

**CA AB 528**

**AUTHOR:** Lowenthal B (D)  
**TITLE:** State Rail Plan and High-Speed Rail Authority  
**FISCAL**  
**COMMITTEE:** yes  
**URGENCY**  
**CLAUSE:** no  
**INTRODUCED:**02/20/2013  
**LAST AMEND:** 06/04/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Third Reading File  
**SUMMARY:** Revises certain items required to be in the elements of the State Rail Plan and the business plan. Eliminates the current timeframe for the plan. Provides for the submission of the rail plan to specified transportation agencies, the Legislature, and the Governor. Requires the rail plan to be updated periodically. Relates to the submission of the High-Speed Rail Authority business plan. Repeals provisions regarding identifying certain AMTRAK related decrepit intercity rail passenger stations.  
**STATUS:** 06/25/2013 In SENATE. Read second time. To third reading.

**CA AB 564**

**AUTHOR:** Mullin (D)  
**TITLE:** Community Redevelopment: Successor Agencies  
**FISCAL**  
**COMMITTEE:** yes  
**URGENCY**  
**CLAUSE:** no  
**INTRODUCED:**02/20/2013  
**LAST AMEND:** 03/12/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)  
**SUMMARY:** Amends existing law that dissolved redevelopment agencies and community development agencies and provides for the designation of successor agencies. Prohibits the Department of Finance from taking any future action to modify the enforceable obligations described in existing law following the effective date of the approval of those obligations after review by an oversight board and the department, and from taking action to modify the transfer of property, if the transfer is in an approved transfer plan.  
**STATUS:** 06/26/2013 From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS. (7-0)

**CA AB 662**

**AUTHOR:** Atkins (D)  
**TITLE:** Local Government: Infrastructure Financing Districts  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**02/21/2013  
**LAST AMEND:** 06/11/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:** Deletes a prohibition on the inclusion of redevelopment project areas in infrastructure financing districts. Relates to the dissolution of redevelopment and community development agencies and designation of successor agencies. Authorizes a successor agency to enter into contracts, make land use decisions, and administer certain projects if the project will not commit new tax funds or affect the flow of tax increment to taxing agencies. Relates to obligation payments. Regards highway improvement contracts.  
**STATUS:** 06/11/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**CA AB 701**

**AUTHOR:** Perez J (D)  
**TITLE:** California Infrastructure and Economic Development Bank  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**02/21/2013  
**LAST AMEND:** 06/03/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Third Reading File  
**SUMMARY:** Relates to the Infrastructure and Economic Development Bank and board of directors. Adds a Member of the Assembly, or a designee of the member, and a Member of the Senate, or designee of the member, as advisory members of the board. Requires the bank to serve as the primary state agency for purposes of developing an application for any federal infrastructure bank or financing authority. Incorporates additional changes made by the Governor's Reorganization Plan.  
**STATUS:** 06/25/2013 In SENATE. Read second time. To third reading.

**CA AB 749****SANBAG Position: Work With Author**

**AUTHOR:** Gorell (R)  
**TITLE:** Public-Private Partnerships  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**02/21/2013  
**LAST AMEND:** 04/11/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Transportation Committee  
**SUMMARY:** Amends existing law that authorizes the State Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with

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public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users tolls and user fees and calls those arrangements public-private partnerships. States the intent of the Legislature for a project developed under these provisions to have specified characteristics.

**STATUS:** 04/29/2013 In ASSEMBLY Committee on TRANSPORTATION: Not heard.

**CA AB 79**

**AUTHOR:** Gordon (D)  
**TITLE:** Transit Districts: Contracts  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no

**INTRODUCED:**02/21/2013

**LAST AMEND:** 04/15/2013

**DISPOSITION:** Pending

**LOCATION:** Senate Third Reading File

Authorizes the Santa Clara County Valley Transportation Authority and the San Mateo County Transit District to utilize the Construction Manager/General Contractor project delivery contract method for transit projects within their jurisdictions. Requires the

**SUMMARY:** Authority or the district to reimburse the Department of Industrial Relations for costs of performing wage monitoring and enforcement on projects using such contracting methods. Requires those funds to be for enforcement of prevailing wage requirements.

**STATUS:** 06/25/2013 In SENATE. Read second time. To third reading.

**CA AB 863**

**SANBAG Position: Work With Author**

**AUTHOR:** Torres (D)  
**TITLE:** Transit Projects: Environmental Review Process  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no

**INTRODUCED:**02/21/2013

**DISPOSITION:** Pending

**LOCATION:** Assembly Transportation Committee

Authorizes the Department of Transportation to assume responsibilities for federal review and clearance under the National Environmental Policy Act for a transit project that is subject to the act. Provides that the state consents to the jurisdiction of the federal courts in that regard, and provides that the department may not assert immunity from suit under the U.S. Constitution with regard to actions brought relative to those responsibilities under federal law.

**SUMMARY:**

**STATUS:** 03/04/2013 To ASSEMBLY Committees on TRANSPORTATION and NATURAL RESOURCES.

**CA AB 906**

**AUTHOR:** Pan (D)  
**TITLE:** Personal Services Contracts  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no

**INTRODUCED:**02/22/2013

**LAST AMEND:** 07/03/2013

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**DISPOSITION:** Pending  
**LOCATION:** Senate Public Employment and Retirement Committee  
Relates to the State Civil Service Act and personal services contracts. Authorizes state agencies to use personal services contracts when the services are of irregular, unpredictable, or occasional duration and are necessary to carry out instructional activities related to peace officer standards and training. Limits the term of certain contracts.  
**SUMMARY:** Prohibits a contracting agency from executing certain contracts until the State Personnel Board has contacted all organizations that represent affected employees.  
**STATUS:** 07/08/2013 In SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Heard, remains in Committee.

**CA AB 1046**

**AUTHOR:** Gordon (D)  
**TITLE:** Department of Transportation: Innovative Delivery  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/22/2013  
**LAST AMEND:** 03/21/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)  
Authorizes the Department of Transportation's District 4 director to direct existing district resources to the Innovative Delivery Team Demonstration Program. Authorizes department staff to perform reimbursed work for projects on and off the state highway system within the boundaries of the County of Santa Clara pursuant to the master agreement and accompanying work programs.  
**SUMMARY:**  
**STATUS:** 07/09/2013 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS. (10-0)

**CA AB 1070**

**AUTHOR:** Frazier (D)  
**TITLE:** California Transportation Financing Authority  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/22/2013  
**LAST AMEND:** 04/03/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)  
Relates to the Transportation Financing Authority Act and the Transportation Financing Authority. Provides for the roles of the authority and an issuer of bonds under the act if the project sponsor, rather than the authority, is the issuer of bonds.  
**SUMMARY:**  
**STATUS:** 07/03/2013 From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS. (7-0)

**CA AB 1080**

**AUTHOR:** Alejo (D)  
**TITLE:** Community Revitalization & Investment Authorities  
**FISCAL** yes

**COMMITTEE:****URGENCY**  
**CLAUSE:** no**INTRODUCED:**02/22/2013**LAST AMEND:** 07/02/2013**DISPOSITION:** Pending**LOCATION:** Senate Second Reading File**SUMMARY:**

Authorizes certain public entities of a community revitalization and investment area to form a community revitalization plan within a community revitalization and investment authority to carry out the Community Redevelopment Law in a specified manner. Requires the authority to adopt a community revitalization plan for a community revitalization and investment area and authorizes the authority to include in that plan a provision for the receipt of tax increment funds.

**STATUS:**

07/09/2013 From SENATE Committee on TRANSPORTATION AND HOUSING:  
Do pass as amended to Committee on APPROPRIATIONS. (8-2)

**CA AB 1081****AUTHOR:** Medina (D)**TITLE:** Economic Development: Goods-Movement Infrastructure**FISCAL**  
**COMMITTEE:** yes**URGENCY**  
**CLAUSE:** no**INTRODUCED:**02/22/2013**LAST AMEND:** 07/09/2013**DISPOSITION:** Pending**COMMITTEE:** Senate Appropriations Committee**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)**SUMMARY:**

Amends existing law that requires the Governor to submit to the Legislature a proposed infrastructure plan containing certain information concerning infrastructure needed by specified entities and a proposal for funding the needed infrastructure. Requires the plan to include additional information related to infrastructure identified by state and federal transportation authorities, recommendations for private sector financing, and strategies to address state goods movement needs.

**STATUS:**

07/09/2013 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**CA AB 1140****AUTHOR:** Daly (D)**TITLE:** Public Works: Prevailing Wages**FISCAL**  
**COMMITTEE:** yes**URGENCY**  
**CLAUSE:** no**INTRODUCED:**02/22/2013**LAST AMEND:** 05/24/2013**DISPOSITION:** Pending**COMMITTEE:** Senate Appropriations Committee**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)**SUMMARY:**

States that if the Director of Industrial Relations determines, within a semiannual period, that there is a change in any prevailing rate of per diem wages in a locality, that determination applies to any public works. Authorizes any contractor, awarding body, or representative affected by a change in rates to file with the director a verified petition to review the determination of that rate. Requires the initiation of an investigation or hearing

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to make a final determination.

**STATUS:** 06/26/2013 From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS: Do pass to Committee on APPROPRIATIONS. (3-1)

**CA AB 1290****SANBAG Position. Work With Author****AUTHOR:** Perez J (D)**TITLE:** Transportation Planning**FISCAL COMMITTEE:** yes**URGENCY CLAUSE:** no**INTRODUCED:** 02/22/2013**LAST AMEND:** 07/02/2013**DISPOSITION:** Pending**COMMITTEE:** Senate Appropriations Committee**HEARING:** 08/12/2013 10:00 am, Burton Hearing Room (4203)

**SUMMARY:** Provides for 2 additional voting members of the State Transportation Commission to be appointed by the Legislature. Provides for the Secretary of the Transportation Agency, the Chairperson of the State Air Resources Board, and the Director of Housing and Community Development to serve as ex officio members without a vote. Requires each appointing authority to make sure the transportation community is represented on the board with future appointments.

**STATUS:** 07/09/2013 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS. (7-3)

**CA ACA 1****AUTHOR:** Donnelly (R)**TITLE:** Administrative Regulations: Legislative Approval**FISCAL COMMITTEE:** yes**URGENCY CLAUSE:** no**INTRODUCED:** 12/03/2012**DISPOSITION:** Pending**LOCATION:** Assembly Accountability and Administrative Review Committee

**SUMMARY:** Requires an administrative agency to submit all regulations to the Legislature for approval. Authorizes the Legislature, by means of a concurrent resolution, to approve a regulation adopted by an administrative agency of the state.

**STATUS:** 05/01/2013 In ASSEMBLY Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW: Failed passage.

**CA ACA 3****AUTHOR:** Campos (D)**TITLE:** Local Government Finance: Public Safety Services**FISCAL COMMITTEE:** no**URGENCY CLAUSE:** no**INTRODUCED:** 01/22/2013**DISPOSITION:** Pending**LOCATION:** Assembly Local Government Committee

**SUMMARY:** Authorizes the imposition, extension, or increase of a special tax for funding fire, emergency response, police, or sheriff services, upon the approval of 55% of the voters

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voting. Creates an additional exception to the 1% limit for a rate imposed by a city, county, or special district to service bonded indebtedness incurred to fund certain fire, emergency response, police, or sheriff buildings or facilities, and equipment that is approved by 55% of the voters of the city, county, or special district.

**STATUS:**

04/04/2013 To ASSEMBLY Committees on LOCAL GOVERNMENT and APPROPRIATIONS.

**Priority:**

High

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**CA AC 8**

**AUTHOR:** Blumenfield (D)  
**TITLE:** Local Government Financing: Voter Approval  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/13/2013  
**LAST AMEND:** 04/04/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Governance and Finance Committee

**SUMMARY:**

Proposes an amendment to the Constitution to create an additional exception to the 1% limit for an ad valorem tax rate imposed by a city, county, city and county, or special district, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district.

**STATUS:**

06/27/2013 To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

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**CA SB**

**AUTHOR:** Steinberg (D)  
**TITLE:** Sustainable Communities Investment Authority  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/03/2012  
**LAST AMEND:** 05/02/2013  
**DISPOSITION:** Pending

**SUMMARY:**

**COMMITTEE:** Assembly Local Government Committee  
**HEARING:** 08/14/2013 1:30 pm, Room 447  
Authorizes certain public entities of a Sustainable Communities Investment Area to form a Sustainable Communities Investment Authority to carry out the Community Redevelopment Law. Provides for tax increment funding receipt under certain economic development and planning criteria. Establishes prequalification requirements for receipt of funding. Requires monitoring and enforcement of prevailing wage requirements within the area.

**STATUS:**

07/03/2013 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass to Committee on LOCAL GOVERNMENT. (5-2)

**CA SB 11**

**AUTHOR:** Pavley (D)  
**TITLE:** Alternative Fuel: Vehicle Technologies: Funding Program  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** yes  
**INTRODUCED:**12/03/2012  
**LAST AMEND:** 05/28/2013  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Natural Resources Committee  
**HEARING:** 08/12/2013 1:30 pm, Room 447  
**SUMMARY:** Provides the State Air Resources Board has no authority regarding publicly available hydrogen fueling stations. Requires funding for such stations. Provides loan and grant preferences. Requires hydrogen fueling network loans and grants. Relates to the smog abatement fee, the state tire fee, and vehicle registration charge in a specified county. Expands the state air quality standards program to fund a broader range of projects.  
**STATUS:** 07/01/2013 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on NATURAL RESOURCES. (10-3)

**CA SB-33**

**AUTHOR:** Wolk (D)  
**TITLE:** Infrastructure Financing Districts: Voter Approval  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:**12/03/2012  
**LAST AMEND:** 03/06/2013  
**DISPOSITION:** Pending  
**FILE:** 20  
**LOCATION:** Assembly Second Reading File  
**SUMMARY:** Revises provisions governing infrastructure financing districts. Eliminates the requirement of voter approval for creation of the district and for bond issuance, and authorizes the legislative body to create the district subject to specified procedures. Authorizes the creation of such district subject to specified procedures. Authorizes a district to finance specified actions and project. Prohibits the district from providing financial assistance to a vehicle dealer or big box retailer.  
**STATUS:** 07/03/2013 From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (11-5)

**CA SB 110**

**AUTHOR:** DeSaulnier (D)  
**TITLE:** Oakland Bay Bridge Safety Review Task Force  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** yes  
**INTRODUCED:**01/14/2013  
**LAST AMEND:** 07/03/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:** Establishes the East Span, San Francisco-Oakland Bay Bridge Safety Review Task Force to assess the seismic structural performance of the East Span of the bridge by conducting a

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series of specified reviews. Provides an appropriation for the task force. Requires the Bay Area Toll Authority to reimburse the State Highway Account for all funds expended for purposes of the task force. Provides that the records of the task force are subject to public disclosure. Provides for indemnification of task force members.

**STATUS:** 07/03/2013 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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**CA SB 133**

**AUTHOR:** DeSaulnier (D)

**TITLE:** Redevelopment

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 01/28/2013

**LAST AMEND:** 06/10/2013

**DISPOSITION:** Pending

**COMMITTEE:** Assembly Local Government Committee

**HEARING:** 08/14/2013 1:30 pm, Room 447

Amends the Community Redevelopment Law. Requires a redevelopment agency to include additional information relating to any major audit violations, any corrections of

**SUMMARY:** those violations, and planning and general administrative expenses of the Low and Moderate Income Housing Fund. Authorizes quality control reviews by the Controller and the publishing of those reviews. Requires audits of such agencies to ensure compliance with the law. Relates to funding for housing construction and/or rehabilitation.

07/03/2013 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass to Committee on LOCAL GOVERNMENT. (5-2)

**STATUS:**

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**CA SB 142**

**AUTHOR:** DeSaulnier (D)

**TITLE:** Public Transit

**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no

**INTRODUCED:** 01/30/2013

**LAST AMEND:** 05/07/2013

**DISPOSITION:** Pending

**COMMITTEE:** Assembly Local Government Committee

**HEARING:** 08/14/2013 1:30 pm, Room 447

Repeals existing law providing for creation of one or more special benefit districts within a transit or rapid transit district regarding issuance of bonds to be repaid through special assessments levied on property within the special benefit district. Amends district areas.

**SUMMARY:** Enacts provisions authorizing a transit district, municipal operator, other other public agency operating or contracting for the operation of transit, commuter rail, or intercity rail service to create one or more special districts.

07/01/2013 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on LOCAL GOVERNMENT. (11-3)

**STATUS:**

**CA SB 176**

**AUTHOR:** Galgiani (D)  
**TITLE:** Administrative Procedures  
**FISCAL**  
**COMMITTEE:** yes  
**URGENCY**  
**CLAUSE:** no  
**INTRODUCED:** 02/06/2013  
**LAST AMEND:** 06/18/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Accountability and Administrative Review Committee  
**SUMMARY:** Requires the Office of Administrative Law to allow electronic submission to the office by a state agency of notices required to be published and information required to be submitted pursuant to specified provisions of existing law. Expands the public discussion required described in existing law to require a state agency proposing to adopt regulations, prior to publication of a notice of proposed adoption, amendment, or repeal, to involve parties that would be subject to the regulations in such discussions.  
06/18/2013 From ASSEMBLY Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW with author's amendments.  
**STATUS:** 06/18/2013 In ASSEMBLY. Read second time and amended. Re-referred to Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW.

**CA SB 286**

**AUTHOR:** Yee (D)  
**TITLE:** Vehicles: High-Occupancy Vehicle Lanes  
**FISCAL**  
**COMMITTEE:** yes  
**URGENCY**  
**CLAUSE:** no  
**INTRODUCED:** 02/14/2013  
**LAST AMEND:** 06/24/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Second Reading File  
**SUMMARY:** Extends the operation of existing law that authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles, which lanes may also be used by certain low-emission or alternative fuel vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane. Permits the department to issue a valid identifier to a vehicle that meets the state's transitional zero emission standard. Repeals and deletes related provisions.  
07/03/2013 From ASSEMBLY Committee on APPROPRIATIONS: Do pass as amended. (16-1)  
**STATUS:**

**CA SB 28**

**AUTHOR:** Knight (R)  
**TITLE:** Counties: Public Works Contracts  
**FISCAL**  
**COMMITTEE:** yes  
**URGENCY**  
**CLAUSE:** no  
**INTRODUCED:** 02/19/2013  
**LAST AMEND:** 04/09/2013  
**DISPOSITION:** Pending

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**FILE:** 81  
**LOCATION:** Assembly Second Reading File  
**SUMMARY:** Authorizes a county to utilize construction manager at-risk construction contracts for the erection, construction, alteration, repair, or improvement of any building owned or leased by the county. Provides that a construction manager at-risk contract may be awarded using the lowest responsible bidder or the best value method. Requires subcontractors not listed as partners, general partners, or association members be awarded certain work by the construction manager at-risk.  
**STATUS:** 07/03/2013 From ASSEMBLY Committee on APPROPRIATIONS: Do pass as amended. To Consent Calendar. (17-0)

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**CA SB 25**

**AUTHOR:** DeSaulnier (D)  
**TITLE:** Public Works: the Public Works Peer Review Act of 2013  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2013  
**LAST AMEND:** 05/07/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:** Allows a public agency, principally tasked with administering, planning, developing, and operating a public works project, to establish a specified peer review group. Requires the administering agency, if a peer group is established, to draft a charter, published on the agency's Internet Web site, related to the duties of the peer review group.  
**STATUS:** 07/03/2013 From ASSEMBLY Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW: Do pass to Committee on APPROPRIATIONS. (10-0)

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**CA SB 454**

**AUTHOR:** Corbett (D)  
**TITLE:** Public Resources: Electric Vehicle Charging Stations  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2013  
**LAST AMEND:** 05/24/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:** Creates the Electric Vehicle Charging Stations Open Access Act. Prohibits the charging of a subscription fee on persons desiring to use an electric vehicle charging station. Prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station. Requires the total actual charges for the use of a station to be disclosed at the point of sale. Requires a provider of certain equipment or a station to disclose certain information.  
**STATUS:** 07/01/2013 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS. (11-2)

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**CA SB 513**

**AUTHOR:** Hancock (D)  
**TITLE:** Diversion Programs: Sealed Records  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2013  
**LAST AMEND:** 04/01/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Second Reading File  
**SUMMARY:** Provides that in any case where a person is arrested and successfully completes a diversion program administered by a prosecuting attorney in lieu of filing an accusatory pleading, the person may petition the Superior Court that would have had jurisdiction over the matter for an order to seal the records of the arresting agency and related court files and records, and the court may issue that order if the court finds that doing so will be in furtherance of justice.  
**STATUS:** 07/03/2013 From ASSEMBLY Committee on APPROPRIATIONS: Do pass as amended. (12-5)

**CA SB 557**

**AUTHOR:** Hill (D)  
**TITLE:** High-Speed Rail  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/22/2013  
**LAST AMEND:** 05/02/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:** Relates to existing law that appropriates specified funds from the High Speed Passenger Train Bond Fund and from federal funds for high-speed rail and connecting rail projects. Adds detail to provisions governing the expenditure of certain of those appropriated funds. Specifies that of the moneys appropriated for early high-speed rail improvement projects in the Budget Act of 2012, a specified amount shall be allocated solely for purposes of specified memoranda of understanding.  
**STATUS:** 07/01/2013 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS. (15-0)

**CA SB 628**

**AUTHOR:** Beall (D)  
**TITLE:** Infrastructure Financing: Transit Priority Projects  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/22/2013  
**LAST AMEND:** 06/17/2013  
**DISPOSITION:** Pending  
**FILE:** 14  
**LOCATION:** Assembly Second Reading File  
**SUMMARY:** Eliminates the requirement of voter approval for the adoption of an infrastructure financing

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plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit priority project. Requires a specified percentage of the revenue for increasing, improving, and preserving the supply of lower and moderate-income housing. Requires a low-income housing replacement ordinance.

**STATUS:** 07/03/2013 From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT: Do pass as amended. (4-2)

**CA SB 731**

**SANBAG Position: Wor With Author**

**AUTHOR:** Steinberg (D)  
**TITLE:** Environment: California Environmental Quality Act  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/22/2013  
**LAST AMEND:** 05/24/2013  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Second Reading File

**SUMMARY:** Relates to the state environmental quality act. Provides that aesthetic impacts of a residential, mixed-use residential, or employment center project within a transit priority area shall not be considered significant impacts on the environment. Requires guidelines for thresholds of significance and the transportation and parking impacts to be made available to the public. Requires preparation of environmental impact reports. Extends tolling agreements for judicial actions and mitigation measures.

**STATUS:** 07/01/2013 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass as amended to Committee on LOCAL GOVERNMENT. (6-1)

**CA SB 5**

**AUTHOR:** Yee (D)  
**TITLE:** Meetings: Publication of Action Taken  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/22/2013  
**LAST AMEND:** 06/17/2013  
**DISPOSITION:** Pending  
**FILE:** 70

**LOCATION:** Assembly Second Reading File  
**SUMMARY:** Amends the Ralph M. Brown Act that requires all meetings of the legislative body of a local agency to be open and public and prohibits that body from taking action by secret ballot, whether preliminary or final. Requires that the legislative body of a local agency to publicly report any action taken and the vote or abstention of that action of each member present for the action.

**STATUS:** 07/03/2013 From ASSEMBLY Committee on APPROPRIATIONS: Do pass. To Consent Calendar. (17-0)

**CA SB 88**

**AUTHOR:** Senate Transportation and Housing Committee  
**TITLE:** Transportation  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no

**CLAUSE:****INTRODUCED:**02/22/2013**LAST AMEND:** 06/10/2013**DISPOSITION:** Pending**COMMITTEE:** Assembly Natural Resources Committee**HEARING:** 08/12/2013 1:30 pm, Room 447

Defines the term highway for these exemption purposes under the CEQA. Relates to the prepayment of retail sales tax on aircraft jet fuel. Authorizes relinquishment of certain highways. Modifies bikeway provisions. Revises the definition of logging dolly, logging vehicle, station wagon, and schoolbus accident. Relates to Olympic and veterans' associations license plates. Revises provisions governing commercial driver's licensing.

**SUMMARY:**

06/17/2013

From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on NATURAL RESOURCES. (15-0)

**STATUS:****CA SB 8 1****AUTHOR:** Lara (D)**TITLE:** State Highway Route 710**FISCAL****COMMITTEE:** yes**URGENCY**

no

**CLAUSE:****INTRODUCED:**02/22/2013**LAST AMEND:** 06/24/2013**DISPOSITION:** Pending**COMMITTEE:** Assembly Transportation Committee**HEARING:** 08/12/2013 1:30 pm, Room 4202

Imposes various requirements on the Department of Transportation with respect to the I-710 expansion project in the County of Los Angeles. Requires the lead agency to consider, within the environmental review process, alternatives on air quality, public health, and mobility impacts the project will have on neighboring communities, including Community Alternative 7. Requires the EIR to contain information on investments in mitigation for those communities and the Los Angeles River. Requires a public hearing.

**SUMMARY:****STATUS:**

07/01/2013

In ASSEMBLY Committee on TRANSPORTATION: Not heard.

**CA SCA 3****AUTHOR:** Leno (D)**TITLE:** Public Information**FISCAL****COMMITTEE:** yes**URGENCY**

no

**CLAUSE:****INTRODUCED:**12/03/2012**LAST AMEND:** 06/20/2013**DISPOSITION:** Pending**LOCATION:** ASSEMBLY

Proposes an amendment to the Constitution to require each local agency to comply with the State Public Records Act and the Brown Act and with any statutory enactment amended either act, enacting a successor act, or amending any successor act which contains findings demonstrating that the statutory enactment furthers the purposes of the people's right of access to information concerning the conduct of the people's business. Regards the subvention of funds.

**SUMMARY:****STATUS:**

07/03/2013

In SENATE. Read third time. Adopted by SENATE. \*\*\*\*\*To ASSEMBLY. (37-0)

**CA SCA 4**

**AUTHOR:** Liu (D)  
**TITLE:** Local Government Transportation Project: Voter Approval  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/03/2012  
**LAST AMEND:** 05/21/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Transportation and Housing Committee  
**SUMMARY:** Proposes an amendment to the Constitution to provide the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of a related proposition that includes certain requirements. Prohibits the local government from expending any revenues derived from a special transportation tax approved by the voters at any time prior to the completion of a identified capital project funded by specified revenues.  
**STATUS:** 07/09/2013 In SENATE Committee on TRANSPORTATION AND HOUSING: Not heard.

**CA SCA 8**

**AUTHOR:** Corbett (D)  
**TITLE:** Transportation Projects: Special Taxes: Voter Approval  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/14/2012  
**LAST AMEND:** 05/21/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Transportation and Housing Committee  
**SUMMARY:** Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires the approval of 55% of its voters voting on the proposition, if the proposition includes certain requirements.  
**STATUS:** 07/09/2013 In SENATE Committee on TRANSPORTATION AND HOUSING: Not heard.

**CA SCA 9**

**AUTHOR:** Corbett (D)  
**TITLE:** Local Government: Economic Development: Special Taxes  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/18/2012  
**LAST AMEND:** 05/21/2013  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:** Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of a specified

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percentage of its voters voting on the proposition, if the proposition contains specified requirements.

**STATUS:** 06/27/2013 Re-referred to SENATE Committee on APPROPRIATIONS.

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**CA SCA 11**

**AUTHOR:** Hancock (D)

**TITLE:** Local Government: Special Taxes: Voter Approval

**FISCAL**

**COMMITTEE:** no

**URGENCY**

**CLAUSE:** no

**INTRODUCED:** 01/25/2013

**LAST AMEND:** 05/21/2013

**DISPOSITION:** Pending

**LOCATION:** Senate Appropriations Committee

**SUMMARY:** Proposes an amendment to the Constitution to condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition, if the proposition proposing the tax contains specified requirements.

**STATUS:** 06/27/2013 Re-referred to SENATE Committee on APPROPRIATIONS.

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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

*Minute Action*

AGENDA ITEM:   11  

**Date:** September 11, 2013

**Subject:** Budget amendment for Task 0495 - Greenhouse Gas

**Recommendation:\*** That the Committee recommend the Board approve a Fiscal Year 2013-2014 budget amendment increasing Task No. 0495, Greenhouse Gas in the amount of \$100,000, funded by Measure I 1990-2010 Transportation Management and Environmental Enhancement (TMEE) funds.

**Background:** In 2006, the California legislature passed Assembly Bill (AB) 32. The law establishes a limit on greenhouse gas (GHG) emissions for the State of California to reduce state-wide emissions to 1990 levels by 2020. The law directed the California Air Resources Board (CARB) to develop a plan (AB 32 Scoping Plan) that charts a path towards the GHG reduction goal using all technologically feasible and cost effective means. The AB 32 Scoping Plan recommends that California cities and counties seek to reduce their GHG emissions consistent with statewide reductions. Senate Bill (SB) 375, passed in 2008, requires regional transportation planning to promote reductions in passenger and light duty vehicle GHG emissions.

In response to these initiatives, twenty-one of SANBAG's member cities entered into contracts with SANBAG that provide for SANBAG to lead a cooperative effort in compiling an inventory of GHG emissions and evaluating GHG reduction measures that could be adopted by the 21 Partnership cities within

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*Approved*  
*General Policy Committee*

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

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

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

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

COG	X	CTC		CTA		SAFE		CMA	
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Check all that apply.

San Bernardino County. The 21 cities participating in this project are Adelanto, Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair, Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Victorville, Yucaipa, and Yucca Valley. There were a number of reasons for conducting this effort collaboratively for multiple cities, including the economies of scale, as well as greater consistency in terminology and methodology among jurisdictions. Because SANBAG is leading this effort, SANBAG is serving as the Lead Agency under the California Environmental Quality Act (CEQA).

The consultant preparing the Reduction Plan is ICF Jones and Stokes, Inc. The draft EIR is being prepared by Atkins North America, Inc. The draft EIR has been undergoing legal review by Meyers Nave, in conjunction with participating cities desiring to have review by their own CEQA counsel. A report was prepared on the status of the draft Greenhouse Gas Reduction Plan and EIR at the June 2013 Metro Valley Study Session and the June Mountain/Desert Committee meeting.

An amendment to the Fiscal Year 2013-2014 budget is needed to provide support for ongoing legal counsel pertaining to the EIR. Legal review of the administrative draft EIR by Meyers Nave has been proceeding over the last several months and is being coordinated with Atkins North America and with participating cities desiring to have review by their own CEQA counsel. The current Meyers Nave contract of \$50,000 will be exceeded shortly. Although the legal review of the draft EIR is almost complete, SANBAG staff anticipates legal advice being needed through the adoption of the Plan and certification of the EIR, anticipated near the end of calendar year 2013. Although the full requested budget amount of \$100,000 is not anticipated to be needed for the Meyers Nave contract, staff is requesting this amount in the event that additional legal services are needed beyond what is currently anticipated. Upon approval of the budget amendment, an amendment to the Meyers Nave contract would be processed at less than that amount under the Executive Director's contract authority.

The budget amendment is being requested for the following reasons:

- The original \$50,000 for the Meyers Nave contract was accommodated within the Fiscal Year 2012-2013 budget, recognizing that the budget would be tight for any work subsequent to the review of the draft EIR. Meyers Nave needs to be retained for work through adoption of the Plan and certification of the EIR. SANBAG General Counsel and Meyers Nave have attempted to make the legal review as efficient and cost-effective as possible.

- The legal review has proved to be more complex because of both the number of cities involved and the unique nature of SANBAG's role as CEQA lead agency and the cities' roles as responsible agencies. This programmatic approach, with SANBAG as lead agency, has been viewed to be logical from the beginning and consistent with CEQA guidelines, but it is the first time that this regional approach has been used for a greenhouse gas reduction plan in the State of California.
- Additional legal review may be required for responses to comments and review of any modifications to the draft EIR. The extent of the comments and the effort required to respond to them cannot be known until the completion of the 45-day review period.

It is proposed that the budget amendment be funded by Measure I 1990-2010 Transportation Management and Environmental Enhancement (TMEE) funds. Although the GHG Reduction Plan is ultimately used by the cities, and the preparation of the Plan and EIR has been funded primarily from city contributions, it is not practical at this stage to collect additional funds from the 21 participating cities. The TMEE funds are an appropriate application to the GHG Reduction Plan and minimize the administrative time for SANBAG and city staff that would otherwise be required.

***Financial Impact:*** This item is not consistent with the approved SANBAG Fiscal Year 2013-2014 budget. A budget amendment is required to increase Task No. 0495, Greenhouse Gas by \$100,000, funded by Measure I 1990-2010 Transportation Management and Environmental Enhancement (TMEE) funds, resulting in a new task budget of \$295,656.

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

***Responsible Staff:*** Steve Smith, Director of Planning

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